



Human Rights Council
Working Group on the Universal Periodic Review
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Algeria

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation, of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Rights of Persons with Disabilities noted with concern that Algeria had not ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities.²

3. The Committee on the Rights of Persons with Disabilities recommended that Algeria mainstream disability rights into national implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, and that those processes be undertaken with the close cooperation and involvement of organizations of persons with disabilities. The Committee encouraged Algeria to consider ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.³

4. The Committee on the Rights of the Child recommended considering ratifying the Rome Statute of the International Criminal Court.⁴

5. The Committee on the Rights of the Child also recommended that Algeria strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that Algeria explore increased cooperation with the United Nations Children's Fund and other United Nations entities in the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.⁵

6. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health noted that Algeria had ratified almost all of the international human rights treaties, except for the International Convention for the



Protection of All Persons from Enforced Disappearance and some Optional Protocols – mainly those relating to individual complaints procedures.⁶

7. The Committee on the Elimination of Racial Discrimination welcomed the ratification by Algeria of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, in September 2016.⁷

8. The same Committee encouraged Algeria to consider ratifying those international human rights treaties that it had not yet ratified, in particular treaties with provisions that had direct relevance to communities that might be subjected to racial discrimination.⁸

III. National human rights framework

1. Constitutional and legislative framework

9. The Committee on the Rights of Persons with Disabilities recommended that Algeria ensure the full incorporation of the Convention into the domestic legal order, and repeal or amend any law that contradicted the Convention and discriminated against persons with disabilities, including Act No. 02-09 of 8 May 2002. The Committee also recommended eliminating the multiple levels of assessment of disability and, in consultation with organizations of persons with disabilities, developing an assessment policy.⁹

10. The same Committee recommended expediting the implementation of Prime Ministerial Instruction No. 368 of 21 December 2013 and designating focal points in all ministries to mainstream disability issues into all policies and programmes.¹⁰

11. The United Nations Educational, Scientific and Cultural Organization (UNESCO) took note of new constitutional provisions introduced by the Government of Algeria in 2020 concerning the protection of the rights of freedom of opinion and expression. Articles 51, 52, 54, 55 and 145 guarantee, inter alia, freedom of conscience, opinion and expression; for journalists, freedom of the press and the right to access sources of information; and for citizens, the right to access, acquire and transmit information, documents and statistics. UNESCO, however, indicated that despite the amendments in the Criminal Code in 2020 and 2021, both revisions still retained monetary penalties and prison terms between one to three years for dissemination of false or slanderous information.¹¹

12. The Committee on the Rights of the Child urged Algeria to review and amend the existing legislation in order to fully comply with the object and purpose of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the interpretation provided by the Committee, especially with regard to the definition of the participation of children in hostilities, in line with article 1 of the Optional Protocol.¹²

2. Institutional infrastructure and policy measures

13. The Human Rights Committee welcomed the adoption of ordinance No. 11-01 of 23 February 2011 about lifting the state of emergency.¹³

14. The Human Rights Committee recommended that Algeria take all measures to ensure that the National Human Rights Council complied with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In accordance with the International Covenant on Civil and Political Rights, the Committee recommended that Algeria should ensure that the process for selecting and electing members of the Council was transparent and fully independent and grant the Council sufficient resources and capacity and full autonomy and freedom so that it could carry out its mandate effectively.¹⁴

15. The Committee on the Rights of the Child welcomed the creation of the National Human Rights Council in March 2017 following the constitutional amendment of March 2016.¹⁵

16. The Committee on the Elimination of Racial Discrimination welcomed the recognition of the Amazigh language as a national and official language, in 2016, which contributed to the implementation of the Convention.¹⁶

17. The same Committee, however, regretted the lack of information on the resources allocated to the Council and on its functioning. Therefore, it recommended that Algeria take effective measures in tackling these issues for the National Human Rights Council's operation in accordance with the Paris Principles and that it make every effort for the Council to obtain A status accreditation from the Global Alliance of National Human Rights Institutions.¹⁷

