

ALGERIA

CERD 29th No.18 A/96/18 (1974)

102. The assurance, contained in the initial report of Algeria, that the laws of that country contained no discriminatory provisions with regard to the rights and duties of citizens was welcomed by the Committee, as was the additional assurance that Algerian law recognized and protected the rights of all persons inhabiting the national territory without discrimination; it was regretted, however, that the latter assertion was not supported by the texts of constitutional or other legislative provisions. The same regret was expressed with regard to the assertion that the principles contained in the Convention were strictly applied in all the internal legislation of the country. The information on the absence of economic, consular and diplomatic relations with racist régimes and on the support given by Algeria to the Committee for the Liberation of Africa, though brief, was received with appreciation by the Committee. However, article 298, paragraph 2, of the Criminal Code - which constituted the sole legislative text contained in the report - did not seem to the Committee to be “all-embracing”, as the report described it to be; it fell short of the requirements of article 4, paragraph (a), of the Convention. It declared an offence punishable by law the defamation of one or more persons belonging to an ethnic group when the intent of such defamation is to incite hatred between citizens or inhabitants, where as the scope of article 4, paragraph (a), of the Convention was much wider. Finally, the report did not provide information of administrative, judicial or other measures, as required under article 9, paragraph 1, of the Convention, nor information on the ethnic composition of the population, as envisaged in the Committee’s general recommendation IV.

103. The representative of the Government of Algeria assured the Committee that information such as it was seeking was available, but that the failure to indicate it in the report under consideration was prompted in part by the belief that an initial report was intended to be concise and somewhat general in nature, and largely by a sense of propriety, and even modesty, which generated as aversion to self-advertisement and the cataloguing of the country’s achievements. The Committee, however, hoped that the next report would reflect more fully the efforts of the reporting State in its struggle against racial discrimination and would follow more closely, in its structure, the guidelines laid down by the Committee.

CERD A/32/18 (1977)

238. The second and third periodic reports of Algeria were considered jointly, together with the introductory statement made by the representative of Algeria before the Committee.

239. While noting that the reports before them were more informative than the initial report, members of the Committee observed with regret that there were still many gaps in those reports. Hope was expressed that the next periodic report of Algeria would fill those gaps, would provide texts of relevant provisions of the Constitution of 1976 and of Algerian legislation, would refer to relevant judicial, administrative and other measures in addition to legislative measures, and would follow the guidelines laid down by the Committee

240. The general statements of policy repeated in both reports before the Committee, and the brief information on the Law of 31 December 1962 and on article 298 of the Penal Code, appeared to meet the requirements of the preamble and subparagraphs (a), (b), (c), and (d) of article 2, paragraph 1 of the Convention. However, more detailed information was required, including the texts of the relevant legal provisions. With specific reference to the law of December 1962 - which prolonged the legislation in force before independence and declared that "all texts and provisions based on colonialism or discrimination... or which run counter to the normal exercise of democratic freedoms were null and void" - members of the Committee asked for precise information on the laws which has been repealed and the laws which had replaced them, and asked whether any laws has been declared null and void by the courts. It was asked also whether courts at all levels could decide which provisions were null and void, or whether such decisions were left to higher courts.

241. It was observed that the provisions of article 4, paragraph (a), of the Convention were only partially reflected in the portions of article 298 of the Penal Code cited in the report. Members of the Committee inquired whether any penal provisions existed to meet the requirements of article 4, paragraph (b), of the Convention.

242. With respect to article 5 of the Convention, hope was expressed that future reports would contain information not only on relevant legal provisions guaranteeing equality before the law and equality in the enjoyment of the human rights listed in that article, but also on the many social, economic, cultural and other reforms carried out in Algeria since independence.

243. Noting that no information on the application of articles 6 and 7 of the Convention had been supplied in any of the reports submitted by Algeria, hope was expressed that the next report would contain detailed information on those subjects.

244. The information on Algeria's multiform contribution to the struggle against colonialism and racial discrimination was noted with satisfaction; however, members of the Committee regretted that information was couched in expressively general terms and did not do justice to Algeria's well-known role in the international arena.

245. It was noted that the reports received from Algeria did not contain the demographic information envisaged in the Committee's general recommendation IV. Referring to articles 1 to 3 of the new Algerian Constitution - on which no information had been provided by the reporting

State - a member of the Committee inquired whether any measures had been taken to ensure that the attainment of the goals set out in those articles would not result in discrimination against minorities.

246. The representative of Algeria reiterated that the fundamental bases of Algeria society, which governed both the domestic and the foreign policy of his Government, were Islam, socialism and the anti-imperialist struggle; and observed that, by their very nature, these closely interrelated elements were inconsistent with racial discrimination. With regard to the provision of article 4, paragraph (b), of the Convention, he pointed out that under article 55 of the new Constitution the right of association and freedom of expression were unconditionally guaranteed except when invoked to undermine the socialist revolution and the foundations of the State. With regard to the application of article 5 of the Convention, he noted that cultural, agrarian and industrial revolutions were simultaneously underway in Algeria and that full equality of all citizens was at the basis of all of them. Referring to article 7 of the Convention, he affirmed that Algeria's own history was closely tied to the struggle against colonialist discrimination and that Algerian children were taught to combat racism. He was puzzled by references to the concept of "minority" in connection with Algeria, where there were no minorities and where no group felt itself subject to discrimination. He assured the Committee that the observations and the inquiries made by its members would be conveyed to his Government; he trusted that they would be reflected in the fourth periodic report of Algeria.

CERD A/34/18 (1979)

413. The fourth periodic report of Algeria (CERD/C/48/Add.3) was considered by the Committee together with the introductory statement by the representative of the reporting State and the extracts made available by him of the National Charter and the Constitution adopted in Algeria in 1976.

414. Members of the Committee noted with regret that the fourth periodic report of Algeria, while containing some elements which were worth considering and some references to national legislation, did not provide detailed information regarding the main provisions of the Convention or replies to the many questions raised in connection with the consideration of the second and third period reports. The Committee, therefore, reiterated its request that the next report of Algeria should furnish details of the legislation relevant to the implementation of specific provisions of the Convention and the manner in which the law, especially as it related to the Convention, was actually enforced in the country. It would be interesting also for members of the Committee to receive information on any legislation which had been declared void on the ground that it contained provisions based on colonialism or discrimination and on the demographic composition of the country with particular reference to the black population living in Algeria and throughout the Maghreb. Moreover, an explanation was requested about the concept of race as used in the text of article 39 of the Algerian Constitution, since a number of the notions referred to in article 1 of the Convention were omitted from the text.

