



General Assembly

Distr.
GENERAL

A/HRC/WG.6/1/DZA/2
26 March 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
First session
Geneva, 7-18 April 2008

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Algeria

This report is a compilation of the information contained in the reports of treaty bodies, special procedure, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR) other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. The information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty, and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

| <i>Core universal human rights treaties²</i> | <i>Date of ratification</i> | | <i>Recognition of specific competences of treaty bodies</i> |
|--|--|-----------------------------------|---|
| | <i>accession or succession</i> | <i>Declarations/ reservations</i> | |
| ICERD | 14 Feb. 1972 | None | Individual complaints (art. 14): Yes |
| ICESCR | 12 Sept. 1989 | Arts. 1, 8, 13, 14, and 23 | - |
| ICCPR | 12 Sept. 1989 | Art. 2 | Inter-State complaints (art. 41): Yes |
| ICCPR-OP 1 | 12 Sept. 1989 | None | - |
| CEDAW | 22 May 1996 | Arts. 2, 9, 15, 16, 29 | - |
| CAT | | | Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes |
| CRC | 16 Apr. 1993 | Arts. 13, 14, 16, 17 | - |
| OP-CRC-SC | 27 Dec. 2006 | | - |
| ICRMW | 21 Apr. 2005 | Art. 92 | Individual complaints (art. 77): No Inter-State complaints (art. 92): No |
| <i>Core treaties to which Algeria is not a party: CCPR-OP2, CAT-OP, CEDAW-OP, CRC-OP-AC, CPD (signature, 2007), CPD-OP (signature, 2007), CED (signature, 2007).</i> | | | |
| <i>Other main relevant international instruments³</i> | <i>Ratification, accession or succession</i> | | |
| Convention on the Prevention and Punishment of the Crime of Genocide | Yes | | |
| Rome Statute of the International Criminal Court | No | | |
| Palermo Protocol ⁴ | Yes | | |
| Refugees and stateless persons ⁵ | Yes, except 1961 convention | | |
| Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶ | Yes, except Protocol III | | |
| ILO fundamental conventions ⁷ | Yes | | |
| UNESCO Convention against Discrimination in Education | Yes | | |

1. The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Algeria to ratify CEDAW-OP,⁸ CRC recommended that it ratify CRC-OP-SC and CRC-OP-AC;⁹ and the HR Committee requested it to ratify CCPR-OP2.¹⁰ CEDAW reiterated its concern that Algeria has maintained several reservations, noted that reservations to articles 2 and 16 are contrary to the object and purpose of the Convention, and urged Algeria to expedite legislative reform, especially of the Family Code.¹¹ CRC reiterated its previous recommendation to carry out the review with a view to withdrawing its interpretative declarations.¹²

2. While noting Algeria's assertion that the state of emergency does not entail any restriction on most rights and freedoms, the HR Committee was nevertheless concerned that the state of emergency proclaimed on 13 February 1992 has remained in force. The Committee recommended that Algeria undertake to review the need for maintaining the state of emergency in accordance with the criteria laid down in article 4 of the Covenant and ensure that its application does not lead to violations of the Covenant.¹³

B. Constitutional and legislative framework

3. The HR Committee noted that the Covenant has primacy over national law and that it may be invoked in Algerian courts. It regrets, however, that the rights protected by the Covenant have not been fully incorporated into domestic legislation, and that the Covenant has not been disseminated widely enough for it to be regularly invoked before the courts and the administrative authorities. The Committee recommended that Algeria adopt measures in this regard.¹⁴

C. Institutional and human rights infrastructure

4. The *Commission consultative de promotion et de protection des droits de l'homme* (CCPPDH) was accredited with "A" status in 2003.¹⁵ The HR Committee noted with concern the lack of information on the outcome of the Commission's work, due, inter alia, to the non-publication of its annual reports. It also regretted the lack of information on the Commission's national action plan on human rights.¹⁶

5. CRC noted with appreciation the establishment of new institutions aimed at protecting and promoting the rights of the child, such as the Office of the Head of Government's Deputy Minister for the Family and the Status of Women in 2002, and the National Commission to Combat Child Labour, in 2003.¹⁷ While taking note of the establishment of CCPPDH in 2001, the Committee regretted the absence of an independent and child-sensitive monitoring structure with a mandate that includes the power to receive and address individual complaints related to the rights of the child. CRC, and also UNICEF, recommended that such a body be established.¹⁸

D. Policy measures

6. The Special Rapporteur on violence against women as well as UNICEF welcomed the National Strategy to Combat Violence against Women, which has been prepared by the Minister-Delegate for Family and the Status of Women, in consultation with other stakeholders.¹⁹

7. CRC expressed its concern at the lack of a comprehensive national plan of action and recommended that Algeria strengthen coordination with a view to developing and adopting a comprehensive national plan of action for the implementation of the Convention.²⁰

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

| <i>Treaty body²¹</i> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i> |
|---------------------------------|---|---------------------------------------|---------------------------|---|
| CERD | 2000 | March 2001 | - | Fifteenth and sixteenth reports overdue since 2003, seventeenth since 2005, and eighteenth since 2007 |
| CESCR | 2000 | November 2001 | - | Third report overdue since 2006 |
| HR Committee | 2006 | November 2007 | Due in November 2008 | Fourth report due in 2011 |
| CEDAW | 2003 | January 2005 | - | Combined third and fourth report due in 2009 |
| CAT | 1996 | November 1996 | - | Third report due since 1998, submitted in 2006 and scheduled for consideration in May 2008 |

| <i>Treaty body²¹</i> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i> |
|---------------------------------|---|---------------------------------------|---------------------------|--------------------------------------|
| CRC | 2003 | September 2005 | - | Third and fourth reports due in 2010 |
| CMW | - | - | - | Initial report overdue since 2006 |

