

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 27th Session

ALGERIA

I. BACKGROUND INFORMATION

Algeria became a State party to the *1951 Convention relating to the Status of Refugees* in 1963 and acceded to its *1967 Protocol* in 1967 (hereinafter jointly referred to as the *1951 Convention*). Algeria has also acceded to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) in 1964, but is not a party to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*). Additionally, the State ratified the *1969 OAU Convention governing the specific aspects of Refugee Problems in Africa* (the *1969 OUA Convention*) in 1974.

The only national legislative instrument for the protection of refugees is *Decree No. 63-274* of 25 July 1963 (the *1963 Decree*), which relates to the modalities for the application of the *1951 Refugee Convention*.¹ This decree established the “*Bureau Algérien pour les Réfugiés et Apatrides*” (BAPRA) within the Ministry of Foreign Affairs, to exercise, inter alia, legal and administrative protection of refugees and stateless persons, recognize the status of refugees to all persons within the mandate of UNHCR, or those who meet the definition of the *1951 Convention* and to deliver the necessary documents that allow refugees and stateless persons to apply the provisions of international agreements relating to their protection. Until today, the BAPRA is not in a position to fully implement these responsibilities. The *1963 Decree* also created an Appeals Commission, which has not yet been established.

In the absence of a comprehensive legislative framework and efficient administrative institutions for the protection of refugees, asylum-seekers and stateless persons, UNHCR assumes key responsibilities and carries out extensive protection activities. UNHCR exercises its mandate in two distinct operations. Firstly, for refugees and asylum-seekers from Syria, Palestine, Yemen, Iraq, Mali and several sub-Saharan countries in the urban context where UNHCR offers registration and other protection services as it may be necessary. Secondly, for refugees from Western Sahara living in the camps around Tindouf in the South West of the country who are recognized *prima facie* (i.e. without individual registration) by Algeria, UNHCR, other agencies and partner organisations provide humanitarian assistance and protection. In the urban context, UNHCR provides services for a total number of 203 refugees recognized through its individual refugee status determination procedures.² UNHCR provides these refugees with documentation (refugee card), assistance based on specific

¹ National Legislative Bodies / National Authorities, *Algérie: Décret no. 1963-274 du 1963 fixant les modalités d'application de la Convention de Genève du 28 juillet 1951 relative au statut des Réfugiés*, 25 July 1963, available at: <http://www.refworld.org/docid/3ae6b52518.html>.

² Statistical data is based on UNHCR figures of July 2016.

needs (e.g. shelter, basic domestic items, cash), legal and psycho-social counselling, vocational training, ensures access to government funded medical care and education, and supports voluntary repatriation and resettlement.

From UNHCR's perspective, the most important development since Algeria's last UPR review in 2012 has been the arrival of Syrian refugees fleeing armed conflict. According to the Algerian Government, more than 40,000 Syrian nationals stay in Algeria. UNHCR commends the Algerian Government's policy to welcome Syrian refugees without visa requirements until the end of 2014, and for having put in place a number of measures in their favour such as the regular extension of visas, access to health and education services and humanitarian aid by the Algerian Red Crescent. In the absence of legal residency, UNHCR registers those Syrian nationals that approach the Office. More than 5000 Syrians are currently registered and have been issued asylum-seeker certificates by UNHCR. Since the introduction of visa requirements for Syrian nationals in early 2015, the number of new-arrivals has significantly decreased.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations:

2nd cycle UPR recommendation no. 129.56: “Intensify efforts aimed at realizing further progress in the process of strengthening economic, social and cultural rights, and in particular the rights of the children and persons with disabilities (Egypt);” **and no. 129.96:** “Intensify efforts to promote and protect the rights of the child (Bahrain).”³

UNHCR welcomes the March 2016 revisions to the Algerian *Constitution*⁴ which strengthened several social rights as far as they could apply to refugees, asylum-seekers as well as stateless persons. For instance, as part of modified provisions, the state facilitates access to shelter of persons in need (Article 67), protects the rights of children and assists abandoned children as well as elderly people (Article 72).