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

18. The Human Rights Committee recommended that Algeria adopt comprehensive legislation on discrimination that included a definition of direct and indirect discrimination.¹⁸

19. The Committee on the Rights of Persons with Disabilities recalled its general comment No. 6 (2018) on equality and non-discrimination and recommended that Algeria align its legislation with the Convention, sanction discrimination based on disability and recognize the denial of reasonable accommodation as disability-based discrimination. The Committee recommended repealing all legislation that still contained derogatory terms and stigmatized persons with disabilities as well as modifying any policies that discriminated against persons with disabilities.¹⁹

20. The Committee on the Rights of Persons with Disabilities expressed concern about the national legislation, including the Constitution, which does not explicitly recognize the principles of equality and non-discrimination of persons with disabilities.²⁰

21. The same Committee recommended that Algeria introduce legislation and policy measures to ensure that persons with disabilities effectively enjoyed their right to equality and non-discrimination in accordance with general comment No. 6 and its concept of inclusive equality. It also recommended raising awareness among public and private actors, in particular lawyers, the judiciary, law enforcement officers, educational and health professionals and persons with disabilities themselves, of the right to equality and non-discrimination. The Committee further recommended raising awareness among persons with disabilities, public officials and service providers on available legal remedies and increasing efforts to foster environments that enable persons with disabilities to claim their rights.²¹

22. UNESCO noted that Law No. 08-04 of 23 January 2008 did not prohibit any form of discrimination in the educational environment.²²

23. The Committee on the Elimination of Racial Discrimination expressed concern at reports of instances of racist hate speech by public persons, in particular directed against certain Amazigh populations and migrants. It was also concerned about the rise and trivialization of racism and xenophobia in sports stadiums and the media, including social networks, against the same groups of people, which might create a climate conducive to acts of racially motivated violence.²³

24. The same Committee therefore recommended taking effective measures to ensure that all instances of racially motivated speech and acts of violence, as well as incitement to commit such acts, in particular against a specific race or specific group of individuals of another colour or ethnicity, were investigated and that the perpetrators were prosecuted and punished.²⁴

2. Right to life, liberty and security of person, and freedom from torture

25. The Human Rights Committee recommended that Algeria consider embarking on a process aimed at abolishment of the death penalty and launch measures and campaigns to mobilize public opinion in support of abolishment.²⁵

26. The Human Rights Committee recommended that Algeria update its anti-torture legislation in order to bring the definition of the crime of torture fully into line with the provisions of the International Covenant on Civil and Political Rights and accepted international standards and to ensure that, in all jurisdictions, forced confessions were prohibited and any evidence obtained through torture was inadmissible.²⁶

27. The Committee on the Rights of the Child urged Algeria to ensure that children under the age of 18 were not recruited into “people’s defence forces” and to amend its legislation, including Executive Decree No. 97-04 of 4 January 1997, to set the minimum age for recruitment into self-defence organizations.²⁷

28. The Committee on the Rights of Persons with Disabilities recommended that Algeria, guided by the Committee’s guidelines on the right to liberty and security of persons with disabilities, repeal all legislation that allowed for the deprivation of liberty on the ground of disability.²⁸

29. The same Committee expressed concern about the absence of complaints in relation to cases of exploitation, violence and abuse against adults and children with disabilities, which did not necessarily mean that such cases did not occur.²⁹ The Committee recommended that Algeria increase measures to ensure the accessibility and availability of complaints mechanisms and raise awareness of them among persons with disabilities.³⁰

3. Human rights and counter-terrorism

30. Le Comité des droits de l’homme a recommandé à l’Algérie de réviser l’article 87 *bis* du Code pénal en vue de définir avec précision les actes de terrorisme et de veiller à ce que les dispositions en lien avec la lutte contre le terrorisme ne soient pas utilisées pour limiter les droits consacrés par le Pacte, en particulier à l’encontre des défenseurs des droits de l’homme et des journalistes. L’Algérie devrait également réduire la durée initiale de la garde à vue à quarante-huit heures au maximum, y compris pour les affaires liées au terrorisme, et permettre aux personnes détenues d’avoir accès à un avocat dès le début de leur détention³¹.