8. CEDAW and CRC noted with appreciation the written replies to the lists of issues, while the HR Committee and CRC expressed their gratitude to Algeria for the additional documents with which they were provided. The HR Committee welcomed the opportunity to resume the dialogue with Algeria, and CEDAW appreciated the constructive dialogue held with the delegation.²²

9. CRC noted with satisfaction that several of the concerns it expressed and recommendations it made in its previous concluding observations have been addressed. Nevertheless, both CEDAW and CRC were concerned that some of their concerns and recommendations have not been sufficiently addressed and urged Algeria to address and implement those recommendations.²³

10. On 7 November 2007, the Government provided comments to the HR Committee, in which it expressed its surprise about the content of the concluding observations, which, in its view, did not accurately reflect the content of the discussions.²⁴

2. Cooperation with special procedures

| | |
|--|---|
| <i>Standing invitation</i> | No |
| <i>Latest visits or mission reports</i> | Special Rapporteur on violence against women (21-31 January 2007); ²⁵ Special Rapporteur on freedom of religion or belief (16-26 September 2002). ²⁶ |
| <i>Visits agreed upon in principle</i> | Special Rapporteur on freedom of opinion and expression (December 2005 - postponed) |
| <i>Visits requested and not yet agreed upon</i> | - Special Rapporteur on the question of torture (2007); - Special Rapporteur on extrajudicial, summary or arbitrary executions (5 February 2007); - Working Group on Enforced or Involuntary Disappearances (25 August 2000); - Special Rapporteur on the promotion and protection of human rights while countering terrorism (1 June 2006). |
| <i>Facilitation/cooperation during missions</i> | The Special Rapporteur on violence against women thanked the Government of Algeria for its invitation and excellent support throughout the conduct of her mission. |
| <i>Follow-up to visits</i> | - |
| <i>Responses to letters of allegation and urgent appeals</i> | Between 1 January 2004 and 31 December 2007, 42 communications were sent to the Government. In addition to particular groups, these communications concerns 100 individuals, including five women. In the same period, the Government replied to 28 communications (66 per cent). |
| <i>Responses to questionnaires on thematic issues²⁷</i> | Algeria responded to two of the 12 questionnaires sent by special procedures mandate holders ²⁸ between 1 January 2004 and 31 December 2007, within the deadlines. ²⁹ |

3. Cooperation with the Office of the High Commissioner for Human Rights

11. In recent years, Algeria has regularly provided financial contributions to OHCHR, as well as to the United Nations Voluntary Fund for Victims of Torture, the United Nations Voluntary Fund for Indigenous Populations and the Voluntary Fund for the International Decade of the World's Indigenous People.

B. Implementation of international human rights obligations

1. Equality and non-discrimination

12. In 2005, CEDAW was concerned that Algeria's legislation contains neither a definition of discrimination in accordance with article 1 of the Convention, nor provisions on equal rights of women in line with article 2 (a). The Committee recommended that such a definition and provisions on the equal rights of women be included in the Constitution or in other appropriate legislation.³⁰

13. A 2006 UNDP report noted that there are positive signs in the 2005 modifications to the 1984 Family Law, establishing the principle of equality between women and men with regard to marriage with foreigners of other religions.³¹ In 2007, the Special Rapporteur on violence against women noted that despite the newly established provision on equality of men and women under the Nationality Code and the significant reforms of the Family Code of 1984, women still face discrimination in family matters and access to property.³² The HR Committee noted Algeria's desire to amend its laws and engage in reflection on the status of women in the country. Nevertheless, it was concerned, as was CEDAW, at the persistence of discrimination against women both in law and in practice. Both committees recommended that Algeria expedite the process of bringing its laws into line with CEDAW and ICCPR, respectively, and that it strengthen its efforts to increase awareness of the rights of women among the Algerian population.³³ Algeria, in its comments to the HR Committee, pointed out that it had formulated interpretative declarations, particularly with respect to the sphere of personal status, in accordance with the Vienna Convention on the Law of Treaties.³⁴

14. In 2005, CRC was concerned that the existing domestic laws and policies do not adequately preserve and promote the Amazigh identity of children, including their right to use their own language. The Committee recommended that Algeria continue and strengthen its efforts to protect and promote the identity and the rights of Amazigh children.³⁵

15. CRC recommended that the State take all feasible measures to ensure full protection and care, as well as access to health and social services and to education, of Western Saharan refugee children living in refugee camps in Algeria,³⁶ as also highlighted by UNHCR.³⁷

2. Right to life, liberty and security of the person

16. The Working Group on Enforced or Involuntary Disappearances reported that at the end of 2006, there were 1,622 outstanding cases, and that 31 newly reported cases of disappearances which occurred in the 1990s had been received in 2006. Newly reported cases arising from the 1990s continue to be received by the Working Group and are being transmitted to the Government.³⁸ The Working Group recommended that the Government allow NGOs to undertake their work freely and without impediment, and that families of victims of disappearances be permitted to organize freely without bureaucratic restrictions or legislative impediment, and that witnesses be protected.³⁹