In addition, Algeria adopted on 15 July 2015 *Law No. 15-12* on the protection of the child. This law incorporates key principles of the Convention on the Rights of the Child into Algerian national law, e.g. the best interest of the child, non-discrimination, the right to a name, a nationality, education, leisure etc., and makes explicit reference to refugee children as part of its scope of application (Article 2).⁵ With regard to the implementation of the law, UNHCR places particular importance on the setting up of local open community services (Articles 21 – 31) and specialized centres for “children in danger” (Article 116), which both could provide specific services also to refugee children.

2nd cycle UPR recommendation no. 129.103: “Step up efforts to fight trafficking of persons and in this regard consider the possibility of developing a comprehensive national strategy for

³ All recommendations made to Algeria during its 2nd cycle UPR can be found in: “Report of the Working Group on the Universal Periodic Review of Algeria”, A/HRC/21/13, 05 July 2012, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/DZSession13.aspx>.

⁴ Constitution de la République Algérienne Démocratique et Populaire (2016), 28 February 1989, available at: <http://www.refworld.org/docid/3ffc3bdc7.html>.

⁵ Algérie: Loi n. 15-12 du 28 Ramadhan 1436 correspondant au 15 juillet 2015 relative à la protection de l'enfant, 15 July 2015, available at: <http://www.refworld.org/docid/5603e1784.html>.

the fight against trafficking in persons, strengthen its efforts in combating it and consider the provision of shelters for such victims (Belarus, India).”

UNHCR notes with appreciation the development of a National Strategy for the Fight against Trafficking in Persons. The strategy of December 2015 contains four pillars: (1) prevention and sensitization, (2) prosecution and strengthening of the legal framework, (3) protection and assistance to victims and (4) partnerships, cooperation and collaboration. As part of the UN system in Algeria, UNHCR has offered to support the implementation of the strategy.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Lack of appropriate mechanisms for the protection of survivors of sexual and gender-based violence and victims of trafficking and smuggling

Linked to 2nd cycle UPR recommendation no. 129.39: “Intensify its efforts in promoting equal opportunity and treatment for women in other aspects, such as employment, education and family life, as well as to adopt necessary legislation to prohibit and criminalize all forms of violence against women and domestic violence (Thailand);” **recommendation no 129.46:** “Pursue efforts to fight violence against women (Bahrain);” **and recommendation no. 129.103:** “Step up efforts to fight trafficking of persons and in this regard consider the possibility of developing a comprehensive national strategy for the fight against trafficking in persons; strengthen its efforts in combating it and consider the provision of shelters for such victims (Belarus, India).”

Algeria does not have adequate mechanisms to prevent sexual and gender-based violence (SGBV), nor does it have adequate services to offer protection to survivors. Similarly, Algeria’s current mechanisms related to the protection of victims of trafficking and smuggling do not satisfy the two relevant *Palermo Protocols*, which foresee specific measures for their protection and assistance.⁶ To date, Algeria lacks appropriate shelters for survivors of violence, facilities to deal with urgent cases and referral mechanisms into UNHCR refugee status determination procedure.

In its *Concluding Observations* of July 2013, the Committee on the Elimination of Racial Discrimination expressed its concern “by the lack of support services for human trafficking victims, most of whom are non-citizens” and recommended that the Government step up efforts “to provide legal and institutional assistance to the victims, in particular non-citizens who do not have a valid residence permit.”⁷ In addition, the Committee on the Elimination of Discrimination against Women also made detailed recommendations with regard to violence against women, trafficking in persons and sexual exploitation in its *Concluding Observations* of July 2012.⁸

⁶ Protocol against the Smuggling of Migrants by Land, Sea and Air (Article 16) and Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Article 6); both supplementing the United Nations Conventions against Transnational and Organized Crime.

⁷ Committee on the Elimination of Racial Discrimination, *Concluding Observations*, Algeria, CERD/C/DZA/CO/15-19, 20 February 2013, para. 21, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/DZA/CO/15-19&Lang=En.

