

الجمهورية الجزائرية الديمقراطية الشعبية
PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA



AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS
Fifth and Sixth Periodic Reports

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I-General information on Algeria



-Territory, population and indicators: Land area: 2,381,000 km²; population: 39.21 million (2013); official language: Arabic; national languages: Arabic, Tamazight; religion: Islam; currency: Algerian dinar; GDP: US\$ 206.5 billion (2012)/per capita income: US\$ 5,659 (2012); gross external debt: US\$ 3.9 billion (2012); unemployment rate: 9.7 % (2012); average life expectancy (2011): 76.7 years (77.3 years for women and 76 years for men); child mortality rate (2010): average of 23.7 per 1,000 births (boys: 25.5 per 1,000 births and girls: 21.8 per 1,000 births); maternal mortality rate: 76.9 maternal deaths per 100,000 births (2010); economic growth rate: 2.6 % (2012); inflation: 8.89 % (2012); school enrolment rate: 98 % (2010); age structure in % (RGPH- 2008): below 5 years: 10.0, below 20 years: 38.7, the youth 15-24 years: 21.8, 25-59 years: 53.8, 60 years and above: 7.4. Human development index (in 2014): 0.717 (Algeria is ranked high in HDI)

- Institutional framework

- The institutional framework provides for constitutional and non-constitutional mechanisms.

- Constitutional mechanisms

- Constitutional mechanisms are based on political bodies and judicial institutions.

- The Constitution of 1989, amended in 1996 and in 2008, institutes the separation of powers between the executive, the legislature and the judiciary. The country has a presidential system.

- Legislative power is vested in Parliament, a forum for democratic and pluralistic expression. Parliament oversees the work of the Government and votes laws. Human rights issues are handled by the relevant standing committees.

- Following the constitutional amendment of 28 November 1996 establishing a bicameral Parliament, the People's National Assembly (ANP) is now the first chamber of Parliament, with 462 Members of Parliament representing the various political groups, elected by direct universal suffrage. The Council of the Nation is the second chamber of Parliament with 144 members. Two-thirds of its members are elected by indirect suffrage by the college of members of the Communal and Departmental People's Assemblies, and one-third, comprising 48 members, is appointed by the President of the Republic.

- An organic law to increase women's representation in elected local and national assemblies was promulgated in January 2012. The law guarantees the gradual process of female

candidatures which varies between 20 and 50 %. It also provides that any electoral list which does not comply with the female representation quotas defined by the law shall be rejected. As a result of this proactive policy to promote women's representation, Algeria achieved 31% women's representation in Parliament during the May 2012 parliamentary elections.

- In accordance with the Constitution, the President of the Republic and the Prime Minister exercise executive power in the Algerian political system. The President of the Republic, Head of State, embodies the unity of the Nation. The President of the Republic is elected by universal, direct and secret suffrage for a five-year term of office, and is eligible for re-election. The Prime Minister implements the programme of the President of the Republic and coordinates the action of the Government to this effect. The programme is submitted for the approval of the People's National Assembly.

Algeria and the African Charter on Human and Peoples' Rights

1. Algeria signed the African Charter on Human and Peoples' Rights on 10 April 1984 and ratified the same on 1 March 1987. Algeria presented its initial periodic report at the 19th Ordinary Session of the African Commission on Human and Peoples' Rights held in April 1996 in Ouagadougou and presented its second periodic report at the 29th Ordinary Session of the Commission held in Tripoli. The third and fourth periodic reports were presented at the 42nd Ordinary Session of the Commission held in November 2007 in Brazzaville.

2. During the presentation of Algeria's third and fourth periodic reports, the Algerian delegation underscored the progress made since the presentation of the second periodic report in the areas of consolidating democracy and strengthening the rule of law. The progress made included institutional reforms and strengthening democratic freedoms (justice sector reforms).

3. Algeria has succeeded, despite the challenges relating to the consequences of terrorism, to conclude reforms in the area of respect for human rights and fundamental freedoms. The lifting of the state of emergency in February 2011 led to the implementation of a broad programme of institutional, political and socioeconomic reforms based on a strong determination to increase the exercise of individual and collective freedoms. The reforms are part of efforts to meet the expectations of Algerian citizens in respecting the general interest and national values. The reforms also reflect the commitment of government authorities to ensure the promotion and protection of human rights and freedoms, taking into account the utmost importance that Algeria attaches to these rights and freedoms.

4. Similarly, four organic laws governing the electoral system, political parties, information, and women's representation in elected Assemblies, as well as laws on associations, the incompatibility of offices and the Wilayas and Commune Codes were drafted, adopted and have entered into force following a pluralistic debate.

4 bis. This report was prepared – following broad consultations bringing together all the relevant parties, by an inter-ministerial working group comprising representatives of the relevant ministries responsible for implementing Algeria's commitments relating to the African Charter.

5. The report is divided into three parts. Part one addresses the recommendations of the African Commission on Human and Peoples' Rights. Part two is entitled "Data and information on the general framework for human rights promotion and protection in Algeria" and outlines the human rights promotion and protection framework. Part three contains updated information on Algeria's implementation of the African Charter (article by article).

PART ONE:
Response to the observations and recommendations of the Commission

Recommendation No. 1:

“Set up an inter-ministerial group tasked with collaborating with all stakeholders throughout the process of conducting research and preparing periodic reports”

6. There is an inter-ministerial group responsible for preparing national periodic reports. The group is headed by the Ministry of Foreign Affairs and includes representatives of ministries and institutions dealing with human rights issues.

7. After finalising the draft report, representatives of national human rights associations are invited to comment and contribute their field experience. Their relevant comments are incorporated into the final report.

Recommendation No. 2:

“Study the recurrent human rights problems in Algeria in order to obtain statistics on the various cases and facilitate solutions”

8. Human rights promotion and protection is one of the Algerian Government’s priority areas. The various reforms instituted, in particular in terms of legislative and regulatory mechanisms, are aimed at ensuring greater protection for the fundamental rights of citizens. The various administrative monitoring mechanisms, the guaranteed and effective right to appeal, facilitation of access to justice and legal aid, press freedom and the large number of associations are some of the tools that contribute to prevention and promotion, as well as redress for possible abuses.

9. Moreover, the National Consultative Commission for the Promotion and Protection of Human Rights, in its annual activity reports and thematic reports, reports on all shortcomings noted, registered cases of violation and other factors restricting the full enjoyment by citizens of their civil, political, economic and socio-cultural rights.

10. The President of the Republic, who exercises supreme judicial authority and is guarantor of individual and public freedoms, gives, as appropriate, instructions towards resolving any issues that may be raised.

11. Regarding statistics on the various human rights issues, each relevant ministry or institution submits reports with detailed disaggregated statistics on registered, handled and resolved cases.

Recommendation No. 3:

“Implement measures to increase the rate of participation by Algerian women at all levels of society”

12. Regarding this item, it should be noted that Algeria ratified the Convention on the Political Rights of Women by Presidential Decree No. 04-126 of 19 April 2004.

13. Moreover, and following the 2008 constitutional amendment at the request of the President of the Republic, women’s right to participate in the government was consolidated through the introduction of a new article 31 bis, which provides that “the State shall strive to promote the political rights of women by increasing their chances of access to representation in elected assemblies”. This new constitutional provision is part of the government’s policy to institutionalise good governance and promote democratic principles and equal opportunities for all Algerians. The practical procedures for implementing this new constitutional provision are laid down in Organic Law No. 12-03 of 12 January 2012.

14. The said law guarantees the principle of quotas for all lists of candidates for legislative and local elections. The quotas range between 20% and 50% for women's representation in elections for the National People's Assembly and between 30% and 35% for Communal People's Assemblies and the People's Assembly of the Wilaya.

15. Moreover, the new Organic Law No. 12-04 of 12 January 2012 on political parties includes provisions which have contributed to promoting women's representation and activism in political parties. To this end, Articles 17, 24 and 41 of the law provide that:

Art. 17: "the founding members (of political parties) shall include a representative proportion of women".

Art. 24: "the number of participants at a congress shall include a representative proportion of women".

Art. 41: "Each political party shall have a proportion of women in party leadership positions".

16. Article 11 of Organic Law No. 12-04 of 12 January 2012 on political parties also stipulates that political parties shall have the task of "promoting the political rights of women".

17. At a practical level, this measure was recently confirmed by the opening of political party institutions to women and women's participation, in large numbers, in the legislative elections of 10 May 2012. As such, women obtained 146 seats out of the 462 seats in the National People's Assembly, representing 31.60%. It should be noted that with this percentage, Algeria is ranked the 28th country in the world in terms of women's representation in national parliaments (lower house) by the Inter-Parliamentary Union, of which Algeria is a member¹, whereas the country was ranked the 121st country prior to the legislative elections of 10 May 2012; thus gaining 93 places. As a result of the promulgation of this law, Algeria is now:

The 1st Arab country, in a region where the average percentage is 14.9%; and
The 9th African country, on a continent where the average percentage is 20.8%.

18. It should also be noted that women are now represented in several sectors of Algerian society, including the justice, health, education and higher education sectors.

Recommendation No. 4:

"Take concrete measures to give effect to the provisions of the African Charter and promulgate laws based on respect for the provisions of the African Charter in general and the freedom of religion in particular"

19. Algeria began, since early 2011, a broad programme of political reforms, one of the main areas of which was the amendment of old laws and the promulgation of new laws governing the exercise of the rights and freedoms guaranteed by the African Charter on Human and Peoples' Rights, in particular civil and political rights. These laws include:

Organic Law No. 12-01 of 12 January 2012 on the electoral system;
Organic Law No. 12-02 of 12 January 2012 establishing cases of incompatibility with the office of Member of Parliament;
Organic Law No. 12-03 of 12 January 2012 establishing the procedure for increasing women's opportunities for access to representation in elected assemblies;
Organic Law No. 12-04 of 12 January 2012 on political parties;
Organic Law No. 12-05 of 12 January 2012 on information; and
Law No. 12-06 of 12 January 2012 on associations.

¹ Situation as at 31 October 2012

20. In its efforts to consolidate democracy at the community level and the participation of citizens in the management of their affairs, Algeria amended its laws governing local governments, through the promulgation of new commune and wilaya laws, including:

Commune Law No. 11-10 of 22 June 2011; and
Wilaya Law No. 12-07 of 21 February 2012.

21. Moreover, a National Commission on Non-Muslim Faiths was established by Ordinance No. 06.03 in order to ensure respect for the free exercise of religious practice and to take into account concerns relating to its mandate.

Recommendation No. 5:

“Include, in the next periodic report, provisions to guarantee the enjoyment of the rights stipulated under Articles 25 and 26 of the African Charter”

22. This periodic report, in **part three** dealing with the implementation of provisions of the African Charter, contains the relevant measures taken by Algeria to guarantee the enjoyment of the rights stipulated under the **two abovementioned articles**.

Recommendation No. 6:

“Guarantee the independence of the National Human Rights Commission and ensure its conformity with the Paris Principles”

23. The National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH), an independent institution established in 2001, is an advisory body in charge of human rights monitoring, early warning and evaluation.

24. At its establishment in 2001, the CNCPPDH was accredited with an “A” status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) which attests to its compliance with the Paris Principles. However, following the change of rules of procedure, the ICC Sub-Committee on Accreditation held that the CNCPPDH should re-adapt its statutes in compliance with the Paris Principles, which downgraded the Commission to a “B” status. Efforts to bring the Commission into compliance included the drafting of new statutes which was promulgated in October 2009 by Law No. 09-08. In accordance with this law, Presidential Decree No. 09-263 of 30 August 2009 laid down the mandate, composition, functioning and procedure for appointing members of the National Commission. The CNCPPDH maintains constant dialogue with the ICC for the taking into account of its recommendations towards complying with the relevant international standards.

Recommendation No. 7:

“Guarantee the safety of human rights defenders in the exercise of their duties in accordance with the UN Declaration on Human Rights Defenders and the principles enshrined in the African Charter”

25. The work of human rights defenders in Algeria is legally guaranteed under Article 33 of the Constitution which provides that “the individual and collective defence of the fundamental Rights of Man and of individual and collective liberties shall be guaranteed”.

26. Moreover, there are other specific organic and ordinary laws which include the following:

- Law on public meetings and demonstrations;
- Law on the legal profession which guarantees the rights of lawyers (inviolability of law firms, absolute protection of lawyer-client confidentiality, guarantee of the confidentiality of correspondences and files, protection against any insulting behaviour

associated with contempt of court which is provided for and punishable under Section 144 of the Penal Code);

-Organic Law No. 12-04 of 12 January 2012 on political parties under which political parties have the obligation to “include a proportion of women” in decision-making positions (Art. 41);

-Law No. 12-06 of 12 January 2012 on associations, which enables registered associations to litigate and to take any legal action before the competent courts, for cases affecting their interests, as well as the individual and collective interests of their members.

27. When human rights defenders carry out legitimate activities, individually or in association with others, they are protected by the law both when they are involved in court proceedings and when they are being prosecuted.

28. Under the law, they are entitled to claim civil damages and/or resort to criminal justice in the event of any false allegation or defamation against them. They can institute legal proceedings just like any other victim.

Recommendation No. 8:

“Respond to the allegations of torture and human rights violations contained in the letters of urgent appeal sent by the Special Rapporteur on Human Rights Defenders in Africa”

29. Algeria maintains close cooperation with the African Commission on Human and Peoples’ Rights (ACHPR), in particular through visits to Algeria.

30. Algeria continues to participate in ACHPR Sessions on a regular basis and hosts ACHPR activities conducted in Algeria. This close cooperation is also marked by the systematic responses to the various letters of urgent appeal sent by the various special mechanisms of the African Commission on Human and Peoples’ Rights.

31. Responses were provided to all letters received by Algeria. To date, there is no correspondence to which Algeria has not provided a reply.

Recommendation No. 9:

“Establish non-discriminatory working relations with NGOs”

32. There is smooth cooperation with non-governmental organisations (NGOs), in accordance with Algerian laws and regulations, in particular the provisions of Law No. 12-06 of 12 December 2012 on associations, which provides in Article 23 (1) that: “Associations may cooperate, within the framework of partnership with foreign associations and international non-governmental organisations working to achieve the same goals, in accordance with national values and the legislative and regulatory provisions in force”.

33. Regarding the prior authorisation provided for under Article 23 (2) of the said law which provides that “cooperation between the parties concerned shall be subject to the prior authorisation of the competent authorities”, it was introduced for the purpose of transparency.

Recommendation No. 10:

“Present a list of human rights treaties, conventions and other instruments ratified by Algeria”

The list is attached to this report.

Recommendation No. 11:

“Find an appropriate solution to the problem of missing persons and ensure that a fair compensation is paid to the legal successors”

34. The issue of missing persons during the decade of national tragedy of the 1990's is being addressed by the State since 1998. It is an issue that is inherently linked to the context of the upsurge of terrorist crime in Algeria between 1990 and 2000. Since the end of that period, no alleged case of disappearance has been recorded.

35. The Charter for Peace and National Reconciliation is a democratic response which includes the legal, social and human management of the consequences of this national tragedy. It is the sovereign choice of the people of Algeria who have chosen freely their strategy to resolve the crisis, based on the strengthening of national cohesion and the promotion of national peace and reconciliation in order to put behind them, once and for all, the serious crisis that occurred in Algeria.

36. The legal successors have been granted, without any discrimination, compensation in the form of lump-sum death benefits or monthly allowances paid from the State budget.

Recommendation No. 12:

“Take appropriate measures to resolve the problem of prison overcrowding”

37. It is true that for several years penitentiary administration in Algeria has been facing the problem of prison overcrowding.

38. It should be noted that Algeria inherited about a hundred prisons from the colonial era, most of which are dilapidated and do not meet the standards of humanly acceptable detention centres. Most of these prisons have a limited inmate capacity compared to modern standards.

39. In order to address this situation, the justice administration, conscious of the need to align detention conditions with international standards, is implementing an appropriate programme which includes the following:

a) A programme for the construction of new facilities:

40. An ambitious programme, financed by the State, has been implemented for the gradual construction of new prison facilities which meet international standards, the main objectives being the humanisation of detention conditions and the social reintegration of prisoners.

41. A programme for the construction of eighty-one (81) new prison facilities was launched for the period 2005-2009 since the implementation of the justice sector reform in 1999. Out of the eighty-one (81) prison facilities, twenty-three (23) new facilities are already operational with a capacity of 21,900 inmates and an area of 12m² per inmate. These centres are located in the various regions of the country. The remaining prison facilities for which construction work has reached an advanced stage will help to substantially reduce prison overcrowding.

b) Implementation of constitutional and legal provisions:

42. Granting of pardon and commutation of sentences: These measures, which are primarily clemency measures granted to a category of prisoners, help to significantly reduce the population, following the signing of a presidential decree, of prison facilities (complete release for first offenders). These measures also help prisoners with longer prison sentences to benefit from a shortened sentence. In general, two presidential decrees granting pardon are issued every year on the occasion of a national and a religious day celebration. Some prisoners are excluded from these measures when sentenced for serious offences, in general for crimes.