17. While noting the assurances given by the Algerian delegation on periodic and unannounced prison inspections, the HR Committee was concerned about the numerous non-governmental reports of the existence of secret detention centres. The Committee stated that Algeria should ensure that all places of detention are under the control of the prison authorities and the prosecutor's office, and that it establish a national register of detention centres and persons detained.⁴⁰ The Government

categorically refuted the allegations with regard to alleged places of detention that lie outside the reach of the law, and stated that these allegations can never be substantiated by documentary evidence. It reaffirmed that it exercises its authority over all places of detention under its jurisdiction.⁴¹

18. The HR Committee also recommended that Algeria ensure that persons held in secret detention are placed under the protection of the law and that their right to be brought before a judge in the shortest possible time is duly respected. In the case of deceased persons, the Committee requested Algeria to take all necessary measures to elucidate the place and cause of death as well as the place of burial, and undertake to return the bodies of these persons to their families. Finally, the HR Committee recommended that Algeria undertake to convey all information and findings to the families of disappeared persons, and in particular to publish the final report of the ad hoc National Commission on Disappearances.⁴²

19. A 2006 UNDP report noted that although Algeria has introduced a provision in its Criminal Code that explicitly outlaws torture of detainees, it has in some instances taken no action to enforce this prohibition, nor has it investigated allegations of torture.⁴³ Both CRC and the HR Committee noted with concern the information regarding cases of torture and cruel, inhuman or degrading treatment committed in the territory of Algeria, for which the Intelligence and Security Department reportedly has responsibility. They recommended that Algeria guarantee that all allegations of torture and cruel, inhuman or degrading treatment are investigated by an independent authority and that those responsible for such acts are consistently prosecuted and punished.⁴⁴ The Government replied that torture is prohibited in all places and in all circumstances and that perpetrators of ill-treatment face criminal prosecution.⁴⁵

20. A number of communications from special procedures relate to alleged torture and ill-treatment of individuals while in detention.⁴⁶ A number of them refer to alleged incommunicado detention, sometimes for up to six months.⁴⁷ Other cases refer to conditions of detention,⁴⁸ including issues related to solitary confinement.⁴⁹ In its replies, the Government has often highlighted that the individuals in question are alleged terrorists or have been arrested in the context of counter-terrorism operations,⁵⁰ in accordance with national law. The Government has also stated that the issue of impunity does not arise, either because cases have been investigated⁵¹ or because the individuals concerned have not filed complaints relating to their alleged ill-treatment.⁵² Regarding a number of individual communications, the HR Committee concluded that there has been a violation of article 9 (arbitrary detention, incommunicado detention, house arrest, pretrial detention, disappearance),⁵³ and/or article 10 (inhumane detention conditions)⁵⁴ and/or article 7 (torture and cruel, inhuman and degrading treatment, disappearance)⁵⁵ of the Covenant and urged Algeria to provide effective remedies for those violations. Furthermore, the Committee urged Algeria to provide the victims with appropriate reparation, including compensation, and to take measures to prevent similar violations in the future.⁵⁶

21. The Working Group on Arbitrary Detention issued an opinion in 2005 regarding the case of an individual who was arrested at his home without a warrant or other court order. The Working Group noted that the Government has not offered any convincing argument to refute the allegation that the individual spent four years in pretrial detention without any decision as to his guilt. It concluded that the individual did not receive a fair hearing and that his detention was arbitrary.⁵⁷

22. CEDAW and the HR Committee recommended that Algeria implement measures to prevent all forms of violence against women through education campaigns and introduce measures to provide medical, psychological and legal assistance to victims of violence.⁵⁸

23. The Special Rapporteur on violence against women noted that the Government has recently criminalized certain forms of sexual harassment, which she considered as a positive first step towards addressing this problem. According to her findings, women still suffer from the legacy of the Black Decade of violence, which saw systematic and widespread rape and sexual enslavement of women.⁵⁹

24. CRC noted with concern that corporal punishment is widely accepted in society as a form of discipline, and urged Algeria to adopt legislation explicitly prohibiting corporal punishment and to conduct public education campaigns promoting children's right to protection from all forms of violence and alternative, participatory, non-violent forms of discipline.⁶⁰

25. CRC urged Algeria to ensure that all children who have been directly or indirectly involved in armed conflict are protected, and to provide children involved in and traumatized by armed conflict with adequate assistance and counselling for their rehabilitation, physical and psychological recovery and social reintegration.⁶¹ UNICEF also expressed concern at the impact on children of violence in the 1990s, which has affected them physically and mentally.⁶²

26. A 2006 UNFPA report noted that some women along the border are vulnerable to sexual exploitation by smugglers and traffickers.⁶³ CRC noted with concern reports of trafficking in children and that Algeria is becoming a place of transit for trafficking between Africa and Western Europe. The Committee recommended that measures be taken, on an urgent basis, to provide a specific legal framework to prevent and protect children from trafficking for sexual and other exploitative purposes and define "trafficking" as a special criminal offence under domestic law.⁶⁴

