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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS**

**Combined third and fourth periodic reports, submitted in one document,
under articles 16 and 17 of the Covenant**

ALGERIA*

[31 December 2007]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 – 6	3
PART I: GENERAL INFORMATION AND REPLIES TO THE COMMITTEE’S CONCERNS AND RECOMMENDATIONS	7 – 106	4
<i>Chapter</i>		
I. GENERAL POLITICAL STRUCTURE	11 – 19	4
A. Territory and population.....	11	4
B. Political structure	12 – 19	5
II. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS.....	20 – 39	6
A. Human rights mechanisms	20 – 36	6
B. International treaties and internal order	37 – 39	9
III. INFORMATION AND PUBLICITY	40 – 43	9
IV. HUMAN RIGHTS AND THE FIGHT AGAINST TERRORISM	44 – 54	10
V. REPLIES TO THE COMMITTEE’S CONCERNS.....	55 – 106	11
PART II: INFORMATION CONCERNING BASIC PROVISIONS.....	107 – 442	19
Article 1: Right of peoples to self-determination.....	107 – 109	19
Article 2: Obligations of States parties	110 – 112	20
Article 3: Equal rights of men and women	113 – 147	20
Articles 4 and 5: Restrictions on the rights recognized by the Covenant.....	148 – 152	25
Article 6: Right to work	153 – 159	26
Article 7: Right to just and favourable conditions of work.....	160 – 187	28
Article 8: Right to form trade unions and right to strike.....	188 – 206	32
Article 9: Right to social security and insurance	207 – 223	37
Article 10: Protection of the family, children and young persons ...	224 – 239	39
Article 11: Right to housing and an adequate standard of living.....	240 – 251	42

Article 12: Right to health.....	252 – 319	44
Articles 13 and 14: Right to education free of charge	320 – 415	60
Article 15: Right to take part in cultural life and to benefit from scientific progress and the protection of copyright	416 – 442	77

Introduction

1. Algeria ratified the International Covenant on Economic, Social and Cultural Rights on 12 December 1989. It submitted its initial report to the Committee (E/1990/5/Add. 22) on 30 November and 1 December 1995 and its second report (E/1990/6/Add. 26) on 15 November 2001.
2. When it presented its second report, the Algerian delegation gave an account of the programme of reforms launched since the decision was taken in 1996 to revise the Constitution in order to establish new institutions founded on political pluralism, separation of powers, independence of the judiciary and freedom of expression.
3. The Algerian delegation also reported that, at the international level, the Algerian authorities were committed to a gradual process of accession to international human rights instruments, so that Algeria is now a signatory to all the main Conventions.
4. The members of the Committee, on that occasion, made a number of observations and comments, to which the Algerian Government will respond in this report, providing the necessary clarifications regarding subsequent changes.
5. In accordance with the guidelines for drafting State party reports, this consolidated report contains the third and fourth periodic reports submitted as one document. It comprises two parts:
 - (a) **Part I**, entitled “General information and replies to the Committee’s concerns and recommendations”, gives a picture of the country’s general political structure and the framework within which human rights are promoted and protected. It also contains the Algerian Government’s replies to the observations and comments made by members of the Committee at the time of the presentation of the second periodic report in November 2001.
 - (b) **Part II contains** information concerning the Covenant’s substantive provisions, in relation to which changes have occurred. This part gives answers to some of the concerns expressed by Committee members at the time of the presentation of the second periodic report.
6. The Algerian Government wishes to make it clear that the slight delay in the submission of this combined periodic report in no way reflects a deliberate wish to evade an international obligation, but rather expresses its concern to submit a qualitative report, showing the progress made since the submission of the previous reports, in particular the progress made in all areas relating to the provisions of the Covenant.

PART I: GENERAL INFORMATION AND REPLIES TO THE COMMITTEE'S CONCERNS AND RECOMMENDATIONS

7. Since the presentation of Algeria's second report, the public authorities have pursued their task of consolidating the rule of law, pluralist democracy and the promotion and protection of human rights, despite the constraints arising from the aftermath of a decade of terrorist crime.
8. New elections were held, existing mechanisms for the promotion of human rights were further strengthened and certain aspects of economic, social and cultural legislation were adapted to the new circumstances.
9. The departments of justice and education and State missions have undergone thorough reforms, carried out by national commissions made up of professionals and independent personalities. Since then the recommendations of these commissions have guided public policy. Thanks to increasing encouragement, the association movement has undergone remarkable development.
10. Since Algeria recovered its independence in 1962, it has made every effort to establish a State founded on respect for human rights, fundamental freedoms and citizen participation. The constitutions adopted since independence have all enshrined universal principles in this respect. It was only after the introduction of a multi-party system in 1989, however, that Algeria was able to speed up the process of accession to international human rights instruments. Ever since it has submitted the reports due under these international commitments.

I. GENERAL POLITICAL STRUCTURE

A. Territory and population

11. Some statistics concerning a number of indicators for Algeria are given below:

Land area: 2,381.741 km²; **Population:** 33.1 million inhabitants (January 2007), including 50.5 % men and 49.5 % women. **Per capita income:** US\$ 3,100 (March 2006). **External debt:** US\$ 5 billion (January 2007). **Unemployment rate:** 12.3 % (2006). **Official language:** Arabic. **National languages:** Arabic, Tamazight. **Religion:** Islam. **Average life expectancy (2006):** 75.7 years for **women** and 74.06 years for **men**. **Infant mortality rate (2006):** **average** 26.9 per thousand (28.3 per thousand for boys and 25.3 per thousand for girls). **Maternal mortality rate:** 88.9 deaths per 100,000 live births (2006). **Children under the age of 5:** 9.4 % (2000). **Young people aged 15-24:** 24 %. **Adults aged 25-59:** 41.9 %. **Adults aged 60 and over:** 7.3 %. **Rural population:** 12,371,000 (36.6 %). **Urban population:** 21,429,000 (63.4 %). **Economic growth rate:** 5.1 % (2005). **Inflation rate:** 1.6 % (03/2006) **School enrolment rate:** 98 % (2007).

B. Political structure

12. When it became independent, Algeria was confronted with many challenges, including returning refugees, social and moral support for the beneficiaries of the victims of the war of national liberation, national reconstruction, and setting up the State administration. The institutions needed to enable a young nation to meet such challenges had to be designed and established and their effectiveness in the political and economic context of the time ensured. This reconstruction effort led to compulsory schooling for all, free health care and a policy of full employment.

13. From 1988 onwards, there was a growing determination in Algeria to consolidate the rule of law and to initiate a two-pronged transition (political democratization and economic liberalization). As was the case in other countries, this transition did not take place without difficulty. The building of a modern democratically functioning State with a transparent administration was hampered by domestic obstacles linked to a single-party culture and to economic and social constraints. The political reforms undertaken by the public authorities since then have led, after a long process of dialogue with all the political parties in a spirit of respect for the Constitution and the laws of the Republic, to the establishment of democratically elected institutions. The adoption by referendum of a revised Constitution, on 28 November 1996, further consolidated civic liberties, political pluralism, the separation of powers and the independence of the judiciary.

14. Besides the Constitution, the democratization of public activity in Algeria today is based on three laws:

(a) *The Political Parties Act*, which was adopted in 1989 and amended in 1997, admitted more than 60 political groupings to the political scene. A subsequent adjustment brought this number down to the current figure of 28;

(b) *The Associations Act*, promulgated in 1988 and amended in 1990, provides that associations may be established by simple declaration on the part of the founder members, either at the *wilaya* (prefecture), or at the Ministry of the Interior (if the association has national coverage). There are currently some 79,971 associations in activity in Algeria, covering a variety of areas such as the defence of women's rights, the protection of the environment and the promotion of the rights of persons with disabilities and elderly persons;

(c) *The Information Act*, which was adopted in 1990, opened the way to the emergence of an independent or partisan press alongside the public service media.

15. The first pluralist elections for the office of President of the Republic were held on 16 November 1995. They were followed by legislative elections in June 1997 and anticipated presidential elections on 15 April 1999.

16. The President of the Republic exercises supreme authority in the country subject to the limits laid down in the Constitution; he appoints the head of Government and may stand for re-election only once. The head of the Government draws up a programme and submits it for the approval of the National People's Assembly. The last presidential election was held on 8 April 2004 and led to the reinstatement of President Abdelaziz Bouteflika for a second term of office.

17. The legislative power is exercised by Parliament, which consists of two houses: the National People's Assembly and the Council of the Nation (Senate).
18. Parliament monitors the Government's action and enacts laws. The National People's Assembly is composed of 389 deputies (of whom 29 are women) following the legislative elections of 17 May 2007. The Council of the Nation has 144 members, two-thirds of whom are elected by indirect ballot and the remaining third of whom - 48 members - are appointed by the President of the Republic.
19. The independence of the judiciary is enshrined in article 138 of the Constitution.

II. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

A. Human rights mechanisms

20. By now most of the early-warning and monitoring mechanisms in the area of human rights in Algeria have been instituted. These mechanisms cover individual civil and political rights as well as collective economic, social and cultural rights. They rest on four main categories of safeguards, which act in combination.

1. Political safeguards

21. These act through the Parliament, whose twin houses – the National People's Assembly and the Council of the Nation – constitute both the institutional embodiment of the democratic commitment of the Algerian State and a fitting forum for the free, pluralistic expression of citizens' concerns.
22. Human rights issues are a major topic of parliamentary debates and are dealt with in standing committees set up for the purpose by the two houses.
23. The political parties are considered by law as one component of the human rights safeguards. According to the Political Parties Act of 8 July 1989, amended in March 1997, party statutes and programmes must explicitly mention the guarantee of individual rights and fundamental freedoms among their objectives. Article 3 of the Act stipulates that in all their activities political parties must comply with the following principles and objectives:
 - (a) Respect for individual and collective liberties and respect for human rights;
 - (b) Commitment to democracy and respect for national values;
 - (c) Acceptance of political pluralism;
 - (d) Respect for the democratic and republican nature of the State.

2. Judicial safeguards

24. Algeria's system of justice and its judicial procedures are intended to guarantee citizens' rights and to ensure decision-making autonomy within the system. To that end, the court system in Algeria consists of:

- (a) The *daira* (sub-prefecture) courts;
- (b) The *wilaya* (departmental) courts;
- (c) The Supreme Court (at the national level).

25. Article 152 of the Constitution also provides for a Council of State, established on 17 June 1998, which regulates the activities of all administrative courts. It is made up of 44 members.

26. Lastly, Parliament has adopted a law establishing a court responsible for settling conflicts of jurisdiction between the Supreme Court and the Council of State, pursuant to article 152 of the Constitution.

27. As part of its policy of consolidating the rule of law, Algeria has already undertaken an extensive reform of the justice system, with the aim of:

- (a) Strengthening the independence and credibility of the justice system by ensuring its accessibility, the prompt handling of disputes and enforcement of its decisions;
- (b) Bringing national legislation into line with Algeria's international obligations;
- (c) Improving the training of judges;
- (d) Increasing the material capacity of the judicial system;
- (e) Making prison conditions more humane for prisoners.

3. Freedom of the press

28. The right to information and freedom of the press are considered in law to constitute an essential mechanism for the monitoring and protection of individual rights. Thanks to the remarkable development of the press in Algeria, this mechanism has become a real lever for ensuring the collective protection of human rights. There are at present 43 dailies in circulation (compared with 25 at the time of the presentation of the previous report), of which six belong to the public sector (compared with eight at the time of the previous report) and 37 to the private sector (compared with 17 at the time of the previous report). Average total daily circulation amounts to 1.5 million copies. There are in addition 60 weeklies with an average circulation of 1.8 million copies per week, and a further 23 periodicals, appearing on a monthly or fortnightly basis, with an overall circulation of 650,000 copies per month. Total readership is estimated at 9 million a week.

29. The international organizations themselves recognize that the Algerian press is one of the freest in the developing world. The International Federation of Journalists, to whose executive board Algeria belongs, is accredited in Algeria and its North Africa office is located in Algiers.

30. Foreign journalists regularly receive accreditation in Algeria. Special arrangements are made in order to allow applications to be processed more flexibly and with less delay. The easier access of foreign journalists to Algeria is reflected by the fact that 795 accreditations were registered in 2006, compared with only 757 in 2005.

31. By 30 September 2007, 879 accreditations had already been issued. Despite the negative and sometimes biased reports of some of the journalists, they have not been prevented from returning to the country on repeated visits. On 5 July 2006, the President of the Republic issued a pardon for 200 journalists who were subject to prosecution.

4. Association and trade union safeguards

32. The number of associations has grown considerably since 1988. There are now close to 78,108 associations operating in the country in different fields. The Algerian Constitution lays great stress on freedom of association for the defence of human rights. Individual and collective defence of these rights is guaranteed under article 32, while the scope of such protection, including freedom of expression, association and assembly, is determined in article 41. Freedom of association of course extends to the political field, but is also expressed in the protection of certain categories of rights, such as the rights of women, children, the sick, persons with disabilities, consumers and the users of public services. The public authorities encourage the activities of associations by providing various subsidies and facilities. Most associations now have a constitution, a seat and an activity, which allow them to link up with international networks. The associations which have been particularly active include those dealing with the rights of women, education and the fight against illiteracy.

33. Trade union freedom was reaffirmed in the Constitution and organized under the Act of 6 June 1990. Further details in this respect are given in Part II of this report.

5. Other safeguards for the defence and promotion of human rights

34. On 9 October 2001, the President of the Republic officially inaugurated the National Advisory Commission for the promotion and protection of human rights, which was made up of 45 members, including 13 women. Its composition and the selection of its members are based on the principle of social and institutional pluralism. On 10 December 2006 the President renewed the membership of the Commission, which included 19 women.

35. The Commission, which was created by Presidential Decree No. 01-71 of 25 March 2001, replaced the Observatory opened in 1992. The Commission is “an independent institution under the President of the Republic, responsible for safeguarding the Constitution, the fundamental rights of citizens and public freedoms”. It is an advisory body with monitoring, early-warning and evaluation duties related to human rights. It is in charge of investigating all cases of human rights violations observed or brought to its notice and for taking appropriate action. It also has a duty to conduct activities of awareness-raising, information and social communication in favour of human

rights, to promote research, education and teaching in that area and to advise on possible improvements in national legislation. The Commission further produces an annual report on the human rights situation, which it submits to the President of the Republic.

36. In order to bring the new institution into line with the Paris Principles, Decree No. 01-71 of 25 March 2001 was amended by Decree No. 02-297 of 23 September 2002.

B. International treaties and the domestic legal system

37. Algeria's international commitments take precedence over domestic law. Thus the Constitutional Council, in a decision dated 20 August 1989, confirmed the constitutional principle whereby international treaties, once ratified, take precedence over domestic law. This decision was worded as follows: "Following its ratification and as soon as it is published, any treaty becomes part of domestic law and, in application of article 132 of the Constitution, acquires a higher status than the law, allowing any Algerian citizen to invoke it before the courts".

38. Access by private citizens to the protective mechanisms established by the Human Rights Committee, the Committee against Torture or the Committee on Racial Discrimination is therefore permitted once available domestic remedies have been exhausted.

39. The Algerian authorities, the National Advisory Commission for the promotion and protection of human rights, the associations and the media all attach great importance to these possible remedies before international bodies. In practice, however, Algerian citizens and their lawyers appear to be content to use the many available domestic remedies (in the form of the courts or the Advisory Commission).

III. INFORMATION AND PUBLICITY

40. Algeria's ratification of international human rights instruments was widely publicized throughout the national media when the instruments were submitted for consideration and adoption by the National Assembly. All ratified texts are published in the Official Journal of the People's Democratic Republic of Algeria and are accessible to all Algerian citizens.

41. Apart from the symposia and seminars that meet regularly to discuss this issue, the annual celebration of Human Rights Day on 10 December provides an opportunity to inform the public regarding the international human rights instruments to which Algeria is a party. Further occasions are provided on 8 March and 1 June to reassert the place and role of women and children in society.

42. In the universities, the module known as "Public Liberties", which used to be taught in law faculties, has been reintroduced with an updated syllabus which takes international developments and recent accessions into account. Some universities (such as Oran, Tizi-Ouzou and Annaba) have already created specific modules. Human rights are taught to students at the National Judicial Training Institute, the Police Training School and the National Prison Administration Training School.

43. A UNESCO (United Nations Educational, Scientific and Cultural Organisation) human rights chair has been instituted at the University of Oran. The purpose of the new function, which was

inaugurated in December 1995, is to organize and promote an integrated system of research, training, information and documentation on human rights. Preparations are under way to establish a master's degree specifically in the field of human rights. Study days on human rights and humanitarian law are regularly held and their reports are published. The National Human Rights Commission for its part informs the public regarding the human rights principles embodied in national legislation and international instruments to which Algeria is a party. The Commission's work takes the form in particular of the publication of journals and the organization and sponsorship of seminars, exhibitions and study days with community associations.

IV. HUMAN RIGHTS AND THE FIGHT AGAINST TERRORISM

44. Since 1991, Algeria has had to cope with the phenomenon of terrorism against a background of indifference and suspicion. Combating this scourge has required the implementation of special measures, but has always taken place within a legal framework that is respectful of human rights.

45. It was in order to deal with this exceptional situation that the Algerian authorities decided, in accordance with the Constitution, to declare a state of emergency in February 1992. Despite some limitations on the exercise of certain civil rights and liberties, the state of emergency did not relieve the State of its obligations to guarantee the exercise of fundamental freedoms provided for in the domestic constitutional order and in the international treaties ratified by Algeria.

46. When exceptional measures were taken during the state of emergency, every care was taken to ensure the protection of human rights. No restrictions were placed on the non-derogable rights and liberties guaranteed by the Constitution.

47. Similarly, the measures taken to preserve public order and to protect individuals and property threatened by terrorism have always been respectful of the law and of the commitments arising from the international instruments to which Algeria is a party. The purpose of such action is to strengthen the rule of law and re-establish the conditions that legitimized the country's institutions through a return to the genuinely free, multiparty and democratic universal suffrage seen in Algeria's elections in 1995, 1996, 1997, 1999, 2002, 2004 and 2007.

48. With a view to facilitating the restoration of civil peace, Algeria initiated a policy of clemency offering terrorists the opportunity to repent, through the adoption of a clemency law (Ordinance No. 95-12 of 25 February 1995), which provided for a series of measures ranging from exemption from prosecution to substantial reductions in penalties.

49. That legislation was followed by a decision taken by the President of the Republic to consolidate the process of civil reconciliation by holding a referendum on 29 September 1999 entitled "General commitment by the President of the Republic to achieve peace and civil reconciliation", which was approved by 96.19 % of voters.