415. In connection with article 3 of the Convention, some members expressed satisfaction with the attitude of the Government of Algeria towards the racist regimes of southern Africa.

416. With regard to the implementation of article 4 of the Convention, it was noted that reference was made in the report to article 298 of the Penal Code providing for the punishment of defamation with intent to incite hatred, but no information had been supplied concerning the penalties which could be applied under that article. It was asked whether there were in Algeria laws which prohibited specifically racial discrimination as described in the Convention.

417. With reference to article 5 of the Convention, it was noted that article 42 of the Algerian Constitution guaranteed Algerian women all political, economic social and cultural rights and it was asked whether there were any specific rights enjoyed by Algerian women to which that article referred. Moreover, members of the Committee asked whether, according to the provisions of article 68 of the Algerian Constitution concerning the status of aliens, foreigners living in Algeria, enjoyed the same rights, including political rights, as Algerian nationals and what laws currently in force could be invoked as authorizing limitations to article 56 of the Algerian Constitution which guaranteed the exercise of the freedom of association.

418. In connection with the implementation of article 6 of the Convention, it was asked whether a person suffering discrimination of any kind was entitled to recourse to the law where the protection of his rights might conflict with the objectives of the Socialist Revolution, to which the Constitution also afforded protection.

419. Detailed information was requested in the next periodic report with regard to the implementation of article 7 of the Convention.

420. The representative of Algeria, replying to questions raised by members of the Committee in connection with article 5 of the Convention, stated that article 42 of the Constitution was the reaffirmation of a principle of specific relevance to women; that aliens could not expect to enjoy the same political rights and duties deriving from their status of aliens; that freedom of association in Algeria was enjoyed within the law which excluded any association inciting hatred or violence among citizens or inhabitants.

421. With reference to the question raised in connection with the implementation of article 6 of the Convention, the representative stated that the Algerian legal system had inherited and improved upon French provisions concerning constitutional remedies available to citizens.

422. With regard to the provisions contained in article 7 of the Convention, he pointed out that similar obligations to adopt measures in the field of education with a view to combating racial prejudice were contained in the Algerian Constitution.

423. He expressed the hope that the fifth periodic report of his country would answer in detail all the questions raised in connection with the considerations of the current report.

CERD A/36/18 (1981)

405. The fifth periodic report of Algeria (CERD/C/75/Add.4) was considered by the Committee together with the introductory statement of the representative of the reporting State, who highlighted the replies given by her Government to questions previously raised by the Committee relating to the implementation of some articles of the Convention.

406. Members of the Committee expressed satisfaction with the report, which supplied ample information on various measures taken for the implementation of the provisions of the Convention and followed the guidelines and recommendations of the Committee.

407. With reference to article 2 of the Convention, some members of the Committee noted that the list of international conventions and multilateral treaties on human rights, including instruments on protection of foreigners, to which the Algerian Government had become party, was impressive. Article 68 of the Constitution also recognized all foreigners living in Algeria as having the protection granted to persons and to property in conformity with the international law and its tradition of hospitality. However, it was asked whether the principle of article 68 of the Constitution was subject to conventions concluded between Algeria and some countries; what was the situation of foreigners whose Governments had not signed similar conventions with Algeria and whether members of the Bar of other countries could represent parties in Algerian courts under the same circumstances as an Algerian lawyer. Clarification was requested on the legal status of the National Charter, adopted through a national referendum, and on the legal provisions which has been annulled by the Government after independence, in conformity with article 2, paragraph 1 (c), of the Convention. Information on the ethnic composition of the population was also requested.

408. In connection with article 3 of the Convention, members expressed satisfaction at the contribution made by the Government of Algeria to combat racism, racial segregation and apartheid, particularly its support of the national liberation movements struggling against colonialism and racism, and asked for further information in this regard.

409. With respect to implementation of article 4 (a) of the Convention, it was noted that article 298 of the Penal Code imposed the penalty of imprisonment or a fine on any person who defamed members of an ethnic or ideological group or religion with intent to incite hatred, but incitement to racial discrimination had not yet been declared an offence punishable by law. Order No. 71-79 of 3 December 1971 declared illegal and prohibited organizations which prompted and incited racial discrimination, but further legislation was required with respect to propaganda activities and making it an offence punishable by law to participate in such organizations or activities as required by the provisions of article 4 (b) of the Convention. A member of the Committee wondered what happened if an association had already been registered and then began to develop a racist slant; whether it was the executive or the judiciary which was competent to prohibit an association in such situation; and if an association was so prohibited, did its members have an opportunity for recourse against prohibition. Members of the Committee also asked whether any association had been disbanded for promoting racial hatred or discrimination among Algerian citizens or foreigners and whether individuals involved in establishing racist organizations could be penalized under Algerian law.

410. In connection with the implementation of article 5 of the Convention, members pointed out

that the Algerian Constitution of 1977 and other legislation contained important provisions of human rights and fundamental freedoms. However, some of its provisions, for example those on the right of freedom of thought and expression, could be more explicit. Also, the constitutional provisions implementing article 5 (f) on the right of access to public places or services should be supplemented by an additional legislation. Clarification was also required on the right to form and to join trade unions, in particular, whether citizens had the right to form trade unions independently of those organized by the Government, and on the right to freedom of movement in so far as article 57 of the Civil Code subjected the right to freedom of movement to a citizen being in full exercise of his civil and political rights. It was asked what the cases were in which a citizen would not be in full exercise of his civil and political rights. Some members noted that the emphasis on the rights of women in the report was a misunderstanding, because the question of discrimination on grounds of sex did not fall within the mandate of the Committee. Other members, however, expressed satisfaction at the information concerning the condition of women and equity of the sexes and stressed that the question of equality and non-discrimination could not be discussed separately. A question was asked as to whether the policy of granting more material assistance to the population of those areas which were economically and socially backward was continued.

411. Concerning implementation of article 6 of the Convention, questions were asked whether the Constitution and relevant legislation protected all persons against all acts of racial discrimination; whether everyone had the right to seek satisfaction from the courts for injuries inflicted; whether anyone claiming to have suffered racial discrimination at the hands of public official could institute trial against him. The text of articles 45 and 52 of the Constitution was requested in order to see what protection and remedies were available to citizens, and to assess whether or not all the requirements of article 6 were met.

412. As regards article 7 of the Convention, it was noted that the information in the report was ample, but it was requested that examples of specific measures undertaken should be provided in the next report, rather than the programme and goals in the field of education, culture and information, in particular, with a view to propagating the purpose and principles of the relevant United Nations instruments.