43. Limiting the period for pre-trial detention: the pre-trial detention of people charged with a crime or an offence is ordered either by the public prosecutor in accordance with the procedure of *flagrante delictu*, or by the investigating judge for crimes or offences. The code of criminal procedure lays down the maximum pre-trial detention period to be ordered by an investigating judge for accused persons or defendants. Pre-trial detention is an exceptional measure, in line with the spirit and letter of the code of criminal procedure.

44. Judicial supervision, an alternative to pre-trial detention: the code of criminal procedure allows the investigating judge to place accused persons or defendants under judicial supervision instead of pre-trial detention.

45. Granting of conditional release: conditional release is a measure which facilitates the reintegration of prisoners, and has an effect on reducing prison population. The code on the organisation of prisons and the social reintegration of prisoners (Law No. 05-04 of 6 February 2005) devotes an entire chapter to conditional release (Sections 134 to 150). It is a procedure applied to a well-behaved prisoner with strong guarantees to reform and who has served the required period of their sentence (having served half of their sentence for first offenders, two-thirds of their sentence for recidivists, and fifteen (15) years for prisoners sentenced to life imprisonment). Decisions for conditional release are taken, in accordance with the different categories laid down in the code on the organisation of prisons and the social reintegration of prisoners, by the judge responsible for enforcing sentences or the Minister of Justice, following the respective opinions of the local commission on the enforcement of sentences or the ministerial commission on sentencing reform.

46. This procedure also helps to reduce prison overcrowding. Accordingly, 918 prisoners were granted conditional release in 2012.

47. Granting of suspended sentences: suspended sentences are generally granted to first offenders by criminal courts for cases that are not of a particularly serious nature.

48. Community service sentences: Law No. 09-01 of 25 February 2009 to amend and complement the penal code introduced community service sentences which enables criminal courts to replace pronounced prison sentences, under certain conditions, with community service for legal persons governed by public law. This enables a prisoner to serve a non-custodial sentence. It should be noted that this measure was applied to 6,829 prisoners in 2012.

49. In addition to these measures which contribute to reducing prison overcrowding, government authorities decided to construct new prison facilities in order to address crime.

Recommendation No. 13:

“Take measures and ensure compliance with the Robben Island Guidelines regarding the prohibition and prevention of torture”

50. Historically, Algeria suffered the throes of colonialism and thousands of Algerian men and women died from torture and inhuman and degrading treatment.

51. As such, Algeria cannot forget this painful era of its history. The country took this into account by focussing, since independence, on implementing a system to prevent torture and protect the physical and moral integrity of its citizens.

52. The legal system deters law enforcement officers from using torture, which is a terrible practice in the minds of the people.

53. Regarding measures taken, Algeria:

- ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 16 May 1989², and on 17 May 1989, made the declaration under Articles 21 and 22 of the Convention recognising the competence of the Committee against Torture to receive and consider communications submitted by a State Party against another State Party or submitted by or on behalf of individuals.

- adapted its national legislation, by guaranteeing the following constitutional and legal rules which law enforcement officers must obey and the courts are obliged to enforce:

- Constitutional principle of the protection of physical and moral integrity where the State guarantees the inviolability of the human person.³

- Any form of physical or moral violence or infringement of dignity was prohibited just after independence. Mechanisms to combat torture were provided for since 1966 in the code of criminal procedure and the penal code⁴.

- New rules of procedure for preliminary investigation (in particular during police custody). A person in police custody must undergo a medical examination by a doctor of their choice, at their request or at the request of their family, at the end of the time spent in police custody⁵. Medical visits can be conducted at any time during the time in custody by the public prosecutor, at the request of the family of the person held in custody.

- In the first quarter of 2012, 4,512 visits to police custody facilities were conducted by public prosecutors and 4,022 police custody facilities were visited (facilities under the national gendarmerie and national security). In 2011, 9,517 visits were conducted.

- In accordance with a memorandum of understanding signed with the Ministry of Justice, the International Committee of the Red Cross (ICRC) has since 1999 visited many prison facilities and its representatives have discussed, in the absence of witnesses, with a large number of prisoners. Since 2003, the ICRC can also undertake unexpected visits to police cells located in judicial police facilities.

- Maximum security prison facilities are accessible to civil society. Regular visits are conducted, in particular by the National Consultative Commission for the Promotion and Protection of Human Rights, Algerian and foreign non-governmental organisations, ambassadors accredited to Algeria, UNDP and UNICEF experts, and representatives of penitentiary administrations of some countries (France, Italy, Belgium and Great Britain).

54. Cooperation with the Committee against Torture: Algeria cooperates on a regular basis with the Committee against Torture in accordance with Article 19 of the Convention against Torture. To date, Algeria has presented three periodic reports to the Committee.

Recommendation No. 14:

“Take the necessary measures to ensure respect for the rights and freedoms of all persons as enshrined in the African Charter”

55. Among other activities, Algeria organised an international symposium in Algiers from 9 to 10 February 2010 under the theme “Freedom of worship: a right guaranteed by religion and by law” which was attended by about 300 participants, including 30 eminent Christian personalities.

Recommendation No. 15:

² Official Gazette No. 20 of 17 May 1989

³ Articles 34 and 35 of the Constitution

⁴ Section 263 bis and following, definition of torture, sentence (5 to 10 years imprisonment with a fine) and aggravating circumstances when practiced or ordered by a civil servant (10 to 20 years in addition to a fine).

⁵ Sections 51 bis and 52 of the Code of Criminal Procedure

“Strengthen the rule of law by adopting measures to make the Declaration on Freedom of Expression in Africa a reality in Algeria”

56. As part of reforms instituted by Algeria since 2011 in particular, a new law on information, in force since 2012, has strengthened freedom of expression and fully establishes the liberalisation of the media sector through the opening up of the audio-visual media to the private sector.

57. The liberalisation of the audio-visual media became a reality through the enactment of the law on the audio-visual media which was published in Official Gazette No. 16 of 23 March 2014.

58. The organic law on information and the audio-visual media is one of the key reforms introduced by Algeria. It represents the establishment of pluralism in the audio-visual sector and paves the way for private investment in the sector.

59. In this domain, Algeria plans to set up a broad national television broadcasting network across the country, and investments and projects are still ongoing with the objective of adapting television broadcasting capacities to the opening to private investment.

60. The near introduction of the Digital Terrestrial Television (DTT), which will make it possible to transmit packages of television programmes to a diverse audio-visual landscape is also an important progress made in Algeria.

61. Regarding technology, government authorities are paying particular attention to the 3G technology which is available in Algeria since December 2013. Through this new technology, Algeria plans to promote investment in local content production by targeting the creation of SMEs and start-ups by young graduates who are encouraged and assisted in this process.

Recommendation No. 16:

“Provide information on HIV cases in Algeria and the various forms of treatment”

62. Algeria is among the countries with a low HIV prevalence rate, with an HIV prevalence rate of about 0.1%.

63. Since the first case was diagnosed in 1985, the number of confirmed cases is 1,118 cases of AIDS and 4,745 cases of HIV (as at 31 December 2010.) Heterosexual transmission is predominant. Prevention activities target the youth in particular, and are conducted through school and university health programmes and through multi-sectoral national mechanisms for the youth with the participation of associations, in particular the thematic alliance of UNAIDS and the National Office for the Fight against Drugs and Drug Addiction. It should be noted that 61 anonymous and free-of-charge screening centres have been opened in all the wilayas across the country.

64. Algeria continues to implement the policy of free healthcare and free medicines for persons infected by the virus.

65. The institutional mechanism for HIV care was significantly strengthened with the establishment of the National Blood Agency in charge of blood transfusion safety, including the institution of compulsory screening for blood donations and other blood-related activities throughout the national territory during the 1990's, the establishment of 8 HIV/AIDS management reference centres, and the supply of free antiretroviral drugs.

66. A study day was organised on 8 December 2011 in Algiers for Imams and *mourchidate* (training of trainers) on the fight against HIV/AIDS.

Recommendation No. 17:

“Provide data on indigenous populations in Algeria, including their situation as well as recognition and respect for their rights”

67. In Algeria, there are no indigenous populations as defined under the relevant international law.

67 bis. The Constitution and laws of Algeria guarantee the equality of all citizens with regard to rights, freedoms and duties in accordance with the following three principles:

1. The principle of equality: all the various Constitutions adopted by Algeria since independence guarantee the equality of all citizens with regard to rights, freedoms and duties.

2. The policy of balance: Article 9 of the Constitution provides that “institutions shall not indulge in:

- feudal, regionalist and nepotistic practices;
- the establishment of relations of exploitation and bonds of dependency;
- practices contrary to Islamic morals and the values of the November

Revolution”.

3. The principle of decentralisation: Article 15 of the Constitution provides that “the territorial communities are the commune and the wilaya. The commune is the basic community”, and Article 16 of the Constitution stipulates that: “The elected assembly shall constitute the basis of decentralization and the place for the participation of citizens in the conduct of public affairs”.

Recommendation No. 18:

“Promulgate laws to comply with provisions of the African Charter in general and on freedom of worship in particular”

68. Algeria, which has as religion Islam, guarantees freedom of religious practice consistent with respect for the provisions of the Constitution, laws and regulations in force, public order, good morals and the fundamental rights and freedoms of third parties. The public practice of religion is governed by relevant laws and regulations. The Constitution guarantees that the freedom of conscience and the freedom of opinion shall be inviolable (Article 36).

69. For Muslims: Executive Decree No. 91-81 of 23 March 1991 on the construction of the mosque, its organisation and functioning and Decree No. 94-432 of 10 December 1994 laying down the conditions for opening Koranic schools, their organisation and functioning.

70. For non-Muslims: Ordinance No. 06-02 bis of 28 February 2006 laying down the conditions and rules applicable to religious worship by non-Muslims and the two decrees No. 07-135 of 19 May 2007 and 07-158 of 27 May 2007, laying down respectively, the conditions and procedures for conducting non-Muslim religious and worship activities and the composition and procedures of functioning of the National Commission for Non-Muslim Faiths.

71. Moreover, several rights and guarantees of religious freedom are enshrined in the national legislation, in particular: the recognition of religious feast days, the status of religious ministers, criminal protection, civil status, personal status, the right of prisoners to fulfil their religious obligations and to be visited by a religious person of their faith, and the protection of the administrative judge.

72. The exercise of the freedoms of conscience and of religion is guaranteed by the Constitution, international legal instruments ratified by Algeria and by Ordinance No. 06-03 of 28 February 2006 on conditions governing the practice of faiths other than Islam (text of a legislative nature) and the Penal Code.

73. The Penal Code provides for and punishes by imprisonment and a fine “any defamation directed at one or more persons belonging to an ethnic or philosophical group or to a particular religion, when intended to incite hatred among citizens or inhabitants” (Section 298 (2)).

74. The Penal Code also provides for and punishes by imprisonment and a fine “any insult directed at one or more persons belonging to an ethnic or philosophical group or to a particular religion, when intended to incite hatred among citizens or inhabitants” (Section 298 bis).

75. Section 160 provides that “shall be punished by imprisonment of five to ten years, any person who voluntarily and publicly destroys, mutilates, defaces or profanes the Holy Book”.

76. Section 160 ter provides that “shall be punished by imprisonment of one to five years and a fine of 1,000 DA to 10,000 DA, any person who wilfully degrades, destroys or profanes a place reserved for worship”.

77. Moreover, Article 77 of Law No. 90-07 of 3 April 1990 on information contains a provision criminalising any insult directed against holy religions, irrespective of the means used. The Article provides that: “any person who, in writing, or by sounds, images, drawings or any other direct or indirect means, offends against Islam and the other holy religions shall be punished by imprisonment of six (6) months to three (3) years and a fine of 10,000 to 50,000 DA or by one of those penalties only”.

78. Algerian legislation guarantees the right to freedom of worship of non-Muslim prisoners. Article 66 of Law No. 05-04 of 6 February 2005 on the code on the organisation of prisons and the social reintegration of prisoners provides that “prisoners have the right to fulfil their religious obligations and to be visited by a religious person of their faith”. Moreover, Algerian authorities have granted authorisations to 7 chaplains, three for French and four for the other linguistic communities.

79. Furthermore, Ordinance No. 06-03 on conditions governing the practice of faiths other than Islam is a tool that is adapted to modern standards and respect for individual rights while preserving social cohesion. This legislative text reinforces the abovementioned constitutional principle and reflects a real willingness on the part of the government to open up to all religions, a mark of tolerance and respect for the religions of others. The Code of Civil Status and the Civil Code also guarantee the right of non-Muslim parents to give a first name of their choosing to their children. This text thus guarantees “freedom of religious practice consistent with respect for the provisions of the Constitution, the present Ordinance, laws and regulations in force, public order, good morals and the fundamental rights and freedoms of third parties”, as well as “tolerance and respect between the different religions” and “State protection” for associations of religions other than Islam (Articles 2 and 3). Furthermore, it “prohibits the use of religious affiliation as a justification for discrimination towards any individual or group of individuals” (Article 4). This text is applicable to both nationals and foreigners, irrespective of their religion. They have to comply, failing which they shall be liable to the penalties provided for by law.

Recommendation No. 19:

“Ratify the Protocol to the African Charter on the Rights of Women in Africa and institute legislative and other measures to prevent the violation of women’s rights in Algeria”

80. In addition to the existing provisions or provisions introduced in the Penal Code in order to harmonise Algerian legislation with international legal instruments, Algeria has ratified two of the most important international instruments for the protection of the rights of women and

children's rights, in particular the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child.

81. Moreover, since 1966, the year of entry into force of the Algerian Penal Code, the law provides for and punishes violence against women which is considered as:

- physical violence characterised by assault and battery, mutilation or infirmity, intentional homicide and manslaughter, murder, poisoning, incest; violence that is not related only to the female sex;
- sexual violence characterised by rape, indecent assault, proxenetism;
- verbal and mental violence characterised by blackmail, insults, sexual harassment.⁶

82. These forms of violence can be classified according to their places of occurrence: among couples, in the work place or in society.

83. It should also be noted that, in accordance with the Convention against Transnational Organised Crime, in particular its first two additional protocols, the offences of trafficking in persons and the smuggling of migrants have been provided for and are punishable under the Penal Code.⁷ Algeria also pays attention to other issues concerning women and children, in particular regarding forced marriage and forced labour.

84. Also, there are many associations working to promote the rights of women and children. Their activities include providing information, raising awareness, monitoring and providing legal aid.

⁶ Law No. 04-15 of 10 November 2004.

⁷ Law No. 09-01 of 25 February 2009.

PART TWO:

Data and information on the general framework for human rights promotion and protection in Algeria

85. Algeria ensures the implementation of a national plan aimed at consolidating compliance with human rights guaranteed by the Constitution. The plan outlines a decent human rights policy and reaffirms Algeria's determination to consolidate the individual and collective freedoms and duties of its citizens and the promotion of the values of equality, solidarity, sharing and tolerance.

86. In this regard, the government continues to implement reform projects: the conclusion of the justice sector reform, and the evaluation of measures in the education, health and social protection sectors. Moreover, there has been an improvement in the status of women, in particular since 2008, marked by women's greater participation in public life and in society through an increased representation in institutions.

87. Algeria's human rights policy has led to a constant consolidation of the (A) institutional and (B) legal frameworks.

A. Institutional framework

88. The human rights institutional framework in Algeria includes (1) constitutional and (2) non-constitutional mechanisms.

1. Constitutional mechanisms

89. Constitutional mechanisms are governed by political bodies and judicial institutions.

90. The Constitution of 1989, amended in 1996 and in 2008, institutes the separation of powers between the executive, the legislature and the judiciary. The country has a presidential system.

91. Legislative power is vested in Parliament, a forum for democratic and pluralistic expression. Parliament oversees the work of the Government and votes laws. Human rights issues are handled by the relevant standing committees of Parliament.

92. Following the constitutional amendment of 28 November 1996 establishing a bicameral Parliament, the People's National Assembly is now the first chamber of Parliament, with 462 Members of Parliament representing the various political groups, elected by direct universal suffrage. The Council of the Nation is the second chamber of Parliament with 144 members. Two-thirds of its members are elected by indirect suffrage by the college of members of the Communal and Departmental People's Assemblies, and one-third, comprising 48 members, is appointed by the President of the Republic.

93. An organic law to increase women's representation in elected local and national assemblies was promulgated in January 2012. The law guarantees the gradual process of female candidatures which varies between 20 and 50 %. It also provides that any electoral list which does not comply with the female representation quotas defined by the law shall be rejected. As a result of this proactive policy to promote women's representation, Algeria achieved 31% women's representation in Parliament during the May 2012 parliamentary elections.

94. In accordance with the Constitution, the President of the Republic and the Prime Minister exercise executive power in the Algerian political system. The President of the Republic, Head of State, embodies the unity of the Nation. The President of the Republic is elected by universal, direct and secret suffrage for a five-year term of office, and is eligible for re-election. The Prime Minister implements the programme of the President of the Republic and coordinates the action of the Government to this effect. The programme is submitted for the approval of the People's National Assembly.

95. As part of its human rights policy, the executive has taken several measures, the most important of which is the ratification of international human rights legal instruments.

96. The independence of the judiciary is guaranteed in Article 138 of the Constitution which provides that: “The judicial authority shall be independent. It shall be exercised within the framework of the law”.

