

## ALGERIA

### CESCR E/1996/22

278. The Committee considered the initial report of Algeria on articles 1 to 15 of the Covenant (E/1990/5/Add.22) at its 46th and 47th meetings on 30 November 1995 and at its 48th meeting on 1 December 1995 and, at its 58th meeting on 8 December 1995, adopted the following concluding observations.

#### A. Introduction

279. The Committee thanks the State party for its initial report, for the written replies to the Committee's list of issues and for the quality of the dialogue with the Algerian delegation, whose open-mindedness and cooperation are appreciated.

280. The Committee notes that, despite the country's economic, social and security problems, the State party has submitted a detailed initial report on the constitutional and legislative provisions designed to protect and promote the economic, social and cultural rights of the inhabitants of Algeria.

#### B. Positive aspects

281. The Committee notes with satisfaction that article 123 of the Algerian Constitution recognizes the Covenant's precedence over domestic law in the internal legal system. The Committee also welcomes the fact that the provisions of the Covenant may be directly invoked in the courts.

282. The specific commitments to human rights which the State party has made in recent years are also noted with satisfaction. They include the establishment in 1992 of the National Human Rights Observatory, the establishment of the Office of the High Commissioner for Amazighité (Berbers) in May 1995, the training of judges in human rights and the establishment of human rights professorships at the university level.

283. The Committee takes note of the statement by the delegation to the effect that the state of emergency in Algeria does not affect any of the rights guaranteed by the Covenant, particularly trade union freedom and the right to strike, which are guaranteed under Algerian law. The Committee also takes note of the fact that associations are flourishing and new trade unions have been formed.

284. The Committee expresses its satisfaction that efforts have been made to adopt a set of measures to promote job creation and attenuate the effects of structural adjustment for vulnerable groups. In particular, the recent establishment of a system of social protection ("safety net") for the unemployed is noted with appreciation. The Committee further notes with encouragement the Algerian Government's unswerving commitment to social protection and the statement in the Government's written replies that the proportion of the budget hitherto allocated to support of loss-making enterprises will be redirected towards the most disadvantaged groups in society.

285. The Committee takes note with satisfaction of the considerable progress in education achieved by the State party since independence and of the low school drop-out rate. The progress made in respect of education includes a steady and substantial increase in the rate of school attendance by girls. The Committee takes note with interest of the introduction of instruction in the Amazigh (Berber) language since the beginning of the 1995-1996 school year.

286. The Committee appreciates the fact that, despite difficult domestic conditions, the destruction of almost 600 schools (ECOSOC E/ICEF 1995 P/L.30) and the danger teachers and students face every day, the latter are not discouraged from continuing to teach and study. The progress that Algeria has been making in respect of education despite these difficult circumstances must be appreciated and encouraged.

287. The Committee takes note of the statement by the delegation that the process of ratification of the Convention on the Elimination of All Forms of Discrimination against Women is under way.

288. The Committee notes with satisfaction that the Algerian authorities have begun to pay more attention to allocate greater resources for the construction of housing, particularly for low-income groups.

#### C. Factors and difficulties impeding the implementation of the Covenant

289. The Committee notes that the implementation of the economic, social and cultural rights guaranteed by the Covenant has been seriously hampered by the grave economic crisis which the country is undergoing. The economy's heavy dependence on hydrocarbons, the foreign debt and the drought that has affected agriculture are recurring constraints which have an impact on the State budget and social spending.

290. The Committee also notes that the high population growth rate has led to a rapid increase in the number of job applicants, thereby increasing unemployment.

291. Lastly, the Committee notes that the acts of terrorism which are affecting the very heart of Algerian society are liable to impede its human development and its capacity for promoting the realization of economic, social and cultural rights.

#### D. Principal subjects of concern

292. The Committee expresses its deep concern about the political turmoil in daily life in Algeria, which is impeding the full realization of the rights guaranteed in the Covenant.

293. The Committee is deeply concerned by the fact that the philosophy of the Covenant, based on the principle of non-discrimination and on the idea of the universality of human rights, has not fully taken root in Algerian society. Furthermore, many forms of discrimination against women, both in legislation and in everyday life, prevent women from exercising their economic, social and cultural rights.

294. The Committee also deplores the fact that such fundamental freedoms as the right to work, to education, to freedom of movement, and the right freely to choose a spouse are not fully guaranteed for Algerian women. The violence exercised against women in the family, and outside the family by fanatical groups, is of profound concern to the Committee. A husband's absolute right to keep the conjugal home in the case of divorce is a further subject of concern.