50. Algeria subsequently embarked on a new course of action to consolidate peace and achieve national reconciliation. Thus in order to deal once and for all with the consequences of the crisis the country had been undergoing, the Algerian people, in a referendum held on

29 September 2005, voted by an overwhelming majority (97 %) in favour of the “Charter for Peace and National Reconciliation”, the draft of which was put to the vote by the President of the Republic on 14 August 2005.

51. In that Charter, the Algerian people expressed its gratitude to all those who had been active in safeguarding the country by adopting a set of measures aimed at consolidating peace and national reconciliation, and its support for the policy of handling the tragic problem of disappearances.

52. The Charter also reflects the Algerian people’s determination to build a future of peace and stability and its conviction that steps should be taken to uphold the dignity of all victims of the national tragedy and their beneficiaries and to provide for their social needs, as part of a joint effort of national solidarity.

53. It may be recalled that since 11 September 2001 the whole world has come to realize that terrorism is a transnational phenomenon that can undermine social harmony and national stability, and that it must be fought on all fronts through international cooperation, which is the only way to achieve its final eradication.

54. After repeatedly calling for a united front against terrorism, Algeria is resolutely committed to this policy. By acceding to the international and regional treaties and agreements to combat terrorism, it considers itself truly committed and spares no effort to support any initiatives that look promising in that respect. It remains fully convinced that issues as relevant and pressing as the promotion of human rights should be approached in a spirit of sincere, trusting and mutually beneficial dialogue among all the partners engaged in this endeavour.

V. REPLIES TO THE COMMITTEE’S CONCERNS

Reply 1¹

55. After living through one of the most violent forms of criminality of the century by its sheer extent and barbarity in the 1990s, Algeria has gradually, since 1999, taken the road to appeasement.

56. The fight against terrorist crime has gradually reduced its harmful effects thanks to the mobilization of the citizenry, supported in the field by the work of security forces that are respectful of human rights.

57. This security response has been accompanied by the twin initiatives that the President of the Republic had launched in 1999 on “Civil concord” and in 2005 on “Peace and national reconciliation” in order to put an end to the crisis once and for all. Algeria is nowadays at peace with itself and the main indicators of the country have turned green. The various initiatives launched since 2000 on the reform of justice, education, State missions and economic

¹ See concluding observations of the Committee (E/C.12/1/Add.71), para. 10.

development plans have made substantial progress, the effects of which on the lives of citizens are clearly visible.

58. The occasional and spectacular assaults which the failing wave of terrorism is trying to maintain as everywhere else in the world remain of marginal importance. They are currently endangering neither the institutions, nor the regular functioning of public services, nor the daily lives of millions of people who aspire to peace and tranquillity.

Reply 2²

59. In order to broaden the culture of human rights among the judiciary, especially as regards international treaties in that area, like the International Covenant on Economic, Social and Cultural Rights, the training given at the Higher School of the Magistrature to student judges, who are the future guardians of public and individual liberties, now includes a compulsory module on human rights.

60. As further support for the module, meetings are organized in the form of seminars and study days.

61. In addition, the Internet site of the Ministry of Justice now runs a programme open to the public at large and to legal professionals, which includes a list of all the international and regional human rights instruments ratified by Algeria, giving the dates of signature and ratification, as well as the date and number of the Official Journal in which the international treaty was published.

62. Algeria was among the first co-authors of the resolution establishing a working group in charge of preparing an Optional Protocol to the Covenant on Economic, Social and Cultural Rights. Algeria regularly attends the meetings of the group and contributes to its discussions.

Reply 3³

63. On 1 April 2002, the President of the Republic outlined a roadmap for the National Advisory Commission on Human Rights for the preparation and implementation of a plan of action for human rights.

64. This plan, which is an open-ended regular feature, will determine the means of analysing the situation as regards liberties and related problems, the types of action they suggest and the related systems of evaluation.

65. The National Advisory Commission on Human Rights linked its approach to the reform of the justice system launched in 2000. The Commission was consulted when new legislation was

² Ibid., para. 11.

³ Ibid., para. 12.

being drafted and other laws amended. It takes an active part in implementing in the field a series of recommendations it has adopted, concerning inter alia: the family and nationality codes, the death penalty, the rights of the child, prison conditions, the presumption of innocence, pre-trial detention, due process, freedom of expression, the activities of associations, trade union rights, persons with disabilities and the elderly.

Reply 4⁴

66. Due consideration is given to Amazighe interests in the Preamble to the Algerian Constitution, on a par with Arabic and Muslim concerns.

67. With the gradual reaffirmation of Amazighe identity, when the Constitution was amended on 10 April 2002 Amazighe was made a national language.

Reply 5⁵

68. Apart from the effects of the international legal instruments ratified by Algeria, all constitutional provisions, legislation and regulations currently in force advocate the rejection of any form of discrimination against women for whatever reason.

69. As part of its reform of the justice system, Algeria has substantively amended the Family Code, especially with regard to marriage, divorce and its effects (custody of children, the marital home and alimony), as well as the rules of guardianship. The gist of these amendments is shown below in extracts of Act No. 84-11 of 9 June 1984, governing the Family Code, as amended and supplemented.

70. Marriage is now considered in family law as a voluntary contract requiring the consent of both future spouses, as provided for in articles 9 and 10 of the Family Code:

(a) *Article 9*: “The marriage contract is concluded by mutual consent between the two spouses”.

(b) *Article 10*: “Consent arises from a request by one of the two parties and acceptance by the other expressed in a form signifying legal marriage. The request and consent on the part of disabled persons may be expressed in the form of writing or gestures signifying marriage in language or common usage”. The logical consequence of these provisions is that marriage by proxy has been abolished entirely. There cannot therefore be any such thing as a “forced marriage” and the *requirement* of a guardian’s consent to the marriage does not appear among the provisions of the Family Code, since the purpose of the *wali*’s presence is merely to add solemnity to this important act. It is out of the question that the *wali* should give his consent in lieu of the future spouse. In fact, articles 11 and 13 show this quite clearly:

⁴ Ibid., para. 13.

⁵ Ibid., para. 14.

(c) *Article 11*: “An adult woman shall conclude her marriage contract in the presence of her ‘*wali*’, who shall be her father or a close relative or any other person of her choice. Subject to the provisions of article 7 of this Act, a minor’s marriage is entered into through his ‘*wali*’, who is the father and close relatives. The judge will act as guardian of any person without a *wali*”.

(d) *Article 13*: “It is forbidden for a *wali*, whether the father or other person, to force a minor in his custody to marry, and he cannot make the minor enter into marriage without the latter’s consent”. The age of matrimonial majority is 19 years for the two future spouses, who are free to include in their marriage *contract* whatever clause they deem useful. With regard to polygamy, Act No. 84-11 of 9 June 1984 mentioned above introduced new conditions, with which the husband must comply.

(e) *Article 8*: “Marriage may be entered into with more than one spouse and a request for a marriage licence may be submitted to the president of the court at the conjugal place of residence. The president of the court may authorize the new marriage, if he is satisfied that there is mutual consent and that the husband has shown good reason and his ability to offer equity and the *conditions* needed for marital life”.

71. In the event of tort, a married woman may sue for divorce against her spouse (art. 8 *bis*).

72. The new marriage shall be annulled before it is consummated if the husband has failed to obtain the authorization of the judge (art. 8 *bis* 1).

73. With regard to the point concerning “the obligation of the wife to obey her husband”, it should be pointed out that the new Family Code makes both of the spouses responsible for instituting a climate of mutual respect, the purpose of which is to ensure the safeguard of marital ties and the duties of life together, harmonious cohabitation and mutual agreement in the management of family affairs (article 36 of Act No. 84-11 of 9 June 1984, governing the Family Code, as amended and supplemented).

74. The provision whereby the wife has the obligation to obey her husband is therefore excluded from the present Family Code.

75. With regard to divorce, the possible grounds put forward by a wife have been extended, allowing her to sue for divorce, for example, for persisting disagreement with her partner or for the violation of clauses stipulated in the marriage contract or in any subsequent contract.

76. Any divorce action must give rise to compensation. Failure to comply automatically gives rise to prosecution, particularly against a defaulting husband. The case law of Algerian criminal courts is very strict in this respect.

77. In order to avoid past practices that were common under the first Family Code, consisting in abusive delays used by the first husband with a view to preventing the divorced wife from remarrying, the decisions of the courts of first instance in divorce matters cannot (except for patrimonial effects) be subject to appeal before a higher court (such as an appeal court). Only an appeal for review before the Supreme Court is admissible.

78. Regarding child custody (or *hadhana*), the purpose of the amendment to the Family Code was to serve the interests of the child better. Thus the father ranks second, after the mother, in the order of those entitled to custody of the child. Generally speaking, Algerian civil courts in the great majority of cases attribute the custody of a child or children to the mother.

79. In this respect, the father, under the new provisions, must provide decent housing, or failing that a sufficient rent, to enable the mother to exercise the custody she has been awarded. Lastly, a working mother can no longer be deprived of her custody right (art. 67).

80. With regard to custody, a major improvement has been introduced, insofar as the mother is henceforth entitled:

(a) To replace the father, in an emergency, in the conduct of certain civil formalities (such as administrative formalities or the children's schooling) in the event that the father is absent or unable to act;

(b) To guardianship, in the event of divorce, of her own children placed in her care.

81. Concerning the point on gender discrimination with regard to inheritance, it may be recalled in that respect that inheritance laws are derived from Muslim law (*Chariah*) and are therefore mandatory. These are divinely prescribed laws which can in no way be opposed by positive law. There are other ways, nevertheless, of restoring a suspected imbalance, if necessary, through donations *inter vivos* or by testament.

82. The Ministry of Justice regularly undertakes to publicize the new provisions of the Family Code by organizing meetings and discussions throughout the country for the benefit of civil society, and especially women, in order to make them aware of their rights and also of their duties.

Reply 6⁶

83. A national strategy to combat unemployment was launched in the year 2000. Thanks to a number of projects, the strategy managed to create 1,688,361 jobs and to reduce the unemployment rate in that period from 29.5 % to 12.3 % (see details in article 7).

⁶ Ibid., para. 15.

Reply 7⁷

84. Act No. 90-14 of 2 June 1990 on the exercise of trade union rights gives full effect to article 2 of the Convention (No. 87). It does not lay down any necessary precondition which might hamper or prevent the establishment of a trade union other than the fact of being a worker or an employer. This applies regardless of the sector in which the workers or employers (public, private or civil service) are engaged, without distinction.

85. In practice, the declaration of establishment of a trade union is made by simple request, to which must be attached the statutes drafted by the founder members, together with the minutes of the constituent general assembly.

86. Under the terms of article 8 of the above-mentioned Act No. 90-14, application must be made to the Ministry of Labour and Social Security, in the case of a national workers' or employers' trade union. If the scope of the union is only regional or confined to the *wilaya*, however, the application must be lodged at the headquarters of the *wilaya*. If the union is to operate at communal or inter-communal level, the request must be submitted to the commune itself. The intended territorial coverage of the trade union lies at the discretion of the founder members, and the competent administration is informed of the choice only at the time the request is submitted. The founder members are completely free to decide the territorial coverage they intend the new trade union to assume.

87. A reply must be given to the establishment request within thirty days. Depending on the cases, applicants will be issued a receipt for the request asking them to make certain amendments to the statutes of the new trade union. Once the amendments have been made, the applicants receive the final receipt. The law allows applicants to lodge a complaint in the event of a rejection by the administration.

Reply 8⁸

88. Chapter II of the Criminal Code is devoted to "crimes and offences against the family and good morality", penalizing, inter alia, abortion offences, the exposure and abandonment of children and incapacitated persons, offences aimed at preventing the identification of a child, infanticide, the abduction of and failure to hand over minors, abandonment of the family and parricide, and violence against ascendants or descendants.

89. Act No. 06-23 of 20 December 2006, amending and supplementing the Criminal Code, added as a further penalty a ban on the exercise of civil, civic and family rights, including the total or partial withdrawal of custody rights.

⁷ Ibid., para. 16.

⁸ Ibid., para.17.

90. The Government has adopted a strategy to combat violence against women. A project entitled “Regional Gender Initiative” was launched between 2000 and 2003 and a process of open consultation was initiated between 2003 and 2006 with many partners, among institutions, civil society and the United Nations system.

91. This consultation led eventually to the formulation and validation of a new strategy. The objectives assigned to the strategy concern:

(a) The establishment of national capacities for combating violence against women;

(b) The initiation of a participation process with a view to analysing the situation and development options related to the status of women, their rights and the phenomenon of violence;

(c) The development of a framework of reference, a survey of the situation in each sector and the introduction of inter-sectoral plans and corresponding approvals.

Reply 9⁹

92. The struggle against poverty is one of the most urgent concerns of the public authorities in Algeria.

93. The institutional system has been supplemented with the creation, by decision of the President of the Republic, of the National Observatory of employment and the fight against poverty. This new mechanism provides a framework of consultation for all partners and actors in this area (including civil servants, research centre experts, civil society and employers’ organizations).

94. The new policy has also led to a study calling for the establishment of a national poverty map, which has become the standard reference for the launch of concrete actions to assist persons experiencing hardship. Any citizen in a difficult physical, mental, economic or social situation who does not have the means to meet his own needs is able to call upon the community.

95. Social assistance or more precisely social transfers have contributed significantly to the policy of support for the most disadvantaged. It is worth pointing out that the country’s social effort currently accounts for over 12.5 % of the gross domestic product (GDP), worth DA 770 billion, which has been an effective means of combating poverty, instability and social exclusion.

Reply 10¹⁰

96. Housing is an area to which the public authorities have given high priority since 1999.

⁹ Ibid., para. 18.

¹⁰ Ibid., para. 19.

97. The special programme launched in the period 1999-2004 led to the construction of 810,000 housing units. This programme somewhat alleviated the housing crisis which the country was undergoing and the national occupancy rate fell from an average of 7.2 persons in 1999 to 5.34 persons by the end of 2004.

98. The objective of the present programme of support for economic growth adopted by the Government for the period 2005-2009 is to produce one million new housing units. A total budget of US\$5,550 million has been set aside for the housing and town planning sector.

99. Thanks to this new input, the national occupancy rate should fall under the 5-person threshold, which constitutes an acceptable average.

Reply 11¹¹

100. There has been some progress in health expenditure in recent years, since it has grown from 7.7 % of total public expenditure in 1999 to 9.1 % in 2005. Social security expenditure on health, which was 40.8 % in 1999, rose to 45.1 % in 2005. Further details are given in the report's section on the implementation of article 12.

101. With regard to the elimination of subsidies for medicines, it is worth remembering that as part of the economic transition from the monopoly system to a market economy, all product subsidies were gradually removed. New funding mechanisms were introduced instead, based on contractual arrangements with the partners of the Ministry of Health, Population and Hospital Reform (National Social Insurance Fund).

102. With this system, patients contribute only a token proportion of hospital expenses (US\$ 1.3/day). All medical and surgical services are covered by the National Social Insurance Fund (CNAS), which bears 45 % of all health care funding.

103. Low-income non-insured patients are cared for by the State, under the terms of Executive Decree No. 01-12 of 21 January 2001 and Decree No. 04-101 of 1 April 2004.

Reply 12¹²

104. See the section of this report on the implementation of article 12 of the Covenant (paras. 273 to 292 below).

¹¹ Ibid., para. 20.

¹² Ibid., para. 21.

Reply 13¹³

105. According to the latest statistical survey carried out by the Ministry of National Education in 2005/06, the drop-out rate fell from:

- 7.73 in 1999/2000 to 6.36 in 2005/2006 at the end of primary school;
- 23.40 in 1999/2000 to 19.81 in 2005/2006 at the end of middle school;
- 30.03 in 1999/2000 to 25.16 in 2005/2006 at the end of secondary schooling.

106. The Ministry of National Education, which is fully aware of the problem, has placed the school drop-out rate among its most urgent concerns. A number of actions have been launched to support the attendance of children at school, especially girls, with further emphasis on the most deprived communities and regions. Further details are given in the sections of this report on the implementation of articles 13 and 14.

PART II: INFORMATION CONCERNING BASIC PROVISIONS

Article 1: Right of peoples to self-determination

107. Having itself suffered from colonialism and fought a war of national liberation, independent Algeria has naturally adopted a policy of supporting liberation movements and peoples struggling to recover their independence. This support has been a constant principle embodied in the country's various constitutions. Thus the present Constitution specifically states that: "Algeria expresses its solidarity with all peoples struggling for their political and economic freedom, for the right to self-determination and against all racial discrimination" (art. 27).

108. Algerian diplomacy is always working to "strengthen international cooperation and to develop friendly relations between States on the basis of equality, mutual interest and non-interference in internal affairs" (art. 28). The Constitution specifically states that the country's leaders must "refrain from resorting to war in order to violate the legitimate sovereignty or liberty of other peoples" (art. 26).

109. The effect of these clauses of the revised Constitution of 28 November 1996 is to restrict the principle of solidarity mentioned in article 27 to the colonial peoples and territories covered by General Assembly resolution 1514 (XV) of 14 December 1960. In this respect, Algeria continues to provide assistance to peoples fighting for their national liberation, such as the peoples of Palestine and Western Sahara. At the same time, the Algerian Government is pursuing its active and deliberate policy of supporting measures intended, at the international level, to combat all forms of political, racial or religious discrimination.

¹³ Ibid., par. 22.

Article 2: Obligations of States parties

110. Ever since Algeria's independence, the principle of non-discrimination between citizens and in relation to foreigners has been scrupulously respected. This principle is made easier to apply insofar as traditionally practices involving discrimination are unknown in Algerian society.

111. The Constitution, in articles 27 and 42, forbids all discrimination based on race, language or religion. The Civil Code, Criminal Code, Code of Criminal Procedure, Electoral Code and all the various special codes (commerce, information, health, customs, etc.) are all based on the principle of equality among citizens. None of their provisions has been considered by the Constitutional Council to be contrary to the spirit or the letter of the Covenant on Economic, Social and Cultural Rights. It may be recalled that the Council is responsible for:

- (a) Verifying that all legislation complies with the Constitution and the international treaties signed by Algeria;
- (b) Condemning any violation of the principle of equality among citizens;
- (c) Ensuring that the laws and regulations applied to foreign nationals are compatible with the Constitution and with the international treaties ratified by Algeria.

112. It may be noted that Algeria's accession to international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, and the country's cooperation with treaty and non-treaty bodies have fostered a clearer perception of human rights.

Article 3: Equal rights of men and women

113. The principle of equality before the law is enshrined in Algerian legislation through articles 29, 31, 33, 34, 36 and 51 of the Constitution.

114. According to article 29, citizens are equal before the law without any discrimination on grounds of birth, race, sex, opinion or any other personal or social condition or circumstance. Equality between men and women is also enshrined in labour law with respect to salaries, so that women are paid the same as men for the same work.