97. Algeria has established judicial mechanisms to guarantee, on the one hand, citizens’ rights, and, on the other hand, independent judicial decision-making. To this end, Algeria’s judicial system includes the following three levels: courts of first instance, courts of appeal and the Supreme Court. There is also a Council of State, which regulates the activities of all administrative courts, and a Jurisdiction Court responsible for settling conflicts of jurisdiction between the Supreme Court and the Council of State.

98. Provided for under Article 163 of the Constitution, the Constitutional Council rules on the constitutionality of laws, and ensures that laws are consistent with the Constitution, in particular regarding rights and freedoms. Moreover, the Constitutional Council monitors the propriety of the presidential and legislative elections. It comprises nine (9) members, and a matter may be submitted to the Constitutional Council by the President of the Republic, the President of the Council of the Nation and the Speaker of the People’s National Assembly.

2. Non-constitutional mechanisms

99. Non-constitutional mechanisms include institutions established to promote the exercise of human rights and which are provided for by infra-constitutional provisions. These mechanisms include bodies of an administrative or private nature.

100. The National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH), established on 9 October 2001 by the President of the Republic, is composed of 44 members including 16 women. It is an independent and advisory body in charge of human rights monitoring, early warning and evaluation, and is tasked with assessing situations of human rights violations. The Commission is responsible for all human rights activities and conducts awareness-raising, information and communication activities for the promotion of human rights. It issues opinions aimed at improving national legislation. The Commission also prepares an annual report on the human rights situation which it submits to the President of the Republic.

101. Freedom of opinion and freedom of expression are essential tools for human rights oversight and protection and act as a counterbalancing force. Organic Law No. 12-05 on information guarantees the exercise of these freedoms.

102. Presently, there are fifty-two (52) daily newspapers, with only six (6) owned by the public sector, with an average of 1.7 million copies printed daily. Regarding weekly newspapers, there are ninety-eight (98) newspapers with an average of over 2.3 million copies printed, and forty-three (43) other bi-monthly or monthly periodicals, with 275,000 copies printed.

103. The Algerian Constitution gives importance to freedom of association in order to protect human rights. This freedom, guaranteed under Article 41, encompasses the protection of some category of rights such as the rights of women, children, the sick, the disabled, consumers and users of public services.

104. Moreover, the procedures for exercising trade union rights are laid down in Law No. 90-14 of 2 June 1990. Sectoral or professional rights are defended by fifty-seven (57) organisations which claim to act on behalf of more than 2.5 million salaried employees, and twenty-three (23) employers’ organisations, including three (3) confederations.

B. Legal framework and concrete measures

105. The legal framework governing human rights in Algeria includes the Constitution, international treaties, organic laws and the law.

106. The Algerian Constitution of 1996, amended in 2008, devotes Chapter IV to rights and freedoms, which are established as constitutional principles. They are also contained in international human rights treaties to which Algeria is a party.

107. In accordance with the decision of the Constitutional Council of 20 August 1989, Algeria's international commitments take precedence over domestic law. This decision guarantees the constitutional principle according to which any international treaty ratified takes precedence over domestic law. The Constitution stipulates that "once it has been ratified and published, any convention shall become part of domestic law and, in application of Article 132 of the Constitution, shall acquire a higher status than the law, thus allowing any Algerian citizen to invoke it before the courts".

108. Algeria has subscribed to most of the fundamental human rights conventions. Algeria submits on a regularly basis, to UN human rights treaty bodies, reports on the implementation of its human rights commitments. Algeria maintains close cooperation relations with organisations of the UN system, international humanitarian organisations and non-governmental organisations.

109. The annual celebration of the Human Rights Day, Women's Day, Children's Day, Day of the African Child and Day of People with Disabilities, is an occasion to raise public awareness, through events organised, about the international human rights instruments ratified by Algeria. It is also an occasion to measure the impact of the activities conducted by the government and to learn lessons towards improving their effective implementation.

110. In the area of human rights education, primary schools help in popularising conventions which are integrated into the school programmes and manuals of several subjects: civic education, Islamic education, languages, history and geography. Students acquaint themselves with human rights through international instruments (Universal Declaration and other international treaties), and posters or articles of some conventions are published as teaching material in all schools across the country. Also, human rights modules form an integral part of the courses of the Advanced School of Magistracy, the Higher Police Academy and the National School of Penitentiary Administration, as well as Schools of the National Gendarmerie.

111. Regional and international human rights conventions ratified by Algeria are posted on the website of the Ministry of Justice (www.mjustice.dz). A compendium of the main international legal instruments is provided free-of-charge to magistrates. The latter also benefit from training, in Algeria and abroad, on public freedoms and human rights.

112. In addition to the Constitution, several legislative texts, in particular of an organic nature, today promote the democratisation of public activities.

113. Organic Law No. 12-04 of 12 January 2012 on political parties is aimed at strengthening political pluralism and enriching the provisions governing the creation of political parties and their relationship with the administration, transparency in the management of the finances of political parties, as well as possible disputes or conflicts that may occur between the administration and registered political parties.

114. Law No. 12-06 of 12 January 2012 on associations is aimed at strengthening freedom of association, regulating in a precise manner the activities of associations and addressing legal shortfalls, in particular regarding foreign foundations, clubs and associations established in Algeria. This law further consolidates the right to create associations by obliging the

administration to make a decision, within a required period of time, on an application for authorisation.

115. Organic Law No. 12-05 on information, promulgated on 12 January 2012, addresses the emerging needs of citizens and the society in the area of information. This organic law strengthens citizens' right to information and freedom of expression, taking into account the diversity of opinions.

116. Special attention is paid to human rights promotion and protection. For this reason, several legislative texts were adopted to strengthen and clarify the human rights framework. These include women, children and other protected categories of people, as well as persons with disabilities.

PART THREE:

Information on Algeria's implementation of the African Charter (article-by-article)

Article 1:

Implementation of the Charter

117. By ratifying the African Charter on Human and Peoples' Rights, Algeria makes this regional instrument not only a supranational standard which it commits itself to complying with in law and in fact under the supervision of the Constitutional Council, but it also endorses all the provisions of the Charter which are compulsory references when drafting legal texts, organic laws and simple orders.

118. Indeed, Algeria has since 1999 made significant efforts in harmonising its legislation with the relevant regional and international instruments. All its legal instruments had and still have a number of activities towards their harmonisation with the conventions ratified by Algeria.

Article 2:

Right to non-discrimination

119. Algeria has ratified the main international human rights instruments prohibiting all forms of discrimination. These instruments include:

- The International Covenant on Economic, Social and Cultural Rights, ratified by Decree No. 89-67 of 16 May 1989;⁸
- The International Covenant on Civil and Political Rights, ratified by Decree No. 89-67 of 16 May 1989;⁹
- The International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Decree No. 66-848 of 15 December 1966;¹⁰
- The International Convention on the Suppression and Punishment of the Crime of Apartheid, ratified by Decree No. 82-01 of 2 January 1982;¹¹
- The International Convention on the Elimination of all Forms of Discrimination against Women, ratified by Decree No. 96-52 of 22 January 1996;¹²
- The International Convention against Discrimination in Education, ratified by Decree No. 68-581 of 15 October 1968;¹³
- ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, ratified by Decree No. 69-21 of 22 May 1969;¹⁴
- The International Convention against Apartheid in Sports, ratified by Decree No. 88-89 of 3 May 1988.¹⁵

120. Moreover, the Algerian Constitution, laws and regulations provide for the elimination of all forms of discrimination, no matter on what grounds, and guarantee the full exercise of rights conferred on citizens and foreign nationals living in Algeria. As such, the principle of non-discrimination is guaranteed by:

⁸ Official Gazette No. 20 of 17 May 1989

⁹ *Idem.*

¹⁰ Official Gazette No. 110 of 30 December 1966

¹¹ Official Gazette No. 01 of 5 January 1982

¹² Official Gazette No. 06 of 24 January 1996

¹³ Official Gazette No. 87 of 29 October 1968

¹⁴ Official Gazette No. 49 of 6 June 1969

¹⁵ Official Gazette No. 18 of 4 May 1988

A. **the Constitution:** in particular, in Articles 27, 29 and 31. In this regard, it should be noted that any legislative text containing a discriminatory provision is liable to censure by the Constitutional Council; an inviolable principle for which there is no exception.

B. **the laws and regulations:** which promote the exercise of these rights in the political, economic, social and cultural domains.

C. **the law on the situation of foreigners in Algeria:** whereby when they are living legally in the national territory, foreigners are protected under the law and cannot be subjected to any form of discrimination. Moreover, there is no legislative or regulatory text which contains discriminatory provisions against foreigners.

D. **the Penal Code**¹⁶: in the same way like certain special legislative texts (for example, the law on information) which provide for and punishes discriminatory acts.

Article 3:

Right to equality before the law

121. The equality of all persons before the law is a principle guaranteed by the Constitution under Article 29 which provides that: “All citizens shall be equal before the law ... “.

122. All persons living in the territory enjoy the right to the protection of the law, regardless of whether they are nationals or foreigners, in conformity with Section 5 of the Civil Code which expressly stipulates that: “All law enforcement rules are binding on all persons who reside in the territory.”

123. This principle is also guaranteed by the fundamental codes (civil, penal, civil and administrative procedure, criminal procedure) and the various organic and ordinary laws.

Article 4:

Right to life, physical and moral integrity

124. The Algerian Constitution guarantees the principle of protection of the physical and moral integrity of all persons and the inviolability of the human person, and prohibits all forms of physical or moral violence and infringement of dignity.

125. The Constitution stipulates that “the State shall guarantee the inviolability of the human person. Any form of physical or moral violence or infringement of dignity shall be prohibited” (Article 34), and that “the infringements of rights and liberties as well as any physical or moral attacks on the integrity of the human person shall be punished by statute” (Article 35).

126. Moreover, Part II of the Penal Code on “Crimes and offences against individuals” provides for and punishes the crimes of intentional homicide (or murder), intentional homicide with premeditation and malice aforethought (or murder), infanticide, poisoning and crimes and offences involving intentional assault and battery.

127. These penalties, within the framework of the protection of victims living in the territory, apply without exception, reservation or distinction of any kind, such as gender, race, colour, language, religion, conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic status, property, marital status, birth or other status.

128. Within the framework of constantly improving Algerian legislation in this area, Law No. 09-01 of 25 February 2009, amending and complementing Ordinance No. 66-156 of 8 June 1966

¹⁶ Sections 298 (2) and 298 bis

on the Penal Code, introduced a new section under the chapter on “crimes and offences against individuals” entitled “organ trafficking”. Under this section, the Penal Code provides for penalties for:

- whoever, in return for a financial or other benefit of any kind, removes an organ from a person, as well as any intermediary who encourages or promotes obtaining an organ removed from a person (Section 303 bis 16),

-whoever removes an organ from a living person without obtaining consent under conditions provided by law or removes an organ from a deceased person (Section 303 bis 17),

-whoever performs tissue samples, cells, or the collection of products of the human body, against payment of a sum of money or offer of any other benefits of any kind (Section 303 bis 18),

-whoever removes a tissue or cells or collects a product from a living person without having his or her consent under the law, or from a deceased person (Section 303 bis 19).

129. The penalties established in this section vary from one (1) year to fifteen (15) years imprisonment and a fine of 300,000 DA to 1,500,000 DA. The penalties can be increased when the offence is committed with any of the following circumstances:

-when the victim is a minor or a person with a mental disability;

-when the offence is committed with the use of firearms or involves the threat of use of firearms;

-when the profession or function of the perpetrator facilitated the commission of the offence;

-when the offence is committed by an organised criminal group or of a transnational nature;

-when the offence is committed by more than one person.

130. It should also be noted that following its ratification in 1989, practical steps were gradually introduced to implement the Convention against Torture, culminating in the reform of the justice system initiated in 1999.

131. As such, criminal provisions expressly punishing torture and cruel, inhuman or degrading treatment have been incorporated into the Penal Code with the introduction of three provisions.¹⁷

132. These three sections are 263 bis, 263 ter and 263 quater, which prescribe very severe penalties (5 to 10 years' fixed-term rigorous imprisonment plus a fine) for perpetrators of acts of torture. These penalties are increased if the perpetrators are public officials (10 to 20 years' fixed-term rigorous imprisonment and a fine) or if the acts of torture are preceded, accompanied or followed by a serious offence other than murder (10 to 20 years' fixed-term rigorous imprisonment and life imprisonment).

133. The Penal Code (Section 263 quater, para. 3) goes so far as to define as a serious offence the failure of public officials to report acts of torture, which is punishable by a penalty of between 5 and 10 years' fixed-term rigorous imprisonment and a fine.

¹⁷ Law No. 04-15 of 10 November 2004

134. Article 293 of Ordinance No. 66-156, amended by Law No. 06-22 of 20 December 2006, inflicts rigorous imprisonment for life on any person who subjects another person who has been abducted, arrested, detained or sequestered to physical torture.

135. As a preventive measure, new rules have been introduced in the Code of Criminal Procedure, referring specifically to preliminary investigations conducted by the judicial police, with the aim of providing mechanisms to ensure the humane treatment of persons held in police custody and to monitor the use of such procedures (through medical examinations of detainees by decision of the public prosecutor or at the request of their family or legal counsel, and monitoring of the manner in which the police custody is conducted). A medical examination is mandatory at the conclusion of the period of police custody.¹⁸

136. Regarding capital punishment, it should be noted that Algeria has been observing a moratorium on death penalty since 1993. This sentence is not imposed on persons below the age of 18. Sentences are deferred for pregnant women and women with children below twenty-four (24) months. The 2001 and 2002 amendments of the Penal Code led to the abolition of the death penalty for all property offences.

137. Law No. 04-15 of 10 November 2004, amending and complementing the Penal Code, includes a section 341 bis which penalises sexual harassment.

138. Imprisonment for debt in contractual relations has been removed from the new Code of Civil and Administrative Procedure.

Article 5:

Torture and cruel, inhuman or degrading treatment or punishment

139. The people of Algeria, having been victims of a colonial exploitation policy for several decades, resolved to put an end to practices of exploitation, debasement, slavery and trafficking in persons.

140. Guaranteed by the various Constitutions of Algeria since independence (1963-1976-1996), the determination to abolish feudal practices has included the ratification of a number of international legal instruments and the implementation of national legal and judicial reforms.

141. Regarding the abolition of exploitation and slavery, the Constitution guarantees the principle of “ending exploitation of man by man” and prohibits “feudal, regionalist and nepotistic practices...” (Articles 8 and 9).

142. Algeria has ratified the following main international instruments:

- 1926 Slavery Convention, amended by the Protocol of 7 September 1953;¹⁹
 - Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;²⁰
 - Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;²¹
 - Additional Protocol to the UN Convention against Transnational Organised Crime to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;²²
- and

¹⁸ Sections 51 bis 1 para. 2, and 52 para. 6 of the Code of Criminal Procedure

¹⁹ Decree No. 63-340 of 11 September 1963

²⁰ *Idem.*

²¹ Decree No. 63-341 of 11 September 1963

- ILO Convention No. 105 concerning the Abolition of Forced Labour.²³

143. In the area of human trafficking and the smuggling of migrants, and in response to the needs of globalisation, Algeria initiated a profound reform of its legal and judicial system in 1999.

144. The ultimate goal of this reform is to align Algeria's legislation with the international legal instruments it has ratified, particularly through amendments to the Penal Code. Such amendments are aimed at supplementing existing legal safeguards with provisions that are in line with the spirit of these conventions.

145. Following the ratification of the Additional Protocol to the United Nations Convention against Transnational Organized Crime to prevent, suppress and punish trafficking in persons, especially women and children, adopted by the UN General Assembly on 15 November 2000²⁴, and the Protocol against the smuggling of migrants by land, sea and air supplementing the United Nations Convention against Transnational Organized Crime adopted on 15 November 2000²⁵; Algeria has taken important legislative measures in order to align its national migration legislation with this international instrument.

146. Through Law No. 09-01 of 25 February 2009 amending and complementing Ordinance No. 66-156 of 8 June 1966 on the Penal Code²⁶, two new sections were added to the Penal Code, namely: "trafficking in persons"²⁷ and "smuggling of migrants"²⁸.

147. Under the new Sections 303 bis 4 to 303 bis 15 of the Penal Code, "trafficking in persons" is defined in conformity with the Trafficking in Persons Protocol. Offences carry penalties of prison sentences and fines, and the prison sentence can be increased when the trafficking involves a vulnerable person as a result of age, illness or physical or mental disability, apparent or known to the perpetrator.

148. Human trafficking is punishable by a prison sentence if the offence is committed with at least one of the following circumstances:

- when the perpetrator is the spouse of the victim or his ascendant or guardian or has authority over the victim or if the perpetrator is an official whose function has facilitated the commission of the offence,

- when the offence is committed by more than one person,

- when the offence is committed with the use of firearms or involves the threat of use of firearms,

- when the offence is committed by an organised criminal group or of a transnational nature (Section 303 bis 5).