295. The Committee expresses its great concern at the high rate of unemployment, which, according to the information contained in the Government's written replies to the Committee's questions, could exceed 30 per cent in 1995. The Committee also notes that this rate is continually increasing.

296. The Committee notes with concern that family violence, of which women are the principal victims, continues to be a problem of society in Algeria, insufficiently addressed by the authorities in terms of either prevention or punishment. The Committee also deplores the fact that children born out of wedlock are subjected to de jure and de facto discrimination.

297. The Committee notes with concern the serious shortage of housing and the precarious conditions of accommodation of a substantial part of the population, which affects enjoyment of the right to adequate housing as provided for in the Covenant.

298. The Committee is concerned to note the high mortality rate among young girls in the 1-10 age group, which, as acknowledged by the Government, is due to the fact that better care is provided for boys.

#### E. Suggestions and recommendations

299. The Committee, while being aware of the extremely difficult political and social context in which the Algerian Government is discharging its functions, considers it to be of the utmost importance that special attention be given to the problem of discrimination against women, in particular as it exists in legislation.

300. The Committee recommends that the radical economic reforms undertaken by the Government be continuously assessed in terms of the realization of the economic, social and cultural rights of all Algerians, and that special priority be given to the smooth application of social policies designed to counteract the adverse effects of structural adjustments.

301. The Committee recommends that extensive consciousness-raising campaigns be launched to prevent family violence. Adequate information should also be provided to the victims of such violence, with regard to their right to obtain compensation.

302. The Committee encourages the Algerian Government to pursue an energetic housing policy, so as to make progress towards the full realization of the right to adequate housing.

303. The Committee also requests the Government to take all necessary measures to ensure that girls are fully able to exercise their right to education and to mental and physical health. Such measures should be accompanied by the setting up of a data-collection system enabling their impact to be

assessed.

304. The Committee recommends that measures be taken to include human rights instruction in school curricula, especially in primary schools, in conformity with the goals and objectives of the United Nations Decade for Human Rights Education, and that those responsible for enforcing the law should be given instruction in human rights.

305. The Committee recommends that the State party's second periodic report contain more information regarding the effective implementation of the rights guaranteed in the Covenant. The Committee reminds the Government in this connection of the possibility of making use of the advisory services of the Centre for Human Rights, which offers training in the drafting of the reports required under international instruments.

## **CESCR E/2002/22 (2001)**

804. The Committee considered the second periodic report of Algeria on the implementation of the Covenant (E/1990/6/Add.26) at its 65th and 66th meetings, held on 15 November 2001, and adopted, at its 81st meeting, held on 27 November 2001, the following concluding observations.

### **A. Introduction**

805. The Committee welcomes the second periodic report of the State party, which was prepared in conformity with the Committee's guidelines. The Committee further welcomes the open dialogue with the delegation, which was comprised of officials from various ministries.

806. The Committee regrets that written replies to the list of issues (E/C.12/Q/ALG/1) raised by the Committee were not transmitted to the secretariat in advance and that a number of questions raised by the Committee were not answered satisfactorily by the delegation.

### **B. Positive aspects**

807. The Committee commends the establishment in 2001 of a new National Advisory Commission for the Promotion and Protection of Human Rights, the mandate of which extends to economic, social and cultural rights.

808. The Committee notes in particular the accession by the State party to the Convention on the Elimination of All Forms of Discrimination against Women in 1996.

809. The Committee takes note of the launching by the Government of an economic recovery programme for 2001-2004.

810. The Committee welcomes the statement made by the delegation that the interpretative declaration on article 8 of the Covenant will be withdrawn.

### **C. Factors and difficulties impeding the implementation of the Covenant**

811. The Committee takes note of the general climate of violence that has prevailed in Algeria since 1992, as well as of the country's serious economic and social crisis. The consequences of acts of terrorism, as well as the political and economic crises, have been disastrous for the situation in the country in general and for the enjoyment of economic, social, cultural and political rights in particular.

812. The Committee further takes note of the adverse effects of the heavy foreign debt burden, the requirements of structural adjustment programmes, and the recurring droughts, on the ability of the State party to implement its obligations under the Covenant.