3. Administration of justice and the rule of law

27. Following the announcement, in early 2005, of a referendum on a proposal of general amnesty applicable to individuals responsible for human rights violations committed since 1992, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers and the Working Group on Enforced or Involuntary Disappearances raised concerns regarding three sets of envisaged measures: (a) the exemption of members of armed groups, of State-armed militias and of security forces from criminal liability; (b) compensation for the families of victims, but allegedly without recourse to the judiciary; and (c) exemption from criminal liability of the hierarchical superiors of the State agents who are reportedly responsible for an alleged 6,146 cases of disappearances.⁶⁵

28. The HR Committee noted with concern that many serious violations of human rights, including by public officials, have reportedly been committed and continue to be committed with complete impunity. It also noted that Algeria has provided few examples of serious crimes that have been prosecuted and punished, for example in connection with cases of disappearance.⁶⁶

29. While noting the work of the ad hoc National Commission on Disappearances and the establishment of offices responsible for registering complaints of disappearance, the HR Committee noted with concern that the authorities have to date not undertaken any public, exhaustive and independent assessment of the serious human rights violations perpetrated in Algeria. It also noted with concern the almost total absence of information on the work and results obtained by the ad hoc Commission, and that its report has still not been made public. The Committee recommended that Algeria conduct a comprehensive and independent investigation into all allegations of disappearance, in order to identify, prosecute and punish the culprits, and undertake to ensure that

disappeared persons and/or their families receive an effective remedy.⁶⁷ The Government replied that it is for the ad hoc Commission to decide on the publication of the report, and stressed that many of its recommendations have been addressed by the Charter for Peace and National Reconciliation.⁶⁸

30. In relation to Ordinance No. 06-01 in application of the Charter for Peace and National Reconciliation, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on Enforced or Involuntary Disappearances raised three sets of concerns: (a) the draft ordinance appears to provide impunity for crimes committed during the civil war; (b) the draft ordinance provides for the extinction of judicial proceedings for individuals who presented themselves to the authorities over a long period of time; and (c) notwithstanding the positive step taken towards providing compensation, that families of victims of enforced disappearance would receive compensation in exchange for death certificates, without having the possibility of bringing charges.⁶⁹ In its response, the Government recalled that its position is based on the will of the sovereign people, resulting from a democratic process, and stated that all the victims of the national tragedy would be taken into account.⁷⁰ The HR Committee expressed concern and recommended that Algeria ensure that Ordinance No. 06-01 does not impede enjoyment of the right to an effective remedy, in conformity with article 2 of the Covenant, and that it does not apply to crimes such as torture, murder and abduction.⁷¹ In 2005, the Committee's Special Rapporteur on new communications and interim measures requested Algeria not to invoke against individuals who had submitted or might submit communications to the Committee the provisions of the then draft amnesty law (*Projet de Charte pour la Paix et la Réconciliation Nationale*).⁷² Algeria replied that neither the Ordinance nor the implementing text of the Charter favour impunity or amnesty.⁷³

31. In the framework of the HR Committee's follow-up procedure on individual communications, Algeria has failed to provide information on measures taken to give effect to the Committee's Views⁷⁴ and has not replied to the request for interim measures contained therein.⁷⁵ In its concluding observations on the third report, the HR Committee stated that Algeria should take the necessary measures to give effect to the Committee's Views, so as to guarantee the right to an effective remedy.⁷⁶ With regard to the cases referred to by the Committee, the Government informed the Committee that it has cooperated with it in good faith, and pointed out that the facts were not always presented or interpreted faithfully by the source and in some cases had been entirely distorted by political considerations.⁷⁷

32. CRC welcomed the revised provisions of the Act on the system of penal institutions and the social reinsertion of detainees, which improve the status of children within the juvenile justice system.⁷⁸ However, it noted with deep concern that a child as young as 13 can be sentenced to prison for terms of 10-20 years. Furthermore, the lack of specialized juvenile judges and systematic training of professionals, the limited capacity and the poor condition of the detention facilities for juveniles, and the limited access to the complaint mechanisms while in detention and to recovery and social reintegration services upon release gave rise to concern.⁷⁹

4. Right to privacy, marriage and family life

33. The HR Committee and CRC recommended that Algeria expedite the process of bringing the laws governing the family and personal status into line with ICCPR and the Convention, particularly with regard to the institution of the *wali*, the rules relating to marriage and divorce, and decisions concerning the custody of children. The HR Committee also recommended that polygamy be abolished.⁸⁰

5. Freedom of religion and belief, expression, association and peaceful assembly

34. The Special Rapporteur on freedom of religion or belief raised concerns regarding an ordinance adopted as law in April 2006, which set the conditions and rules for the practice of religions other than Islam. She reported that this text stipulates the location where other religions may be practised. It also criminalizes attempts to convert Muslims to other religions as well as the creation, storage or distribution of documents aimed at undermining the faith of a Muslim (*“ébranler la foi d’un musulman”*), and preaching in religious buildings without the authorization of both the religious and national authorities.⁸¹ The Government noted that freedom of conscience is guaranteed by the Constitution and that while the ordinance itself specifies that the State religion is Islam, free exercise of religion is guaranteed as long as laws and regulations, public order, and the fundamental rights and freedoms of others are respected.⁸²

