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Committee on Economic, Social and Cultural Rights
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Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

Concluding observations of the Committee on Economic, Social and Cultural Rights

Algeria

1. The Committee on Economic, Social and Cultural Rights considered the combined third and fourth periodic reports of Algeria on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/DZA/4) at its 6th, 7th and 8th meetings, held on 5 and 6 May 2010 (E/C.12/2010/SR.6, 7 and 8), and adopted, at its 20th meeting held on 17 May 2010, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined third and fourth periodic reports of Algeria and the written replies to its list of issues. The Committee appreciates the frank and constructive dialogue with the delegation of the State party that included representatives from various ministries with expertise on the subjects covered by the Covenant. It also takes note that the combined third and fourth periodic reports of Algeria were submitted five years late.

B. Positive aspects

3. The Committee welcomes the progress achieved in the following matters:
- (i) The ratification, on 8 March 2004, of the Convention on the Political Rights of Women;
 - (ii) The reduction of the poverty ratio by half since 2000 (from 12.1 per cent in 2000 to 5.7 per cent in 2005), maintenance of extreme poverty at a marginal level, including through direct and indirect financial assistance, such as price support measures and subsidies to the health sector and social welfare institutions;

- (iii) The adoption in 2008 of the Plan of Action for the Promotion of Employment;
- (iv) The implementation of a farmer debt relief programme that reduced the credit burden of farmers during the global financial crisis;
- (v) The significant increase in national enrolment rates in primary education (98 percent in 2007);
- (vi) The enrolment of children of foreign nationals residing in Algeria, depending on their choice and circumstances, in Algerian schools;
- (vii) The creation of the National Training and Linguistic Centre for the Teaching of Tamazight (CNPLET) by Executive Decree No. 03-470 of 2 December 2003.

C. Factors and difficulties impeding the implementation of the Covenant

4. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in the State party.

D. Principal subjects of concerns and recommendations

5. The Committee is concerned that there is an absence of jurisprudence invoking the Covenant provisions, despite the primacy of the Covenant over national law established by article 132 of the Constitution.

The Committee recommends that the State party take effective measures to increase awareness of Covenant rights among the judiciary and the public at large, and to ensure that judicial training take full account of the justiciability of Covenant rights. The Committee draws the attention of the State party to its general comment No. 9 on the domestic application of the Covenant.

6. The Committee is concerned that the National Advisory Committee for the Promotion and Protection of Human Rights is still not fully in compliance with the Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights (General Assembly resolution 48/134 of 20 December 1993), as reflected in its “B” status accorded to it in 2009 by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, despite the recent strengthening of its monitoring role, including through detention visits

The Committee recommends that the State party take steps to strengthen the National Advisory Committee for the Promotion and Protection of Human Rights in order to bring it fully into line with the Paris Principles and ensure its effective and independent functioning, including through regular public annual and thematic human rights reporting, clear and transparent nomination and dismissal procedures and strengthened participation with and within the international human rights system. In this regard, it draws the attention of the State party to general comment No. 10 on the role of national human rights institutions in the protection of economic, social and cultural rights.

7. The Committee notes with concern that corruption remains widespread, despite recent efforts to curb the phenomenon, including the passing of Act No. 06-01 establishing a national anti-corruption programme (art. 2, para. 1).

The Committee recommends that the State party take immediate steps to establish the National Anti-Corruption Agency, as foreseen in Act No. 06-01 of 6 February 2006,

and grant it the appropriate powers and resources to ensure its effectiveness and independent functioning. The Committee also urges the State party to take further steps to fight corruption, including by training law enforcement officers, prosecutors and judges on the application of the anti-corruption legislation, organizing awareness-raising campaigns and ensuring the transparency of the conduct of public authorities.

8. The Committee notes with concern that, despite the amendments to the Constitution through article 31(bis) of Act No. 08-19 of 15 November 2008, the Family Code and the Nationality Code, de jure and de facto inequalities continue to exist between men and women, in particular, the persistence of stereotypes, attitudes and patriarchal traditions on family and societal roles of men and women. It is also concerned by discrimination against women (in particular regarding inheritance rights), lower representation of women in decision-making and public positions and wages for women that are nearly a third of those for men (art. 3).