115. On 8 March 2004, as part of its overall policy of acceding to international human rights instruments and in particular those protecting the rights of women, Algeria ratified the Convention on the Political Rights of Women, which was adopted by the United Nations General Assembly in resolution 640 (VII) of 20 December 1952. The instrument of ratification was deposited with the United Nations Secretary-General on 4 August 2004.

116. The participation of women in decision-making is guaranteed under the Constitution and under the law. Even though it may still appear modest compared with that of men, it must be recognized that steady progress has been achieved with regard to the participation of women in decision-making and their access to senior government posts.

117. There is no legislative or regulatory provision that prevents or in any way restricts the participation of women in the political life of the country. Women are ensured the right to vote and to stand for election by the Constitution and by Ordinance No. 97-07 of 6 March 1997 organizing the electoral system.

118. That law lays down the necessary conditions for entitlement to vote and makes no distinction between women and men. The following statistics give a picture of the participation of women in the local elections held in 2002. Out of a total of 18,094,555 voters, 8,349,770 were women, equivalent to 46.14 %.

119. Number of women in political assemblies:

- (a) National People's Assembly (2004-2007 mandate): 30;
- (b) Wilaya People's Assemblies (2002-2007 mandate): 119;
- (c) Communal People's Assemblies (2002-2007 mandate): 145.

120. It is worth mentioning that the President of the Workers' Party, a woman, stood as a candidate in the presidential elections of 8 April 2004.

121. *With regard to women in senior government positions*, there are four members of the Government, two ambassadors, one permanent secretary, four chefs de cabinet, one regional governor (*wali*) appointed in 1999, two specially-appointed *walis*, two secretary-generals of departments (*wilayas*), two departmental inspector-generals and 11 *däira* chiefs who are women.

122. Non-discrimination may be illustrated in three major sectors: education, justice and health.

123. *In education*: Out of a total number of teachers of 339,430, 172,905 are women, or 50.793 %:

- Out of 171,402 primary school teachers, 88,295 are women (51.51 %);
- Out of 109,578 middle school teachers, 58,293 are women (53.19 %);
- Out of 62,330 secondary school teachers, 30,514 are women (48.95 %);
- Out of 22,650 higher education teachers, 7,309 are women (32.6 %).

124. *In the judiciary*: out of a total of 3,339 judges, 1,187 are women (35.55 %). One woman is President of the Conseil d'Etat; three women are chief justices, 31 presiding judges, 75 investigating judges and 867 magistrates. It may also be noted that six sections of the Supreme Court out of 15 are presided over by women and that all six division chiefs of the Conseil d'Etat are women.

125. At the Ministry of Justice, out of a total of 146 executive posts, 22 are occupied by women. Of the 13,737 civil servants working across all departments, 6,024 are women, and of

the 10,210 persons employed in the registry, 4,917 are women, which means that 48.16 % of all staff are women.

126. *In the health sector:* The statistics reveal a growing presence of women in the medical and pharmaceutical fields. In 1996, it was estimated that 51 % of professionals in those areas were women; in the case of doctors, the proportion was 36 % in university hospitals, 46.7 % among specialized physicians and 48.6 % among general practitioners. Among dental surgeons the proportion is as high as 64.4 % and among pharmacists 65.4 %.

127. It is also worth mentioning the very encouraging measures taken by the authorities to ensure that more women enter professions which, until recently, were considered the preserve of men. Increasing numbers of women are entering the armed forces, the gendarmerie, and the section of the national police that develops outreach work and consultation services for women in difficulties, in police stations and operational civil protection units.

128. Despite the specialized nature of these services, a great effort is being made to overcome the obstacles and psychological barriers that still hamper the recruitment of women in all spheres and in all sectors.

Combating stereotypes

129. Since September 2003, the Algerian Government has been engaged in reform of the education system. The purpose of this reform is to establish a modern, republican school system providing quality education to children and training tomorrow's citizens.

130. This is a deep and radical reform involving upgrading of staff qualifications, a complete overhaul of curricula and textbooks, restructuring of the education system, new ways of working for schools and new roles for the different actors in the system, ranging from school principals to teachers, pupils and parents.

131. New elements have been incorporated in the curricula, including human rights education (Convention on the Rights of the Child, international humanitarian law, etc.), population studies, health education, global education and environment studies. In other words, the system provides true education in citizenship.

132. The principles taught relate to the universal values of peace, tolerance, mutual respect, mutual assistance and solidarity, derived not only from civic education but also from the teachings of Islam and other disciplines, following a cross-cutting and complementary approach to programmes and disciplines. The religious principles taught are therefore in line with the above-mentioned values and are inherent in the values of our religion.

133. Although, in the past, school textbooks contained images of or references to discriminatory stereotypes, this is no longer the case today. All textbooks are subject to prior systematic and rigorous evaluation, and their distribution in schools must be approved by a committee of experts in the particular field. In the light of the legal principle that the rule of law is general and abstract, it was only natural for this guiding principle to be meaningfully enshrined in Algerian law, as in all other legislation.

134. It was even more evident that, in regulating the life of society, domestic laws governing relations in society should reflect the egalitarian spirit of the law and ensure that civil and criminal cases are dealt with by the courts in an equitable manner devoid of any form of discrimination.

135. With regard to criminal legislation, Algeria has always proclaimed its commitment to respect for personal rights and freedoms and the principle of the legality of punishments, and has always drawn on universal human rights principles when establishing rules on the treatment of persons subject to the jurisdiction of a court, free from any form of discrimination or distinction on the grounds of sex or opinion.

136. It would therefore be wrong to say that there is any disparity and/or particular difference in the treatment of women, as compared with men, in the Algerian criminal justice system.

137. In fact, repressive texts like the Criminal Code, the Code of Criminal Procedure and other special texts do not refer to women per se, since criminal law, which is binding, refers to all persons in general, “impersonal” and abstract terms.

138. Nevertheless, in view of the awareness of the situation of Algerian women in society in general and within the family in particular, a special effort has been made in legislation to strengthen women’s rights, to provide wives with the same rights as husbands and to protect them from reprisals by former husbands following a court divorce, as explained below:

1. Thus, with regard to divorce, the judgement declaring the dissolution of the marriage is delivered at first and last instance by the court of first instance, and is no longer subject to appeal, as it used to be, except in respect of alimony and/or civil compensation or damages (article 57 of Act No. 84-11 of 9 June 1984, as amended by Act No. 05-09 of 4 May 2005 on the Family Code, provides that “divorce judgements shall not be subject to appeal, except in respect of their material aspects”).

139. The reasons for excluding appeals in the case of divorce judgements delivered at first instance lie in the fact that a divorced woman is not considered to be divorced and cannot remarry until the divorce judgement has become final and all remedies have been exhausted.

140. In the past, the majority of divorced women could not start a new life by marrying again, for the simple reason that the former husband, taking advantage of the remedies provided and guaranteed by law, and of the fact that he could still take another wife, would use the appeal process as a delaying tactic, with the sole unadmitted and inadmissible aim of holding his former wife to ransom and further jeopardizing her social position, knowing full well that the law allowed him to remarry up to three times before the divorce judgement became final, and four times thereafter, while the wife had to wait for the divorce judgement to become *res judicata*.

2. Furthermore, in the same context, a married and/or divorced woman whose husband had abandoned the family home or failed to pay alimony, was obliged to file a complaint with the public prosecutor, who was at liberty to decide whether a criminal

prosecution should be brought and thus whether the complaint should be taken up or dismissed.

141. In the case of prosecutions brought by the public prosecutor, the complaint was transmitted to the judicial police for the parties to be heard.

142. This procedure for formalizing the complaint took several months, sometimes over a year or more, if the husband concerned was living abroad, notwithstanding the lengthy periods of time taken up by subsequent proceedings.

143. In order to end this unfair situation to which women were subjected, Act No. 90-24 of 18 August 1990 was passed, enabling the civil party, i.e. either of the spouses, to bring proceedings against the spouse appearing before the criminal courts for abandoning the family home and failing to hand over a child to the person entitled to custody, in accordance with the conditions laid down in article 337 *bis* of the Code of Criminal Procedure.

144. Such provisions are considered innovative as far as criminal law is concerned, and constitute a marked qualitative improvement in the Algerian criminal justice system, since the role of the public prosecutor, who traditionally initiated criminal proceedings and decided on the follow-up to complaints, is now restricted under the above-mentioned article 337 *bis* to determining the amount of the security that needs to be paid by the civil party, and he is no longer authorized to review or decide on the admissibility of the complaint, since such cases are brought directly before the criminal courts.

145. Article 337 *bis* of the Code of Criminal Procedure (Act No. 90-24 of 18 August 1990) states that: "The civil party may take direct proceedings against an accused person in the following cases: abandonment of the family; failure to hand over a child to the person entitled to custody; violation of domestic privacy; defamation; and issuing an uncovered cheque. In other cases, direct proceedings must be authorized by the prosecution service. A civil party instituting court proceedings, pursuant to the preceding paragraphs, must first provide the registrar with a deposit, the amount of which shall be set by the public prosecutor. In the writ of summons, the civil party shall opt for jurisdiction within the judicial district of the court dealing with the case, unless the civil party is domiciled there, subject otherwise to the summons being declared inadmissible."

3. With regard to the admission of women to the criminal justice system other than as judges or police officers, it may be noted that, as citizens, women, like men, are called as jurors in the criminal courts. In this regard, article 261 of the Code of Criminal Procedure provides that "jury service may be performed by persons of either sex, who must be of Algerian nationality and at least 30 years of age, who are literate, enjoy civic, civil and family rights, and are free from any form of legal incapacity or incompatibility as set forth in articles 262 and 263".

146. The cases of legal incapacity listed in article 262 of the Code concern persons with a criminal record.

147. The cases of incompatibility listed in article 263 concern members of the Government and other civil servants whose duties are incompatible with those of a juror.

4. In the same context, women also participate in the criminal justice system through trial courts.

Articles 4 and 5: Restrictions on the rights recognized by the Covenant

Brief reminder of the conditions for declaring a state of emergency

148. In view of the very serious situation of insurrection and subversion that had beset the country starting in 1991, some exceptional measures were taken as a matter of absolute necessity, including the proclamation of a state of emergency in February 1992, pursuant to article 86 of the Constitution of 23 February 1989 and article 4 of the International Covenant on Civil and Political Rights.

149. In accordance with the procedures set forth in article 4, paragraph 3, of the Covenant, the Algerian Government notified the Secretary-General of the United Nations of the proclamation on 13 February 1992. No restrictions or derogations were imposed with regard to the enjoyment of the rights referred to in paragraph 2 of the said article. The proclamation stipulates that: "The establishment of the state of emergency, which is essentially intended to restore public order, to safeguard persons and property, and to ensure the proper functioning of public institutions and services, does not interrupt the democratic process, while the exercise of fundamental rights and freedoms continues to be guaranteed". Overall, Algeria used the full existing resources of constitutional law, without creating any jurisprudence of exception.

150. At the practical level, the public authorities ensured strict respect for the principle of proportionality between the seriousness of the crisis and the measures taken to address it. The purpose of the measures taken was to overcome the dangers described in article 87 of the 1989 Constitution and article 91 of the revised Constitution of 1996 (such as a serious attack against the country's institutions through a public call to disobedience of the security forces launched by the leaders of a political party, or the expressed desire to disband the police force and replace it with "vice squads", or armed attacks upon the police and the military, or the sabotage of State institutions and the destruction of public property).

151. If one compares the measures that remain in force today with all those that were decided under conditions of emergency and necessity, it is clear that most of those earlier measures have by now been lifted. In other words, as a legal measure the state of emergency no longer jeopardizes the exercise of individual and collective liberties, which are now governed by laws and regulations that deal with specific aspects, such as public meetings and demonstrations, or the activities of political parties and those of associations, to name but a few.

152. The purpose of maintaining the state of emergency is merely to ensure proper coordination between the security services, in order to eliminate the remaining patches of insecurity, kept alive by terrorist groups, which are dedicated to the use of violence and attacks on human life and individual and collective property. The state of emergency itself will be lifted only when the

Algerian authorities are confident that the conditions that gave rise to it in the first place have completely disappeared.

Article 6: Right to work

153. All Algeria's Constitutions since independence have recognized the right to work. As stated in the Organization Act of 28 November 1996 (art. 55): "All citizens have the right to work".

154. It may be noted that following the structural adjustment programme, the gradual modernization of corporations and the privatization of some of these, the Algerian economy has started to grow again, which has naturally affected employment, especially since the State has introduced measures to encourage a return to work.

155. It may be recalled that the 1989 Constitution, as amended in 1996, broke off completely from the previous system and established the following fundamental principles:

- Freedom of association (art. 43);
- Right to form or join trade unions (art. 56);
- Right to strike (art. 57);
- Protection of health (art. 54);
- Right to rest (art. 55);
- Right to work (art. 55);
- Right to protection, security and health in the workplace (art. 55);
- Right to free education under the conditions established by law (art. 53);
- Equal access to free vocational training in public vocational training establishments (art. 53).

156. The above principles have been incorporated and specified in labour legislation, with particular regard to:

(a) Consultation and negotiation granted to social partners to settle differences and to workers with respect to their right to strike (Act No. 90-02 of 2 February 1990);

(b) Rights and obligations and general protections, the organization of collective bargaining and workers' participation in the life of the corporation (Act No. 90-11 of 21 April 1990 on labour relations);

(c) The modes of intervention, monitoring and arbitration by the public authorities contained in Act No. 90-03 of 6 February 1990 on labour inspection and Act No. 90-04 of 6 February 1990 on the settlement of individual conflicts in the workplace;

(d) Procedures and mechanisms to enable the social partners to come together to defend their material and moral interests: Act No. 90-14 of 2 June 1990 on the exercise of trade union freedom.

157. In 1994, three legislative decrees were passed with a view to regulating the labour settlements brought about by the industrial restructuring process and to providing social coverage for workers under pressure as a result. The three decrees were:

(a) Legislative decree No. 94-09 of 26 May 1994 on the preservation of employment and the protection of workers who might be forced to give up their jobs;

(b) Legislative decree No. 94-10 of 26 May 1994 introducing early retirement;

(c) Legislative decree No. 94-11 of 26 May 1994 instituting unemployment insurance for workers who might be forced to give up their jobs and/or be laid off for economic reasons.

158. Lastly, in 2004, Act No. 04 -19 of 25 December 2004 on the recruitment of workers and the supervision of employment gave the National Employment Agency a status more suited to its activity, and opened up the possibility of setting up private recruitment agencies. This Act provides protection for all jobseekers against any form of labour bargaining.

Unemployment trend 2000–2006

Indicators/year	Number of persons employed	Number of jobseekers	Unemployment (%)
2000	8 421 284	2 484 279	29.5
2001	8 568 221	2 339 449	27.3
2002	8 676 770	2 247 283	25.9
2003	8 762 326	2 078 000	23.7
2004	9 469 946	1 671 534	17.7
2005	9 656 044	1 470 549	15.3
2006	10 109 645	1 240 841	12.3

159. A total of 1,688,361 jobs were created between 2000 and 2006. In 2005 and 2006, 38,325 jobs were created thanks to micro-credit.

Article 7: Right to just and favourable conditions of work

160. Act No. 90-11 on labour relations lists the fundamental rights to which workers are entitled (including the right to collective bargaining, to social security, to retirement, to health, to labour security and medicine, to rest and to strike). It also confirms the right to protection against any discrimination in relation to employment, other than that based on aptitudes and merit (art. 6).

161. According to article 17: “Any provision contained in a convention, collective agreement or contract of employment that gives rise to any discrimination whatever at work, on grounds of age, sex, social or marital status, family background, political beliefs, or membership or otherwise of a trade union shall be deemed to be null and void and without effect”. Such discrimination is punishable by the penalties laid down in articles 142 and 143 of the same Act.

162. The Algerian social security system recognizes that every worker is entitled to sickness insurance, to protection against accidents at work and to a pension on retirement. Persons unable to work for reasons related to a disability are cared for by the State for life under the social protection scheme.

163. With regard to family benefits, workers are entitled to family allowances for children under age, the amount of which is regularly revalued. A special allowance is granted in the case of single-income households.

Remuneration

164. The right to remuneration is recognized as a fundamental right of all workers. It is subject to a number of additional measures:

(a) The establishment of a guaranteed national minimum wage (SNMG) and the right to remuneration which is proportional to output;

(b) Equal remuneration with no discrimination;

(c) The payment of remuneration exclusively in the form of cash;

(d) The payment of remuneration at regular intervals. In this respect, Act No. 90-11 imposes a fine of 1,000 to 2,000 dinars for any failure to respect this clause each time this occurs. In the event of a repeated offence, the penalty is 2,000 to 4,000 dinars each time the offence occurs and/or imprisonment of between one and three months;

(e) The protection of remuneration included in sums due by the employer against seizure or attachment;

(f) Preferential status for remuneration or advances over all creditors, including the treasury and social security.

165. The “wage” element in enterprises is one of the main components of the labour relationship, as defined in works agreements concluded in the framework of collective

bargaining. For all work done, workers receive a wage in exchange. Remuneration is understood exclusively in cash terms.

166. All workers, regardless of their position in the hierarchy and without any discrimination, are paid for the hours actually worked.

167. Workers may not be paid below the guaranteed national minimum wage applicable in all sectors of activities, regardless of the legal status of the employing organization.

168. In Algeria, there can be no difference in wages between workers based on gender or any other consideration, since the wages paid by employing organizations are tied to the work stations and not to the occupants of those work stations.

169. The legal provisions currently in force clearly stipulate that all employers exercising an activity on the national territory, regardless of the legal sector involved, such as the public, national private or foreign private sector, and regardless of the sector of activity, must pay their workers with no discrimination for all work of the same value.

Security and health care at work

170. The right to protection, security and healthy conditions at work is guaranteed under the law. With regard to the prevention of risks and professional sickness, article 55 of the Constitution stipulates that: "The right to protection, security and healthy conditions at work is guaranteed".

171. This provision of the Constitution is enforced in practice by independent legislation, including Act No. 88-07 of 26 January 1988 on health, security and health care at work, Act No. 83-13 of 2 July 1983 on accidents at work and professional sickness, as well as in abundant regulation consisting of some 20 or so decrees explicitly related to matters of security and health at work. This legislation is, moreover, backed up by other rules set out in specific sectoral regulations, dealing with matters related to security at work, such as fire prevention, major industrial risks, chemical substances and rules governing specific risks. This shows the importance attached by the public authorities to the protection of workers and the protection of health.

172. Act No. 88-07 of 26 January 1988 on health, security and health care at work includes provisions on dealing with problems of nuisance at the workplace based on regulations appearing in Title I of Executive Decree No. 91-05 of 19 January 1991.

