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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15(A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Algeria\***

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\* The present document was not edited before being sent to the United Nations translation services.

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## Preface

1. The present report has been prepared pursuant to United Nations General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007.
2. The process of compilation, which was conducted in accordance with the guidelines contained in the resolution of 27 September 2007 concerning the implementation of the universal periodic review mechanism, involved ministerial departments and advisory bodies as well as the National Advisory Committee on the Promotion and Protection of Human Rights (CNCPPDH), which was associated with the process from the outset. Civil society with an active day-to-day presence at grass-roots level was consulted, and its views have been reflected on many of the subjects addressed in this report.
3. In fulfilling this obligation to the Human Rights Council, Algeria wishes to reaffirm its previously stated pledge to cooperate in good faith and unreservedly with the new mechanism, which serves as an additional tool for the furtherance of human rights in a spirit of dialogue and cooperation.
4. This report seeks to record, as faithfully as possible, human rights achievements across the spectrum of civil, political, economic, social and cultural rights, and also to reflect the **solidarity** that has been displayed in Algerian society.<sup>1</sup> It describes the historical, sociological and environmental context in which liberties are exercised and highlights the difficulties and constraints that impede their effective enjoyment. Furthermore, it refers to future actions that the State plans to promote and implement in order to ensure that liberties can be exercised to the full.
5. It demonstrates that, notwithstanding the crisis that beset the country for more than a decade and made it difficult at all times to combine freedom with security, the republican State continued to function normally. Neither the savagery of terrorism nor the barbarous terrorist crimes perpetrated against the Algerian nation succeeded in shaking the State's resolve to press ahead with the project of emancipating Algerian society, which took up the fight against the enemies of freedom in a display of patriotic fervour and indomitable civic spirit.
6. The Algerian State contained and defeated terrorism, which sought to cripple the nation by exploiting religion for political ends. It did so without either suspending the Constitution or abandoning the humanist ideal. The rightness of its campaign, which it waged alone and misunderstood for a decade, was only recognized much later when the full scale and horror of terrorism were brought home to the international community by the events of 11 September 2001 and other similar events throughout the world.
7. Algerian society, the unwilling victim of this vile scourge, was forced to pay a heavy toll of suffering, pain and trauma. With a view to providing a long-term solution to the crisis and responding to citizens' legitimate aspiration **to live in civil peace and build the Algeria of the future in a context of reconciliation**, a dual political initiative was put to a referendum and won broad support from the Algerian people.
8. The 1999 Civil Concord Act and the 2005 Charter for Peace and National Reconciliation are democratic responses that the sovereign Algerian people chose as instruments to preserve the unity of the Algerian nation, the continuity of its republican institutions and the security of its future

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<sup>1</sup> See annexes on the following website: [www.mission-algerie.ch](http://www.mission-algerie.ch).

against all forms of adventurism. This citizens' choice neither sacrifices memory nor perpetuates impunity. On the contrary, it is the path of wisdom that a long-suffering society has decided to take in order to cultivate forgiveness. It is the choice of reason in the face of all those who, in the name of a pernicious ideology and vindictive discourse, have attacked the most precious human possession: life itself.

### **Introduction**

9. Since achieving independence in 1962, Algeria has endeavoured to build a State based on social justice, citizen participation, and respect for human rights and fundamental freedoms.

10. In line with its historical evolution and its very special role in accelerating the process of decolonization, Algeria proceeded, on gaining independence, to endorse the universal principles of promotion and protection of human rights, as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights. The constitutions promulgated since then recognize the human person as the agent of social change and the beneficiary of human rights - of all human rights.

11. It was in 1989, however, with the introduction of multiparty democracy, that Algeria took a qualitative leap forward in terms of governance. It completed that process, which has now become irreversible, by acceding to the international human rights instruments. Algeria is now a party to the following instruments:

- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights
- Optional Protocol No. 1 to the International Covenant on Civil and Political Rights
- The International Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Elimination of All Forms of Discrimination against Women
- The Convention on the Rights of the Child
- The Optional Protocol on the sale of children, child prostitution and child pornography
- The Optional Protocol on the involvement of children in armed conflict
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

12. Algeria has made the declaration recognizing the competence of the Committee on the Elimination of Racial Discrimination (article 14 of the Convention), the Human Rights Committee (article 41 of the International Covenant on Civil and Political Rights) and the Committee against Torture (article 22 of the Convention) to receive, consider and rule on communications from individuals who claim that the State party is failing to comply with the provisions of the aforementioned three universal treaties.

13. Algeria is also a party to the following regional human rights instruments:

- The African Charter on Human and Peoples' Rights
- The African Charter on the Rights and Welfare of the Child
- The African Court on Human and Peoples' Rights, and
- The Arab Charter on Human Rights

## I. FRAMEWORK FOR THE EXERCISE AND MECHANISMS FOR THE PROTECTION OF INDIVIDUAL AND COLLECTIVE FREEDOMS

### A. Political structure

14. On independence, Algeria was confronted with multifaceted challenges that had to be addressed as a matter of urgency. The energy displayed by the Algerian people and its fledgling State in dealing with the situation was admirable, since they were required not only to lay the foundations of a new State but also to repair the social fabric damaged by a devastating and bloody war and, as a matter of priority, to achieve compulsory schooling for all, free access to health care and full employment.