The Committee recommends that the State party introduce further legislative amendments to eliminate all forms of discrimination against women and adopt temporary special measures aimed at increasing the representation of women in public office and decision-making positions. The Committee also recommends that the State party take measures to reduce the wage gap between men and women. The Committee furthermore recommends that the State party increase its efforts to promote equality between women and men at all levels of society, including efforts aimed at eliminating stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family and society. It draws the attention of the State party to general comment No. 16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

9. The Committee, despite the general decrease in unemployment, notes with concern the high level of unemployment among women (Office of National Statistics 2009 figure: 18.1 per cent) and younger Algerians (official figure: 75 per cent of the unemployed are under 30 years old). The Committee also notes with concern that, in 2008, only 33.7 per cent of the total workforce was in permanent, salaried employment and a significant proportion of new jobs are home-based and of a temporary nature (art. 6).

The Committee recommends that the State party take effective measures to decrease the unemployment rate among women and younger Algerians, including with temporary special measures. The Committee emphasizes the importance of the creation of stable employment opportunities for both groups in the implementation of the 2008 Plan of Action for the Promotion of Employment. The Committee also recommends that the State party establish a national mechanism to monitor the implementation of the plan of action, and that numerical targets and a time frame for its implementation be set. The Committee draws the attention of the State party to its general comment No. 18 on the right to work.

10. The Committee notes with concern that the current minimum wage, as set by a tripartite social pact in 2009, does not provide a decent standard of living for workers and their families. The Committee is also concerned that the wage levels of public sector employees, in particular in the health and education sectors, place many workers in a precarious situation, often compounded by temporary contracts without maternity leave or sick leave entitlements (art. 7).

The Committee recommends that the State party conduct an urgent review of the current national minimum wage to determine its sufficiency and take the necessary measures to ensure that it provides an adequate standard of living for workers and their families. The Committee also recommends that the State party take immediate steps to address the low wage levels of public sector employees and, in particular,

improve the conditions of work and social protection of employees in the health and education sectors.

11. The Committee is concerned that the State party systematically restricts the activities and actions undertaken by autonomous public sector trade unions, through administrative, police and judicial interference. The Committee is also concerned that workers are required to obtain Government authorization to strike and form a trade union, and that autonomous trade unions are excluded from negotiation processes and social dialogue (art. 8).

The Committee recommends that the State party take immediate measures to guarantee the effective and independent functioning of autonomous public sector trade unions, and ensure that the right of everyone to form trade unions and the right of trade unions to establish national federations or confederations is facilitated and respected in practice.

12. The Committee is concerned that, in order to be eligible for unemployment benefit, an employee must, inter alia, have been affiliated with the social security system for a cumulative period of at least three years, and have been a regular employee of the organization concerned before being made redundant (art. 9).

The Committee recommends that the State party extend the eligibility criteria for access to unemployment benefits to include all unemployed persons and ensure that all persons whose applications have been approved promptly receive benefits.

13. The Committee is concerned that the access of families of disappeared persons to social security benefits, including pension and child education benefits, is made conditional upon the family obtaining a court declaration that the disappeared relative has died (art. 9).

The Committee recommends that the State party take measures to ensure that families of disappeared persons have unconditional access to social security, in particular pension and survivor benefits and child benefits. It draws the attention of the State party to its general comment No. 19 on the right to social security, which refers to the core obligation of a State party to ensure the right of access to social security systems or schemes on a non-discriminatory basis, especially for disadvantaged and marginalized individuals and groups.

14. The Committee is concerned that, despite the amendments to the Family Code in 2005, polygamy is still allowed, that the legal requirement of the institution of the marital guardian is not abolished and that article 30 of the Family Code continues to prohibit marriages of Muslim women to non-Muslims (arts. 10, 3 and 2, para. 2).

The Committee recommends that the State party further revise the Family Code to ensure that polygamy is outlawed, that the legal requirement of the institution of the marital guardian is abolished and that a marriage concluded between a Muslim woman and a non-Muslim man is fully recognized by law without exception.

15. The Committee is concerned that violence against women, including spousal abuse, continues to be a widespread problem in the State party. The Committee is also concerned that domestic legislation does not contain specific provisions prohibiting and criminalizing domestic violence, including marital rape, and that corporal punishment of children within the family and alternative care settings is not prohibited (art. 10).

The Committee recommends that the State party amend legislation, including the Penal Code, to prohibit and criminalize domestic violence, including marital rape, and prohibit corporal punishment of children within the family and alternative care settings.

16. The Committee is concerned about the absence of targeted measures of rehabilitation for victims of sexual violence, especially that perpetrated by armed groups (art. 10).

The Committee recommends that the State party fully recognize the status of victims of sexual violence, especially that perpetrated by armed groups, and adopt urgent measures for their medical, psychological and social rehabilitation.

