



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés



Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedure Reports

- Universal Periodic Review:

ALGERIA

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and from UN Special Procedures reports, relating to issues of interest and persons of concern to UNHCR with regard to Algeria.

1. Treaty Body Reports

E/C.12/DZA/CO/4

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 44th session

21 May 2010

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 the inadequate standard of living in those rural areas, among other factors. (article 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.

CMW/C/DZA/CO/1

COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND THEIR FAMILIES, 12th session

19 May 2010

Data collection

12. The Committee regrets the lack of data and statistics on migration flows, including with regard to the population of irregular migrant workers. The Committee recalls that such information is crucial to assessing the situation of migrant workers and developing adequate measures for the implementation of the Convention.

13. The Committee strongly encourages the State party to improve its collection of data on migration, which should be appropriately disaggregated (including by sex, age and origin), with a view to assessing and monitoring the situation of migrant workers in Algeria, including those who are in an irregular situation, and the implementation the rights set out in the Convention.

III. Human rights of all migrant workers and members of their families (arts. 8-35)

18. The Committee is generally concerned about the association of irregular migration with criminality and the use of the term “illegal migrants” rather than migrants in a “non-documented” or an “irregular situation”, which is the terminology used in the Convention. In this regard, the Committee is concerned that a considerable number of migrant workers in the State party are non-documented and that their irregular migration status is considered a criminal offence punishable by imprisonment and/or fines under Law No. 08-11 of 25 June 2008.

19. The Committee is concerned that migrant workers in an irregular situation in the State party do not effectively enjoy a range of the rights guaranteed to all migrant workers under the Convention, including rights relating to conditions of work and terms of employment (art. 25), the right to join trade unions and associations (art. 26), the right to social security (art. 27) and the right to medical care (art. 28).

20. The Committee considers of particular concern the situation of women migrant workers and children of migrant workers in an irregular situation. While taking note of the information provided by the State party that there are no obstacles for the registration of births and access to education for children of migrant workers in an irregular situation, the Committee is concerned that children may not be able to effectively enjoy such basic rights as their parents seek to avoid contact with public authorities from fear of sanctions and expulsion. The Committee is concerned that the lack of data on the situation of irregular migrants, including with regard to school enrolment of their children, may prevent the State party from effectively assess and address the problems faced by them and their families.

21. The Committee urges the State party to take all necessary measures to ensure that migrant workers and their families are not deprived of any of the rights under the Convention which apply to all migrant workers, including those in an irregular situation. In particular, the Committee urges the State party to bring its legislation – which criminalizes irregular migration – into conformity with the Convention.

26. The Committee is concerned that irregular migrant workers awaiting deportation may be deprived of their liberty for prolonged periods and that detention orders may, in principle, be extended indefinitely.

27. The Committee recommends that the State party take steps to ensure that the detention of migrant workers in an irregular situation is only a measure of last resort and that, in all circumstances, such detention is carried out in conformity with articles 16 and 17 of the Convention.

38. The Committee is concerned that the legislation that criminalizes trafficking in persons for the purposes of labour and sexual exploitation does not explicitly provide for protection of victims of trafficking. Moreover, it notes the lack of specific support services available for such victims.

39. The Committee urges the State party to ensure that legislation and measures to prevent and eliminate trafficking provide for adequate protection of and assistance to victims of trafficking. In particular, in line with the Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the United Nations High Commissioner for Human Rights (E/2002/68/Add.1), the State party should ensure that:

- (a) Trafficked persons are given access to primary health care and counselling; that safe and adequate shelter that meets the needs of trafficked persons is made available;
- (b) Trafficked persons are informed of their right of access to diplomatic and consular representatives from their State of nationality;
- (c) Legal proceedings in which trafficked persons are involved are not prejudicial to their rights, dignity or physical or psychological well-being; and
- (d) Trafficked persons are effectively protected from harm, threats or intimidation by traffickers and associated persons. To this end, there should be no public disclosure of the identity of trafficking victims.

CAT/C/DZA/CO/3
COMMITTEE AGAINST TORTURE, 40th session
26 May 2008

Non-refoulement and collective expulsion

9. The Committee is concerned about allegations received of collective expulsions of migrants in violation of their basic right to have their case reviewed individually and to appeal against the expulsion decision. The Committee is also concerned that some persons might be expelled to States where they risk being subjected to torture (art. 3).

The State party should fully implement the provisions of article 3 of the Convention and ensure that the persons under its jurisdiction have their cases duly considered by the competent authorities and receive fair treatment during all stages of the procedure, including the opportunity to request an effective, independent and impartial review of the relevant expulsion or removal decisions, and to exercise the right of appeal.

In this respect, the State party should ensure that before the authorities responsible for overseeing foreign nationals take a decision to expel a foreign national who has entered or is residing illegally in Algeria, they conduct a thorough review of the situation in all cases to ensure that the person concerned would not be subjected to torture or inhuman or degrading treatment in the country to which he or she could be sent.

CCPR/C/DZA/CO/3
HUMAN RIGHTS COMMITTEE, 91st session
12 December 2007

22. The Committee notes with concern the reports that certain categories of asylum seekers, including persons with refugee status granted by the Office of the High Commissioner for Refugees, do not have access to the asylum procedures in effect pursuant to Algerian legislation and thus risk being detained as illegal immigrants and returned (Covenant, art. 7).

The State party should guarantee every asylum-seeker access to the procedures established by law. The State party should refrain from expelling asylum-seekers or persons who have been granted refugee status, in accordance with the principle of *non-refoulement*, especially when such persons risk being subjected to torture and ill-treatment in their country of origin.

2. Special Procedure Reports

A/HRC/17/26/Add.3

HUMAN RIGHTS COUNCIL, 15th session

Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo

19 May 2011

82. The Special Rapporteur further recommends that the Government strengthen institutional infrastructure for the effective protection of women from violence, by:

(a) Ensuring adequate resources to improve existing infrastructure supporting a wide range of vulnerable persons, and creating new centres that provide similar specialized integrated services to victims of gender-based violence;

(b) Ensuring that women living on the streets, divorced, separated, deserted or widowed women, as well as women living on their own, benefit from special protective measures against all forms of discrimination, harassment and violence;

(c) Taking measures that meet women's housing and employment needs, particularly victims of violence, single and other marginalized women;

(d) Given the differing positions of State officials and civil society organizations on the measures taken to render justice to victims of violence against women relating to the Black Decade, the Special Rapporteur encourages open discussions on the possibility of creating an independent commission to investigate all forms of violence committed against women during that period. In addition to identifying and bringing to justice perpetrators of such violence, the body could also deal with pending cases of compensation to families of the disappeared and victims of violence. Such a process can serve to open discussions of views on national reconciliation, truth and justice that differ from the official position;

Human Rights Liaison Unit

Division of International Protection

UNHCR

November 2011