²² Decree No. 03-417 of 9 November 2003

²³ Ordinance No. 69-30 of 23 May 1969

²⁴ Presidential Decree No. 03-417 of 9 November 2003

²⁵ Presidential Decree No. 03-418 of 9 November 2003

²⁶ Official Gazette No. 15 of 8 March 2009

²⁷ Sections 303 bis 4 to 303 bis 15

²⁸ Sections 303 bis 30 to 303 bis 41

149. Persons sentenced for “human trafficking shall not benefit from the mitigating circumstances provided by the Penal Code”, and shall be given one or several supplementary sentences. All foreigners sentenced for any of the offences of human trafficking are prohibited from living in the national territory permanently or for a maximum period of ten (10) years.

150. Shall be exempt from penalty whoever, before the commencement of execution or attempted commission of the offence of trafficking in persons, reports to the administrative or judicial authorities. The penalty shall be halved if the person reports after the commission or attempted commission of the offence, as long as it leads to the arrest of the perpetrators or accomplices of the offence (Section 303 bis 9).

151. Anyone who even when bound by professional secrecy, is aware of the commission of the offence of trafficking in persons and does not immediately report to the competent authorities shall be punished by imprisonment of one (1) to five (5) years and a fine of 100,000 DA to 500,000 DA. Apart from offences committed against minors of 13 years old, the provisions of the preceding paragraph shall not apply to parents, collateral and allies of the perpetrator to the fourth degree inclusive (Section 303 bis 10).

152. Legal persons are criminally liable under Section 51 bis of the Penal Code. If found guilty, the courts shall order, subject to good faith third party rights, the confiscation of the means used to commit the offence and the property obtained unlawfully.

Article 6:

Right to security of the person and prohibition of arbitrary arrest or detention

153. The right to freedom, to security of persons and property, to protection against any threat, arbitrary or unlawful arrest and detention and the right to a fair trial within a reasonable period are guaranteed by the Constitution. The Constitution also provides for the need to comply with the laws governing extradition and political asylum and provides for compensation in cases of miscarriage of justice.

154. Penal Code: Algerian legislation establishes mechanisms to deal with all forms of infringements of the freedom and security of persons and property without distinction. The protection provided under the Penal Code clearly extends to foreigners. This protection extends to violations of personal freedom (Sections 107 to 111), abuse of authority (Sections 135 to 140), crimes and offences against persons (Sections 254 to 303) and crimes and offences against property (Sections 350 to 417).

155. Code of Criminal Procedure: The amendments introduced in the Code of Criminal Procedure by Law No. 01-08 of 26 June 2001 guarantee the right to compensation in the event of unjustified pre-trial detention leading to a dismissal of proceedings, discharge or final acquittal (Sections 137 bis to 137 bis 14), or in the event of the mistaken conviction of a person whose innocence is subsequently established (Sections 531 bis and 531 bis 1).

156. It should be noted that arbitrary arrest and unlawful detention constitute infringements of personal freedom. These offences, which are punishable under the Penal Code, carry very heavy penalties.

Article 7:

Right to a fair trial

157. Fair access to justice is a right guaranteed by the various texts and mechanisms which contribute towards making it simple and accessible:

- A simple administration of justice on the basis of two-tier proceedings; the judicial system is composed of lower courts (213 of which 195 are operational), appeal courts (48 of which 37 are operational), criminal courts (37) and a Supreme Court, and the

administrative justice system comprises administrative courts (37) and a State Council. A Jurisdiction Court was established to settle conflicts of jurisdiction between the two sets of courts.

- An adapted system of distribution of courts taking into account the enhancement of the principle of bringing justice closer to the people, including through the establishment of an adequate number of courts and even sections, the establishment of an appropriate map of judicial districts taking into account, in particular, the volume of cases and the difficulties relating to the long distances between towns in the southern regions of the country.

- A revised system of legal aid giving all citizens access to the justice system irrespective of their economic and social status. The following have access to legal aid as a matter of law: minors, parties applying for maintenance, mothers in child custody matters, and workers in matters pertaining to occupational accidents or illness.

158. Moreover, free legal service is provided to all minors before a juvenile court or any other criminal court; on request, to accused persons appearing before an investigating judge or a court ruling on major offences; on request, to persons filing an appeal to be heard by the Criminal Division of the Supreme Court when the sentence exceeds a five-year term of imprisonment; to defendants suffering from a disability that may adversely affect their defence; on request, to accused persons appearing before a criminal court; and to victims of trafficking in persons, smuggling of migrants and organ removal.

159. Simplification of procedures in order to facilitate access to justice; the two main codes of procedure (civil and criminal) have been amended on several occasions since 1999:

- The *cautio judicatum solvi* was abolished for foreign nationals in the new Code of Civil and Administrative Procedure.

- An affordable justice manual has been prepared, in a simple format, to provide citizens with information on the key judicial procedures.

- Organisation of open days for receiving and informing litigants and citizens at the central administration of the Ministry of Justice and in courts.

- A broad programme for implementing information and communication technologies was launched and has been realised to a large extent. Websites are already operational at the Chancellery and in courts, in particular with the installation of an Intranet network at the Ministry of Justice which will be connected to all courts in the country.

- Establishment of a national centre for criminal records linked to all courts, which makes it possible for citizens to obtain a copy of their criminal record anytime and from any court.

160. Moreover, the right to a fair trial, both in criminal and civil proceedings, is a right governed by fundamental principles and specific rules laid down in the Algerian Constitution and legislation.

161. These principles and rules deal with the rights of parties to civil and criminal proceedings, and lay down the relevant procedures to be considered in an impartial manner by a regularly constituted court.

162. Fair trial standards in Algeria, in theory and in practice, are consistent with those laid down in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

163. In this regard, there is need to cite the following constitutional principles:

- equality before the law without discrimination;
- the right to be presumed innocent until proven guilty by a regularly constituted court with all the safeguards of due process;
- legality of offences and penalties, with no laws having retroactive effect, unless it be to the advantage of the accused person (softer law);
- the need for lawful prosecutions, arrests and detentions;
- independence and impartiality of the judiciary;
- accountability of magistrates before the Higher Judicial Council;
- judges subject only to the law;
- statement of reasons for court decisions and the pronouncement of court decisions in open court;
- protection of society and freedoms and the defence of fundamental rights by the judiciary;
- protection of litigants against any abuse or deviation by judges;
- recognition of the right to defence guaranteed in criminal proceedings.

164. These principles are applied in the Code of Civil Procedure and the Code of Criminal Procedure.

165. Fair trial in civil proceedings is governed by specific rules which national courts must obey by issuing decisions containing de facto and de jure reasons and enforce at all stages of the proceedings (communication and exchange of submissions and evidence through the judge handling the case, possible discussions in open court, decisions pronounced in open court following an adversarial procedure, avenue for appeal against decisions issued after due hearing of the parties and decisions pronounced with one of the parties absent (default judgements)...).

166. The same principles are applied in administrative proceedings before administrative courts, and by appeal or directly before the State Council.

167. A decision delivered by the lower courts which is inconsistent with constitutional principles and procedural rules is liable to censure by the Supreme Court or the State Council which are the highest courts.

168. Fair trial in criminal proceedings is defined by three distinct basic characteristics which are scrupulously respected:

- legality of offences and penalties (Articles 46 and 140 of the Constitution and Section 1 of the Penal Code): “No one may be considered guilty except by virtue of a statute duly promulgated before the commission of the incriminating act.” The corollary of this principle is that of non-retroactivity of criminal law, that is, except a softer law which is to the advantage of the accused person (Article 46 of the Constitution and Section 2 of the Penal Code);
- the presumption of innocence (Article 45 of the Constitution) requires that every person shall be presumed to be innocent “until proven guilty by a regularly constituted court with all the safeguards of due process”. This principle is applied at all stages of the proceedings, in particular at the preliminary investigation (the investigating judge examines the evidence for the defence as well as the prosecution, Section 68 of the Code of Criminal Procedure) and the trial stages (public policy rules on the submission of evidence, Sections 212 and following of the Code of Criminal Procedure);
- the right to defence is guaranteed in criminal proceedings (Article 151 of the Constitution).

-hearings conducted in open court, except for cases involving minors, or cases which pose a threat to public order or moral values.

169. Evidence taken and decisions passed by the lower courts in criminal proceedings can be appealed against, using ordinary and extraordinary remedies (appeal, application to set aside a judgement and appeal in cassation), either before appeal courts dealing with investigation matters (indictment chamber, through appeal) before criminal courts (criminal chamber, through appeal), or before the Supreme Court, through appeal in cassation.

170. The law lays down a special procedure for minors, who are subject only to reform and rehabilitation measures. For minors above 13 years, the procedures for prosecution, conviction and imprisonment are scrupulously followed by the competent courts.

171. It should be noted that recent legislation makes it possible for persons concerned to seek compensation in the event of pre-trial detention leading to dismissal of the case, discharge or acquittal, or in the event of a judicial error established after a review of the sentence.

172. Moreover, and in order to bring justice closer to the people, in particular people with disabilities, the government, with the support of associations, has taken several special measures aimed at adapting structures to the needs of the handicapped, including the installation of equipment, the design of access to courts and the adaptation of corridors and counters to meet the needs of physically disabled people.

173. Sections 31 and 92 of the Code of Criminal Procedure provide that a magistrate may be assisted by an interpreter who shall give a rendering of whatever is said or exchanged by persons speaking in different languages or tongues. In the case of hearing-impaired persons, qualified sign language personnel are provided. In the case of visually impaired persons, administrative forms and other written documents are provided in Braille format.

Article 8:

Freedom of thought, conscience and religion

174. Algeria, which has as religion Islam, guarantees freedom of religious practice consistent with respect for the provisions of the Constitution, laws and regulations in force, public order, good morals and the fundamental rights and freedoms of third parties. The public practice of religion is governed by the following laws and regulations:

- Regarding the national Constitution:

- The Constitution guarantees the inviolability of freedom of conscience and that of freedom of opinion (Article 36);

- Regarding international instruments:

- The International Covenant on Civil and Political Rights;
- The Convention on the Rights of the Child, in particular Article 4;

- Regarding national laws and regulations:

175. For Muslims: Executive Decree No. 91-81 of 23 March 1991 on the construction of the mosque, its organisation and functioning and Decree No. 94-432 of 10 December 1994 laying down the conditions for opening Koranic schools, their organisation and functioning.

176. For non-Muslims: Ordinance No. 06-02 bis of 28 February 2006 laying down the conditions and rules applicable to religious worship by non-Muslims and the two decrees No. 07-135 of 19 May 2007 and 07-158 of 27 May 2007, laying down respectively, the conditions and procedures for conducting non-Muslim religious and worship activities and the composition and procedures of functioning of the National Commission for Non-Muslim Faiths.

177. Moreover, several rights and guarantees of religious freedom are enshrined in the national legislation, in particular: the recognition of religious feast days, the status of religious ministers, criminal protection, civil status, personal status, the right of prisoners to fulfil their religious obligations and to be visited by a religious person of their faith, and the protection of the administrative judge.

178. The exercise of the freedoms of conscience and of religion is guaranteed by the Constitution, international legal instruments ratified by Algeria and by Ordinance No. 06-03 of 28 February 2006 on conditions governing the practice of faiths other than Islam (text of a legislative nature) and the Penal Code.

179. The Penal Code provides for and punishes by imprisonment and a fine “any defamation directed at one or more persons belonging to an ethnic or philosophical group or to a particular religion, when intended to incite hatred among citizens or inhabitants” (Section 298 (2)). The Penal Code also provides for and punishes by imprisonment and a fine “any insult directed at one or more persons belonging to an ethnic or philosophical group or to a particular religion, when intended to incite hatred among citizens or inhabitants” (Section 298 bis).

180. Section 160 provides that “shall be punished by imprisonment of five to ten years, any person who voluntarily and publicly destroys, mutilates, defaces or profanes the Holy Book”.

181. Section 160 ter provides that “shall be punished by imprisonment of one to five years and a fine of 1,000 DA to 10,000 DA, any person who wilfully degrades, destroys or profanes a place reserved for worship”.

182. Moreover, Article 77 of Law No. 90-07 of 3 April 1990 on information contains a criminal provision for any insult directed against holy religions, irrespective of the means used.

183. The Article provides that: “Any person who, in writing, or by sounds, images, drawings or any other direct or indirect means, offends against Islam and the other holy religions shall be punished by imprisonment of six (6) months to three (3) years and a fine of 10,000 to 50,000 DA or by one of those penalties only”.

184. Algerian legislation guarantees the right to freedom of worship of non-Muslim prisoners. Article 66 of Law No. 05-04 of 6 February 2005 on the code on the organisation of prisons and the social reintegration of prisoners provides that “prisoners have the right to fulfil their religious obligations and to be visited by a religious person of their faith”.

185. Furthermore, Ordinance No. 06-03 on conditions governing the practice of faiths other than Islam is a tool that is adapted to modern standards and respect for individual rights while preserving social cohesion.

186. This legislative text reinforces the abovementioned constitutional principle and reflects a real willingness on the part of the government to open up to all religions, a mark of tolerance and respect for the religions of others.

187. This text thus guarantees “freedom of religious practice consistent with respect for the provisions of the Constitution, the present Ordinance, laws and regulations in force, public order, good morals and the fundamental rights and freedoms of third parties”, as well as “tolerance and respect between the different religions” and “State protection” for associations of religions other than Islam (Articles 2 and 3). Furthermore, it “prohibits the use of religious affiliation as a justification for discrimination towards any individual or group of individuals” (Article 4). This text is applicable to both nationals and foreigners, irrespective of their religion. They have to comply, failing which they shall be liable to the penalties provided for by law.

Article 9:
Right to information and freedom of expression

188. Among the reforms implemented by Algeria, the information and communication sector has experienced significant reforms.

189. Articles 36, 38 and 41 of the Algerian Constitution guarantee the right to freedom of expression and the right to information, and the law on information has been given the higher status of organic law, which shows the importance given to press freedom by the Algerian institutions.

190. Organic Law No. 12-08 on information, promulgated in January 2012, was introduced to materialise this vision which is crucial in consolidating the rule of law and democracy. The said law guarantees the following:

- Right to information and press freedom: Article 1 of the law stipulates that information and press freedom are a right. Article 2 provides that the right shall be exercised freely, within the framework of the laws in force.
- Protection of journalists and the improvement of their social and professional conditions by strengthening their professional rights: in order to enable journalists to exercise their profession and to be protected against pressure, the law guarantees their right to professional secrecy (Article 85). The law also allows journalists to exercise their profession under good working conditions as a result of the obligation of employers to provide journalists with employment contracts, a life insurance policy for missions in dangerous areas, and provide continuous training.
- The right to have a national journalist's badge and the future preparation of the Journalists' Statute are part of the progress made following the enactment of the law.
- Right of access to sources of information (Articles 83-84): under the organic law, institutions and administrative services are obliged to facilitate access to sources of information for journalists.
- Simplifying the procedure for creating publications: previously subject to an authorisation by the judicial authorities, after investigation by the competent services, the creation of publications is now authorised by the independent print media regulatory body provided for under the organic law.
- Opening up of the audio-visual media to the Algerian private sector: this is a key contribution of the organic law, since opening up to the private sector will enhance citizens' right to diversity of information, allowing them access to several as well as quality programmes.²⁹
- Regulation of the information sector:
 - With an end, brought about by this law, to monopoly on audio-visual media and in order to ensure, in particular, greater fairness and transparency in the allocation of radio spectrums and the granting of audio-visual licences, the law on information provides for the establishment of an independent audio-visual regulatory authority (Articles 64-65).

²⁹ The law on audio-visual media was enacted in 2014, and was published in Official Gazette No. 16 of 23 March 2014.

- The print media sector (including electronic media) is governed by the independent print media regulatory authority which is responsible mainly for ensuring pluralism in the sector and transparency of the economic regulations of publishing companies (Article 40).
- Establishment of the High Council for Professional Ethics: as part of efforts to institute an information code of professional ethics, the organic law provides for the establishment of a High Council for Professional Ethics (CSED) whose members are elected by journalists and its organisation and functioning are defined by the constitutive assembly.
- Freedom of the press for electronic media: the organic law, taking into account developments in information and communication technologies, guarantees freedom of the press for electronic media (Article 66).
- Decriminalization of press offences: the organic law makes a major contribution by decriminalising press offences (Articles 116 to 126) and by abolishing prison sentences. Journalists found guilty of violating any of these provisions shall only pay fines ranging from 25,000 to 500,000 dinars. It should also be noted that the statute of limitation for press offences is six months from the date of the offence.
- Promotion of newspaper distribution: under Article 36 of the organic law, the State is responsible for promoting the distribution of newspapers throughout the national territory, in order to ensure nationwide access to information for citizens. In order to effectively guarantee this right, the government has taken concrete measures, in particular in the southern regions of the country, including the establishment of regional printing facilities. The Ouargla printing facility, operational since 3 May 2008, is aimed at supplying newspapers, etc. to seven wilayas in southern Algeria. Other printing facilities are being constructed in Bechar, Tamanrasset, El Oued and Illizi.

191. Government’s contribution to the emergence of an independent private media: Freedom of the press and freedom of expression are considered as an indicator of a society’s level of democratisation. Organic Law No. 12-05 guarantees the exercise of these freedoms and reaffirms citizens’ right to information (Article 2). In this regard, and in order to consolidate this right, Algeria has made important investments as illustrated by the statistics below:

1. Audio-visual media:

a. Television:

192. Algeria has extended its television coverage to almost all parts of the country, with the exception of some areas which it plans to cover with the acquisition of new equipment. The Algerian national television has the following five channels:

- A terrestrial television channel called “Programme national”;
- 4 satellite channels:
 - Canal Algérie³⁰,
 - Algerian third Channel (A3)³¹,
 - TV4, a television channel broadcasting in Amazigh³²,
 - TV5³³.