4. Administration of justice, including impunity, and the rule of law

31. The Human Rights Committee recommended that Algeria amend Act No. 04-11 of 6 September 2014 with a view to ensuring that judges and public prosecutors were appointed through an independent process that was based on objective, transparent criteria for assessing candidates. The Committee also recommended strengthening the independence and the powers of the High Council of the Judiciary, in particular with regard to assessing judges’ qualifications, disciplinary measures, dismissals and compulsory retirements.³²

5. Fundamental freedoms and the right to participate in public and political life

32. The Office of the United Nations High Commissioner for Human Rights (OHCHR) stated that since the demonstrations on 13 February 2021, following the protests held online by the Hirak movement, reports of the unnecessary and disproportionate use of force against peaceful protesters, as well as continuing arrests, continued to be submitted. In April and May 2021, student marches were prevented from taking place. Hundreds of protesters and anyone alleged by security forces to be a demonstrator were arbitrarily arrested. Some protestors were reportedly detained and later released after being forced to sign a document promising to cease participating in protests. Some of them were still serving lengthy sentences while others were in pretrial detention. Hirak activists continued to be prosecuted on the basis of overly broad laws even after a presidential pardon was announced in February 2021.³³

33. OHCHR urged Algeria to review the Penal Code and other repressive legislation, notably Law No. 12-06 on associations and Law No. 91-19 on public meetings and demonstrations, in order to bring them into line with the International Covenant on Civil and

Political Rights and the African Charter on Human and Peoples' Rights, both of which had been ratified by Algeria.³⁴

34. According to OHCHR, as of September 2021, some 1,000 individuals had been prosecuted for participating in the Hirak movement or for posting social media messages critical of the Government. Reportedly, at least 32 people had been detained for the legitimate exercise of their human rights, and some of them faced lengthy sentences while others were still in pretrial detention.³⁵

35. The Human Rights Committee recommended that Algeria abolish all legislative provisions that violated freedom of thought, conscience and religion and ensure that all persons, including those who were atheists or had renounced the Muslim faith, were able to fully exercise their freedom of thought, conscience and religion.³⁶

36. The same Committee also recommended that Algeria align the relevant provisions of Organic Act No. 12-05 of 12 January 2012 and of the Criminal Code with article 19 of the International Covenant on Civil and Political Rights. It further recommended that Algeria release from prison all persons whose conviction had stemmed from their having exercised their right to freedom of expression under article 19 of the Covenant and grant those persons full compensation for the harm suffered.³⁷

37. The Human Rights Committee recommended that Algeria repeal article 46 of Ordinance No. 06-01 of 27 February 2006 implementing the Charter for Peace and National Reconciliation in as much as it impedes the freedom of expression.³⁸

38. UNESCO indicated that according to reports by civil society organizations, the Audiovisual Regulatory Authority had, in recent years, censored programmes commenting on the country's leadership, thus infringing upon freedom of the media. UNESCO further noted that it had not recorded the killing of any journalists in the country since it had begun systematic monitoring in 2006. UNESCO recommended, inter alia, that Algeria decriminalize defamation and place it under a civil code, and that it ensure that the Audiovisual Regulatory Authority operated with full respect of international human rights standards.³⁹

39. The Committee on the Elimination of Racial Discrimination expressed concern about reports regarding the intimidation, arrest and detention of some human rights defenders and the confiscation of their passports. The Committee recommended that Algeria ensure that human rights defenders did not face discriminatory measures, including intimidation, arrest, detention and the confiscation of passports.⁴⁰