413. The representative of Algeria, replying to questions of the Committee members, said that the observations and comments on the report would be passed on to her Government. Turning to the demographic composition of Algeria in connection with article 2 of the Convention, she said that her country had seen a great deal of mixing of people of different ethnic origins. Stressing that her country's social problems were not related to racial differences, she stated that it was inappropriate to speak of ethnic instead of linguistic differences in her country. Since independence the Government had re-established Arabic as the national language and efforts were being made in the country to teach other regional languages.

414. Replying to questions raised in connection with article 4 of the Convention, the representative said that measures could be taken against those who formed associations which were not in keeping with pre-established norms. There were specific trade unions in her country representing workers in particular branches of economic activity. Those trade unions co-ordinated their activities within the General Confederation of Trade Unions. Private firms could create their own trade unions

whose activities would likewise be co-ordinated within the Confederation.

415. She agreed that the question of discrimination against women was not directly within the preview of the Committee. She did, however, feel that it was timely to mention the efforts made by her Government to eliminate discrimination against women.

416. Referring to the need to propagate the purposes and principles of the United Nations instruments on human rights, she said that article 86 of the Algerian Constitution stated that Algeria endorsed the purposes and principles of the charters of the United Nations, the Organization of African Unity and the Arab League.

CERD A/39/18 (1984)

88. The sixth periodic report of Algeria (CERD/C/106/Add.4) was considered by the Committee after a brief introduction by the representative of the reporting State who said that his country had endeavoured to inform the Committee as fully as possible on the existing political, constitutional and legislative instruments in Algeria aimed at combating racism and racial discrimination and to respond to the questions raised by the Committee in 1981.

89. Members of the Committee commended the Algerian Government on its report which demonstrated Algeria's great respect for human rights and its condemnation of racial discrimination. They advised, however, that Algeria should adhere more closely to the Committee's guidelines (CERD/C/70/Rev.1) in drafting its next periodic reports.

90. Questions were asked concerning the status accorded to the Convention in Algeria's legal system and whether the provisions of the Convention could be invoked before the courts and other tribunals or administrative authorities when an Algerian citizen considered his rights under the Convention to have been infringed.

91. With references to article 2, the Committee said it would like to receive data on the demographic composition of the Algerian population. Within this context, members requested clarification regarding the assertion in the report that the census of the Algerian population had never been based on ethnic or racial origin since that was contrary to Islam. Further information was requested on relations among racial or ethnic groups and possible trends towards integration and also on whether all ethnic groups shared in the same way and to the same extent the benefits of education, literacy teaching, social security and employment opportunities. Members also wished to know whether many Europeans had acquired Algerian nationality, what was the status of their children, especially those whose religion was not Islam; what was the situation of the French community which had lived in Algeria for generations without acquiring Algerian nationality; and whether its members enjoyed any special rights. They also asked whether any negroid or nomadic tribes from bordering countries were living in Algeria, what policy was followed by Algeria with respect to such groups, and how problems were solved with neighbouring countries from which such groups came.

92. With regard to article 3, several members requested further details to illustrate Algeria's exemplary stand in the struggle against apartheid and all forms of racial discrimination, as well as the mechanisms which existed for ensuring that stand was reflected in both its legislation and its domestic and external policies.

93. In connection with article 4, members noted that the Criminal Code did not satisfy all the requirements of this article with respect to the punishment of incitement to racial discrimination. They requested clarification on that subject and on whether the responsibility for prohibiting racist organizations lay with the judiciary or the executive branch, as well as how the national courts interpreted article 298 of the Criminal Code concerning the punishment of defamation against persons belonging to an ethnic group.

94. In relation to article 5, members of the Committee asked for more details on the laws enacted by the Government concerning the refugees from all parts of Africa who had sought political asylum in the country and on the programmes established for their protection and welfare. The question was raised whether the privileges accorded to Arab lawyers and not to other foreign lawyers were based on some racial consideration.

95. Members of the Committee requested clarification with regard to the implementation of article 6, specifically concerning the kinds of remedies available to individuals. In this connection it was noted that article 51 of the Criminal Code did not seem satisfy the requirements of article 6. Further information was also requested on the penal, administrative and civil recourses available to persons as a means of ensuring the effective implementation of the rights protected by the Convention. A query was made about Algeria's position with regard to the possibility of making the declaration under article 14 of the Convention.

96. The Committee also said that it would welcome more information on how article 7 was being put into effect in Algeria's education system.

97. Replying to questions raised by members of the Committee, the representative of the Algeria stated that his Government's position was based on the teachings of Islam, which stressed the equality of ideals rather than racial or cultural elements, and on socialism. On the question of the status of the Convention in the Algerian legal system, he said that all Conventions to which Algeria had adhered had the forces of law, their provisions were therefore applicable as a form of national law. With regard to the French who had remained in Algeria after independence, the representative pointed out that their rights were protected by agreements concluded between independent Algeria and the French Government, together with the agreements concluded in 1968 and 1969, they formed the legal framework which protected citizens of both countries.

98. In connection with the implementation of article 3, the representative stated that his country's commitment to the struggle against apartheid had been clearly demonstrated by its actions in the United Nations and other international bodies. Algeria had afforded unrestricted diplomatic, political and material support to those struggling against apartheid; it had been a founding member of the Special Committee against Apartheid. He added that his country had provided assistance to National Liberation Movements and the front-line States and favoured the prohibition of oil exports to South Africa.

99. Answering questions in connection with article 4, the representative stated that the Government would not authorize the formation of associations which demonstrated racist trends or engaged in activities which might incite hatred or involve defamation of other persons or groups of persons. In this connection, he explained that two possibilities existed for punishing such associations in Algeria: the first consisted in withdrawing authorization for their formation and that could be accomplished by the body which had granted authorization in the first place; the second possibility was by court injunction on the basis of action by the Ministry of Justice or following a request to a court of law.

100. With reference to questions concerning refugees, he stated that Algeria had adhered to the major relevant international instruments and that there were currently some 160,000 Saharan

refugees and approximately 3,000 refugees of other nationalities in Algerian territory, and that their rights were protected under national laws and international instruments. With regard to the privileges accorded to Arab lawyers, the representative explained that they were granted under the terms of an agreement concluded within the League of Arab States, and that similar agreements might also be concluded with African countries or with members of the European Economic Community. He also said that such privileges were not based on any cultural or racial criteria which might give rise to racial discrimination between Arab and non-Arab lawyers.