³⁰ Algerian TV was launched in 1994 and became Canal Algérie in 1998

³¹ Launched in 2001

³² Launched in 2009

³³ TV Coran, launched in 2009

b. Radio:

193. Presently, Algeria has a broad network of radio stations throughout the country, including national and community or local radio stations, with several national, local and thematic radio stations:

- 03 thematic radio stations: Radio culture, Radio Coran and Radio Jil FM,
- 03 national radio stations: Radio chaine une, chaine deux and chaine trois,
- 01 international radio station: Radio Algérie Internationale,
- 48 local radio stations.³⁴

194. Local radio stations are highly valued by the population as a result of providing local news coverage, addressing community issues and contributing to the socio-economic development of communities.

c. Print media:

195. Presently, there are one hundred and twenty-seven (127) daily newspapers, of which only six (6) are state-owned, with an average of two million seven hundred and thirty-four thousand eight hundred and eighty-two (2,734,882) copies printed daily.

196. There are twenty-seven (27) weekly newspapers, with an average of over 694,059 copies, and sixty-one (61) other fortnightly or monthly periodicals with 325,770 copies.

197. It should be noted that in the 1990's and following the liberalization of the print media, instituted by the previous law (90-07) on information, many private media received support from the government in setting up, including:

- tax exemptions;
- establishment of special mechanisms for the creation of newspapers (organisation as co-operators of former journalists who suddenly became newspaper owners);
- subsidies for paper;
- making available, for almost free, the premises of the Tahar Djaout press house.

198. These decisions were beneficial for the future of the national private print media, which just started at the time, and led to the creation of private newspapers which are now widely recognised as important players in the media sector.

199. In 2012, Algeria extended, within the framework of the 2012 finance law, the scope of the trust fund established to support media institutions, by increasing and reallocating the resources of the trust fund.

200. Presently, in addition to the support provided to print, electronic and audio-visual media, the fund can finance training and career development activities for journalists and communication professionals.

201. It should be noted that the organic law on information will lead to the drafting of specific laws and regulatory instruments, in particular on advertising, poll, status of journalists, etc.

202. Already, an executive decree establishing "the base and rates of social security contributions and benefits applied to journalists and media contract workers, as well as freelance journalism academics and experts as special social insurance categories" has been published, and

³⁴ With one radio station for every wilaya, broadcasting on FM and on satellite

employers are responsible for contributing a share to the social insurance scheme of journalists, media workers and freelance experts.

203. The decree also provides, for the abovementioned professional categories, after three years, for a full entitlement to the social security scheme applied to salaried employees.

d. Internet access:

204. As part of efforts to firmly establish new information technologies in the Algerian media landscape and institute a genuine information society in Algeria, several important projects were launched with the main objective of conducting mass training in information and communication technologies.

205. In fact, for Algeria which has the ambition of becoming one of the developed nations, the quality of human resources is a major strategic element and a determining factor in meeting the country's sustainable development needs. The ICT mass training project is aimed at providing Algerian citizens with the basic skills to master computer applications in their daily activities.

206. One notes in this regard the conduct of a pilot operation which led to the training of the first group of trainers (3,600 ICDL certified trainers). This first group in turn trained other Algerians.

207. The project is aimed at training 500,000 Algerians every year, based on the following three types of training:

- 60% of the population, that is, 300,000 citizens every year in ICDL Profile. The objective of the training is to provide candidates with the basic knowledge and skills to become e-citizens, and it includes two (2) modules (Computer Essentials, Online Essentials).

- 20% of the population, that is, 100,000 citizens every year in ICDL Base. The objective of the training is to provide candidates with a solid foundation of skills and knowledge to attain the required level of a digital culture, and it includes four (4) modules (Computer Essentials, Online Essentials, Word Processing, Spreadsheets).

- 20% of the population, that is, 100,000 citizens every year in ICDL Standard. The objective of the training is to provide candidates with a specific recommended standard of skills and knowledge to attain an efficient level of digital proficiency, and it includes seven (7) modules (4 ICDL Base modules + 3 Standard modules).

208. Moreover, with a view to instituting a genuine information society without discrimination in Algeria, efforts are being made in the remote regions of the country.

209. Operation Cyber-Rif: The operation consists of sending a cyber-bus to rural regions of the country, equipped with about ten micro-computers connected to the Internet via satellite and manned by ICT specialists. The vehicle travels to the various communes of wilayas to provide Internet access to Algerians living in rural areas and improve their daily life. The overall objective of the operation is to provide technology to the rural regions. More than 3,000 people have accessed the Internet as a result of the operation.

Articles 10 and 11:

Freedom of association and assembly

210. In Algeria, all persons have the right to freedom of association. This freedom is guaranteed by the Constitution which stipulates in Article 41 that “the freedoms of expression, association and assembly shall be guaranteed to citizens”, and in Article 43 that “the right to form associations shall be guaranteed. The State shall promote the flourishing of associations. Statute shall determine the conditions and procedures pertaining to the creation of associations”.

211. In this regard, it should be noted that since 2011 Algeria began a broad programme of political reforms which also includes the modernisation of the legal framework governing associations. Law No. 12-06 of 12 January 2012 on associations is an important product of these reforms.

212. While guaranteeing and consolidating the gains of the old law on associations³⁵, the new law on associations has strengthened freedom of association, regulated in a more precise manner the activities of associations and has addressed legal shortfalls, in particular regarding foreign foundations, clubs and associations established in Algeria. A number of measures included in the law has contributed to a more efficient management of modern needs and has even facilitated the activities of civil society, aimed at:

- Further consolidating the right to create associations by obliging the administration to make a decision, within a required period of time, on an application for authorisation, and clearly states that “the Administration’s silence shall be considered as an approval” (Article 11) and that “refusals to grant authorisation shall be open to challenge before the courts” (Article 10).
- Further relaxing the procedure for forming associations by decentralising the procedure, and by mandating Communal People’s Assemblies to deal with the creation of associations.
- Demanding associations to meet a number of universal requirements, in particular the integrity of their leaders, transparency in their management – in particular financial management, complying with their status – including their actual area of activity, compliance with the Constitution and legislation in force, and respecting public order.
- Granting the status of “public interest” to associations when their “area of activity is a priority for the community”. The new law also provides for government subsidies to be granted to these associations to support their programme implementation based on certain terms and conditions.

213. It should be noted that associations in Algeria presently constitute one of the active stakeholders in the social, trade union, cultural and scientific life of the country. Associations are considered, by the government, as an indispensable partner and are involved in the design and implementation of national policies and strategies.

214. Efforts made by the government to promote associations have led to an increase in the number of associations and a diversification of their areas of activity. In this regard, it should be noted that as at 31 December 2011, there were more than 93,600 registered associations in Algeria.

Article 12:

Right to freedom of movement within the country, to leave and to return to the country, the right to asylum and prohibition of mass expulsion

215. The right, of all Algerian citizens, to freedom of movement and residence in the national territory is guaranteed by the Constitution which provides under Article 44 (1) that: “Every citizen enjoying all civil and political rights shall have the right to choose freely the place of residence and to move about in the national territory”.

³⁵ Law No. 90-31 of 4 December 1990

216. The right of entry and exit from the national territory is guaranteed under Article 44 (2) of the Constitution which stipulates that: “The right of entry and exit from the national territory shall be guaranteed”.

217. In keeping with the policy of further facilitating the enjoyment by citizens of the right of entry and exit from the national territory, Algeria has launched a project to modernise the procedure for issuing travel documents, through the introduction of biometric passports, which is being implemented throughout the country.

218. Regarding the entry and movement of foreigners in Algeria, Articles 67, 68 and 69 of the Constitution lay down the following guarantees:

- Article 67: “Every foreigner who resides legally in the national territory shall enjoy for his person and his goods the protection of the law”.
- Article 68: “No one may be extradited except on the basis and application of an Extradition Act”.
- Article 69: “In no case may a political refugee who is lawfully claiming the right of asylum be handed over or extradited”.

219. With a view to establishing the constitutional guarantees provided to foreigners, Algeria promulgated in 2008 a new law on the conditions of entry, residence and movement of foreigners in Algeria. The said law, Law No. 08-11 of 25 June 2008, repealed and replaced Ordinance No. 66-211 of 21 July 1966 which had become inadequate in the face of the country’s situation and modern global migration laws. The amendment was part of efforts to take into account, through an adapted legal framework, the increasing influx of migrants as a result of gross economic inequalities among countries and the phenomenon of economic globalisation.

Article 13:

Right to participate in the government and access to the public service

220. Citizens’ participation in the management of the public affairs of the country is guaranteed by the Constitution which lays down the relevant principles and procedures, through several provisions, of which the following articles should be noted:

- Article 6: “The people shall be the source of all authority. National sovereignty shall vest exclusively in the people”.
- Article 7: “The constituent power shall belong to the people. The people shall exercise their sovereignty through the institutions which they shall establish. The people shall exercise their sovereignty by means of referendum and through their elected representatives. The President of the Republic may have direct recourse to the expression of the will of the people”.
- Article 10: “The people shall freely choose their representatives. The representation of the people shall have no other limits than those specified in the Constitution and the electoral law”.
- Article 14: “The State shall be founded on the principles of democratic organization and social justice. The elected assembly shall constitute the framework within which the will of the people and the monitoring of the actions of the government shall be exercised”.
- Article 16: “The elected assembly shall constitute the basis of decentralization and the place for the participation of citizens in the conduct of public affairs”.
- Article 31: “The institutions shall strive to ensure the equality of rights and duties of all citizens by removing obstacles that impede the development of the human person and the effective participation of all in political, economic, social and cultural life”.
- Article 31 bis: “The State shall strive to promote the political rights of women by increasing their chances of access to representation in elected assemblies. The procedures for implementing this Article shall be determined by an organic law”.

- Article 42: “The right to establish political parties shall be recognized and guaranteed...”
- Article 50: “Every citizen meeting the legal requirements shall have the right to vote and to be elected”.
- Article 51: “Equal access to positions and employment in the government shall be guaranteed to all citizens, without conditions other than those established by statute”.

221. The practical procedures and mechanisms for citizens’ participation in the management of public affairs were established by the various laws and regulations and have been further consolidated, following the political reforms which began in 2011, in particular through the promulgation of new organic laws on the electoral system and political parties, in addition to the new commune and wilaya codes.

222. In this regard, Organic Law No. 12-01 of 12 January 2012 on the electoral system provides that elections to be organised by the Administration shall be supervised by the judiciary and monitored by representatives of participating political parties and independent candidates. It also provides for:

- The establishment of a National Election Supervisory Commission composed of magistrates. The Commission is responsible for supervising elections at the national level and at the level of the wilayas. It is involved throughout the process, from the beginning of the electoral process to the announcement and final validation of election results.
- The establishment of a National Election Monitoring Commission composed of representatives of participating political parties and independent candidates. The Commission elects its chairperson among its members, has field offices in the wilayas and communes, and has its own budget from the State budget to carry out its mandate. Moreover, the government provides the Commission, at its request, with competent electoral officers.

223. Moreover, Organic Law No. 12-01 of 12 January 2012 on the electoral system provides for the use of transparent ballot boxes and indelible ink, and the obligation of the Administration to provide sufficient reasons for every rejected candidature.

224. Under the law, candidates have the right to receive, at polling stations, copies of documents produced during the election operation, including the official statement of votes, and the two (2) reports collating results in the commune and wilaya, and the collating is conducted by magistrates.

225. Also, the organic law reduces the eligibility age of candidates for the Council of the Nation (Senate) and the number of signatures of voters to be provided by presidential candidates. It also provides for penalties for any action against the transparency, integrity and regularity of elections.

226. Two (2) elections have already been organised under this new organic law, including the legislative elections of 10 May 2012 and the local elections, for the election of members of the communal and wilaya people’s assemblies, organised on 29 November 2012.

227. Regarding Organic Law No. 12-04 of 12 January 2012 on political parties, it is aimed at strengthening democratic pluralism and improving the provisions governing the creation of political parties and their relations with the Administration, transparency in the financial management of political parties and possible disputes between the Administration and registered political parties. Moreover, Organic Law No. 12-04 of 12 January 2012 on political parties guarantees the rights of the national community, by including provisions that are capable of preventing a repetition of the national tragedy, prohibiting the violation of fundamental freedoms, guaranteeing the democratic and republican nature of the State, and preserving

national unity, territorial integrity, national independence, and the components of national identity.

228. Regarding the creation of political parties, Organic Law No. 12-04 on political parties provides that “the Administration’s silence beyond the required period shall be considered as an approval” (Article 34) and guarantees persons applying to create political parties, at every stage of the process, the right to lodge an appeal with the State Council.

229. Moreover, the administration does not interfere in the internal organisation of political parties as stipulated in Organic Law No. 12-04 on political parties which, in its provisions, simply lays down the obligation to establish, in the statutes of political parties, democratic rules to govern political parties, and also to promote women’s participation in party decision-making structures and ensure transparency in finance management in order to combat corruption.

230. Organic Law No. 12-04 of 12 January 2012 on political parties also establishes a political party as a mechanism for promoting and protecting human rights, since it stipulates under Article 11 that political parties “shall strive to promote human rights and the values of tolerance”.

231. There are fifty-seven (57) registered political parties in Algeria (as at 30 November 2012), representing the various political movements. More than half of these parties were registered following the new Organic Law No. 12-04 on political parties that was promulgated on 12 January 2012.

232. Moreover, in its constant effort to bring the administration closer to citizens in the management of public affairs, Algeria developed a strategy combining openness and new technologies. Several measures have been taken towards attaining the goal of the strategy.

233. Connecting community centres to the Internet: the aim of the project is to enable Algerian citizens, in particular the youth and the underprivileged, to have access to the Internet in community centres (youth centres, cultural centres, public libraries, mosques, etc.).

234. Through this initiative, more than one thousand nine hundred (1,900) community institutions were connected to the Internet during the first phase of 2010-2012. The target is to connect more than three thousand (3,000) institutions during the second phase of 2012-2015.

235. Creation of the “ELMOUWATIN” portal: the “Citizen” portlet is aimed at facilitating citizens’ access to administrative information, including online procedures and services. The portlet is frequently consulted, and it receives 518,471 visitors a year since it was created in August 2011. The portlet targets:

- Citizens for their personal use;
- All government employees responsible for relations with citizens for established procedures;
- Professionals (enterprises).

It contains the following headings:

- Citizenship (National sovereignty – Rights and duties – Civil status residents in Algeria - Civil status residents abroad - Solidarity – Religious practices - Public service missions - Justice - Elections - National service);
- Family (Birth - Marriage - Residence – Health - Death);
- Facilities (Housing - Water - Electricity/ Gas - Transport - Internet and Telephone - Post - Consumer);

- Work (Education and training – Higher education - Employment - Money – Specialized training – Social services);
- Leisure (Youth and Sports - Travel);
- Enterprise (General guide – Enterprise creation support mechanisms - Procedures – Support mechanisms - Intermediation mechanisms – Special culture mechanisms - Miscellaneous – Special agriculture and fishing mechanisms).

236. Development of online service platforms: the operation consists of updating the existing institutional portals and migrating to new portals offering adequate interactive and information services.³⁶

Article 14:
Right to property

237. Article 52 of the Constitution provides that “private property is guaranteed”. The Constitution also insists that any expropriation must be lawful and must give rise to prior, just and equitable compensation (Article 20).

238. These are the two guiding principles of Law No. 91-11 of 27 April 1991³⁷ on rules of expropriation in the public interest. This law lays down the conditions governing expropriation in the public interest and outlines the relevant procedures for prior, just and equitable compensation. Under this law, expropriation in the public interest:

- Must constitute an exceptional means of acquiring goods or property rights;
- Is enforceable only if all other solutions have failed;
- Must follow a specific, formal procedure (with an official declaration that it is in the public interest, an evaluation of the goods and property to be expropriated, and an administrative deed of transferability, which must include an indication and prior deposit of the amount of the compensation). Failing a friendly agreement with the Administration regarding the offer of compensation, the owner may bring the matter before a court.

239. According to this law, any expropriation enforced outside the permitted cases and conditions shall be held null and void and constitutes abuse, which, in addition to other penalties under the law, may give rise to a court order of compensation.

240. Moreover, Section 386 of the Penal Code imposes a penalty of imprisonment and a fine on “any person who, surreptitiously or by fraud, dispossesses another of immovable property”.

241. This penalty is increased if the dispossession takes place either at night, or with threats and violence, or through climbing or breaking in, or is carried out by several persons, or if one or more of the perpetrators is carrying a visible or hidden weapon.

Article 15:
Right to work under equitable and satisfactory conditions

³⁶ Five (5) out of the ten websites selected as pilot websites were received and integrated into the ELMOUWATIN portal. The process is still ongoing for the other websites.

³⁷ Official Gazette No. 21 of 8 May 1991

242. Algerian labour and social security laws and regulations are in conformity with the principles contained in the African Charter on Human and Peoples' Rights.