35. The Special Rapporteur on freedom of opinion and expression sent numerous communications regarding alleged limitations to the freedom of expression, in particular regarding cases of journalists allegedly sentenced, charged or threatened to be charged with defamation,⁸³ spreading of false news,⁸⁴ offence to the Head of State,⁸⁵ or using the wounds of the national tragedy to harm the institutions, weaken the State, damage the honour of its agents or tarnish the image of the State.⁸⁶ The Special Representative of the Secretary-General on the situation of human rights defenders expressed similar concerns.⁸⁷ While noting the pardon granted to a number of journalists in July 2006, the HR Committee noted with concern that many journalists have been and continue to be subjected to pressure and intimidation, or even measures of deprivation of liberty, by the authorities, and recommended that Algeria guarantee the exercise of freedom of the press and the protection of journalists and that it amend its legislation in order to decriminalize defamation.⁸⁸ The Government replied that any applicable restrictions are those referred to in the Covenant.⁸⁹

36. Other communications from special procedures refer to alleged excessive use of force by law enforcement officials in the context of peaceful demonstrations. These cases include the demonstrations held regularly by the association of families of individuals who have disappeared in the city of Constantine.⁹⁰ The Special Rapporteur on the question of torture expressed concern that arrests and excessive force have been used to disperse peaceful demonstrations.⁹¹

37. The Special Representative of the Secretary-General on the situation of human rights defenders noted that family members of individuals, including human rights defenders, who have allegedly disappeared during the conflict have allegedly been harassed and some even assaulted by members of the security forces.⁹² Moreover, she remained concerned at reports of restrictions to freedom of assembly,⁹³ by the prohibition in 2001 on demonstrating in the capital, which according to reports was still in force in December 2005,⁹⁴ and by the provisions of the Criminal Code, which make gatherings (*attroupements*) punishable.⁹⁵ The HR Committee expressed similar concerns about human rights defenders and the right to peaceful assembly.⁹⁶

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

38. CRC recommended that Algeria continue to take effective measures to prohibit the economic exploitation of children, in particular in the informal sector, and to strengthen the labour inspectorate so that it can monitor the extent of child labour.⁹⁷

7. Right to social security and to an adequate standard of living

39. UNICEF noted that the poverty ratio has been reduced by half since 2000, that extreme poverty remains marginal, and that its total eradication is possible.⁹⁸ In 2005, the Government

presented a report on its progress towards the implementation of the Millennium Development Goals, which indicated that the poverty rate decreased from 12.1 per cent in 2000 to 6.8 per cent in 2004.⁹⁹ A 2006 UNDP report noted the linkages between water and poverty, and mentioned that 85 per cent of the population in 2004 had sustainable access to an improved water source.¹⁰⁰

40. CEDAW appreciated progress achieved in the area of women's health, including the decrease in maternal and infant mortality and the increase in women's life expectancy.¹⁰¹ While welcoming the adoption in April 2005 of the *Programme national de périnatalité 2005-2008*, which aims at reducing newborn and maternal mortality rates by 50 per cent, CRC expressed its grave concern at the high rates of infant and maternal mortality.¹⁰²

8. Right to education

41. UNICEF mentioned that the high level of school enrolment (97 per cent) is maintained and that universal enrolment is expected to be achieved in the very short term, albeit slightly later for girls.¹⁰³ A 2006 UNDP report noted discrepancies throughout the education system, and that while the enrolment rate in pre-school education for girls in Algeria is less than 5 per cent, most data show that in higher education, equality between the sexes has been achieved.¹⁰⁴

9. Human rights and counter-terrorism

42. The Special Rapporteur on the promotion and protection of human rights while countering terrorism noted that the Criminal Code contains an overly broad and general definition of terrorist or subversive acts. This concern was echoed by the HR Committee.¹⁰⁵ In addition, the Special Rapporteur noted that in the case of alleged terrorism-related charges, the period of pre-charge detention can be up to 12 days and the period of pretrial detention may be renewed up to five times.¹⁰⁶ The Government replied that this information is correct, and that the prolonged periods of detention are necessary to deal with this type of crime.¹⁰⁷

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

43. The HR Committee welcomed the moratorium on the death penalty in effect since 1993, and the fact that Algeria considers itself to be a de facto abolitionist State.¹⁰⁸

44. The Special Rapporteur on violence against women noted that Algeria has distinguished itself by realizing the equal access of boys and girls to all levels of education in little more than one generation. In addition, educated urban women have also achieved impressive levels of representation in key areas of the public sector, especially among judges, medical doctors and teachers.¹⁰⁹ CEDAW noted with satisfaction the increase in women's enrolment in institutions of higher learning and the fact that girls now make up 57.53 per cent of students in secondary education.¹¹⁰

45. CRC welcomed the fact that all children aged 6 to 16 years are entitled to compulsory and free education without any discrimination.¹¹¹

46. CRC acknowledged that natural catastrophes, such as the floods in 2001 and the earthquake in 2003, have given rise to a growing number of economic and social difficulties. The Committee acknowledged that Algeria has experienced an exceptional cycle of political violence, including terrorism.¹¹²

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

47. On 23 March 2006, Algeria submitted voluntary pledges in support of its candidacy to membership of the Human Rights Council.¹¹³

B. Specific recommendations for follow-up

48. The HR Committee, within the framework of its follow-up procedure, requested Algeria to submit information within one year on the follow-up given to the Committee's recommendations related to alleged secret detention centres, disappearances, and torture and cruel, inhuman or degrading treatment.¹¹⁴