### **D. Principal subjects of concern**

813. The Committee is deeply concerned at the continuing violence and acts of terrorism in the country, which impede the full realization of the rights guaranteed in the Covenant.

814. The Committee notes with concern that no case-law on the application of the Covenant exists and that the Covenant has not been invoked before national courts.

815. The Committee is of the view that the various measures taken by the State party with regard to the Vienna Declaration and Programme of Action<sup>10/</sup> fall short of the comprehensive national human rights plan of action called for by that document.

816. The Committee notes with concern that Arabic is the only official language in the State party and that the Amazigh population continues to be denied the use of their language at the official level. The Committee further notes the announcement by the Government on 3 October 2001 that the Constitution will be amended to make Amazigh a national language.

817. The Committee is deeply concerned about the persisting discrimination in the political, social and economic spheres of life against women in Algerian society, and women's inferior position under the Family Code of the State party, already referred to in the Committee's concluding observations on the initial report of Algeria.<sup>22/</sup> In this regard, the Committee expresses its serious concern about the considerable divergence existing in the State party between constitutional provisions, on the one hand, and national legislation and practice, on the other, particularly with regard to a number of discriminatory provisions of the Family Code, including provisions on polygamy, unilateral repudiation by the husband, the requirement of a guardian's consent for marriage, the obligation of the wife to obey her husband, gender discrimination with regard to inheritance, as well as the husband's absolute right to keep the conjugal home in the case of divorce.

818. The Committee is deeply concerned about the high rate of unemployment in the State party, which has been estimated at over 29 per cent.

819. The Committee notes with concern that an authorization is required from the Ministry of Labour and Social Protection for the establishment of new independent trade unions outside the recognized General Union of Algerian Workers.

820. The Committee notes with concern the extent of violence in the family, of which women are the principal victims, and the insufficient attention that is devoted by the authorities to this problem in terms either of prevention or of punishment.

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<sup>10/</sup> Adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 (A/CONF. 157/24 (Part I), chap. III).

<sup>22/</sup> See Official Records of the Economic and Social Council, 1996, Supplement No. 2 (E/1996/22-E/C.12/1995/18), chap. V, para. 299.

821. The Committee is deeply concerned about the serious problem of poverty, as well as the decline in the standard of living and the increase in poverty-related diseases. The Committee expresses its profound concern about the inadequacy of measures being taken to combat this problem.

822. The Committee is deeply concerned about the acute housing shortage facing the Algerian population.

823. The Committee notes with concern the steady decline in State expenditure on the health care system, as well as the plan confirmed by the delegation to eliminate subsidies for medicines. The Committee regrets that it did not receive sufficient information on measures taken by the State party to ensure access to health services.

824. The Committee expresses its concern about the ineffectiveness of programmes to reduce the maternal and infant mortality rate in the State party.

825. With regard to education, the Committee is deeply concerned about the high drop-out rates, which was acknowledged by the delegation during the dialogue with the Committee.

826. The Committee notes with concern the data in the UNDP Human Development Report, 2001 that indicates a significant decrease in public spending on health and education in the 1990s, as a percentage of both GNP and GDP, and also relative to military expenditure, which more than doubled as a percentage of GDP.

827. The Committee expresses its concern that the State party has not provided sufficient information on the measures it has taken in response to the suggestions and recommendations made in the concluding observations adopted by the Committee in 1995 on the initial report of Algeria .23/ Many of the issues referred to in those concluding observations remain subjects of concern in the present concluding observations.

#### E. Suggestions and recommendations

828. The Committee urges the State party to take, as a matter of priority, all steps necessary to guarantee a full measure of security to all persons within its jurisdiction, in order to fulfil its obligations under the Covenant and ensure the enjoyment of the rights guaranteed therein.

829. The Committee would welcome information on the National Advisory Commission for the Promotion and Protection of Human Rights in the next periodic report, including on its structure, mandate, powers and functioning.

830. In the light of paragraph 71 of the Vienna Declaration and Programme of Action, the

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23/ [See Official Records of the Economic and Social Council, 1996, Supplement No. 2 (E/1996/22-E/C.12/1995/18), chap. V,] paras. 299-305.

Committee recommends that the State party prepare, through an open and consultative process, a

comprehensive national human rights plan of action regarding the implementation of its international human rights obligations, including the Covenant. The State party is encouraged to seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in this regard. The Committee requests the State party to include information on progress made in the elaboration of a national human rights plan of action, as well as in its implementation, in its third periodic report.