- Regarding the Constitution:

243. The constitutional principles governing labour legislation are based on non-discrimination among citizens.

244. The Constitution of 1989, amended in 1996, guarantees the equality of citizens before the law, without any discrimination on the basis of birth, race, gender, opinion or any other personal or social status or condition.

245. It also guarantees fundamental principles for promoting and strengthening human and citizens' rights, for which employees' rights are a reference for developing a labour law, enabling workers to freely exercise their fundamental rights.

246. Through these general principles, it commands the protection of the fundamental freedoms of citizens and the socio-cultural welfare of the Nation.

247. In this regard, State institutions are prohibited from feudal, regionalist and nepotistic practices, and must ensure the equal rights and duties of all citizens by removing obstacles that impede the development of the human person and by promoting the effective participation of all persons in the political, economic, social and cultural affairs of the country.

248. In the particular area of employment, the Constitution guarantees the following principles:

- the right to work;
- the right to protection, safety and hygiene at work;
- the right to rest is guaranteed;
- the trade union right is recognised to all citizens;
- the right to strike is recognised.

249. These constitutional rights, aimed at promoting all aspects of human rights, served as the basis for the 1990 social legislation which is also based on the 59 international labour conventions ratified by Algeria.

250. With regard to freedom of association, Article 56 of the Constitution stipulates that "the trade union right is recognised to all citizens". This right is further outlined in Law No. 90-14 of 2 June 1990 governing the exercise of this right.

- Regarding international instruments:

251. Algeria has ratified Convention No. 111 on discrimination (employment and profession). It has also ratified the major international instruments on the rights of the child:

- International Convention No.138 on the minimum age of admission to employment, adopted by the General Conference of the International Labour Organization on 26 June 1973³⁸,
- The Convention on the rights of the child adopted by the United Nations General Assembly on 20 November 1989³⁹,
- International Convention No. 182 on the prohibition of the worst forms of child labour and the immediate action for their elimination, adopted by the General Conference of the International Labour Organization on 17 June 1999⁴⁰,

³⁸ 03/09/1983

³⁹ 19/12/1992

⁴⁰ 28/11/2000

- The African Charter on the Rights and Welfare of the Child adopted in Addis Ababa in July 1990⁴¹.

- **Regarding national laws and regulations:**

252. In the area of discrimination in respect of the enjoyment of rights and freedoms, Law No. 90-11 of 21 April 1990 concerning labour relations stipulates that: “any provision laid down under a Convention or collective agreement or a labour contract likely to establish any discrimination whatsoever among workers in the area of employment, remuneration or working conditions, based on (age, gender, social or matrimonial status, family relations, affiliation or not, to a trade union shall be void and without any effect” (Art 17 of the Law);

253. Concerning the inviolability of the human person in the area of employment, Law No. 90-11 cited supra establishes the fundamental rights of workers particularly in Articles 5 and 6 which stipulate that:

- Article 5: “Workers shall enjoy the following fundamental rights:
 - exercise the right to organize trade unions,
 - collective bargaining,
 - participation in employers’ associations,
 - social security and retirement,
 - hygiene, safety and occupational health-care,
 - rest,
 - participation in the prevention and settlement of collective labour disputes,
 - right to use strike action”.
- Article 6: “Within the framework of labour relations, workers also have the right to:
 - effective occupation,
 - the respect of their physical and emotional integrity and their dignity,
 - protection against any discrimination to fill a position other than one based on their competence and merit,
 - professional training and promotion at work, regular payment of remuneration due them,
 - social services,
- all benefits from specific work contracts.

254. Concerning freedom of association, Law No. 90-14 of 2 June 1990 on the procedures for exercising freedom of association states that:

- Article 2: “salaried workers, on the one hand, and employers on the other hand, of the same professions, branches or sectors have the right to form trade unions and to defend their material and moral interests”.
- Article 3: in this regard “salaried workers on the one hand, and employers on the other hand, shall have the right to establish a trade union or to freely and voluntarily join existing organizations subject only to complying with the relevant legislation and the statutes of those organizations” (Art 10-1 of the Charter).

255. Regarding non-discrimination in wages: To ensure comprehensiveness, it is necessary to recall that the Algerian labour legislation draws inspiration from International Labour Conventions which our country has ratified.

On the issue of discrimination and equal remuneration, Algeria has ratified 59 conventions including eight fundamental Conventions among which are Convention No. 100 on equal remuneration and No. 111 on discrimination (employment and profession). The relevant legal provisions on remuneration clearly stipulate that all employers operating in the national territory (including all the legal sectors: public, private sector, foreign private sector...) of all sectors of

⁴¹ 08/07/2003

activity, must pay the workers without any discrimination and the same must also apply to work of equal value.

256. Workers are equal in terms of rights and duties. They have a right to be protected against any form of discrimination except where it is based on their skills and professional qualifications and merit. The legislation in force prohibits any form of discrimination in accordance with the constitutional provisions. Workers enjoy the same pay and benefits for the same work and equal qualification and output.

257. Furthermore, this same law stipulates that the signing of a collective agreement or collective labour agreement, the provisions of which are likely to establish discrimination among workers in the area of employment, remuneration or working conditions shall be liable to fines⁴².

258. Regarding the fight against child labour: Algeria has deployed significant resources and made great efforts to prevent and fight against child labour.

259. Law No. 90-11 mentioned above (Article 15) stipulates that “the minimum age required for recruitment shall in no case be lower than sixteen years (16 years), except in cases of apprenticeship contracts established in accordance with the relevant legislation and regulation and that the minor worker can only be recruited upon presentation of an authorisation from his legal guardian. He cannot be employed for dangerous and unhealthy jobs harmful to his health or detrimental to his morality”. Article 16 of Executive Decree No. 93-120 of 15 May 1993 on the organization of occupational health stipulates that apart from apprentices, workers who are below 18 years of age are subjected to special medical surveillance.

260. Finally, Law No. 85-05 of 16 February 1985 on the protection and promotion of health also introduced several provisions guaranteeing medical surveillance to the child at all stages of his/her development.

⁴² Arts 17 and 142 of Law No. 90-11

261. Concerning the protection of women, women enjoy the same rights and are subjected to the same obligations as men in the area of: education, recruitment, training, trade union activity, the various mechanisms for entry into employment, etc.

262. Female workers also enjoy maternity leave without prejudice to such leave during antenatal and post-natal periods. They may also enjoy facilities according to the conditions determined under the rules of procedure of the hiring organization. On the other hand, Article 29 of the same law stipulates that: “It is prohibited for the employer to use female employees for night duties. Special derogations may however be granted by the competent labour inspector who has jurisdiction over the area where the nature of the activities and the specificities of the duty post justify such derogations”.

263. Concerning the protection of persons with disabilities: In the labour domain, Article 16 of Law No. 90-11 supra states that hiring organizations shall reserve certain duties for persons with disabilities. Law No. 02-09 of 8 May 2002, on the protection and promotion of persons with disabilities states in Article 27 that “every employer shall set aside, at least 1% of positions for handicapped persons whose quality as a worker is recognized”. On the contrary, the employer is duty bound to make a financial contribution into a special fund designed to finance activities for the protection and promotion of handicapped persons.

264. Common provisions applicable to women and minors: Article 28 of Law No. 90-11 supra provides that “workers of either gender under the age of 19 years cannot take up a night duty”.

265. Common provisions applicable to women, handicapped persons and to minors: Additionally, Law No. 88-07 of 26 January 1988 on hygiene, safety and occupational medicine establishes in Article 11 that “the hiring organization shall ensure that tasks assigned to women, minor workers and handicapped persons do not require an effort in excess of their strength”.

266. Concerning penalties: Furthermore, in the event of violations of the relevant labour legislation and regulations on:

- recruitment of juvenile workers who have not yet attained the age provided for by law, apart from an apprenticeship contract established in accordance with the legislation and regulations in force, the offender shall be liable to a fine of between 1000 and 2000 DA. In case of a repeated offence, a term of imprisonment of between 15 days to 2 months may be pronounced without prejudice to a fine which may reach double of the fine laid down in the preceding paragraph (Art 140).
- conditions of employment of young workers and women, the offender shall be punished with a fine of between 2.000 and 4.000 DA applicable as many times as violations are established (Art 141).
- signing of a collective agreement or collective bargaining agreement, the provisions of which are likely to establish discrimination among workers in the area of employment, remuneration or working conditions; the signatory shall be liable to a fine of between 2.000 and 5.000 DA (Art 142).
- women and young people working at night, the offender shall be liable to a fine of between 500 and 1.000 DA, applicable to each of the violations identified and as many as there would be such workers.

Article 16:

Right to enjoy the best attainable state of physical and mental health

267. The right to health is a constitutional right (Article 67 of the Constitution (1976), Article (54 of the 1996 Constitution): “all citizens are entitled to the protection of their health; the State shall provide for the prevention and the fight against epidemic and endemic diseases”. The legislation has since 1993 placed the responsibility on the State to bear the healthcare expenses of deprived and uninsured persons.

The health of women has been identified as a priority in the health policies and programmes. Law No. 85-05 on the promotion and protection of health provides for:

- maternal and child protection measures (Art 67 to 75);
- health protection measures in educational institutions (Art 77 to 82);
- family planning designed to ensure a harmonious family balance and to preserve the life and health of the mother and child.

- Access to healthcare:

268. Regarding access to healthcare, since independence, the national health system has been founded on the predominance of the public sector and the provision of both preventive and curative care free of charge. In the aftermath of Alma Atta, Ordinance No. 73-65 of 28 December 1973 instituted free healthcare, first of all to translate the political will at the highest level, especially as a pre-requisite and the determinant of health for all Algerians as a means of ensuring equity in access to healthcare in accordance with national legislation.

269. The integration of primary healthcare was expressed by the organisation of a national healthcare system and its development around the health sector as the basic entity incorporating light infrastructural facilities, the polyclinic, health centre and treatment rooms around the hospital. This approach led to the development of the basic healthcare infrastructure concerning the health units and the teaching hospitals and a range of basic integrated services.

270. Thanks to Executive Decree No. 07-140 of 19 May 2007, a restructuring was undertaken at the health-care levels revolving around Public Teaching Hospitals and Polyclinics by developing them into local public health-care establishments under the said Decree. Thus, 271 public healthcare establishments were brought on stream.

271. The objective is to ensure qualitative improvement of basic health-care by optimizing the technical level of local public health-care establishments through the incorporation of basic specialized services and the creation of conditions for hierarchical organization of the levels of intervention. This Decree also provided financial empowerment for these establishments to ensure a more equitable distribution of financial resources for local health establishments.

272. In recent years, the consolidation of the health achievements and the attainment of the projected objectives have justified the framework of broad reforms undertaken. The objectives of the reform are: to improve the quality of services, ensure efficiency of the health-care establishments and the national health system in general; minimize the disparities and inequalities between the regions and the wilayas. These regions benefit from the support plans and the upturn in the country's economic growth and the health-care sector development programme in the area of new infrastructure and human resources involving the posting of specialists, in particular to the four basic specialized areas, namely, obstetrical gynaecology, paediatrics, general surgery and internal medicine.

273. The health sector reforms focused on the issue of financing healthcare and the “patient”, resulted particularly in the:

- review of the Statutes governing public healthcare establishments;
- establishment of new healthcare institutions;
- introduction of cost accounting;
- innovative financing mechanisms through the sharing of health-care expenses by means of public and private partnerships;
- accreditation to private hospitals.

274. The issue consists of meeting both the most urgent health needs characterized by the epidemiological and demographic needs of the country and ensuring balance between the quality of services and expenses made based on the inalienable principle of guaranteeing equity and legality in healthcare access.

275. Mechanisms were put in place for the integration of the private sector to complement the provision of care by the public sector. For this reason, the introduction of the new nomenclature of actions and the fixing of new prices should assist in consolidating the principle of equality as the provision of services by the liberal professions will create better access for the socially insured.

276. In addition, the health-care system is expected to be adapted to the new requirements of the preventive and curative plan dealing with the burden of morbidities regarding emerging pathologies (such as heart and cardiovascular diseases, combating cancer and other diseases). Towards this end, the concern to ensure equitable access to highly specialized health-care will be translated into the 2014 sector plan development framework, through the establishment of regional specialized centres and national referral centres in the above-mentioned specialities. For instance, the Anti-Cancer Centres (CAC), seven (7) of which are currently operational, should reach 22 by the end of the period and should cover all parts of the country.

- **Health coverage**

277. Infrastructure: 282 public hospitals with a total of: 63,680 beds (93.46 %)

- comprising 68 specialized hospital establishments (EHS) out of which 9 are for the mother and child and 9 are being constructed.
- 15 mental and psychiatric hospitals (with 14 being constructed, comprising a total of 68,136 beds (out of which (93.46 %) is covered by the public sector while 6.54% (4,456 beds is covered by the private sector)
- Representing one bed/500 inhabitants (2009) (as against 1.3 beds per 1,000 inhabitants in 1963.
- 1,419 Polyclinics (1/ 25,580 inhabitants)
- 5,376 treatment rooms (1/ 6,300 inhabitants)

Human resources (Year 2010: public and private sector)

Personnel	Number	Ratios/ overall pop
Specialist doctors	14,622	1/2,412
General med. practitioners	25,794	1/1,367
Paediatricians	1,300	1/10,600*
Pharmacists	8,505	1/4,147
Specialist doctors and general practitioners	40,416	1/873
Surgeons-Dentists	12,174	1/2,897
Para medics	97,746	1/361*
Including midwives	10,000	1/1,000**

* Estimated ratio for the target population below the age of 18 years

**Estimated ratio of midwives per married women within the reproductive age group

Equipment and operational budget for the Health Sector 2011/2012:

Indicators	2011	2012
Operational budget for health in Billions of dinars	227.87	404.9
Equipment budget for health in Billions of dinars	138.13	34.68

National Health Expenditure:

Indicators	1999	2005	2006	2007	2008	2009	2010
GDP/capita USD	1,623.3	3,219	3,460	3,958.1	4,954.8	3,910.5	
Operational Budget for Health Bn DZD	56,270	103,800	114,733	168,444	96.75	222	232
Health Expenditure %GDP	3.7	4.37	4.64	6.77	8	8	8

278. Demographic indicators, family planning and reproductive health: The use of contraceptives has attained a significant proportion of 61.4 % of which 52% consist of modern methods as against 43 % in 1992 and 7.3 % at the end of the 1960s. Factors such as the residential environment and schooling are no longer discriminatory and attest to the incontrovertible achievements recorded in human development and improvement in the general living standards of the population.

279. A variance of more than 11 points between urban and rural areas recorded at the end of the 1980s has completely been wiped out. The resultant effect is that the fertility of women drastically reduced for a decade in the 1990s: the composite fertility index reduced by 50% between 1980 and 1990 and the current rate is 2.27 children per woman.

280. The decline in overall and infant mortality rates which strengthens the speedy demographic transition is expressed by an increase in life expectancy at birth which has reached 76.7 years (77.3 years for women and 76 years for men). Furthermore, the repercussions on the age pyramid are obvious with the drastic reduction in the proportion of the youth (below 15 years and less than 20 years), practically a two-fold increase in the working-age population (which has reached 64.4% of the overall population according to the last census figures in 2008) and the onset of an ageing population.

Changing age patterns of the population:

(%)	1966	1977	1987	1998	2008	2009	2010	2011
-20 years	57.4	58.2	55.0	48.2	38.8	38.8	37.65	37.23
20 to 59 years	35.9	36.0	39.2	45.2	53.8	53.75	54.60	54.86
15-59 years	45.0		50.2	57.1	64.5	64.43	64.50	64.35
60 years +	6.7	5.8	5.7	6.6	7.4	7.4	7.7	7.9

Changing patterns of general and gross mortality rates

Years	2000	2005	2006	2007	2008	2009	2010	2011
Deaths (thousands)	140	147	144	149	153	159	157	158
G.M.R. (%)	4.87	4.47	4.30	4.38	4.42	4.51	4.37	4.4

Changes in life expectancy

Years	1970	1980	1985	1996	2000	2006	2008	2009	2010	2011
Men	52.6	55.9	62.7	66.8	71.5	74.7	74.8	74.7	75.6	76.0
Women	52.8	58.8	64.2	68.4	73.4	76.8	76.4	76.3	77.0	77.3
Altogether	52.6	57.4	63.6	67.7	72.5	75.7	75.6	75.5	76.3	76.7

281. Health Programmes: The hierarchical organization of the national health system around the health sector as the basic public service entity was confirmed by the launch of national health programmes in the 1970s, including those related to combating endemic and epidemic diseases and the promotion of maternal and child health. It should be pointed out that a national programme was launched in 1974 for maternal and child protection and the National Programme for Combating Infant Mortality (1985) consisting of eight sub-programmes, which include inter alia, “child spacing” and the expanded programme on immunization.

282. The resultant effect was a significant improvement in access to health by the population in the rural areas as reflected in the national indicators where very significant achievements have been recorded in the last two decades.