15. This policy was pursued for almost three decades and brought about tangible improvements in the social circumstances of Algerian citizens. From 1988, Algeria was faced with the need to consolidate the rule of law and ensure a two-track transition (political democratization and economic liberalization), a process which, as everywhere else, did not run entirely smoothly. The political reforms introduced by the public authorities since that date have resulted in the establishment of institutions that consolidate freedoms and codify both the exercise and the separation of powers.

16. The democratization of public activity in Algeria today is based on three core legislative texts:

- **The Political Parties Act**, adopted in 1989 and amended by Order No. 97-07 of 6 March 1997, which laid the basis for a fresh reconfiguration of the political landscape, as a result of which there are now 28 parties
- **The Associations Act**, promulgated in 1987 and amended by Act No. 90-31 of 4 December 1990, under which the sole requirement for the establishment of an association is a declaration on the part of the founders. Today, 80,706 associations operating in a wide range of fields are active in Algeria
- **The Information Act No. 90-07 of 3 April 1990**, which paved the way for the emergence of an independent or partisan press alongside the public-sector press

17. Under the Constitution, the President of the Republic exercises supreme judicial authority and appoints the head of the Government. The latter draws up the Government's programme and submits it to the National People's Assembly for approval.

18. **Legislative power** is exercised by Parliament, which is composed of two chambers: the National People's Assembly (APN), which has 389 members elected by universal suffrage, and the Council of the Nation (Senate), two thirds of whose 144 members are elected by indirect suffrage and the remainder appointed by the President of the Republic.

19. The Parliament oversees the work of the Government and enacts legislation.
20. **The independence of the judiciary** is guaranteed by article 138 of the Constitution.

## **B. Human rights protection mechanisms**

### **1. Political mechanisms**

21. These mechanisms centre on the Parliament, which is the institutional embodiment of the democratic dimension of the Algerian State and of the pluralist character of Algerian political activity. More specifically, human rights issues are dealt with by the standing committees set up for that purpose by the two chambers.

22. The law treats political parties as an integral part of the machinery for the promotion of human rights. Article 3 of Act No. 89-11 of 5 July 1989 concerning political associations provides that a political party must, in all its activities, espouse principles and goals that are consonant with respect for individual and collective freedoms, respect for human rights, allegiance to democracy, commitment to political pluralism and respect for the democratic and republican character of the State.

### **2. Judicial mechanisms**

23. The Algerian State has put in place judicial machinery designed to guarantee, on the one hand, citizens' rights, and, on the other, independent judicial decision-making. Accordingly, the judicial system in Algeria is composed of three tiers: the courts of first instance, the appeal courts and the Supreme Court. There is also a State Council, which oversees the activities of the administrative courts, and a Jurisdiction Court, which settles conflicts of jurisdiction between the Supreme Court and the State Council.

### **3. Institutional mechanisms**

24. On 9 October 2002, the President of the Republic set up the National Advisory Committee on the Promotion and Protection of Human Rights (CNCPPDH), which has 44 members, including 16 women, and is based on the principle of sociological and institutional pluralism.

25. An advisory body on human rights monitoring, early warning and assessment, the Committee is an independent institution whose mandate consists in examining situations involving human rights violations that it has detected or that have been brought to its attention, undertaking any action it deems appropriate in that regard, fostering awareness, information and social communication for the promotion of human rights, and issuing opinions aimed at improving national legislation. The Committee prepares an annual report on the human rights situation for submission to the President of the Republic.

### **4. The press**

26. Freedom of opinion and freedom of expression are essential tools for human rights oversight and protection and act as a counterbalancing force. The Information Act, No. 90-07, guarantees their exercise. There are currently 52 daily newspapers, only 6 of which are produced by the public sector, with an average circulation of some 1.7 million copies per day. There are 98 weeklies, with an average circulation of more than 2.3 million copies, and 43 other fortnightly or monthly periodicals with a circulation of 275,000 copies.

## **5. Voluntary sector and trade union mechanisms**

27. The Algerian Constitution attaches importance to freedom of association for the defence of human rights. Article 32 guarantees the individual or collective defence of human rights and article 41 defines the area of application: freedom of expression, association and assembly. Freedom of association includes protection of the rights of certain categories of persons such as women, children, the sick, people with disabilities, consumers and users of public services.

28. Procedures for the exercise of trade union rights are laid down in Act No. 90-14 of 2 June 1990. Sectoral or professional rights are defended by 57 organizations, which claim to act on behalf of more than 2.5 million wage and salary earners, and 23 employers' organizations, including 3 confederations.

## **II. IMPLEMENTATION OF UNIVERSALLY RECOGNIZED RIGHTS**

### **1. Principle of non-discrimination and equality before the law**

29. All forms of discrimination on grounds of birth, race, sex, opinion, or any other personal or social status or circumstance is prohibited by the Algerian Constitution. This prohibition, which is legally binding, is based on the relevant provisions of the international legal instruments ratified by Algeria, and infringements are subject to prosecution.

30. Non-discrimination is a principle with constitutional status. Any legislative text containing a discriminatory provision is liable to censure by the Constitutional Council. Non-discrimination applies to the equality of citizens before the law (article 29 of the Constitution); this principle is reflected in the basic legal codes and in organizational and ordinary laws, freedom of conscience, freedom of opinion and expression, freedom of association and assembly, access to elected and public office and to administrative and judicial functions, access to social security and retirement benefits, and access to executive and managerial functions in public-sector economic enterprises, for which qualifications and merit are the sole criteria.

31. It should be noted that foreigners whose papers are in order and who are lawfully resident in Algeria enjoy the protection of the law and may not be subjected to any form of discrimination.