⁸ Committee on the Elimination of Discrimination against Women, *Concluding Observations*, Algeria, CEDAW/C/DZA/CO/3-4, 23 March 2012, para. 29 to 32 and 44, 45, available at:

It is well known that among victims of trafficking and smuggling, and survivors of SGBV may also be refugees and other persons in need of international protection.⁹ Establishing a proper referral and identification mechanism is therefore important for survivors of SGBV and victims of trafficking and smuggling.

Recommendation

UNHCR recommends that the Government of Algeria:

- a. Establish an effective national policy for combatting sexual and gender-based violence, trafficking in persons and smuggling; and
- b. Establish appropriate mechanisms for the protection of survivors of sexual and gender-based violence and victims of trafficking and smuggling who are in need of international protection.

Issue 2: Lack of appropriate child protection mechanism for refugee children

Linked to 2nd cycle UPR recommendation no. 129.96: “Intensify efforts to promote and protect the rights of the child (Bahrain).”

As stressed above, the Government has taken positive measures to protect the rights of the child. It has adopted a comprehensive legal framework for the protection of children, which also applies to refugees, and it has revised the *Constitution* to provide greater protections. However, significant protection gaps remain. These new legal bases now need to be implemented in practice with a particular focus on refugee children in order to ensure that the rights of the child are respected and effectively implemented.

In its *Concluding Observations* of July 2012, the Committee on the Rights of the Child urged Algeria, *inter alia*, to develop an efficient and well-founded cooperation mechanism with UNHCR to identify and provide assistance to children in need of protection, especially unaccompanied asylum seeking children, to ensure that all children born on its territory are properly registered at birth, regardless of the status of their parents and that they fully enjoy their economic, social and cultural rights including their rights to access public schools, obtain diplomas and pass national exams in the same way as nationals.¹⁰

Implementing the Committee’s recommendation would allow for the Government to effectively operationalize its newly enacted legal framework for the protection of children in regards to refugee children through establishing child friendly procedures in-line with the rights of the child including best interest determination.¹¹ In addition, it would allow for appropriate reception and care arrangements in cooperation with UNHCR and qualified civil

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/DZA/CO/3-4&Lang=En.

⁹ See UNHCR, Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked, HCR/GIP/06/07, 7 April 2006, available at: <http://www.refworld.org/docid/443679fa4.html>

¹⁰ Committee on the Rights of the Child, *Concluding Observations*, Algeria, CRC/C/DZA/CO/3-4, 18 July 2012, para. 66 and 38, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/DZA/CO/3-4&Lang=En.

¹¹ *Idem*, para. 31 and 32.

society organisations as well as access to and systematic issuance of legal documentation, starting with birth certificates.¹²

Recommendations:

UNHCR recommends that the Government of Algeria:

- a. Implement child protection mechanisms appropriate for refugee children; and
- b. Ensure that all children born on its territory are properly registered at birth, regardless of the status of their parents and that they fully enjoy their economic, social and cultural rights.

Issue 3: Accession to the 1961 Convention on the Reduction of Statelessness

Linked to 2nd cycle UPR recommendation no. 129.2: “Ratify the 1961 Convention on the Reduction of Statelessness (Slovakia)”.

The *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*) establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. It is the only treaty on refugees and statelessness to which Algeria has not yet acceded. UNHCR welcomes *Ordinance No 05-01* which ensures Algerian nationality to any child whose parent has Algerian nationality.

UNHCR reiterates the recommendations of the Working Group on its 13th session of the UPR,¹³ the 2012 *Concluding Observations* of the Committee on the Elimination of Discrimination Against Women,¹⁴ and of the Committee on the Rights of the Child¹⁵ and stands ready to support and advise the Algerian Government with regard to the compatibility of its national legislation with the standards contained in the *1961 Convention*.

Recommendation:

UNHCR recommends that the Government of Algeria:

- a. Accede to the *1961 Convention on the Reduction of Statelessness* and adopt its safeguards against statelessness into domestic legislation.