173. In addition to the advantages and protection to which male workers are entitled, female workers are allowed maternity leave of 14 weeks paid at the full rate of their normal wage, in the form of a cash benefit. Female workers are also entitled to benefits in kind, which consist in full payment of medical and pharmaceutical expenses and hospital expenses related to delivery. Non-working women, who are the spouses of socially insured persons, are also entitled to benefits in kind under maternity insurance. In the case of unmarried mothers, these come under State protection and are admitted to hospital anonymously and free of charge. Their social

situation cannot prevent them from being employed and they are entitled to family benefits like all other workers.

174. Certain special protection measures related to maternity and their role within the family unit relate specifically to women. These include the exclusion of night work, or employment during legal rest days, exclusion from any work which is dangerous, insanitary or a danger to health, the suspension of employment in periods of pre- or postnatal leave, time allowed for breast feeding (two hours a day for the first six months and one hour a day for the following six months) and the right to full pay during maternity leave. In addition, workers' rights may be extended through collective bargaining in the workplace, where special agreements may allow advantages over and above legal rights specifically related to the type of activity involved. Collective agreements are negotiated by the representatives of workers and those of the employing organization.

175. Married working women are entitled to the benefit of social insurance as contributors. Their rights to social security are not affected in any way by their marital situation. There is no provision in the law, moreover, which prevents married women from exercising any form of working activity. In accordance with article 17 of Act No. 90-11 of 21 February 1990 on labour relations, all discrimination related to women's marital status is forbidden. They are also allowed further benefits such as the possibility of taking time off to raise a child under the age of five or to look after a child with disabilities.

Prevention measures

176. Algerian legislation (Act No. 88-07 of 26 January 1988 on health, security and health care at work) lays down a framework of prevention measures and the organizational framework within which these measures must be implemented. Five executive decrees have been promulgated, three of which establish the conditions which must apply to prevention at work. They are:

(a) Executive Decree No. 05-08 of 8 January 2005 on special rules applying to dangerous substances, products or preparations at the workplace;

(b) Executive Decree No. 05-09 of 8 January 2005 on works councils and persons responsible for health and security matters;

(c) Executive Decree No. 05-10 of 8 January 2005 establishing the attributions, composition, organization and mode of operation of the inter-enterprise committee on health and security;

(d) Executive Decree No. 05-11 of 8 January 2005 laying down rules governing the creation, organization and operation of the health and security service and its attributions;

(e) Executive Decree No. 05-12 of 8 January 2005 on specific health and security rules applying to the building, public works and water works sectors.

Compensation measures

177. A law was passed in 1966 and later updated in July 1983 on accidents at work. The compensation rates laid down in the 1983 law are currently applied, according to the terms set by the public authorities. Social security legislation on accidents at work and professional sickness provides for:

(a) Benefits in kind, which are refunded at 100 % of regulation tariffs whether work has been stopped or not, of unlimited duration if justified on medical grounds;

(b) Cash benefits, which are paid to the victim in the event of temporary incapacity. This daily allowance cannot be less than one-thirtieth of the monthly wage, less social security contributions and taxes. This allowance is also due in the event of a relapse or worsening of the person's condition after the return to work.

178. Accident victims receive a work accident allowance. This allowance is calculated according to the average wage on which the social security contribution is based. In the event of a relapse or an aggravation in the victim's state of health following the accident, the allowance may be reviewed by the social security organization.

179. In the event of a work accident followed by the death of the victim, an allowance is paid to the worker's beneficiaries (spouses, dependent children and dependent ascendants), who are also entitled to a lump-sum compensation immediately following the death of the victim. The allowance paid to beneficiaries amounts to 90 %, divided equally among the persons concerned.

Promotion measures

180. Act No. 90-11 of 21 April 1990 on labour relations allows a right to promotion and training in the course of employment (articles 6, 57, 60 and 61). This is an obligation for employers, which is confirmed in contractual agreements.

Rest, working hours, regular holidays with pay, paid public holidays

181. **Rest:** Act No. 90-11 (art. 15) protects the worker's right to rest. This provision is further specified in articles: 33 (weekly rest), 35 (weekly rest days and public holidays deemed legal rest days), 36 (compensatory rest). In its article 144, Act No. 90-11 imposes a fine of between 1,000 and 2,000 dinars for each of the workers concerned on any employer who fails to apply the law on legal rest periods.

182. **Legal working hours:** Ordinance No. 97-03 of 11 January 1997 determining legal working hours stipulates in article 2 that the legal working week amounts to 40 hours. In addition, under article 7 of that Ordinance, daily working time must not exceed 12 hours a day. According to Act No. 90-11, a bonus must be paid for all overtime hours, which must not be less than 50 % of the normal hourly wage (art. 32).

183. According to article 143 of Act No. 90-11: "Any person failing to observe the provisions of this Act, regarding the legal working week, daily working hours and the restrictions on

overtime work and night time work for young persons and women, shall be liable to a fine of between 500 and 1,000 dinars, for every offence and for each of the workers concerned.”

184. In addition, according to article 143 *bis*, any person failing to observe the provisions regarding exceptional overstepping of overtime hours shall be liable to a fine of between 1,000 and 2,000 dinars, for every offence and for each of the workers concerned.

185. ***Paid annual leave***: All workers are entitled to annual leave paid by the employer. Any decision on the part of a worker to forego all or part of his leave shall be null and void and without effect (art. 39 of Act No. 90-11 of 21 April 1990).

186. ***Paid public holidays***: Public holidays that are not worked but paid are laid down by the law (art. 34 of Act No. 90-11).

187. As part of the relation of employment, workers are also entitled to social welfare (art. 6 of Act No. 90-11).

Article 8: Right to form trade unions and right to strike

188. The freedom to form trade unions has not only been reaffirmed in the Constitution but is also regulated in Act No. 90-14 of 2 June 1990, as amended and supplemented by Act No. 91-30 of 21 December 1991 and Ordinance No. 96-12 of 6 June 1996. The Act recognizes the right of wage earners in the private and public sectors to form trade union organizations that are independent and separate from political parties.

A. Right to organize and right to strike

189. Article 56 of the Constitution recognizes that “all citizens have the right to organize”. That article serves as the basis for Act No. 90-14 of 2 June 1990 on the implementation of the right to organize.

1. Point concerning the right of workers to form a trade union

190. The above-mentioned Act No. 90-14 states in article 2: “Both wage earners and employers, in the same professions, branches or sectors of activity, have the right to form trade union organizations in order to protect their moral and material interests”.

191. Article 3 of the same Act states that: “Both wage earners and employers have the right to form trade union organizations or to join existing trade organizations freely and voluntarily subject only to complying with the legislation in force and the statutes of those organizations”.

2. Right of trade unions to form or to join federations, national confederations or international trade union organizations

192. According to article 4 of that same Act: “The federations and confederations of trade union organizations shall be governed by the same rules as those that apply to trade union organizations”.

193. According to article 18 of Act No. 90-14 of 2 June 1990: “Subject to existing legislation and regulations, trade union organizations have the right to join international, continental and regional trade union organizations that pursue the same or similar purposes”.

194. Subject to existing legislation and regulations and proportionately to their representativeness, the unions, federations or confederations of wage earners and employers which are the most representative at the national level may be:

(a) Consulted in the fields of activity that concern them for the preparation of national economic and social development plans;

(b) Consulted with respect to the assessment and development of labour legislation and regulations;

(c) Represented on the governing boards of social security bodies;

(d) Represented on joint councils of the civil service (art. 39 of Act No. 90-14).

195. They may negotiate all conventions or agreements that concern them.

196. With regard to the conclusion of collective conventions and agreements, the tables below show data of the changes occurring in the numbers covered by collective labour conventions and agreements between 2002 and 2006.

3. Labour relations management instruments

(a) *Branch collective conventions*

<i>Years</i>	<i>Number</i>	<i>Numbers concerned</i>
Consolidated 1991/2001	22	660,711
2004	4	43,728
2005	4	42,225
2006	14	238,182
2007 (to 30 April 2007)	8	51,386
Overall total	52	1,036,232

(b) *Branch collective agreements*

<i>Years</i>	<i>Number</i>	<i>Numbers concerned</i>
Consolidated 1991/2001	21	568,039
2002	2	31,083
2003	5	54,539
2004	17	210,007
2005	5	43,858
2006	22	580,275
2007 (to 30 April 2007)	8	67,697
Overall total	80	1,555,498

(c) *Collective conventions for enterprises*

<i>Years</i>	<i>Number</i>	<i>Numbers concerned</i>
Consolidated 1990/2001	1,986	1,825,683
2002	107	28,459
2003	109	43,868
2004	100	68,916
2005	92	36,219
2006	111	30,812
Overall total	2,505	2,033,957

(c) *Collective agreements for enterprises*

<i>Years</i>	<i>Number</i>	<i>Numbers concerned</i>
Consolidated 1990/2001	9,115	2,438,167
2002	682	198,911
2003	759	190,939
2004	708	307,446
2005	549	327,015
2006	442	304,221
Overall total	12,255	3,766,699

197. In enterprises, trade unions enjoy facilities in the exercise of their trade union rights (arts. 46, 47, 47 *bis* and 48 of the Act), while article 49 of the Act indicates that the nationally

most representative trade union organizations of wage earners are entitled to receive State subsidies.

198. According to article 14 of the above-mentioned Act No. 90-14: “The management boards of trade union organizations shall be elected or re-elected in accordance with democratic principles and with existing statutes and regulations governing those trade unions”. Article 15 of the Act adds that: “Except in cases specifically referred to in the law, it is forbidden for any legal or natural person to interfere with the operation of a trade union organization”.

199. Elected officials are protected under the Act No. 90-14 of 2 June 1990, as amended and supplemented:

- (a) All discriminatory acts towards trade union representatives are forbidden (art. 50);
- (b) No disciplinary penalties may be applied with respect to the exercise of trade union rights (arts. 54 and 55);
- (c) The dismissal of a delegate will be revoked if it is established that the dismissal was effected in violation of the law (art. 56).

4. Number of unions and unionized workers

200. By the end of 2006, there were 77 trade unions of employers and wage earners covering several professions and sectors of activity. These unions may be divided as follows:

- 22 employers’ trade unions, including the three following confederations:
 - * *Confédération algérienne du patronat* (CAP) (Algerian Employers’ Confederation);
 - * *Confédération nationale du patronat algérien* (CNPA) (National Confederation of Algerian Employers);
 - * *Confédération générale des opérateurs économiques algériens* (CGOEA) (General *Confederation* of Algerian Economic Operators).
- 55 workers’ trade unions, with a reported coverage of 2.5 million wage earners.

5. Right to strike

201. The right to strike is a fundamental and constitutional right. According to article 57 of the 1996 Constitution: “The right to strike is recognized. It must be exercised in accordance with the law”.

202. The law may in fact forbid or limit the right to strike in areas related to national defence and security or to all public services or activities of vital interest to the community.

203. Act No. 90-02 of 6 February 1990, as amended and supplemented, concerning the prevention and settlement of collective labour conflicts and the exercise of the right to strike, contains a number of rules, including the following:

- (a) Prior implementation of preventive measures within the framework of the prevention of conflicts and conciliation system (arts. 4, 5, 6, 7, 8 and 9);
- (b) Initiation of mediation and arbitration procedures (arts. 10, 11, 12 and 13);
- (c) Penalty for denying the freedom to work (arts. 34, 35 and 36);
- (d) No sanctions may be applied to striking workers.

204. In addition, the law lays down the following conditions:

- (a) The strike must be approved collectively, by a majority of the workers holding a general meeting consisting of at least half the workers making up the group of workers concerned (art. 28);
- (b) Advance notice must be given of the strike (art. 29);
- (c) Areas where strikes are permitted: strikes are permitted provided that they comply with prior legal conditions.

205. In sectors where strikes are permitted, the law prescribes that a minimum service must be provided in the event of a strike. Articles 37 and 38 of Act No. 90-02 list the cases where the exercise of the right to strike is restricted and/or a minimum service must be provided to ensure the continuity of certain essential services or activities of vital importance. The following table gives data concerning the social climate for the period 2003 to 2006.

Strikes

<i>Year</i>	<i>Number</i>	<i>Persons affected</i>	
		<i>Overall</i>	<i>Implicated</i>
2003	23	219 657	83 919
2004	35	114 461	56 861
2005	23	27 207	16 873
2006	10	492 661	44 800

206. *Areas where strikes are forbidden:* Areas where strikes are forbidden are established by law., They concern the following services (art. 43):

- Magistrates;

- Officials appointed by decree or serving abroad;
- Security service agents;
- Active agents of civil protection services;
- Officials of the national transmission network services of the Ministries of the Interior and Foreign Affairs;
- Active customs officials;
- Officials of external services of the prison administration.

Article 9: Right to social security and insurance

Social security system

1. Social insurance

207. The system comprises all the branches of social security (nine altogether) referred to in the Conventions of the International Labour Organization (ILO) in this respect.

208. *Coverage* is automatically extended to:

- (a) All wage earners regardless of their sector of activity;
- (b) Unsalariated workers;
- (c) Certain “special” categories which are entitled to selected social security benefits with respect to social insurance and/or work accidents/professional sicknesses, such as students, persons with disabilities, vocational trainees, beneficiaries of the social safety net, etc.

209. More than 7 million insured persons and their beneficiaries are covered, equivalent to 80 % of the population. The social security scheme also covers:

- (a) At the State’s expense, deprived persons who have no health-care coverage;
- (b) Persons without social insurance coverage transferred for care abroad, when national health-care facilities are insufficient to provide local care.

210. Social security coverage is also extended to the beneficiaries of the principal *insured* person, including:

- (a) The spouse;
- (b) Dependent children aged under 18, or 21 in the case of students;
- (c) Dependent children suffering from disabilities who are unable to work;

- (d) Ascendants dependent on the insured person or the person's spouse;
- (e) Female persons with no income, regardless of age.

211. *Social* insurance schemes cover four risks:

- (a) Sickness;
- (b) Maternity;
- (c) Invalidity;
- (d) Death.

212. Regarding maternity insurance, the following benefits in kind and in cash are provided:

213. *Benefits in kind*: Expenses related to pregnancy, childbirth and after effects are refunded at the rate of 100 % of approved tariffs. Hospital expenses for mother and child are also fully refunded for up to eight days. The same rules apply to the entitlement to benefits in kind as for sickness.

214. *Benefits in cash*: Employed women having to stop work on account of maternity are entitled to a daily allowance equal to 100 % of the daily wage on which their contributions are based.

215. If all paid work is stopped during the benefit period, the insured person will receive a daily allowance for 14 consecutive weeks (six weeks prior to the presumed date of childbirth and eight weeks afterwards).

2. Retirement: Act No. 83-12 of 2 July 1983

216. The national pension scheme offers the following benefits:

- (a) Retirement pensions for workers on their own accounts;
- (b) Survivors' pensions, providing coverage for:
 - i) Surviving spouses;
 - ii) Orphans;
 - iii) Ascendants.

217. The retirement scheme allows the following benefits:

- (a) A direct retirement pension for workers reaching the minimum legal retirement age of 60 years for wage earners and 65 for non-salaried workers, who have contributed for at least 15 working years;

(b) Reductions in the case of working women: five years plus one year per child brought up for a period of at least nine years, up to a maximum of three children.

218. Workers who reach the legal retirement age without having completed the minimum period of employment (15 years) receive a pension allowance - at the age of 60 for wage earners and 70 for non-salaried workers - equal to at least the legal minimum retirement pension, which is equivalent to 75 % of the guaranteed national minimum wage.

219. Wage earners may also apply for a retirement allowance before the legal retirement age in some cases or for certain categories of persons. Workers may therefore be eligible:

(a) To a proportional pension at the age of 50 (45 in the case of women) if they has completed 20 years of activity (15 years in the case of women);

(b) To a retirement pension at any age, in the case of wage earners having completed 32 years of working activity.

220. The beneficiaries of a worker who has died while working receive a survivor's pension calculated on the basis of 15 years of working activity at least.

221. The retirement pension scheme offers appreciable benefits, such as:

(a) A ceiling of 80 % (2.5 % per annum over 32 years);

(b) A floor allowance, indexed on the national minimum wage (75 % and 2.5 times the minimum wage).

222. In 2006, a national pension reserve fund was added to the retirement pension scheme. The fund's task is to manage the financial resources paid into it in order to build up reserves designed to ensure the viability and continuity of the national retirement pension scheme.

223. The fund's resources are made up essentially of a fraction of oil revenues and the surplus of social security funds.

Article 10: Protection of the family, children and young persons

224. The family enjoys the protection of the State and society (Article 58 of the Constitution). Article 2 of the Family Code defines the family as "the basic unit of society. It is composed of persons united by the bonds of marriage and kinship". Article 65 of the Constitution states that: "The law endorses the duty of parents to bring up and protect their children."

225. Matters relating to the custody of the children of a separated couple are dealt with in articles 62 to 72 of the Family Code. Articles 74 to 80 deal with maintenance and alimony. Failure by the parents or negligence on their part or that of others to fulfill their duty to protect children is dealt with in the Criminal Code in sections concerning the exposure and abandonment of children and disabled persons (arts. 314 to 320 *bis*), offences impeding the identification of a child (art. 321), abduction or refusal to hand over a child (art. 326 to 329 *bis*), desertion of the

family (arts. 330 to 332), total or partial loss of custody rights (art. 9 *bis*) and offences against morality (art. 334 to 338 *bis*).

226. Article 4 of the Family Code defines marriage as a contract concluded between a man and a woman in legal form. Among its purposes is to found a family based on affection, kindness and mutual help, to provide moral protection for the spouses and to preserve family ties by safeguarding the interests of the family, protecting the children and ensuring their healthy upbringing (arts. 4 and 36 of the Family Code).

227. It is therefore natural that children should live with their parents, unless the best interests of the child provide grounds or justification for separation. No child may be separated from its family or parents except by the decision of a judge.

228. Article 1 of Ordinance No. 72-03 of 10 February 1972 relating to the protection of children and young persons prescribes that: “Minors under the age of 21 years whose health, security, morals or education are endangered, or whose living conditions or behaviour may jeopardize their future, may be subject to protective and educational assistance measures”:

(a) Only a juvenile judge may impose a protection and assistance measure in respect of children covered by this law (arts. 2 and 3);

(b) Interim custody of the child may be decided upon by the juvenile judge (arts. 5 and 6). The judge may change or defer these measures at any time, at the request of the minor, his parents or the public prosecutor;

(c) “Once the investigation has been closed and the public prosecutor has received the file, the judge shall summon the minor and his parents or guardian, as well as any other person whose views are deemed relevant” (art. 9). “He shall make every effort to obtain the support of the minor’s family for the procedure adopted”;

(d) The juvenile judge shall issue his ruling in chambers;

(e) “When a minor is placed, temporarily or definitively, with a third party or in one of the establishments indicated in article 11 of this Act, the parents, who have an obligation to provide for his needs, must contribute to his maintenance, unless poverty can be demonstrated” (art. 15).