### **2. Principle of access to justice**

32. Access to the law and the justice system is guaranteed by:

- Administration of justice on the basis of two-tier proceedings; the judicial system is composed of lower courts (193), appeal courts (36) and a Supreme Court, and the administrative justice system comprises administrative courts and a State Council. A Jurisdiction Court has been established to settle conflicts of jurisdiction between the two sets of courts.
- Fixing the boundaries of judicial districts in line with the principle of ensuring public access to justice through the establishment of courts and divisions.
- A revised system of legal aid giving all citizens access to the justice system irrespective of their social status. The following have access to legal aid as a matter of law: minors, parties applying for maintenance, mothers in child custody matters, and workers in matters pertaining to occupational accidents or illness.



33. Furthermore, the following are entitled to the assistance of a legal representative free of charge: all minors before a juvenile court; on request, accused persons appearing before an investigating judge or a court ruling on major offences (*délits*); on request, persons filing an appeal to be heard by the Criminal Division of the Supreme Court when the sentence exceeds a five-year term of imprisonment; defendants suffering from a disability that may adversely affect their defence; on request, accused persons appearing before a criminal court.

### **3. Right to a fair trial**

34. Fair trial standards in Algeria are consistent with those laid down in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The following constitutional principles should be mentioned in this connection:

- Equality before the law without any form of discrimination
- The presumption that all persons are innocent until proved guilty by a duly constituted court and by due process of law
- All offences and penalties to be defined by law; no law can have retroactive effect unless such effect is favourable to the person being prosecuted
- The lawfulness of prosecution, arrest and detention
- Court decisions must be reasoned and delivered in public
- Protection of society and civil liberties and safeguarding of fundamental rights by the judiciary
- Protection of defendants against all forms of judicial abuse or irregularities
- Recognition of the right to present a defence, which is guaranteed in criminal proceedings

35. These principles are applied under the terms of the Code of Civil Procedure and the Code of Criminal Procedure.

### **4. Prohibition of violations of physical integrity and arbitrary detention**

36. The Constitution explicitly affirms the principle of protection of physical integrity. Respect for this principle is guaranteed by two clauses (articles 34 and 35). Furthermore, acts of torture perpetrated by law enforcement officers are punishable under articles 263 bis, 263 ter and 263 quater of the Criminal Code.

37. New rules of a preventive nature have been incorporated in the Code of Criminal Procedure. They are applicable, inter alia, during the preliminary inquiry conducted by judicial police officers and prescribe procedures for ensuring humane treatment of suspects during police custody and guaranteeing respect for their physical integrity. A medical examination is mandatory in all cases on expiry of the time limit for police custody (article 51 bis 1, paragraph 2, and article 52, paragraph 6, of the Code of Criminal Procedure).

38. Every prison has a register in which the identity of each remand or convicted prisoner and his or her identity number and date of incarceration are entered. The register is kept by a registrar and is signed and initialled by the competent judicial authority.

39. In the event of any infringement or negligence in keeping the registers, the prison governor is liable to prosecution, and any official who detains a citizen without a court order or without informing the court is liable to the penalties prescribed by the Criminal Code.

40. Pursuant to a protocol agreement signed with the Ministry of Justice, the International Committee of the Red Cross (ICRC) has visited 76 prisons since 1999 and has interviewed more than 66,000 detainees without witnesses. Since 2003 it has also been entitled to make unannounced visits to custody facilities in police stations and those run by gendarmerie units throughout the national territory.

41. The prison system is open to inspection by external civil society representatives, as attested by the regular visits by the National Advisory Committee on the Promotion and Protection of Human Rights, many Algerian and foreign non-governmental organizations, ambassadors accredited to Algeria, and experts from the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), and the French, Italian and other prison administration authorities.

42. Moreover, in 2007 alone the Ministry of Justice issued 56 permits to the press, a fact that confirms the non-existence of secret detention centres.

## **5. Humanization of conditions of detention**

43. Taking into account trends in international human rights law and pursuant to the recommendations of the National Commission on Reform of the System of Justice, the new law establishing a code on the organization of prisons and the social reintegration of detainees, dated 6 February 2005, placed emphasis on the treatment of prisoners and the humanization of conditions of detention.

44. In this context, the Ministry of Justice has taken a number of measures aimed at:

- Development of reception capacity to reduce the existing deficit through the construction of eighty-one (81) new prisons during the period 2005-2009, with a view to making prisons conform to international standards and eliminating prison overcrowding
- Upgrading medical facilities by providing doctors, social workers, psychologists and dentists for prisons
- Consolidation of prisoners' social relations with the outside world
- Improvement of re-education and reintegration programmes for prisoners (literacy training, education, vocational training)
- Providing prisons with sports and recreational equipment

45. Prisoners are entitled to submit applications and complaints which must be followed up by the prison director and the judge responsible for enforcement of penalties. Pregnant and nursing female prisoners receive preferential treatment in respect of food, health care and care of new born children.

Lastly, in the context of the modernization of prisons, a computerized system for managing prisoners' files has been introduced.

## 6. Death penalty

46. Since September 1993, Algeria has observed a moratorium on enforcement of the death penalty. The death penalty is not imposed on minors aged under 18, pregnant women or mothers of children aged under twenty-four (24) months. Amendments to the Criminal Code since 2000 have abolished the death penalty for numerous offences (drugs, money laundering, counterfeiting, economic management, etc.).

47. Algeria voted in favour of the draft resolution concerning a moratorium on the death penalty which the European Union submitted to a vote at the 62nd session of the United Nations General Assembly.