283. The adoption of the national programme for the control of population growth (1983) and the emergence of the government’s population policy from the beginning of the 1990s also resulted in accelerated population transition (in the middle of the 1990s) driven by concurrent factors related to economic and social development of the country and the drastic decline in the fertility of women as a result of the dissemination of modern contraceptives among couples and the increase in the marriage age. The midwife is competent to deal with all acts and products relating to maternal and child health including contraceptives. All these cases and contraceptives are provided free of charge in the public sector and reimbursed fully (100%) when such services are delivered by the private sector.

Child Health: Trends in Child Mortality Rates (CMR): (P. 1 000)

1990	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
57.8	36.9	37.5	34.7	32.5	30.4	30.4	26.9	26.2	25.5	24.8	23.7	23.1

284. Nine national programmes specifically target early childhood. Expanded Programme on Immunization (EPI), acute respiratory infections (ARI), diarrheal diseases, acute rheumatic fever (ARF), nutrition, domestic accidents, trachoma and cerebrospinal meningitis.

285. The overall objectives are to reduce serious forms of diseases, their complications and more especially mortality associated with these diseases. With regard to Expanded Programme on Immunization (EPI), the main objectives are: the eradication of poliomyelitis and measles, diphtheria and neonatal tetanus. The rate of immunization coverage and all types of vaccines has reached 88 %. It attained 98% for BCG and 96% for DTCP, then 92 % for anti-measles and 82 % for vaccination against Hepatitis B (introduced in 2003).

Maternal Health: Trends in maternal mortality rates (MMR):

Indicators	1985/89	1992	1999	2007	2008	2009	2010
MMR (p.100.000)	230	215.0	117.4	88.9	86.2	81.4	76.9

286. With regard to maternal health, the speeding up of estimated progress is perceptible in the area of perinatal health in accordance with the Executive Order standardizing the organization and functioning of neonatal and perinatal services (Executive Order No.05-435 of 10 November 2005). This programme was targeted at 2014 and the expected outcome was to reduce perinatal mortality by 30% and maternal mortality by 50%.

287. In 2010, the MMR was estimated at 76.9 per 100.000 (with an annual decline rate of 5.5 %) against 230/100.000 in 1989 and 117/100.000 in 1999. Significant efforts have been made in the area of gynaecologists-obstetricians coverage and in paediatrics (an increase of 85 specialists/year since 2007) with a more balanced distribution particularly focused on underprivileged regions. The target is to attain a maternal mortality rate of 58/ 100.000 by 2015. This implies an improvement in the quality of obstetrical care and the expansion of infrastructural coverage.

288. Projects that need particular mention are the development of specialized mother and child hospital establishments (EHS), (9 EHS are now operational; the target set is to attain 18 EHS), and the posting of gynaecologists obstetricians in accordance with the human resource management plan; the launch of post-graduate course in obstetrics for general medical practitioners.

289. The health coverage for women in the area of antenatal care has improved significantly and this is reflected mostly in the proportion of antenatal consultation (90.2%), the coverage of women for anti-tetanus vaccination and particularly the rate of assisted childbirths (97.9% in 2010);

Tuberculosis

Years	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Number of Cases of tuberculosis	18,294	18,250	18,878	19,730	19,422	29,623	20,584	21,077	20,070	22,499	21,800
Prevalence rate for tuberculosis	60.7	60.1	61.9	62.8	63.3	64.4	65.2	63.3	58.6	63.2	60.7

HIV/AIDS

Indicators	2000	2002	2004	2005	2007	2008	2009	2010
No of cases HIV/AIDS	1,533	1,861	2,363	2,608	3,747	4,392	5,207	5,863
Youth from 15 to 24 years	99	124	156	173	236	297	370	403

290. Algeria is among the countries with a low epidemiological profile with a seroprevalence rate of 0.1%.

291. Since the first case was diagnosed in 1985, the number of confirmed cases of AIDS is 1,118 while HIV cases stand at 4,745 as at 31 December 2010. The transmission by heterosexual means is the most predominant. Preventive actions are particularly targeted at the youth within the context of school and university health programmes and through national multi-sectoral programmes devoted to this section of the population with the participation of associations, notably the UNAIDS thematic alliance and the National Office for Combating Drugs and Tobacco Addiction. It is important to mention the opening of 61 Free and Anonymous Screening Centres in all the wilayas of the country.

292. The institutional mechanism for care has been strengthened with the establishment of the National Blood Agency vested with the mandate for Safe Transfusion with the establishment of a compulsory screening of blood donations and its by-products throughout the country during the 1990s; the creation of 8 referral Care Centres for HIV/AIDS and the supply of antiretroviral drugs free of charge.

293. Mental Health: Following the international recommendations by the WHO, Algeria initiated the establishment of Intermediate Mental Health Centres (CSIM) with effect from 2001 in the area of basic services to improve access to care and ensure a better management of drugs and the integration of private practitioners (160 medical consulting offices); the objective was also to reduce the pressure on health care services by aiming at an integrated health-care for drug addiction. One hundred and twenty-nine (129) CISM are operational; 6 CIST and 02 Regional Treatment Centres. Fifty-three (53) Intermediate Care Centres for Drug Addicts and fifteen (15) Treatment Centres are being established.

- **Social protection and solidarity-based system:**

294. Social Insurance: The system includes all branches of social security (9 in all) provided for under the Conventions of the International Labour Organization (ILO) in this domain. The following are subject to mandatory affiliation:

- employed persons irrespective of their sector of activity,
- self-employed persons,
- categories referred to as private persons who enjoy some social security service in terms of social insurance and/or occupational accidents/occupational diseases involving persons such as students, persons with disabilities, vocational trainees and beneficiaries of the social safety net etc....

295. The number of people with social insurance in 2011 was 8,748,906, covering 80% of the population (ascendants, descendants, spouses, beneficiaries, etc.). The social security, on behalf of the State, also takes care of underprivileged persons who do not have any health insurance.

With regard to social insurance, they cover five (5) risks:

- Sickness
- Maternity
- Invalidity
- Death
- Unemployment.

296. Maternity Insurance: the benefits in kind are refunded at the rate of 100% of the tariffs. For cash benefits, the daily allowance is equal to 100% of the daily wage paid as contribution.

297. Retirement: the national pension scheme offers to the employee himself a retirement pension and a survivor's pension comprising: annuity to the surviving spouse, the orphan and ascendant's pension. The retirement aspect comprises the benefit: a direct retirement benefit to the employee when he attains the fixed legal age of 60 years for employed persons and 65 years for self-employed workers who have contributed for at least 15 years of work. Furthermore, the legal successors of a deceased working employee shall enjoy a survivor's pension equal to at least 15 years of working life.

298. The pension scheme is characterized by profitable benefits particularly by: a maximum of 80% (2.5 per annum over 32 years), and by the existence of a minimum linked to the SNMG⁴³ (75% and 2.5 times the SNMG).

299. In 2006, the national pension reserve fund was established for the pension scheme. The objective of this fund was to manage the financial resources to the extent that reserves could be set aside to ensure viability and sustainability of the national pension scheme. The resources for the fund are constituted basically by a fraction of oil tax proceeds pegged at 2% in 2006 and increased to 3% in 2012 by the President of the Republic including cash surpluses from the social security fund.

- **Financing the system**

300. Regarding contributions: Concerning employed persons, the single rate of employee contribution is 34.5 % of the income subject to pension contributions as determined by law. This rate is distributed as follows:

Branches	Employers	Employees	Share of social services	Total
Social Insurance	12.50%	1.50		14%
Occupational accidents and diseases	1.25%	-		1.25%
Pension	10%	6.75%	0.50%	17.25%
Early retirement	0.25%	0.25%		0.50%
Unemployment insurance	1%	0.50%		1.50%
Total	25 %	9%	0.50%	34.50%

301. As part of incentives and supporting measures for the promotion of employment, employers are given a reduction in the employer's share of the social security contribution for recruiting every job-seeker. These reductions are equivalent to 40% for recruitments of job-seekers in the northern region of the country and 80% for first-time job-seekers in the same region and 90% for recruitments in the high plateau regions and the south.

302. For self-employed persons, the total rate of contribution paid by the contributor is 15% calculated on the basis of the annual taxable income or the turnover or in certain cases based on the annual SNMG. This rate is distributed in equal parts (7.5%) between the social insurance and pension schemes. For certain specific inactive categories, the rate of contribution charged to the State budget varies between 0.5% and 7% of the SNMG.

⁴³ SNMG: National Guaranteed Minimum Wage

303. State budget intervention: the State finances family allocations and national solidarity expenses through the granting of a differential addition for pensioners whose pension allowance from the contributory claims does not reach the minimum legal amount. Either 75% of the SNMG and 2.5 times the SNMG for the national liberation war veterans, additional benefits for the small pension and disability allowances and for retirement allowances.

304. Employers' obligations: The employer plays a key role in the area of liability and recovery of contributions. Within the prescribed deadlines, the employer must: make an activity statement; request for the membership of employees in his employment; provide salary statements and persons employed; finally, should pay the contributions, his employer's contribution and the employees' portion and for social insurance.

Article 17:

Right to education and the right to take part in the cultural life of one's community

305. The right to education in Algeria is established by the fundamental texts of the Republic which guarantee free access for all children. Indeed, under Article 53, the Constitution stipulates that "the right to education is guaranteed. Education is free under the conditions determined by statute. Primary education is compulsory".

306. The Government of Algeria pays very keen attention to the education sector which is one of its priority areas particularly during the preparation of its budget, 20% of which is allocated to education. The constant growth of this budget, which stood at 280 billion dinars in 2008, and will reach more than 672 billion dinars in 2011, is a reflection of the constant concern shown by the government for this sector.

307. Moreover, Law No. 08-04 of 23 January 2008 on the national education policy and Law No. 08-07 of 23 January 2008 on the education and vocational training policy, consolidate the general approach of the education sector reform and underscore compulsory schooling for all girls and boys between the ages of 6 to 16 years with the possibility of a further two-year extension for children with disabilities. Additionally, the ability of every citizen to obtain a recognized vocational qualification is a permanent national goal. The State ensures equal opportunity for access to public education services. Failure of parents or legal guardians to comply with this obligation shall lead to criminal sanctions⁴⁴ against such persons.

308. The promulgation of new statutes, especially Law No. 08-315, on the special status of public servants belonging to specific educational corps has made it possible to reclassify all its personnel, who consequently, have benefitted from considerable pay hikes with retrospective effect from 2008. Furthermore, the open dialogue system to the various trade unions numbering about 7 has assisted in finding solutions to the multiplicity of conflicts that had arisen in the past in the sector. At the same time, a major housing programme has been established for all teachers plying their trade in localities in the South.

309. On the other hand, as a means of ensuring inclusive education, it should be noted that arrangements to provide care for children with specific needs have been jointly put in place with the sectors concerned.

⁴⁴Article 12 of Law No. 08-04 and Article 04 of Law No. 08-07

310. Furthermore, the reform of the education system also focused on pedagogical reforms through the introduction of new programmes and school textbooks driven by the skills-based approach and the introduction of new educational dimensions including citizenship education, human rights education and environmental education.

311. All these measures were basically aimed at ensuring that pupils, the future global citizens, acquire values and behaviours such as understanding, tolerance, respect for others and the environment. The teaching of values and life skills is in addition to modern science and technical education including information and communication technology.

312. Effort has also been made in providing support for schooling by supplying 4 million pupils with school textbooks free of charge. Almost 80% of pupils enrolled in the regions of the North and 100% of those enrolled in the South and the Hauts Plateaux enjoy free school feeding. Moreover, school transport currently covers 1,000 communes out of 1,561 existing communes thanks to a fleet of 4,565 buses for the benefit of almost 584,259 pupils in all the educational cycles.

313. It should be noted that in addition to the efforts made within the framework of the coverage of school health, about 3 million enrolled pupils from underprivileged areas, the handicapped and orphans enjoy a school re-opening allocation of 3000 DA. Moreover, the State has put in place a national literacy strategy for the eradication of illiteracy by 2016 for the population between 15-24 years old, which facility has been extended particularly to women who constitute 80% of the beneficiaries.

314. Regarding the continuation of efforts in the area of the right to education, after fifty years of efforts, Algeria has succeeded in addressing the high demand for enrolment. Indeed, the number of pupils enrolled in schools, at all levels has increased consistently since 1962 when the country achieved independence; in 2012, the total number of pupils reached 8 056 531 in the different educational cycles (both public and private). The enrolment rate for children of school-going age (6 years) which was 88.55% in 2000, reached 98.21% in 2012.

315. Concerning gender parity, there has been a drastic change in the growth in favour of girls, particularly in the middle and secondary schools where the number registered in 2010 was 90 girls for every 100 boys, in the primary school, 95 in the middle schools and 139 in secondary schools. For instance, on re-opening of schools in 2012, these rates increased tremendously to reach 100 boys, 134 girls in primary schools, 154 in the middle schools and finally 125 in the secondary schools. This trend is only a reflection of efforts made by the Algerian State through a vast infrastructural development programme and recruitment of more qualified staff. In terms of the quality of educational service, this has brought about an improvement in enrolment criteria (reduction in occupancy rates of the premises, improved staff-to-pupils ratios) and therefore a significant reduction in the school drop-out rates at the compulsory education stage.

316. Concurrent to this strategy introduced by the Algerian Government, significant efforts have also been made within the context of bilateral and unilateral cooperation. Thus, a legal arsenal has been put in place to prepare solid grounds for technical committees responsible for preparing the different working platforms for the implementation of programmes mutually developed with countries of the Continent.

317. To this end, a literacy programme was established in Algeria for the year 2009/2010 in support of Mauritania. Moreover, a resumption of the consolidation of the achievements in this regard will be put into effect following the signing of an executive programme by the two parties in 2011.

318. On the other hand, a platform for exchanges has been put in place in agreement with South Africa. A lot of exchanges of documentation have characterized the relations with other countries of the continent. However, as part of NEPAD, two “cyber classes” have been opened in two Wilayas: Tissemsilt and Djelfa. At the same time, within the context of the AMU, the operations of certification and equivalence of school programmes have made an appreciable headway.

319. Thus, thanks to all the combined efforts and to the progress achieved by the Algerian Government through the education sector in particular, the results recorded by the education system have made it possible for Algeria to attain the Millennium Development Goals.

320. Furthermore, in the area of vocational training, several measures have been introduced for the provision of better care for this educational segment. In accordance with the recommendations of the national educational reform system and training, a new mechanism has structured the post-mandatory educational cycle into three segments:

- general secondary and technical education;
- vocational education;
- vocational training.

321. The new guidance system towards these three segments is directed at academic and vocational education which develops pupils towards making educational choices and taking decisions. The guidance and information system was established by adopting the following measures:

- the establishment of a reception, information and guidance office within every vocational training school, under the supervision of a guidance counsellor;
- the development of instruments and information and communication support systems;
- consultation with various sectors associated with the youth, especially the national education sector.

322. Thus, the information and communication aspect plays a very critical role as it enables the potential candidate to decide and choose between the different programmes proposed.

323. Furthermore, the State has put in place a training programme through apprenticeship. This mode of education which is less cumbersome in terms of budgetary outlay by the State also has a lot of advantages. It is more adapted to the needs and the real situations of businesses as it takes effect from the existence of a job position and operates within a vocational setting.

324. Furthermore, the conclusions of studies on the future of certificates of this type shows that apprenticeship offers better opportunities for placement, certainly as a result of mutual knowledge of the level of qualification of the candidate and the professional environment where the latter will be headed.

325. In other words, there is a training programme meant for specific categories of citizens whose care constitutes one of the sovereign mandates of the Algerian education system:

- youth training has not reached the required level: teaching programmes have been designed for them, targeted at upgrading their levels. At the end of pre-training, the youth are integrated into specialized subject areas depending on the results achieved. In case they succeed in their examinations, they are issued certificates just like in the case of other trainees;
- training of women in homes: it is based on adapted timetables. At the end of the training and depending on the level of the candidate in the examinations, a certificate and attestation of training is issued to the trainee. This arrangement, with more than 84,000 women trained to date, has paved the way for many of them to become eligible for self-employed jobs. Algeria is of the view that the mainstreaming of the gender dimension in its development process is an essential aspect of its plan of action as it is consistent with the objectives of removing social, cultural and economic bottlenecks impeding women's access to essential social services;
- persons with disabilities: apart from receiving persons with disabilities in the vocational training establishments, Algeria has 5 specialized regional centres for persons with disabilities. The number of trainees who undergo residential training stood at 1,299 as at June 2013, including 255 persons who are undergoing apprenticeship training;
- the youth facing moral threats and persons detained in rehabilitation centres: to strengthen the protection of this section of the population, public authorities have initiated vocational training in rehabilitation centres, reception centres and guidance and education services in an open environment. This approach made it possible to train 455 young people including 123 girls in 2012. In prisons, 31,321 young inmates have benefitted from this scheme.

326. It should also be noted that life-long education designed for employees remains one of the pillars of the vocational training. The promotion and development of human resource is one of the major concerns of the public authorities including the development of relations with partners of the major sectors of activity, in order to promote, among others, the involvement and participation of operators in the economic sector and foster training programmes that are in keeping with demand and promote social integration.

327. Against this background, consultative bodies have been instituted and established at the central and local governance levels. This has made it possible for 84 framework agreements to be concluded in the area of vocational training and more than 3,000 agreements at the local level. To date, more than 164,000 employees have benefitted from this type of training thanks to this system.