101. With regard to remedies available to victims of discrimination, he explained that the Algerian legal system had three types of recourse: the first was jurisdictional, through the Civil Code and the procedural sections of the Penal Code; the second was administrative, through the means of recourse offered by any administration; the third had recently been created and was available in the Inspector-General's Court which was competent to handle all problems arising between the administration and those subject to it. Political recourse was available through popular assemblies, such as the National Assembly, which exercised a monitoring function. Turning to the question concerning article 14 of the Convention, he said that, for the time being, the Algerian Government had no plans to make the declaration contained in the article.

102. The representative finally assured the Committee that in its next periodic report, which would be drafted according to the Committee's guidelines, the Algerian Government would give careful attention to all the questions raised by members of the Committee.

CERD A/42/18 (1987)

365. The seventh periodic report of Algeria (CERD/C/131/Add.3) was considered by the Committee at its 769th and 770th meetings on 17 March 1986 (CERD/C/SR769 -SR.770).

366. The report was introduced by the representative of Algeria, who referred, in particular, to the adoption by referendum, on 16 January 1986, of a new version of the 1976 National Charter. The major feature of the new version, he said, was a reaffirmation of Algeria's ongoing commitment to the defence of human rights, the guaranteeing of equal rights for its citizens and the support of just causes around the world.

367. Members of the Committee congratulated the representative of Algeria on his country's consistent record in implementing the Convention. They noted that the report contained a wealth of information and answered questions raised in connection with the previous report. They pointed out, however, that the report did not comply with the committee's guidelines and expressed the hope that the eighth periodic report of Algeria would be as informative as the seventh, but structured in keeping with the Committee's guidelines.

368. Noting that the report did not contain any data about the demographic composition of the population members of the Committee pointed out that it was impossible for the Committee to assess the treatment of ethnic minorities in Algeria in the absence of even the most basic information about such groups. Noting the statement in the National Charter that the Algerian population was not a collection of disparate people, that the nation was the people itself, seen as an historical entity, they said that they understood the importance of building a country's national unity, but felt that it should not imply neglect of the rights of minorities or small cultural units. It was asked whether Algeria had a homogeneous culture and only a single ethnic group. Members also understood that the Algerian Government did not wish to use racial origin as a criterion in its censuses, but pointed out that censuses were not the only source of information to establish the ethnic composition of the population. There were some minority groups in Algeria about whom more information would help the Committee to evaluate how article 2, paragraph 2, of the Convention was being implemented. It would also be of interest to have a breakdown of the 3,000 refugees in Algeria according to their country of origin, as well as more information on Algeria's policies regarding the civil, economic and cultural rights of minority groups and about repatriation and resettlement of aliens. In that connection, it was observed that Algeria needed to underline its unity and considered minorities as an integral part of the whole nation, instead of emphasizing individual differences. It was further observed that the Algerian Government respected the provisions of its National Charter concerning the equality of its citizens. Information was requested about the languages that were spoken in Algeria, the percentage of the population that spoke each one and the level of education the various linguistic groups attained. Algeria was asked to explain in its next report how the concept of discrimination based on race was interpreted.

369. Member of the Committee wished to receive additional information about the results of the Government's efforts to eliminate social and economic disparities, in particular specific measures for the benefit of the most deprived areas.

370. With regard to the implementation of article 3 of the Convention, the committee emphasized

and commended Algeria's commitment and important role in the international struggle against apartheid. Members noted that Algeria's efforts to combat apartheid were described in rather modest term and requested that more substantive information be provided in the next report.

371. In connection with article 4, it was pointed out that Algeria was complying with its requirements, as was demonstrated by the adoption of legislation consistent with the article mentioned in the report; the adoption of further legislation would be followed with interest. It was hoped that legislation on the subject of freedom of association might be reviewed to bring it directly in line with the Convention. It was also observed that under article 298 of the Algerian Criminal Code, defamation of persons belonging to an ethnic or ideological group or to a specific religion was punishable when it was intended to incite hatred, and it was asked whether defamation was still covered by article 4 (a) of the Convention even if there was no intent to incite hatred, in view of the right to freedom of opinion and association.

372. With regard to the civil and political rights mentioned in article 5 of the Convention, members of the Committee wished to receive additional information, particularly concerning the right to freedom of religion. It was also asked whether foreign workers, such as cooperants, encountered any discrimination in Algeria

373. Concerning the economic, social and cultural rights under article 5, members requested further information relating to the Government's efforts to raise the standard of living of the Algerian people and Algeria's defence of the rights and interests of its citizens abroad. It was also asked whether the Algerian Criminal Code contained sanctions for acts of discrimination such as the denial of housing or employment on racial grounds.

374. Information was requested in connection with article 6 of the Convention about the effective remedies available to Algerian citizens who claimed that their fundamental rights had been violated, and the way in which those measures put an end to such violation and compensated the victims.

375. In relation to article 7, more information was requested, particular concerning Algeria's relations with other African countries and the way in which Algeria was informing its public about other parts of the world.

376. It was asked whether the Algerian Government, in view of the fact that it appeared to experience few racial problems, was prepared to make the declaration provided for in article 14 of the Convention.

377. Replying to the question raised and observations made by the members of the Committee, the representative of Algeria said that the remarks made regarding the form of the report would be borne in mind in the preparation of the eighth periodic report. His country felt that the question of the composition of the Algerian population was not relevant, since the socialist principles followed by Algeria left no room for differentiation among its citizens. The 1960 and 1970 censuses contained no details concerning the religion, colour or beliefs of the Algerian people. While some States parties to the Convention had political systems based on the existence of national minorities, other States parties did not and, like his own, were trying to restore national unity after its erosion under the impact of colonialism.

378. As for the relationship between Algeria's National Charter and its Constitution, he said that they were complementary texts and that both had been adopted by referendum. The Charter was the fundamental source of the country's policies, laws and institutions and the basis of the Constitution. They had equal status and the latter clarified and implemented the former.

379. He said that some members of the Committee had interpreted Algeria's regional development plans as special plans coming within the purview of article 2, paragraph 2 of the Convention. That was not the case, for the disparities among the poorer regions were a function of economic inequalities inherited from the colonial era. The key task of the independent Algerian Government was to redress the imbalance and ensure that all regions were afforded the same development opportunities.

380. Turning to article 3, he pointed out that Algeria was extremely active in the Special Committee against Apartheid and in the United Nations council for Namibia, and that it had prohibited all trade with the apartheid régime of South Africa. Algeria's next report would provide additional information on the implementation of the article.

381. Concerning the penal provisions against acts of racial discrimination, he pointed out that the general provision of article 299 of the Criminal Code could be interpreted by analogy to cover racism.