## 7. Affirmation of identity rights

48. In order to reflect the Amazigh dimension mentioned in the preamble to the fundamental law, the Parliament, meeting on 10 April 2002, amended article 3 of the Constitution which now provides, in article 3 bis, that “Tamazigh is also a national language. The State shall work for its promotion and development in all its linguistic varieties in use on the national territory.”

49. Apart from dealing with a component of the Algerian identity, this new democratic achievement highlights the plurality of Algerian society and underlines the diversity of its culture, which the State intends to promote through the establishment of a consultative body, the High Amazigh Council.

## 8. Freedom of religion or belief

50. Article 36 of the Constitution provides that freedom of belief is inviolable. Religious holidays, whether Muslim, Christian or Jewish, are celebrated in Algeria. They are the subject of radio broadcasts and are defined as statutory days of rest under Act No. 63-278 of 26 July 1963, as amended and supplemented (paid non-working days).

51. The practice of the Muslim religion and that of other religions is regulated in Algeria. Religious associations must register with the authorities in order to be recognized and to exercise their beliefs in a context of transparency. They receive financial support, without discrimination, from the State which, among other things, maintains and restores their places of worship.

52. The criminalization of religious activities applies to persons who, lacking the necessary capacity or authorization, seek to persuade citizens to renounce their religion, in most cases by coercion or blackmail. This provision applies to all religions, including the majority religion in Algeria, namely Islam.

## 9. Right to education

53. The right to education is enshrined in the basic statutes of the Republic which guarantee access to education and **the free provision thereof to all children**. Article 53 of the Constitution states that “The right to education is guaranteed. Education shall be provided free of charge under the conditions established by law.”

54. Moreover, the general educational policy bill emphasizes the compulsory nature of education for all girls and all boys aged between 6 and 16, with a possible two-year extension for disabled children. Parents or legal guardians who fail to comply with this obligation are liable to a fine.

55. Since acceding to independence, Algeria has devoted a substantial proportion of its resources to developing the national education sector.

After more than 40 years of effort, Algeria has not only made up for its traditional backwardness in educational matters, but has also been able to meet the strong demand for education that has been expressed since independence.

56. Overall pupil numbers have increased tenfold since 1962 to reach the current level of 7.5 million pupils (as a result of an infrastructure programme and the recruitment of staff in all disciplines), which has today made it possible to achieve an enrolment rate of nearly 97 per cent, compared with only 43.5 per cent in 1965, thereby bringing Algeria closer to fulfilling the Millennium Development Goals.

57. Attention has also been paid to school support, involving the provision of millions of textbooks, the opening of school canteens for which appropriations have increased twelvefold since 1999, as well as of half-board or full-board facilities which doubled in number over the same period, school transport arrangements covering more than 1,000 of the country's 1,561 communes, health services which are being made extensively available, and the allocation of new-school-year scholarships for the most needy children, numbering 3 million.

## **10. Right to health**

58. The right to health is a constitutional right enshrined in article 54 of the Constitution which states that "the State shall act to prevent and combat epidemic and endemic diseases".

59. As a result, the health system implemented since independence has shown continuous development in terms of health and human, material and infrastructure resource indicators, for the purpose of protecting and promoting the health of citizens.

60. This trend is illustrated, in the area of financing, by the rise in budgetary allocations from 59,047,650,000 dinars in 1999 to 224,244,771,000 dinars in 2008. At the same time, the country's 1962 complement of 432 doctors (50 per cent of them Algerians) and 811 paramedical specialists has increased substantially to reach the level of 62,403 doctors (48 per cent of whom are in private practice) and 99,354 paramedical specialists (1.8 per cent in private practice), working in 9,682 public health-care institutions and 23,567 private facilities.

61. Upon independence, Algeria's health indicators showed high levels of maternal and infant mortality, low life expectancy and a major incidence of infectious diseases. This led the public authorities to launch national health programmes aimed in particular at reducing disparities in health coverage and combating mortality and morbidity caused by prevalent transmissible diseases and malnutrition.

62. As a result, maternal mortality fell from a rate of 500 per 100,000 live births in 1962 to roughly 88.9 in 2007, while infant mortality fell from 171 per 1,000 live births to approximately 24.1 during the same period.

63. The introduction of compulsory vaccination for all children and the increase in the rate of vaccine coverage to over 95 per cent led to an effective decline in epidemiological indicators.

64. It should also be pointed out that the provision of free health care, the reform of the medical education system and the sector-based reorganization of the health system were the fundamental pillars of the health policy introduced in the 1970s, which was also characterized by the development of health infrastructure.

65. Finally, the launching in 1983 of the national programme for the control of population growth (PNMCD) through birth spacing marked the advent of a proactive policy aimed at balancing demographic and economic growth, which was consolidated at legislative level by Act No. 85-05 of 16 February 1985, as supplemented and amended, on the protection and promotion of health and the physical and mental well-being of man and his full development within society.

### **11. Right to work, to bargain collectively, to freedom of association and to social welfare protection**

66. After following an approach based for nearly three decades on collective State ownership, full employment, controls on private property ownership, a single workers' trade union and non-recognition of the right to strike, Algeria broke away from that system in the early 1990s by recognizing private property ownership, trade union pluralism and a regulated right to strike, and introducing social legislation machinery. Its social legislation is inspired by the international conventions of the International Labour Organization (ILO); of the fifty-four (54) such conventions in force, Algeria has ratified fifty (50).

67. The **legislation on labour** introduces a statutory minimum working age and establishes the right to protection, for women and children in particular, in relation to hazardous or arduous work.