831. The Committee encourages the State party to preserve the language and culture of the Amazigh population and to take appropriate steps to implement the plans to accord constitutional status to the Amazigh language as a national language, as announced by the Government on 3 October 2001. The Committee furthermore recommends that the State party undertake measures towards the recognition of the Amazigh language as an official language.

832. The Committee urges the State party to undertake a radical reform of the Family Code in order to give full recognition to the equal rights of women, to conduct an information campaign on gender equality and to introduce gender mainstreaming into all its legislation in accordance with the provisions of the Covenant.

833. The Committee recommends that the State party withdraw the interpretative declarations on articles 8 and 13 of the Covenant.

834. The Committee urges the State party to formulate an effective strategy to address the acute problem of unemployment and to adopt and implement guidance and training programmes so as to ensure that young people and the unemployed can secure employment.

835. The Committee urges the State party to eliminate the various obstacles hampering the establishment of new and independent trade unions.

836. The Committee recommends that the State party adopt a national strategy to combat family violence, including awareness-raising campaigns geared towards the public at large, data collection, enactment of relevant legislation, and training courses for the police forces and the judiciary.

837. The Committee urges the State party to allot a large share of the national budget surplus to the State party's struggle against poverty. The Committee furthermore urges the State party to fully integrate human rights, including economic, social and cultural rights, in the formulation of a national strategy for poverty reduction. In this regard, the Committee refers the State party to the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee on 4 May 2001 (see annex VII below).

838. The Committee urges the State party to address the acute housing shortage, including through the adoption of a strategy and plan of action and through the construction of more low-cost housing units. In this connection, the Committee reminds the State party of its obligations under article 11 of the Covenant and refers to its General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant).

839. The Committee invites the State party to provide information, in its next periodic report, on the



privatization of the health system, the cost of medication after the implementation of the plan to eliminate subsidies for medicines and the measures the State party is taking to combat the negative effects of these changes on the health of disadvantaged and marginalized groups.

840. The Committee urges the State party to take all necessary measures in order to lower maternal and infant mortality rates and to ensure that all forms of health services are available to women and men, especially in rural areas, in particular reproductive health services.

841. The Committee urges the State party to give the most careful attention to the rights of the mentally ill. The Committee requests the State party to report fully in its third periodic report on the laws and measures adopted by the State party with regard to the mentally ill, in particular on the number hospitalized, the facilities available and the legal safeguards for the protection of patients.

842. The Committee urges the State party to ensure that its laws, regulations and practices in relation to HIV/AIDS are non-discriminatory and are in conformity with the International Guidelines on HIV/AIDS and human rights.<sup>21/</sup>

843. The Committee recommends that the State party increase its expenditures for health and education and requests the State party to provide the Committee in its third periodic report with comparative statistical data on these indicators over a period of time.

844. The Committee urges the State party to take all appropriate measures in order to address the problems relating to the high dropout rates in the country's school system, as well as the relatively low enrolment rate in secondary schools.

845. The State party is urged to pursue the development and adoption of a comprehensive National Education for All Plan, as anticipated in paragraph 16 of the Dakar Framework for Action adopted at the World Education Forum in April 2000. When formulating and implementing its plan, the State party should take into account the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant) and establish an effective monitoring system for the plan. The State party is also encouraged to seek technical advice and assistance from UNESCO in relation to both the formulation and implementation of its plan.

846. The Committee strongly recommends that the State party's obligations under the Covenant should be taken into account in all its negotiations with international financial institutions, such as IMF, the World Bank and WTO, to ensure that economic, social and cultural rights are not undermined.

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<sup>21/</sup> HIV/AIDS and Human Rights: International Guidelines. Second International Consultation on HIV/AIDS and Human Rights, Geneva, 23-25 September 1996 (United Nations publication, Sales No. E.98.XIV.1).

847. The Committee calls upon the State party to conduct training for judges and lawyers and to disseminate the Covenant to the public at large.

848. The Committee requests the State party to disseminate its concluding observations widely among all levels of society and, in particular, among State officials and the judiciary, and to inform the Committee in its next periodic report of all steps taken to implement them. It also encourages the State party to involve non-governmental organizations in the preparation of its third periodic report.

849. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2006 and to include in this report detailed information on the steps it has undertaken to implement its recommendations contained in the present concluding observations.