229. According to article 59 of the Constitution concerning disabled persons: “Citizens who are under working age or who can no longer or will never again be able to work are guaranteed satisfactory living conditions”. With regard to the duties of citizens, the Constitution includes in its Chapter 5 a series of provisions concerning the family and society. Article 65 in particular provides that: “The law recognizes the duty of parents to educate and protect their children, as well as the duty of children to help and assist their parents”.

230. With regard to health insurance, the social security system applies not only to wage-earning or non-salaried individuals, but also to certain categories of the population, such as persons with disabilities, students, and trainees and apprentices undergoing vocational

training. Children in the *kafalah* (adoption) system qualify in the same way as legitimate children.

231. This system is supplemented by State family benefits for wage earners with dependent children and benefits offered by mutual associations and company welfare facilities:

(a) Assistance to particularly low-paid workers, involving two forms of aid and support: first, State benefits, and second, welfare benefits for the disabled, children without families and disinherited, infirm and incurable elderly people. This latter category accounts for 0.3 % of the State budget;

(b) In 1994 a new arrangement, the so-called “social safety net”, was put in place. This is a form of social protection for the less well-off, giving priority to households and people living alone in difficult financial circumstances or without income, in socially vulnerable situations. The first sort of aid, which takes the form of a lump-sum solidarity allowance, is for heads of families or people living alone aged over 60 and disabled people who are unfit for work. The second type of aid, an allowance for the performance of community service, is granted to heads of family of working age. This allowance, which is equivalent to 52.5 % of the guaranteed national minimum wage, is paid to heads of families with children.

232. Other benefits include social security, which also covers the cost of prosthetic appliances; and assistance provided by local community welfare services, the Algerian Red Crescent and associations.

Special measures of protection and assistance for children and young persons (in the field of labour)

233. The minimum working age is 16 years, except in the case of contracts of apprenticeship. Working minors may not be employed on dangerous, insalubrious tasks which may be harmful to the minor’s health or morality (art. 15 of Act No. 90-11).

234. In addition to existing legal provisions, employers must ensure that tasks given to women, minors or workers with disabilities do not require efforts in excess of their capacity (art. 11 of Act No. 88-07 of 26 January 1988 on health, security and health care at work).

235. Employers who breach legal provisions protecting children are liable to prosecution.

236. Act No. 90-11, in article 140, imposes sanctions on all persons in breach of legal provisions related to the recruitment of workers in the following terms: “Except in cases of apprenticeship contracts drawn up in accordance with the existing legislation and regulations, any recruitment of a young worker below the minimum legal age shall give rise to a fine of between 1,000 and 2,000 dinars. If the offence is repeated, the penalty may be a prison sentence of between 15 days and two months and/or a fine of up to twice the amount referred to above”.

237. According to article 28 of Act No. 90-11: “Neither male nor female workers under 19 years of age may be employed on night work”.

Training for minors

238. Act No. 81-07 of 27 June 1981 on apprenticeships includes the following provisions:

(a) All employers must offer vocational training to young people in the form of apprenticeships (art. 7);

(b) Apprenticeship contracts must be drawn up and signed by the employer, the apprentice and his or her legal guardian, if the apprentice is a minor (art. 11).

239. The minimum age required to become an apprentice is 15 years (art. 12). During their apprenticeship, apprentices receive a pre-wage, which is paid by the State for a period of between six and 12 months, after which the pre-wage may increase and is indexed on the minimum wage. It is paid by the employer (art. 16).

Article 11: Right to housing and an adequate standard of living

240. The Algerian Government has endeavoured to achieve a steady rise in the standard of living of its citizens. The success of this endeavour depends on an equitable distribution of the benefits of development and a judicious assignment of resources, in order to meet the needs of citizens and express solidarity with the most deprived.

241. For example, under the 2005/2009 economic growth plan and additional programmes in favour of the South and the high plateaus worth over US\$100 billion, Algeria proposes to produce 1,200,000 housing units.

242. The housing sector received a budget of DA 555 billion, equivalent to US\$ 5.5 billion over five years. It is worth recalling that for the period 1999-2004, 810,000 new housing units were supplied. With these new additions, the occupancy rate fell from 7.2 in 1998 to 5.34 by the end of 2005, and is expected by the end of 2009 to have fallen to less than 5 persons per housing unit.

243. The Government has continued to provide low-income families with full direct support through the allocation of subsidized rental accommodation. It has also set aside housing for their benefit and has introduced an aid scheme for families seeking to own property in rural and urban areas.

244. As part of its national solidarity effort, the State has developed a policy of direct income support for deprived persons and families. This policy is based on:

A. The social safety net

245. The social safety net consists of two benefits paid from the State budget:

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

(b) *The community service benefit*, granted to persons with no income and heads of household with no income in return for their participation in activities of public interest organized by local authorities for 8 hours a day on 22 days a month. Appropriations for this activity amounted to DA 51.4 billion, the equivalent of US\$ 676,315,789.6, for the period 1999-2006. Women account for 38.8 % of the beneficiaries.

B. Social welfare

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

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

248. Needless to say, the poverty rate, which had risen from 1988 to 1995, declined significantly thereafter, to 14.1 % in 1995, 12.1 % in 2000 and 5.7 % in 2005. Benefits have included:

(a) Direct financial assistance, including support for education and training (scholarships, university activities), measures to help the most underprivileged population sectors (social safety net, youth employment), as well as family benefits, pensions and retirement pensions;

(b) Indirect financial assistance, including price support measures, as well as subsidies to the health sectors and social welfare institutions;

(c) Social security benefits and financial support for business-based or community-based social welfare work.

C. Access to health care

249. Access to health care is aimed primarily at disabled persons and beneficiaries of the social safety net affiliated to the social security system. The benefits are entirely paid for by the State:

(a) The Social Insurance Act (No. 83-11) establishes the principle that social security is to be made available to all disabled persons who are out of work. Persons with disabilities are thus insured under the social security system and receive benefits in kind. The allowance for each disabled person is 5 % of the national guaranteed minimum wage (SNMG);

(b) The Social Development Fund finances the social insurance contribution payable by beneficiaries of the social safety net, amounting to 6 % of the national guaranteed minimum wage;

(c) Non-contributors to social insurance who are both deprived and chronically sick are granted free provision of essential medicines. Thus, 73 medicines for the treatment of eight pathological conditions (cancer, asthma, psychiatric disorders, endometriosis, metabolic disorders, diabetes, etc.) are available without charge under this scheme. The total amount spent under this head comes to US\$417,000;

(d) With regard to public transport, persons with disabilities who have no income are granted reductions and/or free travel on urban and inter-city rail and road transport.

250. Algeria has a very dense road network and an extensive schooling, training and education infrastructure. It has also achieved:

- Almost total electric power coverage (98 %);
- Considerable growth in its natural gas network;
- Coverage by the drinking water distribution network of 92 % (2007);
- Coverage by the sanitation network of 87 % (2007).

251. The economic recovery support plan (2005/2009) is scheduled to provide in addition:

- 500 lycées, 1,000 colleges, 2,000 canteens and semi-boardings facilities;
- 500,000 university places;
- 50,000 vocational training places;
- 40 hospitals;
- 10 dams, 10,000 km of new or renovated highways;
- Extension of the natural gas network to a further 1,200,000 households;
- Extension of the electric power grid to an additional 600,000 rural households.

Article 12: Right to health

252. The right to health protection as a constitutional right (art. 54 of the Constitution). Access to health services is guaranteed to everyone without discrimination; coverage is practically universal, reaching an estimated 98 % of the population. Access has been improved by the extension of health coverage in terms of infrastructures, staff, financing and a deliberate policy conducted by the public authorities.

A. Statistics

1. Infrastructures

253. Health coverage comprises:

- 192 public hospitals;
- 257 local public health-care establishments;
- 4,533 care dispensaries;
- 13 university hospital centres (CHU);
- 1 university hospital establishment (EHU);
- 32 specialized hospital establishments (EHS).

254. The health-care sector infrastructures provide a total of 57,665 beds, a ratio of 1.93 beds per thousand inhabitants (compared with 3.3 beds per 1,000 inhabitants in 1963).

2. Human resources (for the year 2005)

<i>Staff</i>	<i>Numbers</i>	<i>Ratios (pop. under 18)</i>	<i>Ratios (total population)</i>
Specialized physicians	11,534	1/1,011	1/2,240
General practitioners	19,260	1/606	1/1,708
Pediatricians	1,000	1/11,664	01/32,728
Pharmacists	6,104		1/5,389
General and specialized physicians	30,794		1/969
Dental surgeons	9,022		1/3,646
Paramedics	89,705	1/130	1/372
Incl. midwives	9,000		1/1,033 ^a

^a Ratio of midwives estimated for women of childbearing age.

3. Changes in staff (1998- 2005)

<i>Numbers/year</i>	<i>1998</i>	<i>2003</i>	<i>2005</i>
Practitioners (all types)	25,985	28,304	49,078
General practitioners	16,783	18,348	18,842

<i>Numbers/year</i>	<i>1998</i>	<i>2003</i>	<i>2005</i>
Specialized physicians	9,202	9,851	11,370
Pediatricians	687	865	1,000
Gynecologists	740	1,009	1,100
Dental surgeons	7,934	8,443	9,022
Pharmacists	4,278	5,693	6,104
Paramedical staff	86,241	86,205	89,705
Midwives	5,523	6,580	9,000

4. Overall health expenditure

<i>Indicators</i>	<i>1979^a</i>	<i>1999</i>	<i>2005</i>
Per capita GDP (US\$)	1,774	1,623.3	3,219
Health expenditure as % of GDP	3.6	3.7	4.37
Public health expenditure as percentage of health expenditure	71.3	71.9	74.3
Social security expenditure on health as percentage of public health expenditure	38.5	40.8	45.1
General public health expenditure as percentage of total public expenditure	7.7	9.0	9.1
Per capita health expenditure (US\$)	66 ^b	61	141

^a Earlier data not available.

^b Dollar exchange rate equals 3.8 in 1979 and 66.5 in 1999.

B. National policy regarding access to health care

1. Access to health care according to data of the Algerian national living standards measurement study (LSMS)

255. The distribution of non-food expenditure shows that, for all households surveyed, housing comes top of the list (23.6%), followed by transport and communication (16.45%) and health care (15.9%). In terms of quintiles, comparing quintiles 1 and 5, it may be noted that households in the fifth quintile spend nearly half their budget (49.4%) on non-food expenditure compared with 31.57 % for households in the first quintile, which is a difference of nearly 20 percentage points. With regard to access to health care services, it may be noted that:

(a) Hospitals, which in the hierarchy of health care represent the top of the pyramid, are the health facility most used by households (18.15%). Moreover, access is distinctly easier for the more deprived sectors (24.06 % for the first quintile and 15.17 % for the fifth quintile).

(b) Dispensaries are used on average by 2.32 % of households; health centres by 3.50 %; polyclinics by 7.52 % of households; and maternity wards by 4.75 %. Private clinics are used by only 0.65 % of households (0.40 % for the first quintile and 0.81 % for the fifth quintile).

256. In other words, hospital facilities are definitely more accessible and more used (18.15%) than non-hospital facilities (13.32%). Private facilities are very uncompetitive in terms of the availability of services and the offer of care.

257. It would appear, therefore, that the hierarchy of health care ranging from dispensaries and/or rural maternity wards up to hospitals does not apply as far as the supply of health care is concerned. In practice, people are free to consult the public facility which seems to them most attractive and most secure. Thus public hospitals, which generally have the greatest numbers of specialized doctors, are the most visited and therefore do not serve as references for specialized health care.

A new health map has been drawn up largely as a result of these discrepancies in the offer of health care (see report).

258. Regarding the reasons for the failure to use health facilities:

(a) *Distance* is mentioned by 22.6 % of households where hospitals are concerned; according to quintiles: 31.9 % for quintile 1 and 19.3 % for quintile 5. In the case of polyclinics, distance is mentioned on average by 17.1 % of households (25.5 % of households in the first quintile and 16.9 % of households in the fifth quintile);

(b) *Cost*: only 3.7 % of households on average (for all five quintiles) mention cost as the main reason for not using a polyclinic. However, according to quintiles, 8.3 % of households in the first quintile and 1.8 % in the fifth quintile mention this aspect.

259. In the case of hospital care, the question of cost is mentioned by 9.9 % of households in the first quintile and 4.1 % for the fifth quintile (an average of 6.4 % for all five quintiles).

260. In the case of private clinics, costs concern on average 11.7 % of households. There are no significant differences from one quintile to the other (7.7 % for the first quintile and 7.1 % for the second quintile).

261. The question of costs hardly arises at all in the case of public services. This is because all medical services are free of charge in the public sector. Patients pay only a token contribution to hospital fees (100 dinars/day, equivalent to US\$ 1.5/day).

262. Costs may be incurred:

(a) Either for the purchase of certain medicines which are not available in the establishments themselves, but which are systematically refunded by the social security or supplied by approved pharmacists in the case of impecunious persons who do not have social insurance;

(b) Or for transport costs owing to the distances that need to be travelled to reach the health care facilities, especially in the case of hospitals which may be some distance away from small localities.

263. As far as access to medical staff is concerned, 11.04 % of households consulted general practitioners and 13.06 % specialists.

2. National health system and reforms

264. From independence until the end of the 1990s, the national health system was based largely on the public sector and on the provision of preventive and curative care free of charge, which ensured equity in terms of access to care, in accordance with article 67 of the Constitution.

265. The structuring of the national health system around the health care sector, as the basic component of the public service, was confirmed by the launch in the 1970s of national health care programmes, including the National Programme for Mother and Infant Protection. This led to the development of a basic health-care infrastructure made up of medical units and hospital establishments and a comprehensive range of basic services. Public access to care was significantly improved as a result, especially in rural areas, and this is reflected in the national indicators showing the progress achieved in the last two decades.

266. In recent years, the consolidation of gains already achieved in the health sector and the attainment of objectives planned for 2015, in accordance with the Millennium Development Goals, are built into the reforms undertaken in the health sector. The aim of these reforms is:

(a) To improve the quality of services and the efficiency of health-care establishments, and of the national health system in general;

(b) To reduce differences and inequalities between regions and *wilayas*.

267. Thanks to support plans, national economic growth policies and the health sector's development programme, the regions have obtained additional infrastructures and human resources with the assignment of specialists in the four areas designated as basic specialties, namely obstetric gynecology, pediatrics, general surgery and internal medicine.

268. The reforms of the health sector, aimed at tackling the problem of meeting the costs of health care, in a publicly oriented sector, gave rise to the need to introduce a specific legal, regulatory and organizational system making it possible to apply the reforms, through a revision of the statutes of public health-care establishments, the construction of new health-care establishments, the introduction of analytical accounting and the encouragement of public and private partners to participate in health-care expenditure (through the registration of private hospitals). The aim was at the same time to meet an increasing need for health-care services, due

to the epidemiological and demographic changes occurring in the country, and to ensure a balance between the quality of benefits and the cost incurred, subject to the inalienable principle of guaranteeing equity and equality among citizens with regard to access to health care.

269. Steps were taken to incorporate the private sector in order to supplement the supply of health-care services by the public sector. In this respect, the principle of equity will be further consolidated with the introduction of a new nomenclature for all medical acts and new tariffs insofar as the facilities provided by the liberal sector will also be accessible to social security beneficiaries.

270. Executive Decree No. 07-140 of 19 May 2007 introduced a new health map, which reorganized the health-care system on the basis of public hospitals and polyclinics with the status of local public health-care establishments.

271. This led to the creation of 257 local public health-care establishments. The objective is to ensure the qualitative improvement of basic services by optimizing the technical facilities of local public establishments with the addition of basic specialties and to set up a structure made up of different levels of health care. The decree also ensured the financial autonomy of the establishments in order to ensure that financial resources were more equitably distributed in favour of local health-care services.

272. In addition, the health-care system is expected to adapt to the new requirements of the preventive and curative plan dealing with sicknesses arising from the epidemiological and demographic transition occurring in the country, especially with respect to the treatment of cardiac and cardiovascular diseases, cancer and other emerging pathologies. The main concern is to ensure equitable access to highly specialized health care, which will entail the creation of regional specialized centres and national reference centres in the above-mentioned areas of treatment by the year 2009 within the sector's overall development plan.

C. Health-care programmes

1. Mother and child health

273. Mother and child health is now ranked as one of the national priorities in the area of health. The legal and regulatory basis is provided by Act No. 85-05, amended and supplemented in 1990, concerning health promotion and protection. This Act includes:

- (a) Measures for the protection of mothers and children (arts. 67 to 75);
- (b) Measures to ensure health protection in education (arts. 77 to 82);
- (c) Measures to protect persons in difficulty (arts. 89 to 95);
- (d) Treatment for persons suffering from mental disorders (arts. 103 to 149);
- (e) Family planning, aimed at ensuring a harmonious equilibrium within the family and preserving the life and health of the mother and child.

274. As far as quantitative objectives are concerned, the mother and child programmes have been improved within the framework of health sector reforms.

275. The planned improvement in the supply of obstetric care has taken the form of:

(a) The allocation of additional financial resources for the upgrading of the technical facilities of maternity wards in order to make the treatment and referral standards of hospital services fully operational;

(b) Plans to open five specialized hospital establishments for mothers and children (including three for poorer regions);

(c) The recruitment of obstetric gynecologists in accordance with the human resource management plan;

(d) The introduction of a specialized *certificat d'études* (school certificate) in obstetric gynecology for the benefit of general practitioners in order to improve the health-care coverage of underprivileged areas.

276. For children, the strategies and programmes are intended to fit within the general framework of minimum development targets for the year 2015, in accordance with the provisions of the Convention on the Rights of the Child.

277. The result of the significant advances achieved in terms of reducing morbidity and mortality arising from exogenous factors, which took place in the past decade thanks to the national programme to combat infant mortality, is that at present the neonatal period, which depends to a great extent on conditions of delivery, the treatment of high-risk pregnancies and endogenous factors, is looked upon as a critical period in the life of the child. Maternal and perinatal health has therefore been included among the priorities of the country's health policy for 2009 and has been highlighted in the health sector guidelines for 2025.

2. Perinatal health

278. The national perinatal programme was launched in 2005, with political backing at the highest level. It was accompanied by the publication of an executive decree normalizing the organization and operation of neonatology and perinatal health care (Executive Decree No. 05-435 of 10 November 2005).

279. The implementation, monitoring and continuous evaluation of the perinatal programme are the responsibility of a national advisory commission with powers of enforcement, placed under the direct authority of the Minister in charge of health and population.