Additional protection challenges

Issue 4: Lack of granting or recognizing refugee status

¹² On the specific point of the need to issue birth certificates, see: Committee on the Rights of the Child, *Concluding Observations*, Algeria, CRC/C/DZA/CO/3-4, 18 July 2012, paras. 37, 38 and 66 (b), available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/DZA/CO/3-4&Lang=En; Committee on the Elimination of Discrimination against Women, *Concluding Observations*, Algeria, CEDAW/C/DZA/CO/3-4, 23 March 2012, para. 45 (e), available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/DZA/CO/3-4&Lang=En.

¹³ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Algeria, A/HRC/21/13, 5 July 2012, para. 129.2, available at: <http://www.refworld.org/docid/506d80942.html>.

¹⁴ Committee on the Elimination of Discrimination against Women, *Concluding Observations*, Algeria, CEDAW/C/DZA/CO/3-4, 23 March 2012, para. 45 (f), available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/DZA/CO/3-4&Lang=En.

¹⁵ Committee on the Rights of the Child, *Concluding Observations*, Algeria, CRC/C/DZA/CO/3-4, 18 July 2012, para. 66 (b), available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/DZA/CO/3-4&Lang=En.

While fully recognizing the Algerian Government's achievements and improvements in the protection of refugees (there are officially no stateless persons in Algeria), the Government's failure not to grant status and issue national documentation to refugees recognized by UNHCR under the *1951 Convention* and the *1969 OAU Convention*, creates fundamental problems.

The failure to adhere to its international obligations means that these refugees face problems in accessing documentation, residency, social security, the labour market, adequate shelter and many other refugee and human rights. The Government's official recognition of recognized refugees would avoid these issues and would also officialise the current practices which allow for these refugees to access health services and education, as well as protection from arbitrary detention and *refoulement*. In UNHCR's view, recognizing (refugee) status to all refugees recognized by UNHCR is foreseen by the *1963 Decree* and therefore possible based on existing legislation.

Recommendation:

UNHCR recommends that the Government of Algeria:

- a. Grant and recognize refugee status by issuing national documentation to all persons within the mandate of UNHCR.

Issue 5: Lack of implementation of international refugee protection instruments through the adoption of a comprehensive asylum legislation

Algeria's domestic refugee legislation does not satisfy its international obligations related to the protection of refugees. The Committee on the Rights of the Child,¹⁶ and the Committee on the Elimination of Racial Discrimination have recognized¹⁷ that while Algeria has acceded to the main international and regional refugee protection instruments, these conventions have not been adopted into its national asylum legislation.

The absence of a comprehensive legal framework for refugees and asylum-seekers creates legal uncertainty, administrative inaction and ultimately deprivation of basic rights and services to which refugees and asylum-seekers are entitled to. While a number of protection measures have already been implemented on the basis of existing legislation (see: Issue 4), a comprehensive national legislation is needed to enable Government authorities, the judiciary, civil society and other relevant actors to implement all international instruments ratified by Algeria

UNHCR welcomes the existing and ongoing efforts for the elaboration of required comprehensive legislation, in particular it welcomes that such legislation would also apply to stateless persons. UNHCR stands ready to provide support and advice in the legislative

¹⁶ Committee on the Rights of the Child, *Concluding Observations*, Algeria, CRC/C/DZA/CO/3-4, 18 July 2012, para. 65, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/DZA/CO/3-4&Lang=En.

¹⁷ Committee on the Elimination of Racial Discrimination, *Concluding Observations on the 15th to 19th periodic reports of Algeria*, CERD/C/DZA/CO/15-19, 20 February 2013, para. 18, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/DZA/CO/15-19&Lang=En.

process in order to ensure that such legislation is fully compatible with international norms and guidelines.

Recommendation:

UNHCR recommends that the Government of Algeria:

- a. Fully implement its international obligations under the *1951 Convention relating to the Status of Refugees*, the *1969 OAU Convention governing the specific aspects of Refugee Problems in Africa*, and the *1954 Convention relating to the Status of Stateless Persons* into its domestic legal framework.