49. The Special Rapporteur on freedom of opinion and expression drew the attention of the Government to the principle of proportionality of sentences and stated that criminal sanctions, in particular imprisonment for defamation, does not appear to be a correct application of this principle.¹¹⁵

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

50. The 2002-2006 United Nations Development Assistance Framework (UNDAF) identified four strategic objectives and possible actions by United Nations agencies, funds and programmes: (a) advancement of human development; (b) advancement of economic and governance reforms; (c) protection of the environment and natural resources; (d) reduction of poverty and improvement of social protection systems.¹¹⁶ In the 2007-2011 UNDAF, the main areas of cooperation identified by the United Nations Country Team, in line with the objectives of the Government, are: (a) human development; (b) environment and sustainable development; (c) governance; and (d) gender, in particular the participation of women in general, and rural women in particular, in public, economic and social life.¹¹⁷

Notes

¹ Unless indicated otherwise, the status of ratifications of the instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

² The following abbreviations have been used for this document:

| | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |

| | |
|--------|--|
| CPD | Convention on the Rights of Persons with Disabilities |
| OP-CPD | Optional Protocol to Convention on the Rights of Persons with Disabilities |
| CED | International Convention for the Protection of All Persons from Enforced Disappearance |

³ Information relating to human rights may be found in the pledges and commitments undertaken by Algeria before the Human Rights Council, as contained in the note verbale dated 23 March 2006 sent by the Permanent Mission of Algeria to the United Nations addressed to the President of the General Assembly.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at: <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/DZA/CC/2), para. 163.

⁹ Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.269), para. 85.

¹⁰ Concluding observations of the Human Rights Committee (CCPR/C/DZA/CO/3), para. 16.

¹¹ CEDAW/C/DZA/CC/2, para. 141 and 142. See also comments made by the Government of Algeria to the concluding observations of the Human Rights Committee (CCPR/C/DZA/CO/3/Add.1), section 6.

¹² CRC/C/15/Add.269, paras. 10 and 11.

¹³ CCPR/C/DZA/CO/3, para. 14.

¹⁴ Ibid., para. 6.

¹⁵ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.

¹⁶ CCPR/C/DZA/CO/3, para. 10.

¹⁷ CRC/C/15/Add.269, para. 5.

¹⁸ Ibid., para. 16 and 17. UNICEF submission to UPR on Algeria, p. 2.

¹⁹ United Nations press release, "UN Special Rapporteur on Violence Against Women Concludes Mission to Algeria", 1 February 2007. UNICEF submission to UPR on Algeria, p. 4.

²⁰ CRC/C/15/Add.269, paras. 14 and 15.

²¹ The following abbreviations have been used in this document:

CERD - Committee on the Elimination of Racial Discrimination;

CESCR - Committee on Economic, Social and Cultural Rights;

HR Committee - Human Rights Committee;

CEDAW - Committee on the Elimination of Discrimination against Women;

CAT - Committee against Torture;

CRC - Committee on the Rights of the Child;

CMW - Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

²² See CEDAW/C/DZ/CC/2, paras. 129 and 130, CRC/C/15/Add.269, para. 2, and CCPR/C/DZA/CO/3 para. 2.

²³ CEDAW/C/DZ/CC/2, paras. 137 and 138 and CRC/C/15/Add.269, paras. 8 and 9.

²⁴ CCPR/C/DZA/CO/3/Add.1.

²⁵ See press release of 1 February 2007.

²⁶ E/CN.4/2003/66/Add.1.

²⁷ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

²⁸ See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;

(ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in September 2006;

(iii) report of the Special Rapporteur on the human rights aspects of victims of trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, sent in July 2006;

(iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous peoples sent in August 2007;

(vi) report of the Special Rapporteur on trafficking in persons, especially women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006;

(x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004;

(xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003;

(xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprise (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

²⁹ Questionnaire on the impact of certain laws and administrative measures on migrants (see A/HRC/4/24), questionnaire on issues related to forced marriages and trafficking in persons (see A/HRC/4/23).