280. The programme covers a period of three years (2006-2009) and is aimed at providing care for mother and infant and reducing neonatal risk, inherent in pregnancy-related pathology, during childbirth and in the post-partum period. The objectives are to reduce perinatal mortality by 30 % and maternal mortality by 50 %, by the following means:

(a) The prevention, screening and effective treatment of diabetes and high blood pressure during pregnancy, which are common pathologies. These measures are part of the new system of specialized standard consultations conducted by a multidisciplinary medical team and based on appropriate screening and guidance;

(a) Reducing rhesus incompatibility between mother and fetus;

(b) Standardizing obstetric supervision with a view to reducing maternal mortality related to complications due to hemorrhaging at delivery by 30 %;

(c) Standardizing delivery wards and structuring neonatal care services on different levels (basic general care, neonatal reanimation and intensive care) pursuant to the above-mentioned decree.

281. With regard to prevention, the programme also advocates breast feeding by the mother and improved relationships between mothers and their newborn children. It may be worth mentioning in this respect:

(a) The reactivation of the “Baby-Friendly Hospitals” Initiative, which Algeria had joined in 1991, by ministerial order of June 2006, supplementing the order of 1997;

(b) The creation of “kangaroo” units in the maternity clinics as a means of improving the care given to low-weight premature infants in cases where there are no medical objections to that type of treatment.

3. Early childhood

282. Out of the 24 national prevention programmes, eight specifically target early childhood: the Extended Programme of Immunization (EPI); Acute Respiratory Infections (ARI); diarrheal diseases; Acute Articular Rheumatism (AAR); perinatal health and neonatal nutrition; domestic accidents; trachoma; and cerebrospinal meningitis.

283. The general objectives consist in reducing the worst forms of these pathologies, their complications and particularly the resulting mortality. In the case of the EPI programme, the main objectives are the eradication of poliomyelitis and the elimination of measles, diphtheria and neonatal tetanus. These objectives rely on the implementation of strategies adapted to the target diseases. Vaccination coverage for all types of vaccines is above 80 %. It is as high as 98 % for BCG and 96 % for diphtheria, tetanus, whooping cough and poliomyelitis (DTwP).

284. A move was made in 2002 to improve EPI by adding anti-hepatitis B vaccination at birth. Coverage for anti-hepatitis B vaccination (for 2005) was: HBV1 97 %; HBV2 92 %; and HPV3 83 %.

285. Vaccination-controllable diseases are no longer a major health problem, as shown by annual rates of incidence, which are particularly low for all those types of diseases. Apart from measles, which showed epidemic tendencies in 2003, in older age groups than those targeted by the programme, epidemiological trends have been stable since the start of the decade.

286. No case of poliomyelitis has been reported since 1997. The main feature involved in monitoring this disease is the investigation of all cases of acute flaccid paralysis (AFP) in children under the age of 15.

EPI disease trends

<i>Diseases</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Measles: Incidence per 100,000 inhabitants	7.46	34.51	11.28	8.97	18.88	50.02	9.14	7.70
Tetanus: Total reported cases	38	34	10	-	-			0.06
Neonatal cases	27	19	10	15	4	3	4	
Diphtheria: Incidence per 100,000 inh.	0.12	3.49	0.01	0.01	0	0.02	0.02	0.02
Whooping cough: Incidence per 100,000 inh.	0.10	0.04	0.01	0.46	0.18	0.07	0.02	0.06
Poliomyelitis: Number of declared cases	2	1	0	0	0	0	0	0

4. Nutritional status of the child

287. The low weight index measures past and recent malnutrition. This index has been measured at regular intervals in national surveys conducted within the framework of the periodic evaluation of the plan of action for children, following on the World Summit for Children – Today's Children, Tomorrow's World (29-30 September 1990). Three surveys have been carried out according to the international MICS standard protocol (multiple indicators cluster survey) under the aegis of UNICEF, namely the mid-decade survey (MDG1995), the end-decade survey (EDG 2000) and the most recent one, MICS 3, in 2006.

288. The favourable trend of the index reflects both the general improvement in public health, as shown by the above-mentioned main indicators, and the behaviour of individuals with regard to nutrition and health, as a result of the information and communication measures introduced in support of the national programmes. The index also shows the very significant drop in disorders occurring in socio-economically weak countries, including particularly diarrhoeal diseases and respiratory infections, which might, on account of their frequency, recurrence or seriousness, expose children to malnutrition.

Low weight index trend (national survey data)

Indicator P. 100	1995 MDG	2000 EDG	2006 MICS3
Moderate low weight (%)	10	6	3.7
Serious low weight (%)	3	1.3	0.6

289. This favourable trend in the malnutrition index among children under the age of six is confirmed analytically by the trend of general data concerning poverty in the population obtained from household consumption surveys carried out by the National Office of Statistics and Living Standards Measurement Studies (LSMS), the last of which was carried out in 2005. It is also confirmed by data on general health improvements, as illustrated below.

5. Maternal health

290. In 2005, the maternal mortality rate was estimated at 96.5 per 100,000, compared with 230 per 100,000 in 1989 and 117 per 100,000 in 1999. Nevertheless, the latest ratio is still unacceptable, especially since large discrepancies are reported between the *wilayas* and regions, reflecting persisting disparities in terms of health coverage among the poorer regions.

291. The prenatal care aspect of the health-care coverage of women has distinctly improved, thanks to the higher proportion of prenatal consultations, the coverage of women for anti-tetanus vaccination and the proportion of deliveries in assisted facilities.

Prenatal health-care coverage of women

Rate %	1992	2002	2005
Prenatal monitoring	58%	81%	86.6%
Anti-tetanus vaccination	11	44	58
Assisted delivery	76	91.2	95.4

Maternal mortality ratio

Indicators	1992	1999	2004	2005
Maternal mortality ratio (per 100,000)	215.0	117.4	99.5 (e)	96.5
1992 and 1999: survey data; 2004-2005: estimated data				

6. Health of young persons and adolescents

292. In a multisectoral approach involving associations, services are offered to young persons and adolescents as part of a special programme including 1,463 screening and monitoring units and 100 preventive medicine units in universities.

293. This programme, which is aimed at promoting healthy behaviour among young persons and adolescents, has led to the creation of a "Friends of Young People" Centre in the capital. This is a pilot experiment, supported by the United Nations Population Fund (UNFPA), which aims to supply a complete range of high-quality, comprehensive, confidential services to young people of all categories, including marginal youngsters in difficulty.

294. This measure has been supported by the training of multidisciplinary teams, which so far include: 1,718 doctors; 1,503 dental surgeons; 415 psychologists; 2,091 paramedical staff and the training of instructors in reproductive health.

295. School health programmes involve the screening and treatment of childhood pathologies, sensory deficiencies, psychological imbalances and violence. It is also worth noting the implementation of a programme to prevent dental caries with a fluoridation campaign in schools, besides the routine implementation of the national health programmes and remedial vaccination campaigns.

7. Mental health

296. Mental disorders account for 6 % of the causes of disabilities. In the population as a whole the incidence of mental disorders has been estimated in surveys at 0.5 %. Following the international recommendations of the World Health Organization (WHO), Algeria initiated a national mental health programme in 2001, which placed the emphasis on prevention and the introduction of rehabilitation mechanisms, communication and health education. The programme led to the creation in 2002 of Intermediary Mental Health Centres as part of basic services with a view to improving access to care and to ensuring a better management of medicines. Since the programme was launched, preventive mental health care and the treatment of high-risk conditions have been incorporated within the school and university health programme, over and above actions taken by the association movement and other State sectors. For the next three years, the system of curative and preventive care will be strengthened with the inclusion of the private sector (psychiatrists), in view of the relatively high number of existing private consultancies (160 consultancies), the intensification of awareness and information campaigns, the promotion of partnerships, and cooperation with other sectors concerned. The objective has also been to extend these facilities effectively to the treatment of drug dependence in close cooperation with the Drugs and Drug Dependency Office and other sectoral departments.

297. The strategies currently in place concern:

- (a) The organization of mental health care giving priority to the decentralization of primary health care and a community approach, combined with a greater availability of medicines;
- (b) The adaptation of mental health legislation to the situation prevailing in the field and to the new form of organization;
- (c) The development of programmes aimed at preventing mental and neurological disorders;
- (d) The psycho-social rehabilitation of persons experiencing psychic suffering resulting from violence;
- (e) Social information campaigns to educate the public and professionals and the association of communities and families.

(a) *Organization and availability of treatment*

298. An effort to reorganize health-care facilities was undertaken with the passing of Ministerial Order No. 13 of 24 September 2001 on the improvement and decentralization of mental health care, allowing priority to the following measures:

(a) Accessibility of mental health care, which must be kept as close as possible to users and patients;

(b) The continuity and structuring of care facilities.

299. In particular, this order called for the opening of small psychiatric units in general hospitals, the organization of intermediary mental health centres and improved management of treatment and medicines.

300. An assessment of the implementation and operation of the new system gave the following results:

- Opening of 188 intermediary mental health centres in all the country's *wilayas* over three years. In these centres, 81 consultations were given by a psychiatrist, 138 by a general practitioner and 132 by a psychologist. The services of 32 social workers were provided, as well as those of 103 State-registered nurses and 68 qualified nurses.

Supply of psychiatric care in health establishments

<i>Health establishments</i>	<i>Number of beds</i>	<i>Number of psychiatrists</i>	<i>Psychiatric nurses</i>
University hospital	1,162	50	297
Specialized hospital establishments	2,879	119	1,094
Health sector hospitals	681	27	82
Total	4,722	196	1,473

301. According to plans for the development of the health sector, 32 new specialized hospital establishments should be opened for mental health by the year 2009, in addition to the existing 13 existing hospital establishments specializing in psychiatry.

(b) *Evaluation of mental health activities*

302. The activities of psychiatric services and hospitals were evaluated as follows over a three-year period:

<i>Year</i>	2002	2003	2004	2005
Number of emergency psychiatric consultations	46,647	31,102	31,447	44,872
Number of external psychiatric consultations	54,914	221,240	164,028	330,267
Number of psychological consultations	12,051	94,194	218,160	105,348
Number of open service hospitalizations	-	14,273	10,768	9,349
Number of cases of compulsory observation	-	1,388	731	2,798
Number of administrative placements	-	967	1,005	796
Number of court ordered internments	-	512	509	535
Number of prescriptions issued	-	184,670	162,133	192,232

(c) *Evaluation of the number of desocialized mental patients cared for*

303. In 2002, a system was instituted to look after vagrant mental patients, and 3,919 desocialized mental patients were put in touch with a mental health service.

(a) 312 desocialized mental patients were put in touch with social workers;

(b) 428 desocialized mental patients were transferred from mental health services to the social welfare services for after treatment;

(c) 645 desocialized mental patients were returned to their original home environment.

(d) *Evaluation of the number of victims of violence cared for*

304. A programme has been launched to deal with victims of violence, including the provision of training for personnel and material support for reception facilities.

Objective analysis of results for 2004:

Number of cases	Boys	2,894
	Girls	2,060
	Men	3,182
	Women	3,296
Number of cases diagnosed	Acute stress factor reaction	1,324
	Temporary post-traumatic stress condition	2,028
	Lasting post-traumatic stress condition	1,283
	Lasting personality change	961

Number of cases by type of treatment	New cases	2,239
	Counselling	1,003
	Follow-up interviews	3,894
	Discussion groups	1,395
	Network meetings	185
	Other	476
Prognosis	Good	3,813
	Average	774
	Bad	2,248

STD/HIV/AIDS

<i>Indicators</i>	<i>2000</i>	<i>2002</i>	<i>2004</i>	<i>2005</i>
<i>HIV/AIDS (number of cases at 31 December) (%)</i>	<i>1,533 (0.00500)</i>	<i>1,861 (0.00592)</i>	<i>2,363 (0.00731)</i>	<i>2,608</i>
<i>Including women aged 15-49 (%)</i>	<i>248 (0.00314)</i>	<i>329 (0.00374)</i>	<i>683 (0.00714)</i>	<i>205</i>
<i>Children aged 0-14 (%)</i>	<i>48 (0.00048)</i>	<i>62 (0.00062)</i>	<i>81 (0.00081)</i>	<i>22 0.00022</i>

305. Algeria is one of the countries with a low epidemiological profile and a rate of seroprevalence of the order of 0.1 %. After the first case was diagnosed in 1985, at 31 December 2005 the National Monitoring Laboratory noted 700 cases of AIDS disease and 1,908 seropositive cases. According to the breakdown of AIDS cases by age and sex, the 0-19 age group accounted for 4.28 % of cases with a male/female ratio of 3/2.

306. The predominant form of transmission was heterosexual (45.29%). Women of childbearing age are increasingly infected (one third of cases) and in practice constitute a particularly vulnerable group, alongside young persons. A special effort is being made, therefore, to prevent transmission from mother to foetus (1.82%) at the time of delivery, and to reduce the exposure to risk of young persons as part of the reproductive health and school and university health programmes run jointly with the association movement.

307. In addition, 51 anonymous, free-of-charge screening centres have been opened scattered among the country's *wilayas*.

308. Institutional care facilities were considerably expanded during the 1990s, with measures that included the creation of the National Blood Agency in charge of the security of blood

transfusions and the introduction of mandatory controls of blood donations and blood by-products throughout the national territory; the creation of six referral centres for the treatment of HIV/AIDS infections; and the supply of antiretroviral drugs free of charge in the referral centres. These institutional measures were accompanied by:

- (a) The training of resource persons (250) in the management and planning of the fight against HIV/AIDS;
- (b) Completion of the strategic planning process, conducted as part of a multisectoral approach including national NGOs, the UNAIDS thematic group and other United Nations agencies;
- (c) The accession of Algeria to the Global Fund to Fight AIDS with the development of sectoral operating plans for the period 2003-2006.

309. These plans cover four areas of activity: (a) prevention among vulnerable groups; (b) care for persons living with HIV/AIDS; (c) mobilization of associations and communities; (d) greater awareness of epidemiological trends through seroprevalence and behavioural surveys.

C. Improving the collection of data: studies and research

310. Questions related to health, including reproductive health and causal factors, and questions related to violence have loomed large in studies and research undertaken with a view to improving the collection of data and determining the right strategic approach in the area of health and development for the various sectors of the population.

311. A similar approach has been taken with regard to the collection and regular analysis of civil status and census data (four census surveys have been carried out in Algeria). In the area of study and research, following the evaluation of world objectives established successively in 1990 and then in 2002 by the two World Summits for Children, Algeria has regularly carried out evaluations of the progress achieved, focusing in particular on the health of mothers and children (in the MDG 1995 and EDG 2000 surveys) and on the health of the family (EASF 2002). The third and last such survey was the Multiple Indicators Cluster Survey (MICS3) carried out in July 2006. The protocol of that study, in accordance with international recommendations, contains specific modules on domestic violence and violence in the school environment, domestic accidents and the exploitation of children for economic purposes (child labour). It is also worth mentioning the national survey carried out in 1999 on maternal mortality, which consisted in an exhaustive census of all maternal deaths recorded during the study year.

1. Morbidity in the 0-14 and 15-19 age groups

312. The prevalence of chronic disorders is 2.6 % in the 0-14 age group and 4.0 % in the 15-19 age group. The main pathologies in descending order include asthma (0.6 %), acute respiratory infections (ARI) (0.4 %) and cardiopathy (0.2 %).

2. Water-transmitted diseases

313. The epidemiological status is stable. Water-transmitted diseases, which used to be a major public health problem, have been mastered thanks to multisectoral measures, dealing in particular with water resources and with local authorities. No case of cholera has been reported since the mid-1990s. The relative persistence of typhoid is confined to occasional and localized outbreaks.

<i>Year</i>	<i>Cholera</i>		<i>Typhoid</i>	
	<i>Number of cases</i>	<i>Incidence/ 100,000 inh.</i>	<i>Number of cases</i>	<i>Incidence/ 100,000 inh.</i>
1995	05	0.01	4,304	15.06
1996	0	0	3,969	13.45
1997	0	0	3,957	14.06
1998	0	0	3,017	9.66
1999	0	0	2,735	9.07
2000	0	0	2,639	8.52
2001	0	0	1,612	4.96
2002	0	0	2,411	8.33
2003	0	0	741	2.31
2004	0	0	1,090	3.40
2005	0	0	1,439	4.49

3. Tuberculosis

<i>Year</i>	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
New cases of PTB+	6,784	5,735	6,556	7,740	7,462	7,845	8,050	7,998	8,256	8,549	8,141	8,507
Rate per 100,000 inh.	48.7	48.7	54.1	57.3	52.5	55.3	60.7	60.1	61.9	62.8	63.3	64.4
PTB+*	25.0	20.7	23.1	26.8	25.5	26.4	26.7	26.2	26.9	27.3	26.2	26.1

* Smear-positive pulmonary tuberculosis

D. Privatization of the health-care system and cost of medicines

314. The country has undertaken thoroughgoing reforms in several sectors. In the health sector, the main purpose of the reforms was to preserve the right and equitable access to health care for all categories of the population. The aim was to rationalize services in order to improve quality,

in response to the growing demand and diversity of health needs arising from the twin demographic and epidemiological transition. The chief objective of the reforms was to improve the performance of the national system. New methods of organization and management of health establishments and services were therefore introduced, with a view to ensuring that health expenditure was properly focussed on the patient rather than on operating procedures. Thus new statutes were issued for health establishments, introducing analytical accounting and new methods of financing, based on contractual relations with partners in the sector, such as the National Social Insurance Fund (CNAS) for the payment of fixed hospital costs.

315. Patients make only a token contribution to hospital expenses (US\$ 1.3/day). All medical and surgical services are covered by the CNAS for the persons insured and their beneficiaries.

316. Impoverished patients who do not have social insurance are paid for by the State (under the terms of Executive Decree No. 1-12 of 21 January 2001 and Decree No. 04-101 of 1 April 2004).

317. The search for better performance in health-care services through the modernization of the health system and the control of health costs is giving rise at present to the search for ways of integrating the private sector in the health map and of diversifying the sources of finance in the area. As an illustration, CNAS, which is practically the only partner in the sector, contributes 45 % of financing for health (compared with 98 % in France).

318. Ordinance No. 06-07 of 15 July 2007 on opening up the hospital system to the domestic and foreign private sectors with the aim of seeking “investment” in hospitals, is expected to increase the share of the private sector in hospital capacity. The proportion should double, rising from 6.26 % in 2005 to 10.15 % by 2009.

Medicines

319. The reforms of the health sector, which focus essentially on health costs, also cover the cost of medicines. The current budget for the import of medicines is of the order of US\$ 600 million per annum. The policy as regards medicines gives preference to generics in terms of investment and imports, with the establishment of a minimum threshold for the import of medicines (Ordinance No. 06/07 of 15 July 2006) and the lowering of registered prices. In 2006, for instance, 80 % of imports went on generic medicines. Also medicines delivered in the private sector are refunded at official prices, which are set by an inter-ministerial committee specially created for the purpose and which also cover - in addition to health - national solidarity, labour and social affairs. All medicines and preventive services are entirely paid for by the State.