Human Rights Liaison Unit
Division of International Protection
UNHCR
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ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

ALGERIA

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, and UN Treaty Monitoring Bodies' Concluding Observations relating to issues of interest and persons of concern to UNHCR with regards to Algeria. Please note that no relevant reports by UN Special Procedures mandate holders have been conducted since the 2nd UPR cycle.

I. Universal Periodic Review (Second Cycle – 2012)

Recommendation ¹⁸	Recommending State/s	Position ¹⁹
Discrimination against women		
129.26. Develop a comprehensive Women Rights Plan, aimed at eliminating discriminatory practices, as is reflected in CEDAW's report of February 2012, examine systematically its laws with the aim of putting them in conformity with CEDAW and continue to promote initiatives to empower women of the country at an economic, political and social level, doubling efforts to eliminate discriminatory practices which still affect them, as reflected in CEDAW's report of February this year;	Spain, Switzerland, Chile	Supported
129.27. Continue addressing the special needs of women in their strategy for the promotion and protection of human rights of its people;	Uganda	Supported
129.28. Continue efforts in order to increase participation of women in political, public and professional spheres and enhance its efforts to strengthen women's leadership and participation in politics and public service;	Greece, Indonesia	Supported
129.29. Continue its national policy to promote equal opportunities and treatment of women in respect of employment;	Côte d'Ivoire	Supported

¹⁸ All recommendations made to Algeria during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Algeria" (05 July 2012), A/HRC/21/13, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/DZSession13.aspx>.

¹⁹ Algeria's views and replies can be found in: *Addendum* (20 September 2012), A/HRC/21/13/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/DZSession13.aspx>.

129.30. Review and eliminate laws that discriminate against women, especially in issues of inheritance, and bring in line with international standards;	Mexico	Noted
129.31. Repeal laws that discriminate against women in order to strengthen gender equality;	Namibia	Supported
129.32. Uphold women's rights so that women can fully participate in the social, cultural, economic and political spheres of their society;	Namibia	Supported
129.33. Continue to adopt legislation and strengthen policies to promote the protection of, and respect for the rights of women and their role in society and in the development process, and review related legislation in order to ensure that there is no deterioration in the legal status of women;	Egypt	Supported
129.34. Continue efforts aiming at empowering women in the society;	Turkey	Supported
129.35. Continue its efforts to promote and protect the rights of women;	Pakistan	Supported
129.36. Continue to promote women's rights as well as their participation in the society and decision making process;	Palestine	Supported
129.37. Continue to strengthen and promote gender equality and to safeguard the rights of women;	Republic of Moldova, Singapore	Supported
129.38. Introduce efficient legislative and policy measures that would promote gender equality and eliminate gender-based discrimination, including conducting appropriate awareness-raising campaigns to combat traditional negative stereotypes and attitudes on the role of women in society, with particular focus on rural areas, repeal all discriminatory provisions in national law based on gender;	Slovakia, The Netherlands	Noted ²⁰
129.83. Systematically review the family Code in order to amend and repeal all gender-based discriminatory provisions;	Germany	Noted
129.84. Undertake legislative reforms, and review especially of the 1984 Family Code, to withdraw/to allow it to withdraw all its reservations to the CEDAW and fully implement CEDAW by lifting its reservations;	Norway, Slovenia, France	Noted

²⁰ See UPR-Info, *Database of UPR Recommendations: Algeria 2nd Cycle*, available at: <http://www.upr-info.org/database/> [accessed 17 May 2016]