- ³⁰ CEDAW/C/DZ/CC/2, paras. 139 and 140.
- ³¹ UNDP, *Arab Human Development Report 2005*, pp. 12 and 139.
- ³² Press release of 1 February 2007.
- ³³ See CCPR/C/DZA/CO/3 para. 20, and CEDAW/C/DZ/CC/2, paras. 139, 140, 151, 152, 153 and 154.
- ³⁴ CCPR/C/DZA/CO/3/Add.1, section 6.
- ³⁵ CRC/C/15/Add.269, paras. 83 and 84.
- ³⁶ *Ibid.*, paras. 72 and 73.
- ³⁷ UNHCR submission to UPR on Algeria, p. 1, citing CRC/C/15/Add. 269, para. 73.
- ³⁸ A/HRC/4/41, para. 68.
- ³⁹ *Ibid.*, para. 69.
- ⁴⁰ CCPR/C/DZA/CO/3 para. 11.
- ⁴¹ CCPR/C/DZA/CO/3/Add.1, section 2.
- ⁴² CCPR/C/DZA/CO/3, paras. 12 (b) and (c).
- ⁴³ UNDP, *Arab Human Development Report 2005*, p. 41.
- ⁴⁴ CRC/C/15/Add.269, paras. 39 and 40 and CCPR/C/DZA/CO/3 para. 15.
- ⁴⁵ CCPR/C/DZA/CO/3/Add.1, section 4.
- ⁴⁶ See E/CN.4/2005/62/Add.1, paras. 9-17, 19 and 25, and E/CN.4/2004/56/Add.1, paras. 21, 23 and 25.
- ⁴⁷ A/HRC/4/29, paras. 1 and 3.
- ⁴⁸ E/CN.4/2005/62/Add.1, para. 18.
- ⁴⁹ *Ibid.*, para. 30.
- ⁵⁰ See A/HRC/4/33/Add.1, para. 3, E/CN.4/2004/56/Add.1, paras. 26, 31.
- ⁵¹ E/CN.4/2005/62/Add.1, para. 24.
- ⁵² *Ibid.*, paras. 26 and 27, and E/CN.4/2004/56/Add.1, paras. 22, 26, 28.
- ⁵³ HR Committee, Communication No. 1173/2003, Views adopted on 20 July 2007, CCPR/C/90/D/1173/2003, para.8.4; Communication No. 1327/2004, Views adopted on 10 July 2007, CCPR/C/90/D/1327/2004, para. 7.5; Communication No. 1439/2005, Views adopted on 13 July 2007, CCPR/C/90/D/1430/2005, paras. 7.5 and 7.6; Communication No. 1172/2003, Views adopted on 28 March 2007, CCPR/C/89/D/1172/2003, para. 8.3; Communication No. 1328/2004, Views adopted on 10 July 2007, CCPR/C/90/D/1328/2004, para. 7.5; Communication No. 1297/2004, Views adopted on 14 July 2006, CCPR/C/87/D/1297/2004, para. 8.5, para. 8.6; Communication No. 992/2001, Views adopted on 30 March 2006, CCPR/C/86/992/2001, paras. 9.5, 9.6, 9.7; Communication No. 1085/2002, CCPR/C/86/D/1085/2002, 15 March 2006, para. 8.2 8.3 and 8.4; Communication No. 1196/2003, para. 9.5.
- ⁵⁴ The HR Committee concluded that article 10 ICCPR had been violated in Communication No. 1173/2003, Views adopted on 20 July 2007 CCPR/C/90/D/1173/2003, and No. 1439/2005, Views adopted on 13 July 2007 CCPR/C/90/D/1439/2005.
- ⁵⁵ Article 7 of ICCPR had been violated in: Communication No. 1439/2005, paras. 7.3 and 7.4; Communication No. 1173/2003, Views adopted on 20 July 2007, CCPR/C/90/D/1173/2003, Communication No. 1327/2004, Views adopted on 10 July 2007, CCPR/C/90/D/1327/2004, para. 7.6; Communication No. 1328/2004, Views adopted on 10 July 2007, CCPR/C/90/D/1328/2004, para. 7.6; Communication No. 1297/2004, Views adopted on 14 July 2006, CCPR/C/87/D/1297/2004, para. 8.4; Communication No. 1196/2003, Views adopted on 30 March 2006, CCPR/C/86/D/1196/2003, paras. 9.6 and 9.7; Communication No. 992/2001, Views adopted on 30 March 2006, CCPR/C/86/992/2001, para. 9.8.
- ⁵⁶ HR Committee, Communication No. 1173/2003, Views adopted on 20 July 2007, CCPR/C/90/D/1173/2003, paras. 10 and 11; Communication No. 1327/2004, Views adopted on 10 July 2007, CCPR/C/90/D/1327/2004, paras. 9

and 10; Communication No. 1439/2005, Views adopted on 13 July 2007, CCPR/C/90/D/1439/2005, paras. 9 and 10; Communication No. 1328/2004, Views adopted on 10 July 2007, CCPR/C/90/D/1328/2004, paras. 9 and 10; Communication No. 1297/2004, Views adopted on 14 July 2006, CCPR/C/87/D/1297/2004, paras. 10 and 11; Communication No. 1196/2003, paras. 11 and 12; Communication No. 992/2001, Views adopted on 30 March 2006, CCPR/C/86/992/2001, paras. 11 and 12.

⁵⁷ Opinions of the Working Group on Arbitrary Detention (E/CN.4/2005/6/Add.1), page 11.

⁵⁸ See CCPR/C/DZA/CO/3, para. 21 and CEDAW/C/DZ/CC/2, paras. 149 and 150.

⁵⁹ Press release of 1 February 2007.

⁶⁰ CRC/C/15/Add.269, paras. 41 and 42.

⁶¹ Ibid., paras. 70 and 71.

⁶² UNICEF submission to UPR on Algeria, p. 2.

⁶³ UNFPA, *State of the World Population 2006*, p. 32.

⁶⁴ CRC/C/15/Add.269, paras. 78 and 79.

⁶⁵ E/CN.4/2006/53/Add.1, pp. 25-26. These concerns were reiterated in a United Nations press release issued on 19 September 2005 by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on Enforced or Involuntary Disappearances.

⁶⁶ CCPR/C/DZA/CO/3, para. 7.

⁶⁷ Ibid., para. 12.

⁶⁸ CCPR/C/DZA/CO/3/Add.1, section 3.

⁶⁹ See A/HRC/4/20/Add.1, pp. 28-30. This concern was echoed by the Special Rapporteur on the promotion and protection of human rights while countering terrorism (A/HRC/4/26/Add.1, para. 8).