40. The Committee on the Rights of Persons with Disabilities recommended that Algeria repeal all laws that restrict the rights of persons with disabilities, particularly persons with psychosocial or intellectual disabilities, to ensure that persons with disabilities could exercise their right to participate in political and public life on an equal basis with others.⁴¹

6. Right to marriage and family life

41. The Committee on the Rights of Persons with Disabilities recommended that Algeria provide the necessary financial and counselling support and ensure the availability of community-based support for parents and families of children with disabilities and parents with disabilities, in order to guarantee their enjoyment on an equal basis with others of their rights with respect to family life.⁴²

7. Prohibition of all forms of slavery, including trafficking in persons

42. The United Nations High Commissioner for Refugees (UNHCR) noted the concern expressed by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on trafficking in persons linked to the third cycle of the universal periodic review. UNHCR recommended that Algeria establish an effective national policy for combating gender-based violence, trafficking in persons and smuggling. It also recommended establishing appropriate mechanisms for the protection of survivors of gender-based violence and victims of trafficking and smuggling who were in need of international protection.⁴³

43. The Committee on the Elimination of Racial Discrimination took note, *inter alia*, of legislative measures taken by Algeria to combat trafficking in persons and protect victims, in particular articles 303 bis 4 to 303 bis 10 and 343 of the Criminal Code. Nevertheless, the Committee expressed concern about the persistence in Algeria of trafficking in persons, in particular persons from sub-Saharan countries, for the purposes of exploitation, domestic labour, begging and prostitution.⁴⁴

44. The same Committee recommended, *inter alia*, that Algeria continue its efforts in that regard and adopt a national strategy to combat trafficking in persons. It further recommended that Algeria investigate all instances of trafficking in persons brought to its attention, and prosecute and punish the perpetrators appropriately; and that it ensure that victims received reparation and had effective access effective to legal and psychological assistance, and social services.⁴⁵

8. Right to work and to just and favourable conditions of work

45. The Committee on the Rights of Persons with Disabilities expressed concern about the lack of sufficient resources and qualified professionals within the national agency responsible for the implementation and monitoring of Executive Decree No. 14-214 of 30 July 2014 to facilitate the employment of persons with disabilities.⁴⁶ The Committee recommended preparing a national strategy, in close consultation with organizations of persons with disabilities, to increase the rate of employment of persons with disabilities, particularly women with disabilities; and raise awareness among employers.⁴⁷

46. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommend that Algeria ensure that all migrant workers, particularly migrant women employed as domestic workers, had access to effective mechanisms for filing complaints against persons who exploited them and violated their rights and that such workers were duly informed about the complaint procedures and redress. The Committee also recommended that Algeria strengthen its efforts to implement its legal framework and impose appropriate penalties on employers who exploited migrant workers, especially women domestic workers, or subjected them to forced labour and abuse.⁴⁸

9. Right to an adequate standard of living

47. The Committee on the Rights of Persons with Disabilities recommended that Algeria be guided by article 28 of the Convention in the implementation of target 10.2 of the Sustainable Development Goals, and that it identify a social protection floor that covered the minimum content of the right to an adequate standard of living, on an equal basis with others.⁴⁹

10. Right to health

48. The Committee on the Rights of Persons with Disabilities recommended that Algeria be guided by the Convention in its implementation of Sustainable Development Goal 3, and increase the availability and capacity of comprehensive community-based health-care services, in particular for children and in rural regions.⁵⁰

49. The Special Rapporteur on the right to health stated that health-related indicators had improved significantly since independence, including the life expectancy of most segments of the population, maternal and child mortality rates and successful vaccination campaigns. He noted that the country had also embarked on important social reforms, including universal free access to health care and education.⁵¹