68. **Collective bargaining** is a fundamental right of workers, as provided in article 5 of Act No. 90-11 of 21 April 1990 on labour relations. It has contributed to the conclusion of numerous agreements at all levels. In this context and in a spirit of dialogue, a national economic and social covenant between employers, trade unions and the Government was signed in November 2006.

69. The **right to strike** is recognized in article 57 of the Constitution, and the exercise of this right is governed by law. **Freedom of association** is guaranteed by article 56 of the Constitution and defined by Act No. 90-14 of 2 June 1990.

70. In the field of **social security**, insurance is governed by Act No. 83-11 of 2 July 1983, which applies to all wage-earning and non-wage-earning workers, regardless of their sector of employment, as well as to certain so-called special categories which are eligible for certain benefits, such as students, the disabled, apprentices and beneficiaries of the social safety net. The social security system covers more than seven (7) million contributors and their dependants, or 80 per cent of the population, against four (4) risks, namely sickness, maternity, invalidity and death.

71. The national **retirement** scheme is codified by Act No. 83-12 of 2 July 1983. The scheme guarantees workers' own-account pensions or survivors' pensions. The statutory minimum age of retirement is 60 years for men and 55 years for women, on request.

### **12. Women's, children's and family rights**

72. The State is committed to furthering and consolidating women's rights on the basis of the constitutional principle of non-discrimination, and is working to overcome the difficulties and obstacles impeding women's emancipation.

73. Thus, the February 2005 revision of the Family Code was designed to ensure protection for the family as a whole by readjusting the balance of married couples' rights and duties. The Nationality Code, which was also amended in February 2005, now establishes equality between mother and father with regard to the transmission of nationality to their children. Similarly, a woman may henceforth transmit her nationality to her spouse.

74. Algeria's laws and regulations place no restriction or limitation on the effective exercise of the rights of Algerian women. In this connection, it may be pointed out, *inter alia*, that Algerian women:

- May stand for any elected office and exercise any public functions
- Are entitled to vote and to found and manage or represent a political party or an association
- May take up employment and benefit from the guarantees of career development and promotion
- May freely express their opinions by any means and may hold meetings and demonstrations
- May have access to the courts and to any other judicial authority
- May take up residence and move about freely within the country and abroad
- Shall be entitled to receive all the social benefits provided for by legislation
- Shall be entitled to the same salary, statutory rest days and retirement
- May have access to primary, intermediate, secondary and higher education
- May attend vocational training courses in all sectors of activity, including those normally reserved for men
- Have access to health care, whether preventive or curative
- May enter into contracts of any kind
- May receive loans or any other advance payments of the same kind provided for by legislation

75. As far as institutional mechanisms are concerned, mention may be made of the establishment in 2002 of the post of Assistant Minister responsible for the family and the condition of women, the establishment of a National Council for the Family and Women in 2006, and permanent incentives to the voluntary movement.

Following a series of surveys, in October 2007, the Government, with the assistance of the specialized agencies of the United Nations system, adopted a national strategy to combat the phenomenon of violence against women.

76. Algeria has ratified the United Nations Convention on the Rights of the Child, the two Optional Protocols thereto and the African Charter on the Rights and Welfare of the Child. In 1992, it adopted a national action plan for the survival, protection and development of children. This was

followed up by a second plan covering four topics, which deals with the objectives and principles enshrined in the document from the 2002 special session of the United Nations General Assembly, entitled “A world fit for us”, namely: a healthier life for children, quality education for all children, protection of children and children’s rights.

77. It may be noted in this connection that a National Children’s Commission was set up in July 2004. Draft outline legislation on child welfare has been introduced, which provides for a national body to monitor children’s rights. This body will be empowered to receive, examine and process complaints from children.

### 13. Solidarity rights

78. Following a socialist-type economic and social policy trend that lasted nearly three decades, at the end of the 1980s Algeria changed course in order to end the State monopoly on foreign trade, free prices and open up its economy.

79. This transformation took place in an exceptional context marked by the collapse of the oil market, the sharp fall in foreign exchange earnings, difficulty of access to the international financial market and the imperative need to honour external debt repayment deadlines. In addition to these structural constraints, the upsurge in terrorist crime, with its toll of victims, destruction and suffering, struck all sectors of society indiscriminately.

80. Three stabilization programmes were implemented during this period, culminating in the rescheduling of the external debt in 1994. One of the consequences was the large-scale employment squeeze with its concomitant negative impact on the middle classes, the deterioration of living conditions for households and the emergence of the phenomenon of **poverty**.

81. In order to reduce and minimize the social cost of structural adjustment, measures were taken to protect the vulnerable categories of the population through the establishment of a Special National Solidarity Fund in 1993, the introduction of the National Employment Insurance Fund (CNAC) and the implementation of the social safety net scheme in 1994, all of which were designed to help people with no income, together with employment promotion programmes.

82. The rate of **poverty**, which had seen a spectacular increase between 1988 and 1995, declined considerably during the period 2000-2005. In fact, the rate dropped from 12.1 per cent in 1999 to 5.7 per cent in 2007.

83. The results achieved since 1999 in terms of growth, poverty reduction and rising living standards have been shown, following rigorous analysis, to be due to the implementation of a programme in support of economic recovery for the period 2001-2004, with committed credits of US\$ 7 billion, which was followed up by a second supplementary support programme for economic growth, covering all sectors of the economy, worth more than US\$ 144 billion.

