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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 second periodic report of Algeria on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.26) at its 65th and 66th meetings, held on 15 November 2001, and adopted, at its 81st meeting, held on 27 November 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the second periodic report of the State party, which was prepared in conformity with the Committee's guidelines. The Committee further welcomes the open dialogue with the delegation, which was comprised of officials from various ministries.

3. The Committee regrets that written replies to the list of issues raised by the Committee were not transmitted to the Secretariat in advance and that a number of questions raised by the Committee were not answered satisfactorily by the delegation.

B. Positive aspects

4. The Committee commends the establishment this year of a new National Advisory Commission for the Promotion and Protection of Human Rights, the mandate of which extends to economic, social and cultural rights.
5. The Committee notes in particular the accession by the State party to the Convention on the Elimination of All Forms of Discrimination against Women in 1996.
6. The Committee takes note of the launching by the Government of a three-year economic recovery programme 2001-2004.
7. The Committee welcomes the statement made by the delegation that the interpretative declaration on article 8 of the Covenant will be withdrawn.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee takes note of the general climate of violence that has prevailed in Algeria since 1992, as well as of the country's serious economic and social crisis. The consequences of acts of terrorism, as well as the political and economic crises, have been disastrous for the situation in the country in general and for the enjoyment of economic, social, cultural and political rights in particular.
9. The Committee further takes note of the adverse effects of the high foreign debt burden, the requirements of structural adjustment programmes, and the recurring droughts, on the ability of the State party to implement its obligations under the Covenant.

D. Principal subjects of concern

10. The Committee is deeply concerned at the continuing violence and acts of terrorism in the country, which impede the full realization of the rights guaranteed in the Covenant.
11. The Committee notes with concern that no case-law on the application of the Covenant exists and that the Covenant has not been invoked before national courts.
12. The Committee is of the view that the various measures taken by the State party with regard to the Vienna Declaration and Programme of Action fall short of the comprehensive national human rights plan of action called for by the Vienna Declaration and Programme of Action.
13. The Committee notes with concern that Arabic is the only official language in the State party and that the Amazigh population continues to be denied the use of their language at the official level. The Committee further notes the announcement by the Government on 3 October 2001 that the Constitution will be amended to make Amazigh a national language.

14. The Committee is deeply concerned about the persisting discrimination in the political, social and economic spheres of life against women in Algerian society, and women's inferior position under the Family Code of the State party, already referred to in its concluding observations on the initial report of Algeria. In this regard, the Committee expresses its serious concern about the considerable divergence existing in the State party between constitutional provisions, on the one hand, and national legislation and practice, on the other, particularly with regard to a number of discriminatory provisions of the Family Code, including provisions on polygamy, unilateral repudiation by the husband, the requirement of a guardian's consent for marriage, the obligation of the wife to obey her husband, gender discrimination with regard to inheritance, as well as the husband's absolute right to keep the conjugal home in the case of divorce.

15. The Committee is deeply concerned about the high rate of unemployment in the State party, which has been estimated at over 29 per cent.

16. The Committee notes with concern that an authorization is required from the Ministry of Labour for the establishment of new independent trade unions outside the recognized Union Générale des Travailleurs Algériens (UGTA).

17. The Committee notes with concern the extent of violence in the family, of which women are the principal victims, and the insufficient attention that is devoted by the authorities to this problem in terms either of prevention or of punishment.

18. The Committee is deeply concerned about the serious problem of poverty, as well as the decline in the standard of living and the increase in poverty-related diseases. The Committee expresses its profound concern about the inadequacy of measures being taken to combat this problem.

19. The Committee is deeply concerned about the acute housing shortage facing the Algerian population.

20. The Committee notes with concern the steady decline in State expenditure on the health care system, as well as the plan confirmed by the delegation to eliminate subsidies for medicines. The Committee regrets that it did not receive sufficient information on measures taken by the State party to ensure access to health services.

21. The Committee expresses its concern about the ineffectiveness of programmes to reduce the maternal and infant mortality rate in the State party.

22. With regard to education, the Committee is deeply concerned about the high drop-out rates, which was acknowledged by the delegation during the dialogue with the Committee.

23. The Committee notes with concern the data in the Human Development Report 2001 that indicates a significant decrease in public spending on health and education in the 1990s, as a percentage of both GNP and GDP, and relative to military expenditure, which more than doubled as a percentage of GDP.

24. The Committee expresses its concern that the State party has not provided sufficient information on the measures it has taken in response to the suggestions and recommendations made on its initial report (E/C.12/1995/17 of 28 December 1995). Many of the issues referred to in the concluding observations made in 1995 remain subjects of concern in the present concluding observations.

E. Suggestions and Recommendations

25. The Committee urges the State party to take, as a matter of priority, all steps necessary to guarantee a full measure of security to all persons within its jurisdiction, in order to fulfil its obligations under the Covenant and ensure the enjoyment of the rights guaranteed therein.