⁷⁰ A/HRC/4/41, para. 56.

⁷¹ CCPR/C/DZA/CO/3, para. 7.

⁷² HR Committee, Communication No. 1196/2003, para. 1.2, Communication No. 1327/2004, para. 1.3 and Communication No. 1328/2004, para. 1.3. See also CCPR/C/DZA/CO/3, para. 7.

⁷³ CCPR/C/DZA/CO/3/Add.1, section 1.

⁷⁴ Follow-up of the HR Committee on individual communications under the optional protocol to the International Covenant on Civil and Political Rights, A/61/40, vol. I, chap. VI (for communication No. 1196/2003); and A/62/40, vol. I (2007), chap. VI (for communications 1327/2004 and 1328/2004).

⁷⁵ Interim measures have been requested in cases no. 1196/2003, 1327/2004 and 1328/2004.

⁷⁶ CCPR/C/DZA/CO/3, para. 9.

⁷⁷ CCPR/C/DZA/CO/3/Add.1, section 7.

⁷⁸ CRC/C/15/Add.269, para. 3.

⁷⁹ Ibid., paras. 80 and 81.

⁸⁰ See Ibid., paras. 3, 43 and 44 and CCPR/C/DZA/CO/3, para. 20.

⁸¹ A/HRC/4/21/Add.1, paras. 10-12.

⁸² Ibid., paras. 13-15.

⁸³ See A/HRC/4/27/Add.1, paras. 12, 13, E/CN.4/2006/55/Add.1, para. 11, E/CN.4/2005/64/Add.1, paras. 13, 19, E/CN.4/2004/62/Add.1, paras. 14, 15.

⁸⁴ A/HRC/4/27/Add.1, para.18.

⁸⁵ See E/CN.4/2006/55/Add.1, para. 10, E/CN.4/2004/62/Add.1, para. 16.

- ⁸⁶ See A/HRC/4/27/Add.1, para. 14.
- ⁸⁷ E/CN.4/2006/95/Add.5, para. 55.
- ⁸⁸ CCPR/C/DZA/CO/3, para. 24.
- ⁸⁹ CCPR/C/DZA/CO/3/Add.1, section 5.
- ⁹⁰ See E/CN.4/2006/6/Add.1, para. 2, E/CN.4/2005/62/Add.1 para. 20, E/CN.4/2004/56/Add.1 para. 20.
- ⁹¹ E/CN.4/2005/62/Add.1, para 22.
- ⁹² E/CN.4/2006/95/Add.5, para. 53.
- ⁹³ *Ibid.*, para. 54.
- ⁹⁴ *Ibid.*, para. 54.
- ⁹⁵ E/CN.4/2005/101/Add.1, para. 20.
- ⁹⁶ CCPR/C/DZA/CO/3, para. 25. See also CCPR/C/DZA/CO/3/Add.1, section 5.
- ⁹⁷ CRC/C/15/Add.269, paras. 74 and 75.
- ⁹⁸ UNICEF submission to UPR on Algeria, p. 3.
- ⁹⁹ See Algeria, *2005 Report on Millennium Development Goals*, accessible at http://www.undg.org/archive_docs/6564-Algeria_Rapport_National_sur_les_Objectifs_du_Mill_naire_pour_le_D_velo ppement.pdf.
- ¹⁰⁰ UNDP, *Human Development Report 2006*, pp. 145 and 306.
- ¹⁰¹ CEDAW/C/DZ/CC/2, para. 131, CRC/C/15/Add.269, paras. 56 and 57.
- ¹⁰² CRC/C/15/Add.269, paras. 56 and 57.
- ¹⁰³ UNICEF submission to UPR on Algeria, p. 4.
- ¹⁰⁴ UNDP, *Arab Human Development Report 2005*, pp. 74 and 78.
- ¹⁰⁵ CCPR/C/DZA/CO/3, para. 17.
- ¹⁰⁶ A/HRC/4/26/Add.1, para. 8.
- ¹⁰⁷ *Ibid.*, para. 10.
- ¹⁰⁸ CCPR/C/DZA/CO/3, para. 5.
- ¹⁰⁹ Press release of 1 February 2007.
- ¹¹⁰ CEDAW/C/DZ/CC/2, para. 132. See also CRC/C/15/Add.269, para. 64.
- ¹¹¹ CRC/C/15/Add.269, para. 62.
- ¹¹² *Ibid.*, paras. 6 and 7.
- ¹¹³ See Note verbale.
- ¹¹⁴ CCPR/C/DZA/CO/3 para. 27.
- ¹¹⁵ See E/CN.4/2006/55/Add.1, para. 17, E/CN.4/2004/62/Add.1, para. 17.
- ¹¹⁶ See UNDAF in Algeria, 2002-2006, May 2002, available at http://www.undg.org/archive_docs/1553-Algeria_UNDAF__2002-2006_-_Algeria_2002-2006.pdf.
- ¹¹⁷ See UNDAF in Algeria, 2007-2011, June 2006, available at http://www.undg.org/archive_docs/8523-Algeria_UNDAF.pdf. The UN agencies, funds and programmes which signed this UNDAF were: UNDP, UNFPA, UNICEF, WFP, FAO, ILO, WHO, UNIDO, UNAIDS, UNHCR.