84. Overall, the employment schemes resulted in the creation of hundreds of thousands of job opportunities in both urban and rural areas. Rural communities were benefited by an agricultural development plan which enabled country dwellers to gain access to various social benefits (transport, housing, direct aid, health, schooling, social security, etc.).

85. It should be emphasized that the Government has continued to provide low-income families with comprehensive direct support through the allocation of subsidized rental accommodation and the establishment, for their benefit, of an aid mechanism to families seeking to accede to property ownership in rural and/or urban areas.

86. Under the national solidarity scheme, the State has developed a policy of direct income support to persons and families in need. It is based on:

*The social safety net* consisting of two State benefits awarded from the State budget:

*The standard solidarity allowance* granted to elderly or disabled persons unfit for work, who are heads of households or live alone. Expenditure on the allowance, which was received by 7,141,707 people, amounted to 76,386,938,080 dinars, the equivalent of US\$ 1 billion, over the period 1999-2006;

*The community service benefit* granted to persons with no income and heads of household in return for their participation in activities of public interest organized by local authorities for 8 hours per day, 22 days per month.

Appropriations for this activity amounted to 51.4 billion dinars, the equivalent of US\$ 676,315,789.6, for the period 1999-2006, and 38.8 per cent of the beneficiaries are women.

*Social welfare* intended for women and girls also benefits needy children as well as disabled and elderly persons. During the period 1999-2006, 856,175 disabled persons received social welfare payments amounting to 33,765,314,544 dinars, including 3,184,349,472 dinars for social security.

87. The overall level of State social benefits under the first economic recovery support programme (1999-2006) is estimated to amount to 34,762,837,544 dinars, the equivalent of US\$ 45,740,000. Their purpose is to combat poverty and unemployment and to promote regional balance and area revitalization.

### III. CONSTRAINTS AND CHALLENGES

#### 1. Terrorism, a major obstacle to the implementation of human rights

88. At the very moment when Algeria was undertaking its systemic transformation and encouraging the pluralistic expression of ideas and free enterprise, there was a violent upsurge in terrorist crime.

89. The outward-looking policy of the Algerian State, as expressed in 1989 by its accession to the main human rights covenants and, subsequently, the various human rights treaties, was confronted with a terrorist phenomenon alien to Algerian society. At a time when it was urgently necessary to carry out institutional, political and economic reform and to make the case for democratic governance to the citizens of the country, the Government was forced to deal with a constitutional task of the utmost priority: that of guaranteeing the security of persons and property in the face of the barbarous actions of armed groups, while also ensuring respect for freedoms and the law.

90. This was no easy task and the security context of the time delayed the work of sensitization of the general public and accelerated implementation of human rights.

91. The damage caused by terrorism over a period of nearly 10 years is incalculable. The loss of human life, destruction of schools, factories, health-care centres, infrastructure, and job losses are all violations of human rights. All these were unfortunately compounded by the wounds to society which continues to suffer the after-effects of this criminal campaign, unprecedented in the contemporary history of humankind.



## **2. Constraints in the areas of education, health and employment**

92. All efforts notwithstanding, the development model, because of heavy dependence on a single source of funding, was faced with a series of problems linked to the oil price collapse of 1986.

It then became necessary to review the organization, financing and management of the model, taking account of the changes undergone by the country and international trends.

93. In this connection, the sectors of education, health and employment illustrate the difficulty of reconciling the proactive approach of the past with the rationalization and performance benchmarks governing sound and efficient economic management.

### ***Right to education***

94. In terms of the relevant indicators, while Algeria can point to the achievement of considerable progress, particularly as regards equality of access to education and schooling for girls, in response to both the Millennium Development Goals and the objectives of Education For All (EFA), the fact remains that these indicators, on closer analysis, show the existence and persistence of a number of difficulties relating in particular to educational wastage.

95. For example, with reference to the period from 2000-2001 to 2005-2006, the dropout rate rose from 1.78 per cent to 2.33 per cent for primary schools and from 10.83 per cent to 8.77 per cent for secondary schools. For the entire cycle of basic education, which constitutes the compulsory phase of schooling in Algeria, that is, the period from age 6 to age 16, the dropout rate rose from 4.49 per cent in 2000-2001 to 4.56 per cent in 2005-2006.

96. Educational counselling and assistance measures have also been taken as a means of combating educational wastage. They are aimed, inter alia, at keeping children in school as long as possible, particularly in the case of girls from underprivileged backgrounds.

97. The recent restructuring of the secondary education system also offers further possibilities for keeping pupils in the system by providing openings to occupational activity and springboards between the different parts of the education system (including, in particular, general education and vocational education and training), which now give pupils the chance to remain in the system as long as possible and to leave with a qualification that would facilitate their integration into working life.

### ***The right to health***

98. Despite being reorganized in the 1990s, it has been found that the opening up of activities to the private sector, the liberalization of pharmaceutical production and imports, the creation of support structures and of institutions for the control and monitoring of drugs and blood, as well as the outlook for remedying inadequacies in health-care supply and demand, dealing with management shortcomings and optimizing capacity, have not produced the expected results in terms of quality of health-care provision, access to medicines, reduction of disparities, streamlining of hospital management and humanization.

99. Moreover, the phenomenon of demographic and epidemiological transition, exacerbated by economic data (decline in purchasing power, industrialization, accelerated urban development) and societal developments (violence) has produced a health-care environment in which diseases linked to poverty and lack of hygiene are found side by side with development-related diseases.