Articles 13 and 14: Right to free education

320. One of the challenges of the Algerian authorities is to provide every young Algerian, whether boy or girl, at the age of six with compulsory schooling free of charge lasting nine years.

321. Access to education is a constitutional right recognized in article 53 of the Constitution, which stipulates that: “The right to education is guaranteed. Education is free of charge under the conditions laid down in the law”. This right to free education and the obligation to undergo basic

education are also enshrined in ordinance No. 35-76 of 16 April 1976 on the organization of education and training, in the following articles:

Article 4: “Every Algerian has the right to education and training. This right is ensured by the generalization of basic education ...”

Article 5: “Education is compulsory for all children between the ages of 6 and 16 complete years”.

Article 6: “The State guarantees equal conditions of access to post-basic education subject only to the limitations of individual aptitudes and to the resources and requirements of society”.

Article 14: “Continuous education and training are supplied by the State to any citizens wishing to undergo them, regardless of age, sex or profession.”

322. The draft framework Act on education which is currently being finalized gives further substance to those principles:

(a) The bill confirms that education is free of charge, at all levels, in all establishments dependent on the public education sector;

(b) It also maintains compulsory education for all girls and boys aged between 6 and 16 complete years, with the possibility of a two-year extension for children suffering from disabilities;

(c) Any failure by parents or legal guardians to meet this obligation incurs the liability of a fine ranging from 5,000 to 50,000 Algerian dinars.

323. The new bill enshrines the right to education for “all Algerian citizens, male or female, regardless of sex, social origin or geographic origin”.

324. This right “is ensured in practice by the generalization of basic education and the guarantee of equal opportunities with regard to conditions of schooling and the continuation of studies after basic education”.

325. This equality is not only theoretical but a tangible reality in the field. The statistical data and indicators of the Algerian education sector provide a good illustration:

A. School population

326. Since independence, the school population has grown annually by around 6.55 %, an average increase of 190,000 pupils per annum, including 92,000 girls. The proportion of girls, which was 37.40 % in 1962/63, had risen to 49.14 % by 2005/06. Some indicators are given below of the trend in the school population, disaggregated by sex:

1. Total school population

<i>School year</i>	<i>Number of pupils</i>	<i>Girls</i>	<i>Percentage</i>
1963/1964	1,129,642	422,506	37.40
1999/2000	7,661,023	3,689,735	48.16
2005/2006	7,741,899	3,804,912	49.14

2. First and second cycles of basic education (primary)

<i>School year</i>	<i>Number of pupils</i>	<i>Number of girls</i>	<i>Percentage</i>
1963/1964	1,049,435	398,871	38.01
1999/2000	4,843,313	2,264,608	46.76
2005/2006	4,361,744	2,049,927	47.00

327. While the 1 million pupils enrolled in primary school in 1963/64 accounted for more than 93 % of the total school population (all levels), the 4.3 million pupils enrolled in primary education in 2005/2006 represented only 53.33 % of the total population of the education system. Since the early years of independence, 113,000 pupils have been added each year, including nearly 55,000 girls.

328. While the latter accounted for only 38 % of all primary school pupils at the time of independence, by 2005/2006 their proportion had risen to 47 %, almost half the total.

329. The school enrolment rate of 6-year-olds is currently close to 100 %. In the early years of independence, the proportion was 42 % of all school-age children, and less than 32 % in the case of girls, as shown in the following table:

<i>School year</i>	<i>Enrolment rate</i>	<i>Girls</i>
1966/1967	43.42	31.54
1999/2000	93.24	91.51
2005/2006	96.04	94.69

330. For the 6-15 age group, the total school enrolment rate is 93.85 % and among girls 94.69 %. At independence, the proportions were 45.93 % for the 6-13 age group overall and 34.19 % for girls, as shown in the table below:

<i>School year</i>	<i>Enrolment rate</i>	<i>Girls</i>
1966/1967	45.93	31.54
1999/2000	88.55	85.78
2005/2006	93.85	92.35

Third cycle of basic education (middle school)

<i>School year</i>	<i>Number of pupils</i>	<i>Girls</i>	<i>Percentage</i>
1963/1964	74,384	22,358	30.06
1999/2000	1,895,751	908,608	47.93
2005/2006	2,256,232	1,106,260	49.03

331. In 1963/1964, 74,000 pupils were attending middle school, close to 4 % of the overall total, with girls accounting for 30 %. In 2005/2006, pupils attending middle school represent more than one third of the school population, equivalent to 2.2 million out of the total of 7.7 million pupils, of whom nearly half are girls.

332. The average annual rise of this sector of the school population is 52,000 pupils, including more than 24,000 girls.

4. Secondary education

<i>School year</i>	<i>Number of pupils</i>	<i>Girls</i>	<i>Percentage</i>
1963/1964	5,823	1,277	21.93
1999/2000	921,959	516,519	56.02
2005/2006	1,123,123	648,325	57.72

333. Pupils enrolled in secondary school in 1962/63 represented only 0.51 % of the total school population, equivalent to 5,823 pupils. By 2005/2006, the proportion had risen to 14 % of the total school population, equivalent to 1,123,123 pupils. Each year on average 25,000 new pupils have been enrolled, including nearly 13,500 girls.

334. In the early 1960s, girls accounted for only 21 % of all secondary school pupils. At the beginning of the 2005/2006 school year, their proportion was slightly ahead of that of boys, at 57 %. In response to this growth in numbers, the State has had to make considerable sustained investments, both in terms of educational infrastructures and in terms of recruitment of teaching and training staff.

B. Vocational training and education

335. The Ministry of Vocational Training and Education is responsible for organizing the sector of vocational training.

1. Information, guidance and consultation policy

336. *Guidance policy*: In response to the recommendations contained in the reform of the national education and training system, a guidance system has been established for trainees, which is adapted to the system of regulating flows in the three sectors of the education system, a system of regulation which operates on a rational and scientific basis in accordance with the simulation model for the regulation of flows in the Algerian educational system supported by UNESCO.

337. The econometric model chosen has been adapted to the characteristics of the Algerian education system.

338. The model is adopts a demographic methodology, used as a powerful calculating tool, to build up a systemic approach which consistently coordinates the development options of all the educational subsectors.

339. *Information policy*: The information system constitutes a key phase in the career training of young people. The identification of relevant data concerning employment, the labour market and economic activities and the means of collecting such data are important elements when it comes to identifying target audiences and the types of training best adapted to the requirements of the labour market.

340. In order to ensure that the training offered is suited to employment requirements, the sector has decided to set up a professional training and education observatory to fulfil the tasks of regulation, organization and evaluation.

341. The sector relies on the existing information system in the areas of vocational training and employment in order to fulfil three essential tasks:

(a) To set up an efficient information system on vocational training, employment and the labour market at national and regional level;

(b) To offer a policy tool for the development of vocational training by identifying training requirements and the outlook for jobs and qualifications;

(c) To provide a decision-making tool, which can contribute to the definition, evaluation and improvement of training and employment policy measures and facilitate a social dialogue between partners.

342. The vocational training and education observatory will provide an ideal framework on the basis of which to draw up a map of careers and specializations, compatible with vocational training and specialized education nomenclature.

2. The vocational training and education network

343. The vocational training and education sector operates as a subsector of the national education system. It provides a natural extension of middle school and secondary school insofar as it takes in partly pupils leaving compulsory education (ninth year) and partly the school dropouts of the two cycles.

344. The main objectives of the sector are to train the qualified labour required by the national economy as well as to train, improve or convert workers in the course of employment.

345. In order to fulfil these objectives efficiently, the sector is equipped with a vast network of vocational training and education establishments, which include over 900 training facilities scattered throughout the country.

346. In addition, more than 600 private vocational training establishments offer nearly 50,000 training places, thereby making a substantial contribution towards meeting training demands, with constant encouragement and development assistance from the sector.

(a) Training system for young people completing national education

347. The types of training offered to young people leaving the national education system include residential training, training by apprenticeship and remote training.

348. Apprenticeship is the type of training preferred by the sector, which intends to improve it further in view of the many advantages it offers. It is certainly the least expensive type of training, both for the State and for corporations. It is also the form of training best suited to the needs and circumstances of corporate activity, since it originates at the workstation and takes place entirely within the professional environment.

349. A national survey conducted on the careers of successful apprentices has shown that the apprenticeship system offers better placement opportunities, thanks undoubtedly to the reciprocal acquaintance of the candidates' qualifications on the one hand and the professional environment to which they aspire on the other.

(b) Training for special categories

350. The training of special categories is a statutory obligation of the vocational training and education sector. This type of training concerns:

- i. Young people who have not achieved the required standard.

351. Special teaching programmes have been developed offering pre-training courses to bring the young persons involved up to the desired level. At the end of pre-training, the young people are incorporated in specializations according to the results they obtain.

352. Successful candidates receive a diploma like other trainees.

ii. Training for housewives

353. In this case the aim is to offer training following an adapted teaching programme and timetable. At the end of the training and depending on the level achieved and their specialization, candidates who pass the examination receive a diploma or a training certificate.

354. Thanks to obtaining the training diploma or certificate, several candidates have become eligible for the benefits of independent job promotion.

355. In quantitative terms, the housewife scheme produced the following results for February and September 2006:

- February 2006 admission: 15,374
- September 2006 admission: 15,635

356. Like other sectors of the education system, the vocational training and education sector considers the gender approach in its development process as a basic element of its programme of action, in accordance with the objectives pursued by the public authorities for removing the social, cultural and economic obstacles to women's access to essential social services, such as education and vocational training and education.

iii. Persons with disabilities

357. In addition to making arrangements for receiving persons with physical disabilities in vocational training establishments, the Ministry of Vocational Training and Education independently runs five regional centres offering specialized training for persons with disabilities.

358. A total of 1,426 trainees, including 572 girls, follow a form of residential training. In the case of apprenticeships, there are altogether 550 apprentices, including 225 girls.

iv. Persons at moral risk

359. In order to ensure the admission of young people at moral risk to the jobs market, the vocational training and education sector, jointly with the Ministry of National Solidarity, offers vocational training courses in re-education and assistance centres, reception centres and guidance and education services in an open environment.

360. In 2006, this scheme provided training to 455 young people, including 123 girls.

v. Persons in detention in re-education centres

361. Training is subject to the terms of agreements passed with the justice department. In 2006, this scheme offered training in detention to 5,841 beneficiaries, including 287 girls.

vi. Continuous training for unemployed workers

362. The main objectives of the vocational training and education sector are the development of continuous training as a means of promoting and enhancing human resources, and the development of relations with partners in major sectors of activity, in order, inter alia, to encourage the commitment and accession of trainees to the economic sector and to provide training suited to the demands of the labour market and to social integration.

363. Within this framework, consultation bodies have been set up and initiated at both central and local level.

364. Through consultation it has been possible to conclude 84 framework agreements between the vocational training and education sector and economic sectors, in addition to the signing of 3,004 specific agreements concluded at local level.

365. So far, these agreements have led in practice to the training of more than 164,000 workers.

366. With the forthcoming passing of the Framework Act on vocational training and education, the sector will be provided with a legal basis for introducing further regulations on continuous training.

3. Teaching staff

367. The tables below show changes in the teaching staff working in the national education sector, showing the proportion of women teachers, for the different education levels:

Overall data

<i>School year</i>	<i>Teachers</i>	<i>Women teachers</i>	<i>Percentage</i>
1981/1982	153,549	53,684	34.96
1999/2000	326,584	152,405	46.67
2005/2006	339,430	172,905	50.93

First and second cycle of basic education (primary)

<i>School year</i>	<i>Teachers</i>	<i>Women teachers</i>	<i>Percentage</i>
1982/1983	100,288	37,244	37.14
1999/2000	170,562	78,629	37.14
2005/2006	171,402	88,295	51.51

Third cycle of basic education (middle school)

<i>School year</i>	<i>Teachers</i>	<i>Women teachers</i>	<i>Percentage</i>
1982/1983	38,969	13,535	46.10
1999/2000	101,261	50,242	49.62
2005/2006	109,578	58,293	53.19

Secondary education

<i>School year</i>	<i>Teachers</i>	<i>Women teachers</i>	<i>Percentage</i>
1981/1982	14,292	2,905	20.33
1999/2000	54,761	23,501	42.92
2005/2006	62,330	30,514	48.95

4. Performance of the system

– Advancement of pupils

368. End-of-cycle examination results were as follows:

Primary school (sixth year of basic education)

<i>Year</i>	<i>Success rate</i>	<i>Boys</i>	<i>Girls</i>
1999/2000	66.27	62.02	71.35
2005/2006	76.34	73.56	79.48

Middle school (ninth year of basic education)

<i>Year</i>	<i>Success rate</i>	<i>Boys</i>	<i>Girls</i>
1999/2000	44.28	40.01	48.60
2005/2006	47.33	42.95	51.32

Secondary school (2005 baccalaureate)

<i>Year</i>	<i>Success rate</i>	<i>Boys</i>	<i>Girls</i>
2005/2006	51.15	37	63

5. Support for school enrolment (especially among girls)

369. The measures to support school enrolment are those which have a direct or indirect effect on the schooling of children, either by ensuring their admission to and maintenance in school, at least for the whole period of compulsory schooling, or by improving the conditions of their admission and schooling. They take the form in practice of a variety of measures in favour of schooling, with a special focus on girls and deprived regions. The measures undertaken in this respect cover a wide variety, ranging from improvements in school infrastructures to better health care for school children. The following are worth mentioning:

(a) *Densification of the school infrastructure network*

370. The school infrastructure network has grown considerably in recent years. In the period 1999-2004, the following additions were made:

22,693 classrooms;

687 colleges;

284 lycées.

371. Compared with the stock of infrastructures in 1962-1998, the new additions represent the following gains:

Classrooms: + 26.61 %;

Colleges: + 24.36 %;

Lycées: + 25.47 %.

372. Thanks to this expansion of school infrastructures, conditions have been substantially improved for children attending school. Thus the number of pupils per class in primary education fell at the national level from 41 in 1999 to 34 in 2005. This improvement in schooling conditions is likely to continue, since for the period 2005-2009 the following additions are planned as part of the complementary growth support programme, also covering the high plateaus and the South:

6,957 classrooms;

1,027 colleges;

465 lycées.

373. These extensions, which will take place over five years, represent one quarter of the total infrastructure held at present by the national education sector.

(b) *Educational solidarity measures*

374. In this area two major measures are worth mentioning:

(a) The introduction since the start of the school year 2000/2001 of a **schooling allowance**, worth 2,000 dinars, granted at the start of each school year to each deprived child in order to help its family cover schooling expenses. At the start of the school year 2006, more than three million children received the allowance, under a budget worth more than 6 billion dinars.

(b) In addition to this schooling allowance, it is worth mentioning the **national solidarity scheme** introduced to help the most deprived families meet the expenses of needy children with issues of clothing at the start of the school year or on the occasion of major religious festivals, as well as school supplies and/or textbooks. Altogether 1,196,322 pupils received assistance of this kind in the school year 2004-2005.

(c) *Extension of school canteen benefits*

375. A special effort has been made in this area by the State, both to increase and develop the network of school canteens and to enlarge the corresponding budget appropriations. The development of the network of school canteens has led to the construction of a considerable number of new school canteens, which, by the start of the school year in September 2005, had more than doubled, increasing from 4,384 in 1999 to 7,864 in 2003 and 9,735 by 2005.

376. The budget allocations for school canteens were multiplied by 12 compared with 1999. This positive trend is illustrated in this table below:

<i>Year</i>	<i>Budget</i>	<i>Coverage</i>
2001	DA 1,998,165,000	22.56%
2002	DA 2,406,000,000	30%
2003	DA 3,634,000,000	34.84%
2004	DA 3,893,000,000	35.68%
2005	DA 6,044,000,000	46%

377. Thanks to the growth in a number of school canteens available and the budgets allocated to the sector, the number of beneficiaries has grown three times, from 600,000 to almost 2 million, while the percentage of beneficiaries rose from 12.5 to 46 %, with a corresponding increase in the daily food ration allowance. The cost per meal, which was only six **dinars** in the North and seven **dinars** in the South in 2000, has substantially improved, since it had been increased to 20 **dinars** in the northern *wilayas* and 23 **dinars** for the 14 southern *wilayas* by 2005.

378. The school canteens budget for 2006 rose to DA 6.5 billion, offering facilities for 2.2 million pupils, representing 52 % of all primary school pupils.

(d) Boarding schools

379. In primary education, there are now 44 boarding schools housing 4,136 schoolchildren, compared to only 2,021 for the school year 1999/2000. These primary boarding schools were intended for children (girls and boys) in the remotest areas, especially for nomadic children in Saharan regions.

380. **School canteens and boarding schools are entirely free of charge.** Regarding the extension of semi-boarding facilities in middle and secondary schools, the number of children on semi-boarding has increased significantly, from 234,000 in 1999 to 451,000 by 2005.

(e) Bursary schemes

381. School bursaries provide a further form of support for needy children in middle and secondary school. The bursary budget has grown steadily, from DA 218 million in 2000 to DA 367,116,000 in 2005. The number of schoolchildren receiving bursaries rose from 123,000 in 2000 to 205,500 in 2005.

(f) Improvement in school transport

382. The school transport of children in remote areas, whose schools are far from their homes, constitutes another facet of the measures introduced by the State to assist the schooling of children in such areas. In 2003/2004, 923 communes were equipped with school buses, and the number rose in 2004/2005 to 1,400 communes with the supply of 1,300 new buses.

(g) School health

383. The school health sector comprises 1,185 screening and monitoring units in charge of supervising children's health. The staff involved in the operations include 1,115 doctors, 694 dentists, 205 psychologists and 1,470 paramedics.

384. From the start of the school year and throughout the year, an inspection unit ensures that hygiene and safety rules are observed in schools. In addition, the staff of the screening and monitoring units pay regular medical visits to classes in the geographical areas their units cover and keep a medical file on each pupil.

385. In addition, all young school children are vaccinated systematically against dental caries.

6. Care for children with special needs

386. Schooling is provided for children with special needs (such as children with disabilities or children in hospital) in institutions belonging to the national education, health or social insurance sectors, within the framework of inter-ministerial agreements governing the facilities and establishing procedures, as well as the tasks, prerogatives and obligations of each sector.

7. Care for children leaving the school system

387. At the end of compulsory schooling, pupils who have not been admitted to secondary school or not allowed to repeat the last year of compulsory schooling are streamed to the vocational training sector, which will prepare them for a job suited to their qualifications and aptitudes.