50. The Special Rapporteur highlighted that Algeria ranked below the global average on maternal mortality and morbidity, but slightly above the regional average for the Middle East and North Africa. Despite notable progress made over the past decades in reducing the maternal and neonatal mortality ratio, from 230 maternal deaths per 100,000 live births in 1989 to 63.6 in 2014, the country fell short of meeting the Millennium Development Goal 5 target on reducing maternal mortality, which was 57 per 100,000 live births.⁵² Rural regions and the south were most affected by poverty and social exclusion and ranked higher in relation to the absence of monitoring during pregnancy and unaccompanied births.⁵³

51. The Special Rapporteur noted that the majority of maternal deaths were preventable.⁵⁴ The lack and insufficient quality of relevant health-related data and analytical studies were important deficiencies and challenges that seriously compromised public policy efforts in the health and health-related sectors.⁵⁵

52. The Special Rapporteur, therefore, recommended that Algeria ensure that a solid health information system was in place to generate quality national data and statistics to analyse gaps and to design, implement and assess adequate policies. He also recommended that Algeria address the maternal and neonatal mortality and morbidity, including by launching a maternal death audit system and a reference guide on obstetric care and referring to the technical guidance on the application of a human rights-based approach to reducing and eliminating preventable maternal and under-five mortality and morbidity.⁵⁶

53. Le Rapporteur spécial a souligné que certains groupes de population étaient en butte à la discrimination et à des difficultés particulières dans l'exercice du droit à la santé, notamment les femmes, les adolescents et les jeunes, les personnes handicapées, les consommateurs de drogues et les personnes vivant avec le VIH/sida⁵⁷.

54. The Special Rapporteur recommended that Algeria remove the legal provisions criminalizing and stigmatizing people living with HIV/AIDS, including provisions in the Penal Code, and remove the requirement of a pre-nuptial medical certificate.⁵⁸

55. The Special Rapporteur also recommended that Algeria guarantee non-discrimination against people living with HIV/AIDS in the health-care sector by ensuring that health services, goods and information were accessible and of good quality for all key populations and that the health workforce was properly trained and equipped.⁵⁹

11. Right to education

56. UNESCO noted that Law No. 08-04 of 23 January 2008 provided that education was free at the pre-primary level, but that it was not compulsory. According to the Education 2030 Framework for Action, however, States must provide at least one year of compulsory pre-primary education.⁶⁰

57. The Committee on the Rights of Persons with Disabilities expressed concern that there was no policy on the right of children with disabilities to inclusive education, or strategy to transform specialized settings into inclusive education environments, including revised curricula and training.⁶¹

58. The same Committee recommended that Algeria ensure that all children with disabilities had access to inclusive, high-quality and free primary and secondary education, and provide reasonable accommodation to ensure that education was available to them. The Committee also recommended introducing training programmes for teachers and other educational staff on the right to inclusive education.⁶²

12. Cultural rights

59. The Committee on the Rights of Persons with Disabilities recommended that Algeria take all appropriate measures to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, and to ensure the accessibility of tourist sites, museums, art galleries, cultural centres, public parks and other public spaces for all persons with disabilities.⁶³

60. As Algeria was party to several international conventions concerning the protection of cultural rights, UNESCO encouraged Algeria to fully implement the relevant provisions that promoted access to and participation in cultural heritage and creative expressions that were conducive to implementing right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Algeria was encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations as well as vulnerable groups, including minorities, indigenous peoples, migrants, refugees, young people and people with disabilities, and to ensure that equal opportunities are given to women and girls to address gender disparities.⁶⁴

B. Rights of specific persons or groups

1. Women

61. The Human Rights Committee welcomed the adoption by Algeria of the Organic laws No. 12-03 establishing the procedures for increasing women's opportunities for access to representation in elected assemblies, which lays down the principle of quotas, of between 20 and 50 per cent, for the number of seats to be filled by women in elected assemblies, and No. 12-04 on political parties.⁶⁵