100. Thus, the increase in health-care needs and priorities of the Algerian population, which is today better informed and more demanding in respect of health-care provision, combined with all the shortcomings found to exist, have prompted Algeria to review its health-care system with a view to achieving the millennium goals in 2011 and reducing all disparities by 2015.

101. The new health charter promulgated on 19 May 2007 and put into effect deals with the hierarchical grading of health care and is characterized by the separation and autonomous management of public institutions providing primary health care (care centres/polyclinics) and hospitals, as well as by in-service training for their supervisory staff. The results are encouraging, including closer interaction between preventive facilities and basic care for the population, improved coverage in terms of hospital facilities in the interior and southern part of the country, streamlining of the establishment of new specialized facilities and better provision of general practitioners, specialists and paramedical staff.

### *Employment*

102. The State's withdrawal from economic activity and trade liberalization have had negative side effects, of a kind commonly seen elsewhere, on the country's economic and social policy. In this connection, mention may be made of illegal employment and concealed employment involving the recruitment of workers with no social security declaration, or the use of under-declarations, under-remuneration of employees (remuneration of less than the national guaranteed minimum wage (SNMG)), and the recruitment of under-age workers and foreigners who do not meet the legal requirements for residence and work.

103. Moreover, because of its size, the informal labour market, which creates no wealth although it serves to provide income to certain sectors of the population (1 million persons according to the National Statistical Office (ONS)), continues to be a source of major concern to the Government.

104. Unstructured, undeclared informal employment, which affects some young people, is a political, economic and social challenge. Through various employment schemes established in recent years, the public authorities have sought to integrate these young people into the different employment programmes that have been introduced, with a view to weaning them away from the ideology of terrorist groups and giving them the opportunity to take charge of their social development and shape their independence.

105. It was against this background that Act No. 04-19 of 25 December 2004 was introduced, on worker placement and control of employment, which recognized the right of private employment agencies to place workers and contribute positively to the smooth functioning of the labour market. This new approach is in line with the provisions of ILO Convention No. 181 concerning Private Employment Agencies, which was ratified by Algeria on 7 June 2005.

### **3. Lack of resources and poor human rights advocacy**

106. While the Constitution and organizational laws underscore the importance of integrating a human rights dimension in the daily activities of the various stakeholders, in particular the NGO community, the latter's lack of resources means that their efforts fall short of the expectations of their members and, on a more general level, those of the public.

107. With the exception of certain organizations that are truly committed to human rights issues, the vast majority are heard from only sporadically or just before the celebration of special events, which reduces their credibility in the eyes of the public and the effectiveness of their advocacy efforts.

108. The public authorities that support the promotion and development of civil society organizations by providing them with places to meet and grants and by facilitating their activities through simplified accreditation procedures can neither replace those organizations nor take over the spheres of social activity that are rightfully theirs.

109. Although the training of social workers has been accepted as an absolute necessity for over a decade, more must be done to consolidate and strengthen human rights training.

110. Furthermore, there is a lack of communication between the administration and citizens. In the absence of mechanisms to provide guidance on procedures and on how to pursue claims, which are often based on the denial of a right, citizens are at a loss when it comes to finding answers to their questions and ensuring that their rights are given effect.

#### **IV. OUTLOOK**

##### **1. Fulfilment of the peace process and national reconciliation**

111. In line with the Civil Concord policy initiated in 1999, the Charter for Peace and National Reconciliation, approved by referendum in September 2005, is intended to resolve definitively and prevent any recurrence of the serious crisis experienced by Algeria.

112. The Algerian people's massive support for the Charter for Peace and National Reconciliation (Order No. 06-01 of 28 February 2006) constitutes a democratic attempt to put an end to a situation which has not been without consequences for society as a whole. It has led to the promulgation of presidential decrees dealing with the specific situations of the victims of that national tragedy.

113. Those presidential decrees include: No. 06-93 of 28 February 2006 concerning compensation for the victims of the national tragedy; No. 06-94 of 28 February 2006 concerning State assistance for families left destitute because a family member was implicated in terrorism; No. 06-95 of 28 February 2006 concerning the declaration provided for in article 13 of the Order on implementation of the Charter for Peace and National Reconciliation; and No. 06-124 of 27 March 2006 concerning reintegration or compensation procedures for individuals dismissed on administrative grounds having to do with the national tragedy.

114. With a view to ensuring enforcement of the implementing regulations for the Charter for Peace and National Reconciliation, a national mechanism has been established to provide reception, information and guidance facilities for citizens, and to process and follow up their claims.

115. Apart from providing for psychological care and accommodation and reintegration assistance for dismissed workers, as well as the redemption of their social security contributions, the State has budgeted 15,681,600,000 dinars, or US\$ 201,000,000, for compensation purposes.

116. In addition, 16,648 claims for compensation have been registered with Wilaya (departmental) commissions, leading to the settlement of 6,749 claims and the award of 4,248,105,299.79 dinars in compensation.

117. Lastly, following a review of the cases of dismissed individuals, as of 26 March 2007, 1,599,697,200.37 dinars had been allocated for the redemption of social security contributions.

## **2. Ongoing legislative reform**

118. The process of legislative reform initiated by the Government in 1999 will be extended to updating of the legal instruments relating to democratic freedoms.

119. In that connection, the Ministry of Justice, which initiated a wide-ranging reform process in 2003, intends to deepen those reforms by updating legislation, strengthening human resources, reforming the prison system and modernizing the justice system.

120. The review of the Criminal Code and the Code of Criminal Procedure, which have already been amended a number of times in recent years, will continue to be a priority, with a view to adapting them to changes in the country and bringing them into line with the international instruments ratified by Algeria.