382. Regarding Algeria's attitude toward immigrants, he said that Algerians living outside the national territory were considered an integral part of the Algerian community and were entitled to full protection of their rights which were secured through bilateral agreements, negotiations on specific problems and a policy of encouraging repatriation, but within the framework of agreements designed to protect pension and other rights acquired in the host country. With respect to the status of aliens and the repatriation of refugees, he said that he knew of no cases of discrimination against foreigners living in Algeria, all of whom were protected by law. Algeria had ratified all the international instruments protecting the rights of refugees, which had the force of law. Under the Algerian Constitution, no political refugee could be extradited. Most of the 175,000 refugees in the country were from Western Sahara, however, and their repatriation could occur only when the people of Western Sahara achieved self-determination, in other words, when the causes of the mass exodus were removed.

383. In the matter of religious freedom, the Algerian Constitution was very clear. Articles 53 and 54 guaranteed freedom of thought, conscience and religion. Even though the majority of the population was Muslim, followers of other religions enjoyed full freedom because tolerance had always been a characteristic of Islam.

384. Education was free and compulsory and the school enrolment rate was 85 per cent. The number of persons pursuing post-secondary studies had risen from 8,000 in 1962 to 110,000. There were 17 university centres and over 100 specialized institutes situated throughout the country. The entire teaching staff at elementary schools was Algerian, and 80 per cent of the staff at secondary schools was Algerian. Furthermore, free medical care was provided, and all infants were vaccinated against childhood diseases. The health-care network extended to the remotest parts of the country.

385. As for the protection of victims of racial discrimination, the Court of Appeals and the Supreme Court provided judicial remedies, a chamber of the Supreme Court that dealt with preventing administrative abuse, provided administrative remedies, and an Inspector-General's Office heard appeals in cases of administrative abuse.

386. Concerning article 14 of the Convention, the representative of Algeria reiterated his Government's position that it did not intend to make the declaration.

CERD A/44/18 (1989)

230. The eighth periodic report of Algeria (CERD/C/156/Add.2 and Add.6) was considered by the Committee at its 841st meeting, held on 15 August 1989 (CERD/C/SR.841).

231. The report was introduced by the representative of the reporting State, who informed the Committee that Algeria had embarked on a process of reform aimed at achieving the further democratization of the economic, social, cultural and political life of the country. He explained that a new Constitution had been adopted in February 1989 providing, inter alia, for a multi-party system, and for the separation of the legislative, executive and judicial branches of Government. He referred, in particular, to a Constitution Council, which had been set up to ensure respect for the Constitution, the proper conduct of electoral consultations, and to rule on the constitutionality of treaties, laws and regulations. In response to requests from members of the Committee, he stated that information had been included in the report on the country's international activities aimed at combating racial discrimination and apartheid. An annex on population statistics had also been provided for the Committee.

232. Members of the Committee expressed satisfaction at the information provided by the representative to supplement the report, which was commendably comprehensive; it had been drafted in accordance with the Committee's guidelines and took account of most of the concerns expressed by the Committee during its consideration of the previous report. Members thanked the Government for the information provided on the extensive action taken to implement article 3 of the Convention in respect of apartheid. Members looked forward to further enlightenment in the next periodic report on how recent development had affected the structure of the Government, the political system and society in Algeria.

233. Members were concerned, however, that the annex on population statistics did not provide sufficient information on ethnic groups and minorities to enable the assessment of the implementation of the Convention in this area. Information was requested on the recognition by the Government of the Berbers as a separate group within the country.

234. Clarification was sought on how the concept of racial discrimination was interpreted; whether all the grounds detailed in article 1 of the Convention were covered by Algerian legislation and, if so, where were they specified.

235. With regard to article 4, members pointed out that legislation is meant to prevent as well as to punish racial discrimination, and they asked for further clarification on the claim made in the respect that no specific measures were necessary to prevent such discrimination. They also wished to know how the Criminal Code was interpreted for determining whether acts of racial discrimination had occurred.

236. A number of questions were raised concerning article 5 of the Convention. Members wondered why, under article 38 of the Constitution, people engaged in profitable activities were excluded from the exercise of political rights. They wished to know whether there were limitations placed on the exercise of freedom of movement by foreigners and whether Algerian nationals who had left the country were allowed to return. Information was requested on whether any political

associations had been formed under the multi-party system and on the right of associations in general. Members asked whether the Criminal Code contained provision against discrimination for foreign workers in the fields of housing and employment; what recourse measures were available if discrimination did occur; and whether foreign workers enjoyed social rights in practice, even if these were not guaranteed to them by law. Information was asked for on the reports of over 3,000 people arrested during the 1988 riots and on the reported allegations of torture. Members inquired whether there were regional divisions in Algeria for planning purposes and whether some areas required greater attention than others.

237. Finally, with reference to article 14, the Government was requested to examine the texts of declaration made under this article by other States parties with a view to the possibility of Algeria making a declaration on the competence of the Committee.

238. In response to the questions raised by members of the Committee, the representative stated that the Government was concerned to preserve national unity; it was not possible to provide statistics on the ethnic origins of the people as all its citizens were regarded as Algerians. It was stressed that no further information existed other than that based on the parameters given in the report, which was collected in response to specific needs. Furthermore, he declared that the question on the rights of the Berbers was irrelevant since all citizens enjoyed equal rights, both in law and in practice.

239. With reference to article 4 and the prevention of racial discrimination, the representative said that the specific measures mentioned in the report referred to measures other than legal ones, and that article 28 of the Constitution prohibited discrimination on even more comprehensive grounds than those listed in the Convention.

240. In response to questions of article 5, the representative informed the Committee that article 38 of the Constitution was not intended to be discriminatory but rather to restrict the influence of affluent sections of society and thus prevent social discrimination. Furthermore, article 38 had been replaced by a new article 48, which guaranteed the equal access of all citizens to responsibilities within the State, subject only to conditions laid down by law.

241. The representative pointed out that limitations on the freedoms of movement of foreigners were restricted only to military zones. She explained that restrictions on leaving the country, which involved financial support for citizens wishing to do so, had not been lifted and that citizens were free to return to Algeria after periods spent abroad. No restrictions on entry and departure were placed on foreigners.

242. The representative informed the Committee that since the formation of political associations had become legal in February 1989, a plethora of such associations had been established covering the whole political spectrum, and their members were constantly increasing.