62. The same Committee recommended that Algeria continue its efforts to prevent and combat acts of violence against women, including by strengthening the institutions responsible for applying the existing legislative framework, providing them with the necessary resources, strengthening awareness-raising activities and offering training activities for State officials. The same Committee also recommended expanding and strengthening shelter services and care arrangements for victims; facilitating the submission of complaints of violence; and revising the Criminal Code in order to introduce a comprehensive definition of rape.⁶⁶

63. The Special Rapporteur on the right to health commended the Government for the efforts made over the past few years to address the prevention and treatment of cancer, including breast and cervical cancers. He noted that women had enjoyed an overall improvement in health indicators since independence, including increased life expectancy, decreased maternal mortality rates and the fight against infectious diseases. However, serious challenges remained concerning the full realization of women's right to health, in particular barriers to the enjoyment of sexual and reproductive health rights and the effective implementation of a normative framework on violence against women.⁶⁷

64. The Special Rapporteur, therefore, recommended that Algeria respect, protect and realize the right to health of women and girls by removing barriers to their sexual and reproductive rights; ending the criminalization of abortion and ensuring access to abortion services; and providing sexual and reproductive health information, services and goods, in particular comprehensive, age-sensitive and inclusive sexual education in secondary schools. The Special Rapporteur further recommended that Algeria ensure comprehensive protection for women against all forms of violence by addressing, without delay, the remaining gaps in legislation and in practice in order to ensure substantive equality and uphold their right to health and related rights.⁶⁸

2. Children

65. The Human Rights Committee welcomed the adoption of Act No. 15-12 of 15 July 2015 on child protection.⁶⁹ The Committee also noted with satisfaction the accession of Algeria, on 6 May 2009, to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.⁷⁰ The Committee on the Rights of the Child recommended prohibiting and criminalizing the recruitment and use of children under 18 years of age in hostilities by the armed forces.⁷¹ The same Committee also recommended providing data on the number of children recruited by non-State armed groups, including Al-Qaida in the Islamic Maghreb and Jund al-Khilafah fi Ard al-Jaza'ir.⁷²

66. UNESCO recommended revising the Family Code, in order to establish the absolute minimum age of marriage when granted by a judge, to ensure protection of the right of girls to education.⁷³

67. The Special Rapporteur on the right to health noted that Algeria had established a good model to prevent discrimination and exclusion of children in relation to accessing basic health services. However, inadequate screening for emotional and behavioural health conditions and identification of developmental disabilities or emotional difficulties in children had led to children being excluded from mainstream schools. The Special Rapporteur recommended that a better balance be struck to address both physical health and mental health in the school setting.⁷⁴

3. Persons with disabilities

68. The Committee on the Rights of Persons with Disabilities expressed concern that Algeria had not initiated a process of deinstitutionalization of persons with disabilities and noted with concern the lack of measures taken to ensure respect for the right of persons with disabilities to live independently and be included in the community.⁷⁵

69. The same Committee recommended that Algeria adopt legislation and take specific measures to protect children with disabilities from abuse and neglect and to investigate and sanction perpetrators. It also recommended increasing resources to ensure that children with disabilities received the support that they required to enjoy their rights on an equal basis with others. The Committee further recommended encouraging alternative care in family settings for children with disabilities and, in the meantime, ensuring that residential alternative care facilities had adequately trained staff and sufficient financial resources to ensure the realization of the rights of children with disabilities in those facilities.⁷⁶

4. Lesbian, gay, bisexual, transgender and intersex persons

70. The Human Rights Committee recommended repealing article 338 of the Criminal Code in order to decriminalize sexual relations between consenting adults of the same sex.⁷⁷

5. Migrants, refugees and asylum-seekers

71. The Human Rights Committee recommended that Algeria provide protection to asylum-seekers and refugees. The Committee also recommended refraining from conducting mass arrests of migrants and asylum-seekers, and further recommended refraining from subjecting migrants and asylum-seekers to arbitrary detention and from conducting collective expulsions of migrants and asylum-seekers.⁷⁸