26. The Committee would welcome information on the National Advisory Commission for the Promotion and Protection of Human Rights in the next periodic report, including on its structure, mandate, powers and functioning.

27. In the light of paragraph 71 of the Vienna Declaration and Programme of Action, the Committee recommends that the State party prepare, through an open and consultative process, a comprehensive national human rights plan of action regarding the implementation of its international human rights obligations, including the Covenant. The State party is encouraged to seek technical assistance from the Office of the High Commissioner for Human Rights in this regard. The Committee requests the State party to include information on progress made in the elaboration of a national human rights plan of action, as well as in its implementation, in its third periodic report.

28. The Committee encourages the State party to preserve the language and culture of the Amazigh population and to take appropriate steps to implement the plans to accord constitutional status to the Amazigh language as a national language, as announced by the Government on 3 October 2001. The Committee furthermore recommends that the State party undertake measures towards the recognition of the Amazigh language as an official language.

29. The Committee urges the State party to undertake a radical reform of the Family Code in order to give full recognition to the equal rights of women, to conduct an information campaign on gender equality and to introduce gender mainstreaming into all its legislation in accordance with the provisions of the Covenant.

30. The Committee recommends that the State party withdraw the interpretative declarations on articles 8 and 13.

31. The Committee urges the State party to formulate an effective strategy to address the acute problem of unemployment and to adopt and implement guidance and training programmes so as to ensure that young people and the unemployed can secure employment.

32. The Committee urges the State party to eliminate the various obstacles hampering the establishment of new and independent trade unions.

33. The Committee recommends that the State party adopt a national strategy to combat family violence, including awareness-raising campaigns geared towards the public at large, data collection, enactment of relevant legislation, and training courses for the police forces and the judiciary.
34. The Committee urges the State party to allot a large share of the national budget surplus to the State party's struggle against poverty. The Committee furthermore urges the State party to fully integrate human rights, including economic, social and cultural rights, in the formulation of a national strategy for poverty reduction. In this regard, the Committee refers the State party to the statement adopted by the Committee on 4 May 2001 on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).
35. The Committee urges the State party to address the acute housing shortage, including through the adoption of a strategy and plan of action and through the construction of more low-cost housing units. In this connection, the Committee reminds the State party of its obligations under article 11 of the Covenant and refers to its General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1 of the Covenant).
36. The Committee invites the State party to provide information, in its next periodic report, on the privatization of the health system, the cost of medication after the implementation of the plan to eliminate subsidies for medicines and the measures the State party is taking to combat the negative effects of these changes on the health of disadvantaged and marginalized groups.
37. The Committee urges the State party to take all necessary measures in order to lower maternal and infant mortality rates and to ensure that all forms of health services are available to women and men, especially in rural areas, in particular reproductive health services.
38. The Committee urges the State party to give the most careful attention to the rights of the mentally ill. The Committee requests the State party to report fully in its third periodic report on the laws and measures adopted by the State party with regard to the mentally ill, in particular on the number hospitalized, the facilities available and the legal safeguards for the protection of patients.
39. The Committee urges the State party to ensure that its laws, regulations and practices in relation to HIV/AIDS are non-discriminatory and are in conformity with the International Guidelines adopted at the Second International Consultation on HIV/AIDS and Human Rights in September 1996 (United Nations publication, Sales No. E.98.XIV.1).
40. The Committee recommends that the State party increase its expenditures for health and education and requests the State party to provide the Committee in its third periodic report with comparative statistical data on these indicators over a period of time.
41. The Committee urges the State party to take all appropriate measures in order to address the problems relating to the high drop-out rates in the country's school system, as well as the relatively low enrolment rate in secondary schools.

42. The State party is urged to pursue the development and adoption of a comprehensive national plan for Education for All, as anticipated in paragraph 16 of the Dakar Framework for Action. When formulating and implementing its plan, the State party should take into account the Committee's General Comments No. 11 and No. 13 and establish an effective monitoring system for the plan. The State party is also encouraged to seek technical advice and assistance from the United Nations Educational, Scientific and Cultural Organization in relation to both the formulation and implementation of its plan.

43. The Committee strongly recommends that the State party's obligations under the Covenant should be taken into account in all its negotiations with international financial institutions, such as the International Monetary Fund, the World Bank and the World Trade Organization, to ensure that economic, social and cultural rights are not undermined.

44. The Committee calls upon the State party to conduct training for judges and lawyers and to disseminate the Covenant to the public at large.

45. The Committee requests the State party to disseminate its concluding observations widely among all levels of society and, in particular, among State officials and the judiciary, and to inform the Committee in its next periodic report of all steps taken to implement them. It also encourages the State party to involve non-governmental organizations in the preparation of its third periodic report.

46. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2006 and to include in this report detailed information on the steps it has undertaken to implement its recommendations contained in the present concluding observations.