243. With regards to foreign workers, the representative drew the attention of the Committee to the fact that the country's high unemployment rate had drastically reduced the influx of immigrants seeking work. All foreign workers entering the country had to have a contract with either private companies or government bodies, and employers were responsible for the provision of

accommodation. All social rights were extended to such workers, including medical care. It was pointed out that the relevant legal provisions preventing discrimination were detailed in paragraphs 123 to 127 of the report, but that although citizens claiming to suffer from racial discrimination could appeal to the courts and invoke the Convention, no such appeals had been lodged to date.

244. The representative explained that within the administrative divisions of Algeria, some areas were inevitably more disadvantaged than others. However, special programmes to meet the specific needs of these areas in the field of education and medical care had been developed at a very early stage. It was stated that the relevant statistics were purely quantitative and did not relate to the kind of information requested by the Committee.

245. With reference to a declaration under article 14 of the Convention, the representative said that the Government was currently undertaking a detailed review of its position on all international instruments; she added that Algeria had recently signed the Optional Protocol to the International Covenant of Civil and Political Rights. It was highly probable that Algeria would recognize the Committee's competence under article 14 within the course of the following year.

246. Finally, the representative stated that certain recent developments in Algeria had not been fully covered by the report or the current discussion, but assurance was given that relevant information would be included in the ninth periodic report.

CERD A/48/18 (1993)

66. The Committee considered the tenth periodic report of Algeria (CERD/C/209/Add.4) at its 962nd, 963rd and 983rd meetings, held on 4 and 18 March 1993 (see CERD/C/SR.962, 963 and 983).

67. The report was introduced by the representative of the State party who underlined his country's support for the fight against racism and racial discrimination and, in particular, against apartheid.

68. The representative stated that the Constitution adopted by referendum on 23 February 1989 contained new provisions providing for political pluralism, an independent judiciary and voting by secret ballot. It also prohibited all forms of racial discrimination, for which sanctions were foreseen in legislation. Although the current state of emergency represented a difficult period for Algeria, it in no way affected the country's traditional struggle against racial discrimination, nor the determination of the Algerian people to defend the cause of liberty, justice and equality.

69. Members of the Committee welcomed the report of the State party, which contained useful information on the constitutional and legislative basis for the implementation of the Convention. Members noted, however, that more information was needed on the actual application of the Convention, particularly in the courts, and on economic, social and demographic developments which had occurred in the country. Further information was needed on factors and difficulties encountered in the application of the Convention. Further information was also required regarding the composition of the population with regard to minorities, most notably Berbers, Tuaregs, Jews and the black population which inhabited the southern region of Algeria. With respect to the last-named group, it was pointed out that black Algerians appeared to be particularly disadvantaged in terms of access to housing and education. Members of the Committee also wished to know which minorities the Government recognized as such.

70. It was noted that important progress had been achieved in the application of the Convention since Algeria last presented a report in 1987, particularly as a result of the new Constitution adopted in 1989. In connection with the Constitution and national legislation in general, members wished to know what was the status of the Convention in the legal system. It was emphasized that the Convention should be accorded a status in Algerian domestic law superior to that of domestic legislation. Concern was expressed that the present state of emergency affected the exercise of fundamental rights.

71. With respect to article 2 of the Convention, members of the Committee wanted to know whether Algeria had adopted legislation expressly prohibiting racial discrimination and, if not, whether the Government was planning to do so. In that connection, members pointed out that the population in Algeria was sufficiently varied that special legislation on racial discrimination was necessary.

72. In regard to article 4, members of the Committee wished to know whether there had been acts of violence, or incitement to violence, directed against any particular racial or ethnic group; and whether racist organizations or propaganda had been declared illegal.

73. With regard to article 5 of the Convention, members wished to know whether there was discrimination in the field of employment. It was emphasized that statistical indicators on problems such as unemployment, delinquency and illiteracy were needed in order to determine the degree to which minorities had been socially integrated. Particular concern was expressed over the situation of the Berber minority and, in that connection, further information was requested on the extent to which they enjoyed the rights enumerated in article 5 of the Convention. Members expressed interest in the new national commission for human rights and wished to know how its members were appointed, how its independence was ensured and what role it played in addition to monitoring respect for human rights.

74. Concerning article 6 of the Convention, members of the Committee wished to know how many complaints of racial discrimination had been received by the competent authorities and how many sentences had been handed down for acts of racism. More complete information was required in general on the application of the Convention in the courts and the jurisprudence that had developed as a result, and on the independence of the judiciary. Members emphasized the importance of ensuring that lawyers and judges were well acquainted with the provisions of the Convention.

75. With respect to article 7, members of the Committee wished to have further information on the availability of instruction in their language for linguistic minorities at the primary and secondary school levels. In particular, members wished to know whether the Berber language was taught in such schools.

76. Members of the Committee commended Algeria as one of the States parties that had made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive communications from individuals and groups of individuals alleging that their rights under the Convention had been violated. However, in view of the fact that the Committee had as yet received no communications concerning Algeria, members of the Committee wished to know what steps had been taken to make known that article of the Convention to the general public.

77. Replying to the questions raised by members of the Committee, the representative of the State party stated that the Algerian population was composed of Arabs, Berbers, Mozabites and Tuaregs. The Berbers lived essentially in three regions: Kabylie, a region near Algiers, where around 4 million Berbers lived; Aures, in the eastern part of the country, where there were 8 to 9 million; and in the south, where there were an additional million. In view of the fact that the total population of Algeria numbered 23 million, it was difficult to consider the Berbers as a minority. They participated fully and on a basis of equality in Algerian life and were in no sense marginalized. With respect to their language, there was no discrimination. The Berber language, amazigh, was widely spoken in the regions where the Berbers lived, particularly in Kabylie. At the present time, however, the written language was not sufficiently structured for it to be taught in schools. There was ongoing research, particularly at the University of Tizi-Ouzou, in that regard, which would ultimately make such instruction possible. The nomads of the south, who were now often sedentary, were totally integrated and were in no way repressed. Refugees in southern Algeria were neither Algerian nor were they persecuted.

78. With respect to freedom of association, the prohibition by law of regionalist political parties needed to be understood within the context of conditions in Algeria at the time of independence. It should be recalled that the end of colonial rule had been achieved with difficulty and there had been threats of succession and dismemberment of the nation when independence was achieved. In order to counter that tendency, regionalism was encouraged in terms of culture, but was discouraged as a platform for politics. There were currently 67 political parties in Algeria and over 20,000 associations of various kinds, which had full freedom to pursue their activities.