72. The Committee on the Rights of the Child recommended that Algeria provide systematic training on the early identification of refugee, asylum-seeking and migrant children who might have been recruited to serve in armed conflicts to all professionals working with or for children, particularly to immigration personnel, law enforcement officers, judges, prosecutors, social workers and medical professionals.⁷⁹

73. UNHCR welcomed the December 2020 revisions to the Algerian Constitution, which strengthened several social rights for refugees.⁸⁰ UNHCR also recognized the achievements and improvements made by the Government in the protection of refugees. However, the Government's failure to grant refugee status and issue national documentation to refugees recognized by UNHCR under the 1951 Convention and the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, creates fundamental problems, including with regard to accessing documentation, residency, social security, the labour market, adequate shelter and many other refugee and human rights. The Government's official recognition of refugees recognized under the mandate of UNHCR would avoid these issues and would also officialize the current practices that allow for these refugees to access health services and education, as well as protection from arbitrary detention and refoulement.⁸¹

74. The Committee on the Elimination of Racial Discrimination expressed concern that the legal and institutional framework established by Decree No. 63-274 of 25 July 1963 was neither comprehensive nor adequate to provide effective protection of the rights of asylum-seekers, refugees and stateless persons. Furthermore, Algeria did not provide the Committee with statistical data on the number of asylum-seekers, refugees and stateless persons residing in its territory.⁸²

75. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, concerned about the situation of migrant workers and their families, recommended, inter alia, that Algeria take the necessary steps to remove all obstacles faced by migrant workers and members of their families, including those in an irregular situation, in accessing an effective remedy, and ensure that they have the same opportunities as Algerian nationals to access justice and obtain effective redress, and to access police services, health care, education, social security and housing without fear of being arrested, detained or deported by the authorities.⁸³

6. Stateless persons

76. The Committee on the Elimination of Racial Discrimination urged Algeria to accelerate the adoption of the bill on refugees and stateless persons to establish a comprehensive and adequate legislative and institutional framework that reflects the asylum situation in its territory and complies with international standards. The Committee also recommended that Algeria guarantee the rights of asylum-seekers, refugees and stateless persons without discrimination, and provide the Committee with the relevant data concerning asylum-seekers, refugees and stateless persons.⁸⁴

C. Specific regions or territories

77. According to the Human Rights Committee, as an obligation emanating from article 2 (1) of the International Covenant on Civil and Political Rights, Algeria should ensure the liberty and security of persons as well as access to effective remedies for all persons within its territory, including those in the camps at Tindouf, who claim to be the victim of a violation of the Covenant's provisions.⁸⁵