129.85. Withdraw its reservation to Article 2 of CEDAW and accede to the Optional Protocol to CEDAW;	Australia	Noted
Sexual and gender-based violence		
129.39. Intensify its efforts in promoting equal opportunity and treatment for women in other aspects, such as employment, education and family life, as well as to adopt necessary legislation to prohibit and criminalize all forms of violence against women and domestic violence;	Thailand, Lebanon	Supported
129.40. Continue to strengthen its consistent efforts to combat violence against women and its efforts support to women victims of domestic violence and to bring offenders to justice;	Brazil	Supported
129.41. Consider the adoption of new legislation on violence against women, suggested also by CEDAW covering inter alia domestic violence and sexual crimes against women;	Italy, Uganda	Supported
129.42. Conduct an awareness-raising campaign to ban violence against women;	Jordan	Supported
129.43. Criminalise domestic and marital violence;	Togo	Noted ²¹
129.44. Produce the necessary funding in order to concretizing the strategy with the aim of eliminating violence against women and to criminalize such offence and continue the national strategy that was set up by the government of Algeria to combat violence against women by setting up adequate legislative and judicial guarantees;	Sweden, United Arab Emirates	Supported
129.45. Take robust measures to ensure incidents of violence against women are prosecuted and that protection for victims from retaliation is assured;	United States of America	Supported
129.46. Pursue efforts to fight violence against women;	Bahrain	Supported
129.47. Further strengthen law enforcement and judicial system in the effort to address impunity and prevent the incidence of violence as well as sexual abuse of women and girls;	Malaysia	Supported
129.48. Continue their endeavours and engagement with all stakeholders for an effective implementation of the programs for the promotion and protection of the rights of women and children and continue its legal actions on their	Indonesia, Republic of Iran	Supported

²¹ *Addendum* “Recommendation No. 43: Algeria has accepted the recommendations calling for the criminalization of violence against women (see recommendations No. 39, No. 40 and No. 41, above).”

protection;		
Trafficking in persons		
129.102. Ensure that all cases of trafficking and sexual exploitation of children are investigated;	Slovenia	Supported
129.103. Step up efforts to fight trafficking of persons and in this regard consider the possibility of developing a comprehensive national strategy for the fight against trafficking in persons strengthen its efforts in combating it and consider the provision of shelters for such victims;	Belarus, India	Supported
Statelessness		
129.2. Ratify the 1961 Convention on the Reduction of Statelessness.	Slovakia	Noted

II. Treaty Bodies

Committee on the Elimination of Discrimination against Women

Concluding Observations, (23 March 2012), [CEDAW/C/DZA/CO/3-4](#)

Trafficking and sexual exploitation

31. While welcoming the amendments to the Criminal Code through Act No. 09-01 of 25 February 2009 to criminalize trafficking in persons, as well as the compilation of statistics regarding prostitution and procurement offences, the Committee notes with concern the State party's information that there has been no well-grounded case of trafficking in persons and no criminal prosecutions and convictions for such crime. In addition, the Committee regrets the lack of information on the mechanism of coordination among relevant national agencies to combat trafficking in persons and to provide protection and assistance for victims, as well as on the strategies to systematically identify trafficking victims among vulnerable populations, such as refugees and asylum-seekers. Furthermore, the Committee notes with concern the absence of measures to ensure that refugees, asylum-seekers and other persons of concern to the Office of the United Nations High Commissioner for Refugees (UNHCR), in particular women and girls, do not fall victim to human trafficking or migrant smuggling.

32. **The Committee encourages the State party:**

- (a) **To establish a centralized national mechanism to coordinate efforts aimed at preventing and combating trafficking in persons and protecting its victims, and adopt a national plan of action in that regard;**
- (b) **To provide ongoing training for law enforcement officials, including border police, prosecutors and judges, as well as for consulate officials, health-care providers and social workers, on the effective identification of and assistance to victims, including medical treatment and psychological counselling, and**

- the investigation, prosecution and punishment of offenders; and to inform the general public on the criminal nature of such acts;**
- (c) To assist women victims in reporting incidents of trafficking in persons to the police and provide them with legal, medical and psychological assistance and rehabilitation, as well as with adequate shelters;**
 - (d) To create a mechanism to promptly identify victims of trafficking and ensure the referral to the asylum procedure of those who may be in need of international protection.**

Women and girl refugees and asylum-seekers

44. The Committee is concerned about the practices of penalizing women and girl refugees and asylum-seekers for illegal entry and stay in the country, subjecting those persons to detention for protracted periods of time and returning them to the country of origin in violation of the principle of non-refoulement. The Committee is also concerned about reports that some refugee women and girls have suffered from sexual and gender-based violence and abuse, and that those victims lack access to shelter, medical and psychological services and justice. Moreover, the Committee notes with concern that refugee and asylum-seeking children have limited access to public schools and vital health-care services, and that some of the refugee and stateless children born in Algeria remain without birth certificates, which limits their access to vital social services.