121. The Government also intends to review existing legislation relevant to the enjoyment of human rights in the light of experience acquired and any shortcomings identified.

122. Amendments and other changes will only be undertaken following prior consultation with actors and stakeholders in the areas in question. They include amendments to the Associations Act and the strengthening of protection for women and children in the Labour Code. Changes will also be made to the status of lawyers, the status of journalists and the Information Act. Legislation will be drafted for the establishment of bodies concerned with ethics and codes of conduct; consumer and user protection; children's rights; social issues; and paternity search.

## **3. Capacity-building for the administration of justice**

123. As they become more aware of their rights, individuals increasingly turn to the judicial system to have their rights enforced. This growth of awareness has inevitably led to an increase in the number of cases brought before the courts and necessitated an increase in infrastructure and in training for specialized personnel.

In this connection, the Ministry of Justice has developed a timetable for the establishment of one tribunal for each Daira and one court for each Wilaya. By 2009, it also intends to increase by one half the current number of judges in office, which is roughly 3,337.

124. In addition to these far-reaching measures, the legal framework governing the work of other persons involved in the administration of justice, particularly lawyers, must likewise be reformed. Regulations on the profession of lawyer are being drafted.

Lastly, with regard to the prison system, efforts are under way to relieve prison overcrowding, close certain outdated facilities and build 81 new prisons.

## **4. Gender mainstreaming and combating violence against women**

125. A review of institutional capacity in the area of gender issues and the advancement of women has revealed a number of difficulties that must be addressed in order better to integrate the gender dimension in the activities of national institutions.

126. To that end, the Government is continuing to amend its legislation, improve awareness mechanisms, and promote and monitor the situation of families and issues of concern to women,

through the use of gender-disaggregated databases. It is also strengthening the advancement of women and their participation in decision-making, and seeking to promote women's access to positions of responsibility in central and local government.

127. The authorities, in recognition of the problem of violence against women, whether within or outside the home, have established a Council for the Family and Women and are raising awareness of the issue through activities in the schools and in different sectors of society, for example by criminalizing sexual harassment. Public service advice centres have been established, notably in police stations and health-care centres, to provide support to victims, who will in the future be protected against mistreatment and other forms of violence by the legislative amendments currently being drafted.

## **5. Reduction of unemployment and job creation**

128. A series of measures have been taken since 1999, leading to a considerable improvement in employment levels; the unemployment rate has dropped from 29.3 per cent in 1999 to 12.3 per cent in 2006 and 11.8 per cent in 2007.

129. That improvement is attributable in large measure to the injection of significant amounts of public funding through the economic recovery support programme, which led to the completion of a number of unfinished projects and the launching of major labour-intensive projects in such sectors as public works, the construction industry and the water system.

130. A number of measures have been taken by the State since 2004 to boost employment, including the adjustment and reorganization of employment schemes, the establishment of the Employment Investment Support Fund (FSIE), tax relief for persons eligible under the National Employment Insurance Fund (CNAC), preferential interest rates for small- and medium-sized enterprises and reductions in taxes and social contributions for job-creating enterprises.

131. This concerted effort to stimulate job creation is an integral part of the 2005-2009 five-year plan for the creation of 2 million new jobs, including 1 million permanent jobs, by the end of 2009.

132. A reduction in social charges will serve to facilitate participation by workers in the social security system, reduce the strength of the informal sector and broaden the contribution base, thereby ensuring the long-term viability of the social security system through an increase in its resources.

## **6. Improving the basic standard of living and social well-being of the population**

133. The Government of Algeria has endeavoured to achieve continuous improvement in citizens' standard of living. That implies fair distribution of the benefits of development and the most rational possible allocation of resources with a view to meeting citizens' needs and showing national solidarity with the disadvantaged. Algeria's infrastructure network is very well developed; human development indicators show a 98 per cent connection rate to the electrical grid; a 92 per cent connection rate to the drinking water distribution system; an 87 per cent connection rate to the sewage system; and major expansion of the natural gas network.

134. In that context, the objectives of the supplementary economic growth support plan for 2005-2009 include:

- 1,200,000 housing units

- 500 higher secondary schools and 1,000 lower secondary schools
- 2,000 school canteens and half-board facilities
- 500,000 university places and an additional 50,000 for job training
- 60 general hospitals, 1 hospital specialized in the care of serious burns, 1 cardiac institute, 1 kidney institute, 1 cancer institute, local health-care centres and 17 medical-surgical centres along major highways
- 10 dams and 10,000 km of new or renovated roads
- Construction of libraries in 1,543 municipalities, purchase of 40 library buses, building of 14 annexes to the national library and opening of a cultural centre in each Wilaya
- Connection of 1,200,000 households to the natural gas network and 600,000 others to the electrical grid

## V. CONCLUSIONS

135. By choosing the path of peace and national reconciliation, a choice which enjoys the broad support of its citizens, Algeria has placed civil peace and its corollary, economic and social development, at the centre of its priorities.

136. Drawing on their heritage to provide the necessary energy and supported by their own resources, the Algerian people intend to continue along the path of emancipation they rightly believe to be their due.

137. As they once again take control of their own destiny, the Algerian people remain committed to liberty and their sovereign choice of a consensus-based approach that cements national unity, strengthens their cohesion and reinforces the republican institutions of the State.

138. These accomplishments augur well for the nation's young people, who look forward to a better tomorrow founded on tolerance, forgiveness and solidarity in an emancipated society.

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