Notes

- 1 [A/HRC/36/13](#), [A/HRC/36/13/Add.1](#) and [A/HRC/36/2](#).
- 2 [CRPD/C/DZA/CO/1](#), para. 4.
- 3 *Ibid.*, para. 55.
- 4 [CRC/C/OPAC/DZA/CO/1](#), para. 30 (b).
- 5 *Ibid.*, para. 37.
- 6 [A/HRC/35/21/Add.1](#), para. 11.
- 7 [CERD/C/DZA/CO/20-21](#), para. 4.
- 8 *Ibid.*, para. 31.
- 9 [CRPD/C/DZA/CO/1](#), para. 7.
- 10 *Ibid.*, para. 57 (a).
- 11 UNESCO submission for the universal periodic review of Algeria, pp. 2–3.
- 12 [CRC/C/OPAC/DZA/CO/1](#), para. 6.
- 13 [CCPR/C/DZA/CO/4](#), para. 3 (b).
- 14 *Ibid.*, para. 16.
- 15 [CRC/C/OPAC/DZA/CO/1](#), para. 4 (a).
- 16 [CERD/C/DZA/CO/20-21](#), para. 3.
- 17 *Ibid.*, paras. 9–10.
- 18 [CCPR/C/DZA/CO/4](#), para. 20 (a).
- 19 [CRPD/C/DZA/CO/1](#) para. 11.
- 20 *Ibid.*, para. 10 (a).
- 21 *Ibid.*, para. 13.
- 22 UNESCO submission, p. 4.
- 23 [CERD/C/DZA/CO/20-21](#), para. 11.
- 24 *Ibid.*, para. 12.
- 25 [CCPR/C/DZA/CO/4](#), para. 28.
- 26 *Ibid.*, para. 32.
- 27 [CRC/C/OPAC/DZA/CO/1](#), para. 20.
- 28 [CRPD/C/DZA/CO/1](#), para. 29.
- 29 *Ibid.*, para. 30.
- 30 *Ibid.*, para. 31.
- 31 [CCPR/C/DZA/CO/4](#), para. 18.
- 32 *Ibid.*, para. 40.
- 33 OHCHR, “Press briefing notes on Algeria”, 11 May 2021.
- 34 *Ibid.*
- 35 OHCHR, “Press briefing notes on Algeria”, 5 March 2021.
- 36 [CCPR/C/DZA/CO/4](#), para. 42 (a) and (c).
- 37 *Ibid.*, para. 44 (a) and (b).
- 38 *Ibid.*, para. 14; and [CCPR/C/128/D/3082/2017](#), paras. 8.10 and 10.
- 39 UNESCO submission, pp. 3 and 7.
- 40 [CERD/C/DZA/CO/20-21](#), paras. 29–30.
- 41 [CRPD/C/DZA/CO/1](#), para. 49.

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- 42 Ibid., para. 39.
43 UNHCR submission for the universal periodic review of Algeria, p. 5.
44 [CERD/C/DZA/CO/20-21](#), para. 23.
45 Ibid., para. 24.
46 [CRPD/C/DZA/CO/1](#), para. 44.
47 Ibid., para. 45 (b)–(c).
48 [CMW/C/DZA/CO/2](#), para. 34.
49 [CRPD/C/DZA/CO/1](#), para. 47.
50 Ibid., para. 43.
51 [A/HRC/35/21/Add.1](#), para. 6.
52 Ibid., para. 51.
53 Ibid., paras. 52 and 54.
54 Ibid., para. 54.
55 Ibid., para. 9.
56 Ibid., para. 128 (c) and (e).
57 Ibid., para. 46.
58 Ibid., para. 128 (j).
59 Ibid., para. 128 (k).
60 UNESCO submission, p. 4.
61 [CRPD/C/DZA/CO/1](#), para. 40.
62 Ibid., para. 41.
63 Ibid., para. 51.
64 UNESCO submission, pp. 7–8.
65 [CCPR/C/DZA/CO/4](#), para. 3 (c).
66 Ibid., para. 24.
67 [A/HRC/35/21/Add.1](#), paras. 47 and 49.
68 Ibid., para. 128 (f)–(g).
69 [CCPR/C/DZA/CO/4](#), para. 3 (e).
70 Ibid., para. 4.
71 [CRC/C/OPAC/DZA/CO/1](#), para. 30 (a).
72 Ibid., para. 32 (a).
73 UNESCO submission, p. 6.
74 [A/HRC/35/21/Add.1](#), para. 89.
75 [CRPD/C/DZA/CO/1](#), para. 32.
76 Ibid., para. 17.
77 [CCPR/C/DZA/CO/4](#), para. 20.
78 Ibid., para. 38.
79 [CRC/C/OPAC/DZA/CO/1](#), para. 36 (b).
80 UNHCR submission, p. 2.
81 Ibid., p. 4.
82 [CERD/C/DZA/CO/20-21](#), para. 21.
83 [CMW/C/DZA/CO/2](#), para. 32.
84 [CERD/C/DZA/CO/20-21](#), para. 22.
85 [CCPR/C/DZA/CO/4](#), para. 10.
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