45. **The Committee recommends that the State party:**
- (a) Ensure that refugees and asylum-seekers, in particular women and girls, are not penalized for illegal entry and stay in the country, that detention of asylum-seekers is only used as a last resort where necessary and for as short period as possible, and that safeguards against refoulement are fully implemented; and develop cooperation mechanisms with UNHCR to identify persons in need of international protection;**
 - (b) Strengthen the mechanisms and procedures for ensuring that refugee women and girls are not subjected to sexual and gender-based violence and abuse, and that victims/survivors have access to shelter, to medical and psychological services, and to law enforcement mechanisms and justice;**
 - (c) Grant all refugee and asylum-seeking children access to public schools;**
 - (d) Ensure that refugees and asylum-seekers can access vital health-care services, including public hospitals, without discrimination and without fear of being turned over to the police;**
 - (e) Ensure that birth certificates are issued to all children born in Algeria, including refugee and stateless children, in order to prevent statelessness and to provide all children with access to social services;**
 - (f) Consider acceding to the 1961 Convention on the Reduction of Statelessness.**

Committee on the Rights of the Child

Concluding Observations, (18 July 2012), [CRC/C/DZA/CO/3-4](#)

Asylum-seeking and refugee children

65. The Committee is concerned that there is no comprehensive legal framework for refugees and asylum seekers in the State party and that the Bureau Algérien pour les Réfugiés et les Apatrides (BAPRA) created within the Ministry for Foreign Affairs does not have the executive capacity to address the situation of asylum seekers and refugees. The Committee is also concerned that:

- (a) Asylum seekers and refugee children, including those recognized by the Office of the United Nations High Commissioner for Refugees (UNHCR) are generally considered and treated as illegal migrants, and face arrest, detention and occasionally expulsion;
- (b) The State party does not provide free legal aid, the assistance of a guardian, protection, psychological and medical support and shelter to unaccompanied minors and child victims of gender-based violence;
- (c) Sub-Saharan child asylum seekers and refugees lack birth certificates and are denied most of their economic, social and cultural rights, especially their right to health, and education; and
- (d) The UNHCR has still not been able to conduct proper registration of Sahrawi refugees who still live in precarious conditions in the Tindouf province under the administration of the Polisario Front and has not been granted access to detention centres where migrants deemed “irregular”, including children are held.

66. **The Committee urges the State party to adopt a comprehensive legal framework for refugees and asylum seekers in line with international standards and to develop an efficient and well founded cooperation mechanism with UNHCR to identify and provide assistance to children in need of protection, especially unaccompanied asylum seeking children. The Committee also urges the State party:**

- (a) **To ensure that unaccompanied children, refugees and asylum-seeking children are not arrested and/or detained because of illegal entry/stay and have effectively the right to seek asylum and to stay in the State party until the end of asylum procedures;**
- (b) **To ensure that all children born on its territory are properly registered at birth, regardless of the status of their parents and that they fully enjoy their economic, social and cultural rights including their rights to access public schools, obtain diplomas and pass national exams in the same way as nationals;**
- (c) **To ensure that UNHCR has unimpeded access to all centres where refugees and potential asylum seekers are held as well as to all refugee camps in the Tindouf Province. In this regard, the Committee reminds the State party that ensuring an adequate standard of living to children living with their families in the Tindouf province falls under its responsibility; and**
- (d) **To consider ratifying the 1961 Convention on the Reduction of Statelessness.**

Children in situations of migration

67. The Committee expresses concern about the vulnerability of children of migrant workers living in the State party who lack access to their basic rights as highlighted by the Committee on the Rights of Migrants Workers (CMW/C/DZA/CO/1, para. 20).