79. Concerning the monitoring of human rights, the Minister of Human Rights had taken office in 1992 but was subsequently replaced by the National Commission on Human Rights (Observatoire national des droits de l'homme). The Commission was under the direct authority of the President and its administrative and financial independence were guaranteed. Non-governmental organizations were represented on the Commission, as were the Ministers of Justice and Education and representatives of the bar. Its task was to protect the fundamental human rights of citizens and provide information about human rights. It submitted an annual report on the human rights situation to the President of the National People's Assembly, which was made public two months afterwards.

80. With respect to education, the representative stated that it had not yet been possible to provide school courses which familiarized students with the provisions of the Convention. At present, the State was more immediately concerned with the problem of simply providing education. The representative expressed surprise at the mention of discrimination allegedly encountered by five black foreign students at the University of Oran. That university, like others in Algeria, had trained many black African students, including diplomats, from other countries in the region. With regard to black Algerians, their numbers were limited and they encountered no racial discrimination, including at the university.

81. Many young Algerians living in France had acquired French nationality in addition to Algerian nationality. An intergovernmental accord permitted them to choose in which country they preferred to perform their military service. With regard to the request that the next report of Algeria include statistical indicators and other detailed information on the situation of minorities, the representative assured the Committee that he would forward that request to his Government.

Concluding observations

82. The Committee noted with interest the legislative and institutional changes which had occurred in Algeria in recent years which created the framework necessary for the respect of human rights in general and for preventing and combating racial discrimination.

83. The Committee expressed its appreciation of the spirit of openness and cooperation which characterized the report, as well as the dialogue with the representative of the Government, while expressing its concern at the difficulties of the current situation in Algeria.

84. Taking into account the fact that the report was oriented especially towards legislative texts, the Committee considered that the next report should contain more demographic and statistical information on social indicators reflecting, in particular, the situation of ethnic and racial groups, in particular Berbers and blacks, as well as on judicial or administrative decisions taken to give

effect to the Convention. It was also considered necessary to clarify the effect of emergency measures taken by the Government with regard to the application of the Convention.

85. The Committee considered, in particular, that the next report should clarify the place of the Berber population in Algerian society with respect to identity, language, participation in public life and the social benefits provided for in article 5 of the Convention.

CERD A/52/18 (1997)

380. At its 1216th and 1217th meetings, held on 4 and 5 August 1997, the Committee considered the eleventh and twelfth (consolidated) periodic reports of Algeria (CERD/ C/ 280/ Add.3) and at its 1235th meeting, held on 18 August 1997, adopted the following concluding observations.

A. Introduction

381. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State party and for the additional information that the State party's delegation provided during its oral presentation. However, the Committee regrets that the report does not fully comply with the reporting guidelines and that it fails to provide concrete information on the implementation of the Convention in Algeria and on the actual enjoyment by the population of its rights.

B. Factors and difficulties impeding the implementation of the Convention

382. It is recognized that Algeria has to face economic, social and political challenges and is experiencing economic and social problems that might have a negative impact on the situation of the population and impede the full enjoyment of economic and social rights.

383. The Committee also notes that the climate of violence which has been in existence in Algeria since 1989, and severely affects the civilian population, is an additional and serious obstacle to the full implementation of the Convention.

C. Positive aspects

384. The Committee warmly appreciates the efforts of the State party to implement the Convention under adverse circumstances.

385. It is noted with great appreciation that the State party has made a declaration under article 14 of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals.

386. The Committee welcomes the fact that, in accordance with article 123 of the Constitution, international instruments, such as the Convention, that have been ratified, promulgated and implemented by Algeria are part of the State party's domestic law and take priority over norms of domestic law that contradict them.

387. The setting up of the National Cultural Council in 1990, the establishment of the National Human Rights Observatory in 1992 and the establishment of the Office of the High Commissioner on Amazighe Status in 1995, as well as the restructuring of the Amazighe language to make instruction in that language in schools and universities possible, are noted with appreciation.

388. The Committee notes with appreciation that education at all levels is free, as is public health care.

D. Principal subjects of concern

389. Concern is expressed over the insufficiency of information on the ethnic composition of the population of Algeria, which makes it difficult to identify vulnerable groups and to evaluate activities intended for their benefit.

390. Although the report contains information on legislative measures, the Committee regrets the lack of information on judicial, administrative or other measures adopted by the State party to give effect to the provisions of the Convention.

391. Although article 28 of the Algerian Constitution provides for non-discrimination, together with equality before the law and equal protection of the law without discrimination, the Committee is concerned about the failure of the Government to incorporate the prohibition of racial discrimination in its domestic law, in accordance with the Convention.

392. Concern is expressed that the State party has not fulfilled all the requirements of article 4 (a) and (b) of the Convention.

393. It is also noted with concern that the lack of information in the report on the implementation of article 5 of the Convention makes it difficult for the Committee to evaluate the situation with regard to the enjoyment of civil, political, economic, social and cultural rights by the population in Algeria, and in particular by members of the various ethnic groups.

394. The lack of comprehensive information on instances in which complaints are lodged by individuals alleging acts of racial discrimination and on compensation paid to victims of such acts makes it difficult to assess whether the provisions of article 6 of the Convention are implemented effectively in Algeria.

395. While the statement made by the delegation of the State party regarding human rights training of judges and law enforcement officials, as well as human rights education at the university level, is welcomed, the information in the written report does not enable the Committee to evaluate the extent and impact of such programmes.

E. Suggestions and recommendations

396. The Committee recommends that the State party describe in its next periodic report all the legislative, judicial, administrative or other measures which give effect to the provisions of the Convention, in accordance with article 9.

397. The Committee recommends that the State party consider incorporating in its domestic legislation a prohibition of racial discrimination in accordance with the Convention.

398. The Committee reiterates its recommendation, made during the consideration of the tenth periodic report, that the State party provide the information on the composition of the population requested in paragraph 8 of the reporting guidelines and, in particular, information on social indicators reflecting the situation of the ethnic groups, including the Berbers. Such information is essential for the Government itself to detect possible patterns of discrimination and for the Committee to monitor effectively the implementation of the Convention. In this connection, the

Committee draws the attention of the Government of Algeria to its General Recommendation IV and suggests that the State party take into consideration General Recommendation VIII, concerning the identification of members of particular racial or ethnic groups.

399. The Committee stresses that the provisions of article 4 of the Convention are mandatory and should be fully implemented, as stated in its General Recommendation VII. In order to prevent the dissemination of racist ideas and incitement to racial hatred, the Committee recommends that the State party comply fully with its obligations under article 4 of the Convention and, in particular, declare illegal and prohibit any organization which promotes or incites racial discrimination. Due account should be taken of the Committee's General Recommendation XV.