388. The remaining children may opt for a vocational career and sit for entrance examinations to the vocational training centres. Alternatively they can follow distance learning courses with the National Distance Training and Education Office (ONEFD).

389. There are 158,915 pupils enrolled for this type of course, including 58,829 in basic education and 100,086 in secondary education. For the school year 1999/2000, 74,388 pupils were following a distance learning course, including 24,051 in basic education and 50,337 in secondary education.

8. Pre-school education

390. At present almost 120,000 children aged 5 years old are enrolled in pre-school classes in the education sector, which represents about 20 % of that age group. Pre-school education will gradually be extended until 2008, by which time there should be sufficient infrastructures and teaching staff to cater for 80 % of children aged 5 years old, in the education sector alone. The remaining 20 % will be looked after in different facilities in other sectors, by local authorities, firms or the private sector.

9. Private education

391. Private education is governed in Algeria by Act No. 05-07 of 23 August 2005. This Act establishes the general rules for all private education establishments, while Decree No. 05-432 of 8 November 2005 lays down the conditions for opening private education establishments and ensuring their supervision.

392. So far, 126 private establishments have been approved and offer education at all levels of schooling. Territorially they cover 16 *wilayas*.

393. In the schooling system as a whole, 16,560 pupils are registered with private schools. These establishments must follow specifications as regards:

(a) The conformity of infrastructures with the standards laid down for educational establishments;

(b) The qualifications of educational staff, which must be at least equivalent to those in the public sector;

(c) The application of official curricula, in the official teaching language, allowing some spare time in the timetable (for optional activities - three hours a week in primary school and five hour a week in middle and secondary school).

394. The education budget set aside for the sector represents about one quarter of the State budget (between 20 and 25 %).

395. The table below shows changes in the budget allocations for the national education sector over the last three years (in dinars).

<i>Year</i>	<i>Operating budget</i>	<i>Equipment budget</i>	<i>Total</i>
2005	216,908,890,000	38,700,000,000	255,608,890,000
2006	222,455,012,000	147,700,000,000	370,155,012,000
2007	268,386,543,000	87,582,000,000	355,968,543,000

10. Foreign nationals residing in Algeria

396. The children of foreign nationals residing in Algeria are enrolled, depending on their choice and circumstances, either in foreign schools (Saudi, Egyptian, Libyan or French), or in Algerian schools. In the latter case they are subject to the same system and receive the same treatment as Algerian children. Saharan children are, on the other hand, entirely integrated within the Algerian school system, where they receive free services and education, school clothing and boarding, paid for by the Algerian State.

397. There are very few foreigners teaching in Algeria, where the teaching staff is practically 100 % Algerian. Out of 339,905 teachers in the education sector, only 145 are foreign nationals.

11. Teaching of the Amazigh language

398. The Amazigh language, which is recognized in the Algerian Constitution as a national language, is taught in Algerian schools, at all levels of education, whenever there is a need and the conditions are suitable, especially from the point of view of the availability of teachers. It is included in school curricula as a full discipline, with its own timetable, programme and textbooks. It is subject to the same system of evaluation and examination as other disciplines.

399. The training of teachers in the Amazigh language is offered in universities as well as in teacher training and further training institutes, on the same footing as teacher training in other disciplines. A centre has been set up for the promotion and development of Amazigh language and culture teaching, with high-level scholars and researchers responsible for undertaking studies in the area of language development and standardization for all aspects related to the teaching of Amazigh.

12. Civic education

400. The Algerian education system aims to train future citizens. It therefore includes civic education and inculcates national and universal values, through a range of disciplines such as history, Arabic and foreign languages, as well as health-related, environmental, civic and religious subjects, in order to help the children acquire sound habits and positive attitudes, right from the initial years of basic schooling.

401. In this respect, civic education is a key discipline. Since 1997, it has been taught from the first year of basic and is included in all the official programmes of the national education system.

13. Cultural and sporting activities

402. The development of cultural and sporting activities is part of the educational goal of the Algerian school system. Such activities are included in the school curricula, where physical training and artistic expression (drawing and music) are treated as fully fledged disciplines. They are compulsory and marked and counted in the entrance examinations for all pupils (girls and boys).

403. Reading is also developed in Algerian schools thanks to the availability of school libraries in schools at all levels.

14. Teacher training

404. Improving the qualifications of teachers in order to ensure high-quality education for all is one of the top priorities of the Algerian education system, which therefore places considerable emphasis on teacher training. Initial teacher training is given in:

(a) *Ecoles normales supérieures* (teacher training colleges), attached to the Ministry of Higher Education and Scientific Research, which have been training basic, secondary and technical education teachers since the school year 1999/2000;

(b) Teacher training and further training institutes (IFPM), attached to the Ministry of National Education, which have been providing training to primary school and basic education teachers since the school year 2003/2004.

405. Baccalaureate holders may have access to this training:

- For three years in the case of primary school teachers;
- For four years in the case of middle school teachers;
- For five years in the case of secondary and technical education teachers.

406. Distant training courses are offered to primary and middle school teachers in the course of employment. The aim is to bring them up to date with the new standards and qualifications required for teachers, currently at higher education degree level.

407. Around 10,000 teachers, including 6,000 primary school and 4,000 middle school teachers, made up the initial contingent of this upgrading scheme, which was started in 2005/2006. The second batch of candidates is to include 50,000 more teachers (25,000 for primary and 25,000 for middle school).

408. Secondary school teachers are offered postgraduate training in the Teacher Training Colleges, from which they graduate as approved secondary school teachers.

15. Literacy and adult education

(a) Literacy

409. Alongside the efforts made in the area of formal schooling, the Algerian State, from the very early years of independence, set about combating illiteracy, which at that time was a serious problem. The direct effect of the policy was to reduce the rate of illiteracy, from 85 % in 1962 to 31.9 % in 1998 and as low as 26.5 % by 2002. It is currently close to 24 %.

410. According to a survey carried out by the Ministry of Health, Population and Hospital Reform in 2002, the national rate of illiteracy is still falling. Compared with 1998, the proportion of illiterate people in the population has fallen by five percentage points for men and for women. The latter account for 35 % of illiterates, compared with 18.2 % for men, equivalent to 1.92 times more. According to social sectors, the national illiteracy rate in rural areas is 35 %, which is more than 15.14 % above that in urban areas. According to gender and social sector, moreover, the gaps are significant, the proportion of illiterates among women and men in rural areas amounting respectively to 47 % and 24.5 %, as shown in the table below.

Rates of illiteracy among persons aged 10 years and over, according to gender, for the period 1966-2002 (%)

	1966	1977	1987	1998	2002 ^a			Difference 1966/2002
					Total	Urban	Rural	
Male	62.3	48.2	30.8	23.7	18.2	13.5	24.6	44.2
Female	85.4	74.3	56.7	40.3	35.0	26.6	47.0	50.4
Total	74.6	58.1	43.6	31.9	26.5	20.1	35.7	48.1

^a Health survey of the Algerian population in 2002 (MSPRH)

Source: ONS – Statistics collection No. 80 – RGPH 1998.

411. In the reform of the educational system, the fight against illiteracy is one of the main objectives, for which the State is making considerable efforts in order to achieve the aims set forth in accordance with the resolutions of the Dakar Forum on Education for All. The goal in this respect is to eradicate illiteracy by the year 2015, by implementing the national literacy strategy based on the following principles:

(a) Targeting the 17-44 age group, which is best suited for literacy work, since it is receptive and most motivated by the wish to emerge from illiteracy;

(b) Targeting women first, since they are the most affected by illiteracy (63 % of illiterates are women).

412. Literacy work is conducted by the National Literacy and Adult Education Office, with the support of the association movement, acting through all the State institutions (schools, youth centres, cultural centres, mosques, etc.).

Statistics concerning illiteracy in Algeria (2006)

Rate of illiteracy in the population aged 10 years and over (%)

<i>Total population</i>	<i>Men</i>	<i>Women</i>
24	16.05	31.60

Rate of illiteracy in the population aged 15 years and over (%)

<i>Total population</i>	<i>Men</i>	<i>Women</i>
27.2	18.60	35.9

Rate of illiteracy in the population aged 10-24 years (%)

<i>Total population</i>	<i>Men</i>	<i>Women</i>
8.2	10.8	5.60

(b) Adult education

413. The purpose of adult education is to make the population literate and to raise the general level of education and culture. It is intended for persons who did not attend school or whose schooling was insufficient. Adult education is provided either in specially created institutions, or in education and training establishments, or within corporations and at the workplace.

414. Like other forms of schooling, adult education can prepare students for examinations and competitions organized by the education sector with a view to obtaining State diplomas, or admission to training schools, centres and institutes.

415. A review of the efforts made by the State to implement the principles of democratic education and equity between Algerian boys and girls, and to increase access not only to education but also to teaching facilities and to school textbooks, canteens, semi-boarding, boarding schools and school health services, provides quantifiable evidence of official policy in this respect, even if it is not immediately possible to measure the positive impact of these measures on the education of Algerian boys and girls.

Article 15: Right to take part in cultural life and to benefit from scientific progress and the protection of copyright

416. The efforts made by the Algerian Government to develop the cultural sector are an everyday occurrence, reflected in many activities at local, regional and national level.

417. The effect of these efforts has been a blossoming of cultural and artistic life, as reflected daily in the programmes of cultural events and the strong desire of citizens to act creatively and participate in cultural life.

418. The main components of Algeria's cultural policy are as follows:

(a) The promotion and development of reading by the public, through additions to the network of libraries, starting with the National Library, which will include 14 branches across the country, and the opening of a house of culture in each *wilaya*, of which there are currently 32 across the country;

(b) Under an agreement with the Ministry of the Interior, the provision of a library for every commune (1,543 in all);

(c) The gradual acquisition of 40 mobile libraries.

419. The main measures to promote cultural activity include:

(a) Rehabilitating major national cultural events, especially by institutionalizing a number of festivals;

(b) Holding meetings on culture, music and Sufism;

(c) Setting up the cultural projection agency;

(d) Assisting cultural associations;

(e) Subsidizing theatrical productions;

(f) Assisting theatrical cooperatives through the arts and letters development fund;

(g) Renovating and re-equipping a number of theatres;

(h) Setting up the Higher Institute of Audiovisual Activities and the Performing Arts (ISMAAS).

420. Encouraging intellectual activity, in the field of literary and artistic property, is an unchanging objective that Algeria has constantly pursued.

421. In practice the policy has been implemented through commitments, either through the signing of international agreements or internally with the passing of legislation on copyright.

422. Thus Algeria has acceded to international conventions on the protection of intellectual property and the holders of related rights. At the domestic level, the protection of copyright is enshrined in article 38 of the Constitution, which stipulates that: “All citizens shall enjoy the freedom of intellectual, artistic and scientific creation. Intellectual property rights are protected by law”.

423. The Ordinance No. 05-03 of 19 July 2003 on intellectual property and related rights was published in order to bring Algerian legislation fully into line with the TRIPS agreement (Trade-Related Aspects of Intellectual Property Rights), as a precondition to Algeria joining the World Trade Organization (WTO).

A. General introduction to the legal framework and the media sector in Algeria

424. The adoption of Act No. 90-07 of 3 April 1990 on information, a year after the promulgation of the 1989 Constitution, injected new life into the media, in particular the print media. The 1990 Act made it easier to start up a newspaper, thanks to a declaratory procedure that reduced the requirements for launching new publications to a minimum, as well as to introducing a conscience clause for journalists in the event of a change in editorial policy or the closure of a publication, and to opening up the broadcast media to private production companies.

425. This Act freed up publishing, considering that according to article 14 of the Act: “Publication of periodicals is unrestricted”. The only requirement is a simple declaration made before the relevant court a month in advance of the first issue. As a result, freedom of expression is thriving, a fact borne out in particular by the high newspaper circulation figures and the wide range of publications on offer. In terms of content, the Algerian press presents an exceptional diversity of both tone and style.

426. It is worth recalling that, prior to the introduction of this Act, the Algerian press was entirely State-owned, comprising six daily newspapers and the same number of weeklies. The media sector has been completely transformed, offering dozens of new publications to the reader.

427. Four years after the Act was promulgated, there were 27 daily newspapers and 59 weeklies in circulation. The reader could choose from an astonishing array of publications, representing a broad spectrum of opinion.

428. In 2007, there were 193 publications in circulation altogether (87 in Arabic and 106 in French), including 52 dailies (6 State-owned), 93 weeklies, 14 fortnightly publications and 29 monthlies.

429. It is in the area of freedom of expression that this greater openness to the full spectrum of political, partisan and association opinion has left its most visible mark. All national television and radio channels have scheduled new programmes to allow greater diversity of expression. Television and radio have also been the main platforms for the transmission of public messages from political parties and civil society associations. Since 1994, airtime for political broadcasts during the electoral campaign season has been allocated according to a system whereby lots are drawn by designated, independent bodies on which political parties are represented.

430. Despite the various constraints, the Algerian media enjoys genuine freedom of expression, which is defended and guaranteed by the Constitution and the legislative and regulatory framework. Algeria is also a country where access to foreign programmes is free and no restrictions or conditions are imposed on the installation of satellite dishes. Some 10 million or so Algerians currently watch these programmes. This development has certainly raised awareness very quickly of the fact that the world has changed and that it is now being driven by ideas that are universally shared because they are inherent in the globalization of communication and freedom.

431. The fact that journalists and publishers have their own professional associations and organizations also testifies to the Government's readiness to defend the material and moral rights of the profession.

432. The lessons learned from the experience of the print media will assist in developing a high quality of communication, complying with existing regulations and universally recognized professional standards and ethics. To further the work of the Algerian media, there are plans to establish a journalists' training and development centre, together with professional further training courses for businesses. In addition, printing presses will be installed in Ouargla and Bechar to improve distribution of the press in southern Algeria.

433. The sector will focus all training on improving business performance and developing human resources. The ultimate aim is to create an environment that can respond to the requirements of globalization and the continuing development of the new information and communication technologies. With the restructuring of broadcast production and transmission, two new thematic channels will be launched, as well as a general channel in Amazigh.

B. Different forms of State support for the media

434. State support takes the form of direct aid (through the Fund for assistance and promotion of the print and broadcast media); subsidies for printing costs; settlement of debts owed by the *Enterprises nationales des Messageries de Presse* (ENAMEP) (the national press distribution company); the grant of premises to the *Maison de la Presse* (Press House); exemption from taxation and other levies; and other material resources. This assistance, worth an estimated DA 2,500 million, was distributed as follows:

(a) Direct support (DA 503 million), with DA 297 million being spent to pay two and a half years' worth of salaries for all journalists and others in comparable professions who were in employment on the date of promulgation of the government circular of 19 March 1990; DA 119 million being used as subsidies for media outlets that had run into difficulties; and DA 87 million going to support the establishment of broadcasting cooperatives;

(b) Support for printing costs (DA 1,234 million), in the form of direct subsidies for printing houses amounting to DA 306 million, and restructuring grants worth DA 928 million for printing houses, over the period 1994-1996;

(c) Settlement of the debts of ENAMEP (DA 380 million): a decision was taken in July 1995 to pay all the company's debts to printing houses, amounting to DA 380.5 million as

at 31 July 1995, of which DA 204.5 million was owed by ENAMEP Central, DA 84.4 million by ENAMEP East and DA 91.6 million by ENAMEP West;

(d) Other assistance (DA 306 million) was provided by making public premises available to private publishers in larger towns already equipped with rotary presses (Algiers, Oran and Constantine) and remote communication technology (press fax from Algiers to Constantine and Oran). Four sites were developed for this purpose, two in Algiers, one in Constantine and one in Oran. The premises belong to the *Maison de la Presse*, the public institution that manages and maintains this infrastructure.

435. In addition to this assistance, a tax exemption was granted initially for three years, and then extended for a further year, bringing the total to four years; VAT was set at 7 %; further facilities were made available by the Algerian investment promotion agency (APSI); and 700 journalists were provided with accommodation for their own security, at a cost to the State of over DA 600 million.

436. Public funding has also been given to support the printing of periodicals; the average daily print run of all printing houses taken together is estimated at 2.5 million copies, of which 1.7 million copies are accounted for by the 48 daily newspapers.

437. To support a print run of this size, 30,000 to 40,000 tons of newsprint, 300,000 offset printing plates and 250 tons of ink were imported. Newsprint is imported by a subsidiary called ALPAP, which is partnered by public printing companies and banking and insurance institutions.

C. Broadcast media

438. The most recent development in radio and television since the 1990 Act has been the introduction of specifications requiring public service broadcasters to ensure media pluralism with regard to information, programming and output, and to guarantee right of access for different points of view. The main change in the national broadcasting scene has been the launch of local radio stations by ENRS, the national radio company.

(a) Internationalization of radio and television broadcasting: since August 1994, national and network television channels and the three radio stations (radio 1, radio 2 and radio 3) have been broadcasting by satellite to Europe and the north of the Maghreb. In 1995, two specialized radio stations were added, El-Bahdja and the cultural channel. The national television company, ENTV, revised the programme listings for the satellite television channel in September 1995 and again in 1999, broadcasting targeted programmes to Europe (*Canal Algérie*) and the Middle East (*Algérie 3*).

(b) Creation of local radio stations: since the launch of this operation in October 1994, radio coverage has gradually spread. In 2007, 32 local radio stations were in operation and 16 more were to be added by the end of 2008.

(c) Increasing proportion of nationally produced programmes in the television listings: the broadcasting sector has stimulated production, for example, by supporting the establishment of production cooperatives and broadcasting services. Thus 92 cooperatives have received

subsidies for start-up costs. Regional units also make a substantial contribution to national television broadcasting. The TV channel has extended broadcasts from 17 hours daily to 24-hour coverage. The proportion of total broadcasting time accounted for by national production varies between 60 and 70 %.

(d) Recovery of areas with poor reception and improved national coverage: under normal operating conditions, the coverage by radio and television broadcast networks is estimated at 96 % of the population.

D. The foreign press and cooperation with United Nations mechanisms

439. Foreign journalists have always taken a keen interest in covering both national and international events in Algeria, which has always helped them with their work.

440. Management of the foreign press used to be conducted in a legal vacuum. The promulgation of an executive decree in 2004 regulating accreditation certainly improved foreign press management and facilitated the work of foreign journalists wishing to visit Algeria, as well as resident correspondents.

441. There is therefore a genuine desire to increase transparency by opening the door to the international media so that they can come and witness at first hand the progress and achievements that have taken place in Algeria in recent years. As a result of this greater openness, hundreds of special correspondents from the international media have come to Algeria to cover many domestic events. In addition, there are foreign correspondents based permanently in Algeria working for over 50 foreign publications.

442. With regard to cooperation with the United Nations mechanisms responsible for questions relating to freedom of opinion and expression, it is worth recalling the visit to Algeria of the Human Rights Council Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