17. The Committee is concerned about the high rate of child labour in the country, with estimates that approximately 300,000 children under 16 years of age are working (art. 10).

The Committee recommends that the State party intensify efforts to combat child labour, including by employing systematic and effective labour inspections and urgent controls by social services, mandatory training for the police and awareness-raising campaigns for children and parents on the dangers of child labour and the importance of education.

18. The Committee reiterates its deep concern at the acute housing shortage in the State party, the high number of persons living in slums (estimated at some 1.2 million) and vulnerable to forced evictions, the low implementation level of official construction projects and the disproportionately low budget level for housing (in 2010, the budget for the housing sector is 40 times smaller than that for national defence). The Committee is also deeply concerned by reports of favouritism in relation to the allocation of social housing units, which is not transparent and equitable.

The Committee recommends that the State party urgently address the acute housing shortage by adopting a national strategy and a plan of action on adequate housing; drastically increase its national housing budget to an appropriate level commensurate with the extent of the problem; and ensure that plans to construct new social housing units are fully implemented, especially those intended for disadvantaged and marginalized groups and individuals, including those living in slums. It also recommends that the State party ensure that social housing allocation is transparent and equitable. In this regard, it draws the attention of the State party to its general comment No. 4 on the right to adequate housing. The Committee also urges the State party to ensure that persons who are forcibly evicted are provided with adequate compensation or alternative accommodation in accordance with a legal framework that complies with the guidelines adopted by the Committee in its general comment No. 7 on forced evictions. The Committee also reiterates its request to the State party to provide in its next periodic report detailed information on the incidence of forced evictions and extent of homelessness in the State party, as well as the measures taken to address these problems.

19. The Committee is concerned that many internally displaced persons, following the violence between 1992 and 2002, continue to live in slums and that return to their areas of origin is slow due to, among other factors, the inadequate standard of living in those rural areas (art. 11).

The Committee recommends that the State party implement measures to facilitate the return of internally displaced persons to their areas of origin, including by taking steps to increase the standard of living in rural areas, focusing in particular on access to safe drinking water, general infrastructure and access to quality health-care services.

20. The Committee is concerned that people living in rural areas face considerable difficulties in accessing health care, owing to an unequal geographic distribution of care facilities and medical practitioners. The Committee is also concerned about the availability of medicines, the insufficient quality of health care in terms of standards of the upkeep of buildings, hygiene and reception of patients, as well as the poor conditions of work of health-care professionals (art. 12).

The Committee recommends that the State party take urgent measures to ensure universal physical and economic access to primary health care. It recommends that the

State party address the low wage levels and conditions of work of health-care professionals and ensure an adequate provision and distribution of medicines and material in public health establishments. The Committee draws the attention of the State party to general comment No. 14 on the right to the highest attainable standard of health. The Committee also requests the State party to provide in its next periodic report information on policies and measures taken with regard to education in sexual and reproductive health.

21. The Committee is concerned that there are regional disparities in access to education and enrolment rates, that in the most populated *wilayas* the student-to-teacher ratio is very high – sometimes up to 40 students per class, and that the State party’s educational system is characterized by a high school dropout rate (less than 50 per cent of primary school students go on to the secondary level, and only 12 per cent of the primary school students obtain a higher educational degree) (arts. 13 and 14).

The Committee recommends that the State party take urgent measures to address regional disparities in access to education and enrolment rates through the creation of new establishments and the expansion of the school transport system. It also recommends that the State party take steps to increase the number of school teachers at all levels and improve the conditions of work of educational personnel, including by ensuring wage increases. The Committee draws the attention of the State party to its general comment No. 13 on the right to education.

22. The Committee is concerned that the Amazigh language has not yet been recognized as an official language, despite its recognition in 2002 as a national language, and that the teaching of the Amazigh language is not generally available to all age levels and in all regions (art. 15).

The Committee recommends that the State party recognize the Amazigh language as an official language and further strengthen its current efforts to ensure the teaching of the Amazigh language and culture in all regions and at all education levels, including by increasing the number of qualified Amazigh language teachers. The Committee draws the attention of the State party to its general comment No. 21 on the right of everyone to take part in cultural life.

23. The Committee recommends that the State party consider, based on the principles of necessity and proportionality, lifting the protracted state of emergency, in place since 1992, insofar as it has a negative effect on the enjoyment of economic, social and cultural rights in the State party (arts. 4 and 5).

24. The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the Covenant.

25. The Committee requests that the State party disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging the national human rights institution, non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

26. The Committee requests the State party to submit its fifth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 June 2015.