68. **The Committee urges the State party to decriminalize irregular migration as recommended by the Committee on the Rights of Migrant Workers (CMW/C/DZA/CO/1, para. 21) and to take all the necessary measures to ensure that children of migrant workers enjoy their rights without discrimination.**

Sale, trafficking and abduction

77. The Committee welcomes Act No. 09-01 of 25 February 2009 which criminalizes trafficking in persons and increases penalties for offenders who traffic children. The Committee is however concerned that limited measures have been taken to enforce the new anti-trafficking law and that the State party continues to consider trafficking victims including children as illegal migrants and to deport them, sometimes in conditions that threaten their lives. The Committee is particularly concerned that:

- (a) There has been no investigation or prosecution for trafficking offences, or conviction or punishment of trafficking offenders during the year 2010 and that some traffickers reportedly benefit from the complicity of some members the Algerian police;
- (b) Child victims of trafficking may be jailed for unlawful acts committed as a result of their being trafficked, such as engaging in prostitution or lacking adequate immigration documentation;
- (c) There are no Government-operated shelters for victims of trafficking and civil society is prohibited from operating any such shelters because they would be penalized for harbouring undocumented migrants;
- (d) The State party does not provide children with assistance for their physical and psychological recovery and their social reintegration; and
- (e) Legal alternatives to removal to countries where victims may face retribution or hardship are not provided by the State party.

78. **The Committee urges the State party to take all necessary measures for the implementation of its anti-trafficking law and in particular:**

- (a) **To effectively investigate trafficking cases and ensure that perpetrators and their accomplices are brought to justice;**
- (b) **To train law-enforcement officials and establish capacity to identify victims of trafficking among illegal migrants;**
- (c) **To ensure that child victims of trafficking are offered necessary assistance, including legal aid, shelter, medical and psychological assistance and rehabilitation services and are not punished for unlawful acts committed as a direct result of being trafficked; and**
- (d) **To undertake a campaign to increase public awareness of trafficking, including on the differences between human smuggling and trafficking.**

Committee on the Elimination of Racial Discrimination

Concluding Observations, (20 February 2013), [CERD/C/DZA/CO/15-19](#)

Situation of non-citizens, including migrants and refugees

18. The Committee is concerned by the failure to apply legislation establishing the right to asylum. While noting the adoption of Act No. 09-02, concerning legal assistance, which is

available to any legal alien present in Algeria, the Committee is concerned by the absence of procedures to allow irregular migrants to lodge complaints (arts. 5 and 6).

The Committee recommends that the State party adopt the bill on the right to asylum expeditiously with a view to the implementation of the international treaties that Algeria has ratified on the right to asylum and the granting of refugee status without any form of discrimination. The Committee draws the State party's attention to the need to facilitate the integration of migrants and refugees living on its soil and to provide access to justice for undocumented migrants in the event of an infringement of their fundamental rights. Education and awareness-raising about the Convention.

19. The Committee takes note of the human rights training and awareness-raising activities organized by the State party for, among others, trainee judges and law enforcement personnel. The Committee is nevertheless concerned by the persistence of racist stereotypes and by the hate speech that is sometimes directed against the Amazighs, asylum seekers, refugees and sub-Saharan Africans (art. 7).

The Committee recommends that the State party step up its efforts in the area of human rights training with a particular focus on action to combat racial discrimination, respect for diversity and cross-cultural relations. It urges the State party to pay particular attention to training for teachers, civil registrars and law enforcement personnel. It furthermore calls on the State party to organize public awareness campaigns on these themes.

Human trafficking

21. While taking note of the adoption of Act No. 9-01 of 25 February 2009, which provided for the inclusion of human trafficking as an offence under the Criminal Code, the Committee is concerned by the lack of support services for human trafficking victims, most of whom are non-citizens (arts. 5 and 6).

The Committee recommends that the State party take all necessary measures not just to punish the traffickers but also to provide legal and institutional assistance to the victims, in particular non-citizens who do not have a valid residence permit.