400. The Committee recommends that the enjoyment by everyone without discrimination of the rights listed in article 5 of the Convention be ensured, in particular the right to security of person and protection against violence or bodily harm (art. 5 (b)). In connection, with article 5 (e) of the Convention, adequate indicators and other means of monitoring the economic and social conditions of the ethnic groups should be developed. In that regard, the Committee recommends that the State party provide, in the next periodic report, fuller information on the protection of the rights to work, housing, and education from discrimination on grounds of ethnic origin, contained in article 5.

401. The Committee recommends that the next periodic report of the State party contain all available information on complaints and court cases relating to acts of racial discrimination and also information on the right of individuals to seek adequate reparation for any damage suffered as a result of such discrimination, as provided for in article 6 of the Convention.

402. The Committee recommends that the Government of Algeria continue and strengthen its efforts in human rights training activities for judges, lawyers and magistrates and put special emphasis on education and sensitization programmes about the provisions of the Convention, in accordance with article 7 of the Convention. That type of training should also be provided to law enforcement officials and members of the armed forces. Due account should be taken of the Committee's General Recommendation XIII.

403. The Committee recommends that the State party launch an effective information campaign in order to inform and educate all sectors of society on the provisions of the Convention, and inform them of the remedy available under article 14 of the Convention. Additionally, the State party should ensure the wide dissemination of its report and of the concluding observations of the Committee.

404. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

405. The Committee recommends that the State party's next periodic report be a comprehensive report and address all the concerns expressed by the Committee.

CERD A/56/18 (2001)

22. The Committee considered the thirteenth and fourteenth periodic reports of Algeria, which were due on 15 March 1997 and 1999 respectively, submitted as one document (CERD/C/362/Add.6), at its 1445th meeting (CERD/C/SR.1445), on 9 March 2001. At its 1459th meeting (CERD/C/SR.1459), on 20 March 2001, it adopted the following concluding observations.

A. Introduction

23. The Committee welcomes the thirteenth and fourteenth periodic reports as well as the additional information that the State party's delegation provided during its oral presentation and in writing, and expresses its appreciation for the opportunity to continue its dialogue with the State party. The Committee notes with appreciation that the report was more exhaustive than the previous periodic report, particularly with regard to constitutional and legal provisions.

B. Positive aspects

24. It is noted with appreciation that the State party has made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals.

25. The Committee welcomes the fact that, pursuant to article 132 of the Constitution, international instruments that have been ratified and promulgated by the State party, including the International Convention on the Elimination of All Forms of Racial Discrimination, form part of and take precedence over norms of the State party's domestic law, and can be invoked directly before the courts.

26. The Committee welcomes the ongoing reforms with regard to the administration of justice and the setting up of the National Commission for the Reform of the Justice System by means of presidential decree No. 99-234 of 19 October 1999.

27. The Committee notes as positive the announcement by the delegation of the forthcoming establishment of the new National Advisory Commission for the Promotion and Protection of Human Rights, the members of which would include civil society organizations and half of whose membership would be women, which would coordinate closely with the National Human Rights Observatory.

28. The Committee welcomes the initiatives taken by the Government in the area of human rights education, including the establishment of a UNESCO Chair in the teaching of human rights at the University of Oran, responsible for organizing and promoting an integrated system of human rights research, teaching, information and documentation as well as human rights training at the National Judicial Training Institute, the Police Training School and the National Prison Administration Training School.

29. The Committee appreciates the recognition in the Algerian Constitution of the Islamic, Arab

and Amazigh components of Algerian identity and the efforts to introduce teaching of the Amazigh language in schools.

C. Concerns and recommendations

30. Noting the absence of statistical data on the ethnic composition of Algerian society, the Committee recommends that the State party provide an estimate on the composition of the population as requested in paragraph 8 of the reporting guidelines and, in particular, information on social indicators reflecting the situation of ethnic groups, including the Amazigh community. In this connection, the Committee draws the attention of the State party to its general recommendation VIII concerning the identification of members of particular racial and ethnic groups.

31. The Committee expresses its concern at the Law on the General Use of the Arabic Language of 5 July 1998 prohibiting the use of languages other than Arabic in various fields. While noting the statement by the delegation that the Law has not been applied in practice, the Committee urges the Government to review this law as a matter of priority, particularly in the context of the steps taken to promote the Amazigh language.

32. The Committee notes that articles 27 and 42 of the Constitution of Algeria prohibit discrimination based on race, language or religion. Nevertheless, it is concerned at the inadequate provisions in domestic legislation to address diverse aspects of racial discrimination. It thus reiterates its recommendation that the State party consider incorporating in its domestic legislation a prohibition of racial discrimination in accordance with the Convention and provisions for enforcing the prohibition.

33. While noting the efforts by the State party to amend its criminal code, notably article 298 and article 299, in accordance with the recommendations of the Committee at the examination of the eleventh and twelfth periodic reports, the Committee remains concerned about the State party's failure to comply fully with all the requirements of article 4 of the Convention and recommends that further steps be taken to accelerate the legislative review process.

34. With regard to article 5, the Committee notes that the facts and figures provided in the report concern the totality of the population and are not disaggregated. In this connection, the Committee wishes to receive detailed information on the application of the provisions of this article to the nomadic groups in the next periodic report.

35. The Committee reiterates its previous recommendation that the next periodic report of the State party contain all available information on complaints and court cases relating to racial discrimination and also information on the right of individuals to seek adequate reparation for any damage suffered as a result of such discrimination, as provided for in article 6 of the Convention.

36. The Committee notes that despite the significant steps taken by the Government to preserve and promote the Amazigh identity through the setting up of a High Commission on Amazighness, no additional information has been given on this population group, on measures taken for the protection and promotion of its culture and language or on the activities of the High Commission on Amazighness. The Committee is concerned about reports that the Commission does not function

adequately and requests additional, concrete information on the functioning, membership and performance of this institution in promoting Amazigh language and culture.

37. The Committee requests the State party in its next periodic report to provide information on the role of the National Advisory Commission for the Promotion and Protection of Human Rights in monitoring the implementation of the State party's treaty obligations and on how the work of this organization and that of the National Human Rights Observatory is coordinated.

38. The Committee recommends that the State party's periodic reports be made widely available to the public from the time they are submitted and that the Committee's concluding observations be similarly publicized. In addition, all sectors of society should be informed and educated about the provisions of the Convention, including those of article 14.

39. The Committee further recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted by the Fourteenth Meeting of States Parties.

40. The Committee recommends that the State party submit its fifteenth periodic report jointly with its sixteenth periodic report due on 15 March 2003 and that it address the points raised in the present observations.