328. Concerning the participation of every citizen in cultural life, it should be underscored that a legislative and regulatory framework has been established with the following objectives:

- the fight against regional disparities in terms of access to cultural practices;
- the introduction of an incentive policy for cultural activities by offering grants to men and women in the creative industry without any distinction whatsoever.

- Cultural Development:

329. In the area of cultural development, Law No.12/06 of 12 January 2012, on cultural associations has been promulgated. Within the framework of the implementation of this Law, the Ministry of Culture has mobilized human and financial resources to promote the implementation of community-targeted cultural programmes proposed by cultural associations.

These programmes include all cultural, scientific and artistic disciplines.

330. Moreover, the financial package of 25,000,000.00 DA allocated in 2010 for the promotion of cultural associations made it possible to provide grants to programmes of 194 cultural associations (9 national associations and 185 local associations). It was increased to 45,000,000.00 DA in 2012 and the action led to a grant being provided for 271 cultural associations (08 national cultural associations and 263 local cultural associations).

331. Actions and cultural development: In accordance with Executive Order No. 07-348 of 14 November 2007 amending and supplementing Executive Order No. 03-297 of 10 September 2003 determining the conditions and procedures for the organization of cultural festivals, the Ministry of Culture has institutionalized 164 cultural festivals distributed as follows:

- 25 international cultural festivals;
- 26 national cultural festivals;
- 113 local cultural festivals.

332. These cultural activities have been institutionalized in a bid to establish a real national cultural policy at the service of citizens covering the national territory by popularizing the practice of culture.

333. These festivals cover all the cultural disciplines and allow artists to make frequent productions and also promote the development of young talents. In 2012, the institutionalization affected practically all the artistic disciplines without regional or linguistic distinction as can be observed as follows:

- Cinema: 04 festivals (including 01 Amazigh expression).
- Theatre: 09 festivals between professional, experimental and amateur (including 02 Amazigh expression).
- Music: 18 festivals Traditional, Andalusian, Chaabie, Chaouie, Terguie, Modern, Diwane, Amazigh Music , Djazz.
- Songs and Varieties: 13 festivals
- Public Lecture: 04 festivals
- Dance: 06 festivals (popular and contemporary)
- Poetry: 07 festivals
- Visual Arts: 03 festivals
- Plastic Arts: 02 festivals

334. It should be indicated that every Wilaya has a local popular cultural festival (comprising all the specificities of the region) as well as a local cultural festival “Lire en Fête” (Literary Festival) designed to promote public reading. The financial allocation to 164 institutionalized cultural festivals which stood at 4 billion dinars in 2011 was increased to 5.2 billion Dinars in 2012.

335. In the area of cinematography: Law No. 11-03 of 17 February 2011 on national cinematography and Executive Order No.12/90 of 28 February 2012 determining the operational procedures of the general appropriations Account No. 302-014 entitled “Development Fund for Art, Technology and Cinematographic Industry” allowed the Ministry of Culture to promote 48 cinematographic works in 2012 distributed as follows:

- Feature film: 31 – a total amount of 1,288 million dinars
- Short film: 06 – a total amount of 24 million dinars
- Documentaries: 10 – a total amount of 59 million dinars
- Cartoons: 01 – a total amount of 15 million dinars

336. Concerning sports activities and leisure for the youth: Algeria has completed its project of a society guaranteeing a dignified and decent life for its citizenry. First of all, it concerns the youth fully participating in the efforts and fruits of development and their involvement in the decision-making process at all levels; this is carried out by providing them the resources, the role, the opportunity and the needed support to participate in decisions on issues concerning and influencing them on the one hand; and bringing them on board in the implementation, monitoring and evaluation of youth policies, on the other hand.

337. It is in this light that Algeria has established a national youth policy adopted at a Cabinet meeting of government in May 2008, consisting of mechanisms and programmes for the promotion of the youth at all levels and in all areas of activities in order to properly channel the youthful energies. This approach consequently opens the way for self-fulfilment of the latter and ensures their empowerment and preparation for working life. The proactive youth policy of Algeria derives its foundations, guidelines and its means of implementation from the Government. It is expressed in the Government's short, medium and long term action plan for the implementation, monitoring and evaluation of the inter-ministerial policy on the youth including the different sectoral plans of action for the youth in order to ensure equal opportunities for all categories of the youth throughout the nation.

338. It comprises three strategic areas of national life: political, social and economic. It outlined six general strategic objectives to be achieved:

- Ensure education, training and youth apprenticeship;
- Promote employment and vocational integration of the youth;
- Promote the integration of the youth into the social environment;
- Consolidate the fight against social ills and aberrations;
- Ensure the involvement and synchronization of sector-based activities;
- Ensure effective care and response to the needs and expectation of the youth;

339. Concerning the youth segment and sports, the State has provided considerable financial, human and material resources. These efforts are expressed by the size of the offer in terms of programmes, mechanisms, youth and sports infrastructure as well as assistance and grants provided for sports movement and the youth for the attainment of the following objectives:

- *For the youth segment:*
 - o Fight against idleness and inactivity of the youth, particularly through the densification network of youth establishments;
 - o Fight against any form of anti-social behaviour in youth circles;
 - o Promote tourism and youth exchange programmes;
 - o Strengthen the attractiveness and modernization of youth establishments;
 - o Promote women's activities in establishments reserved for the youth;
 - o Fight against illiteracy among the youth;
 - o Contribute to the fight against drug addiction;
 - o Promote partnerships with associations and movements;
 - o Promote information and communication in youth circles;
 - o Promote socio-educational development among the youth;
- *For the sports segment:*
 - o Improve governance in the sports system;
 - o Overhaul the financing and control system;
 - o Intensify the network of sports infrastructure at the highest level and at the local level;

- Human resource development;
- Promote sports at the topmost level and sustain the participation of Algeria in international competitions;
- Promote growth in sports medicine and research activities in sports science and technology;
- Promote sports for all;
- Promote the development of physical education and school sports;
- Promote ethics in sports and the fight against violence in sports.

340. In the area of sports infrastructure, Algeria has 13,944 youth and sports structures equipped with all the operational amenities which are equitably distributed across the nation. Measures have been taken to facilitate access to these facilities, including:

- Free access to leisure activities that are non-exclusive to the youth;
- Generalization of sports practice including female and sports for persons with disabilities;
- Generalization of the practice of sports in schools;
- Free access to the Internet and ICT;
- Promotion of youth tourism.

341. Concerning the partnership with youth associations, it is necessary to indicate that the latter is a key player for the mobilization of the youth. It is also a major trump card in the strategy of the public authorities to complement actions taken particularly in the area of youth activities and the practice of sports. This partnership has led to the involvement of not less than 3,000 youth associations and more than 5,000 sports associations which benefit from State assistance including substantial support for training, financing through the sector budget allocations, the National Fund for Youth Initiatives and the practice of sports and through the 48 Wilayas' Funds for Youth Initiatives and the Practice of Sports. Furthermore, premises have been provided including qualified personnel to support them in the administrative tasks.

342. As an illustration, in 2011, 2012 and 2013, 689 national and local youth associations received financial support for the completion of projects regarding care in different areas:

- Socio-economic and cultural activities
- Tourism and exchanges
- Volunteerism
- Leisure and vacation centres

343. Regarding socio-educational development, the promotion of leisure and citizenship, several youth activities have been organized on a yearly basis in several activities for development and creativity through exchanges and discovery in the 48 wilayas of the Country. These activities and events are many; they include the National Youth Exhibition "The Green Gesture" or the "Floralies" Exhibition at the national electronic games meeting including Hip-Hop dance, folklore songs, short films, fanfare, etc.

344. Furthermore, in order to promote the spirit of citizenship among the youth, the latter are involved in programmes commemorating national and international days every year. It should be indicated on this score that since the recommendations of the African Ministers Conference held at the African Union Summit in Addis Ababa in 2006 to celebrate 1st November as African Youth Day, Algeria has been celebrating this day for two reasons.

345. Indeed, the African Youth Day coincides with the national festival commemorating the break out of the Algerian Liberation War which was the time to test the strength of the Algerian youth in the face of the horrors of colonialism. Algeria therefore commemorates this day with a rich and wide array of activities by providing the platform for the Algerian youth and the African community based in Algeria to debate issues on African youth such as: promoting the participation of African youth in current affairs on the continent, consolidating the African identity and the unity of destiny; the role of the African Youth in the implementation of the objectives of NEPAD.

346. On the issue of consultation with the African youth towards Agenda 2063, the thought by the Heads of State of the African Union at the 50th African Union Summit in preparation of Africa for the next 50 years, Algeria organized a consultation with the associations and movements including representatives of several sectors under the theme “Youth United in Action for Agenda 2063”.

347. This consultation, which took place on 12 November 2013, was organized around several workshops with the following themes:

- Mobilization of resources and development of human capacity with emphasis on health, education, science, research, technologies and innovation
- Inclusive economic development through industrialization and agricultural infrastructure development and agrarian reforms, trade and investment
- Peace, stability and good governance
- Integration of women and the youth into all activities
- Institutional capacity building of the Union and all its organs and the development of an active-centred communication and a brand image.

Article 18

Right of the family, women, the aged and the disabled to special measures of protection

348. Composed of about 60% of nuclear families and 40% of extended families, studies and surveys conducted show that the “nuclearisation” of the Algerian family unit has no impact on the importance and interest given to values and social, emotional and inter-generational relations among its members since it is deeply attached to traditions of solidarity and family support systems.

349. The Algerian family is also experiencing a serious demographic transition characterized by a population rate of 36.7 million persons: 50.5% men and 49.5% women, 28% are below 15 years, more than 60% are between 15-59 years, and the category of the population aged 60 years and above accounts for 7.6%.

- Measures taken on the family:

350. The proactive national policy aimed at ensuring family stability and the promotion of the rights of its members has resulted in the establishment of major programmes including:

351. Government Investment Programme (2010-2014): it devotes almost 40% of its resources to the improvement of the living conditions of its citizens, the development of basic infrastructure and the improvement of the performance level of public sector institutions;

- The allocation of about 13% of the GDP to social development;
- The increase in the guaranteed minimum monthly wage to 15.000DA in 2010;
- The social coverage which directly or indirectly benefits 80% of the population;
- The completion of more than one million housing units as part of the 2004-2009 Economic Growth Programme. Under the five-year development programme (2010-2014), it is projected that two million additional housing units will be completed in order to eradicate the makeshift housing through all these programmes.

352. In the area of institutional mechanisms, a Ministry Delegate in charge of Family and Women's Affairs and a National Family and Women's Council were established in addition to the consolidation of the related legal framework, especially:

- The Family Code: as amended in 2005 in accordance with Order No. 02-05 amending and supplementing Law No. 84-11 comprising the Family Code; it is aimed at ensuring more balance in the relations between family members;
- Law No. 10- 12 of 29 December 2010, relating to the protection of older persons;
- Social laws on texts relating to social insurance, social work and to pension;
- Law No. 08-09 of 25 February 2008, on the Civil and Administrative Procedure Code which established the "Family Affairs Sections";
 - Law No. 02-09 of 8 May 2002 on the protection and promotion of persons with disabilities;
- The Algerian Nationality Code as amended in 2005 pursuant to Order 05-01 amended and supplemented by Order 70-86 of 15 December 1970, comprising the Nationality Act which recognizes Algerian nationality by birth through maternal affiliation;
- Law No. 85-05 of 16 February 1985, as amended and supplemented, on the protection and promotion of health;
- Ordinance No. 72-03 of 10 February 1972 on the protection of childhood and adolescence.

353. The impact of these efforts is visible particularly regarding:

- Improvement in life expectancy at birth: 76.7 years (76 years for men and 77.3 years for women);
- Increase in the national average in respect of the connection rate of households to utility services in 2010: electricity 99%, natural gas 47.6%, potable water 94%, sanitation 87% and access to mobile telephony 91.68%;
- Low percentage of the population living below the poverty line: one (01) dollar per person per day to less than 0.6% in 2008;
- Decline in the child mortality rate (24.1/1000 in 2009);
- Increase in the rate of health coverage through vaccination campaigns (more than 95% for diphtheria, whooping cough, tetanus, poliomyelitis and 99% for vaccination against tuberculosis);
- The reduction in the maternal mortality rate (76.9 per 100.000 live births in 2010).

354. The National Family Strategy (SNAFAM): These efforts, which reflect the purpose of Article 58 of the Constitution: "the family shall enjoy protection by the State and by the society", have promoted the establishment of a satisfactory environment at the social, cultural, economic and political levels and the attainment of the Millennium Development Goals (MDGs).

355. Thus, in order to focus this dynamic towards an integrated vision of the family unit, a national family strategy (SNAFAM) was adopted by the Government in November 2011 and it takes into account the challenges and the new needs of the Algerian family impacted by changes at both national and international levels.

356. It is based on the spiritual values and civilization of the nation and derives its references from our regional and international commitments including the Action Plan for the African Family (African Union - Cotonou - July 2004).

357. The expected outcome of this strategy:

- Define the prospects for the Algerian family by 2015.
- Deepen the brainstorming on the guidelines and specificities of relationships and behaviours within the family;
- Draw up the list of constraints that could limit the effectiveness of the contribution of the family to development;
- Identify areas of intervention of all the partners operating within the framework of the National Family Strategy.

358. The strategic areas of the SNAFAM include the following:

- Protection and strengthening of family bonds and consolidation of its roles;
- Strengthening of the values of solidarity and mobilization of stakeholders;
- Strengthening the rights and services for the benefit of persons with specific needs;
- Promotion of access by families to Information and Communication Technology.

359. The National Family Strategy will be jointly implemented by the various sectors of activities, national institutions and civil society which will apportion the roles and responsibilities in accordance with the duties assigned to every operator and an evaluation report will be presented annually to the Government. Women and children enjoy special attention and equal treatment at all levels.

360. Thus, to strengthen the presence of women in the political sphere, an organic law on broadening women's participation in the elected assemblies established for the very first time a quota system which varies between 30 and 50% and includes Algerian women in the Diaspora.

361. Within the same framework, a National Strategy for the Integration and Promotion of Women 2008-2014 was endorsed by the Government on 29 July 2008; it revolves around the improvement of women's rights in all areas (rights, education and vocational training, health, economy, culture and ICT. It also includes the media, environment, decision-making and women in difficult situations). As a matter of national priority, the Gender Mainstreaming and Promotion Strategy and its operational plans address all the 10 areas contained in the African Women's Decade.

362. Still within the African context, on the occasion of a training on the political role of Algerian women, the public authorities embarked on the national launch of the African Women's Decade 2010-2020, adopted at the 15th Ordinary Summit of Heads of State and Government of the African Union held in July 2010 in Kampala-Uganda. Algeria is ensuring the implementation of the 2008-2015 National Action Plan for Children (PNA), with the participation of representatives of national institutions, NGOs, children and adolescent boys and girls among whom are those with specific needs.

363. Consolidated by a communication plan intended to increase awareness and support stakeholders in the area of promoting and protecting the rights of children, families and education and health professionals, the PNA falls within the framework of a government plan inspired by multi-disciplinary and multi-stakeholder national programmes and by its regional and international commitments mainly laid down in the African Charter on the Rights and Welfare of the Child and the Convention on the Rights of the Child.

- **Measures taken as part of reforms on family legislation:**

364. As part of the implementation of judicial reforms, Algeria has introduced substantial reforms on marriage, divorce and its effects (right of custody, marital home, alimony), as well as rules on guardianship. The core elements of these reforms are presented as follows:

1) In Law No. 84-11 of 9 June 1984 on the Family Code, as amended and supplemented:

365. Henceforth, marriage is considered in the family law as a consensual contract which calls for the consent of the two prospective spouses. It is for this reason that marriage by proxy has been abolished entirely. There can therefore not be any “forced marriage”. The age of marriage has been fixed at nineteen (19) years for the two future spouses who have all the latitude to include any clause they may deem necessary in the marriage contract.

366. Regarding polygamy, Ordinance No. 05-02 of 27 February 2005 introduced new conditions the husband is supposed to comply with. In addition to information by the first wife and the prospective second wife (in other words, the husband must receive their consent about the second union), the husband must solicit and obtain the authorization of the President of the Court to contract a second marriage. The magistrate must ascertain whether the grounds referred to are justified and if the husband is capable of ensuring equity and providing the necessary conditions for a matrimonial life for the two spouses.

367. In case of doubt, each spouse can take legal action for divorce against the husband (Section 8a). The new marriage shall be terminated before its consummation where the husband has not obtained authorization from the judge (Section 8a 1). On divorce, the causes for which the woman can establish a case have been broadened to enable her take legal action, particularly for persistent misunderstanding with her partner or for violation of the clauses stipulated in the marriage contract or in a subsequent contract.

368. Any proceedings relating to divorce must necessarily lead to reparation. The non-performance of the contract inevitably leads to criminal prosecution, particularly against the recalcitrant husband. The case law of criminal courts in Algeria is very strict on this subject matter.

369. To avoid past practices consisting of bad delaying tactics used by the first husband in order to prevent the divorced woman from remarrying, the decisions of the courts of first instance may be appealed against at a higher court (Court of Appeal). Only the appeal of cassation before the Supreme Court is accepted.

370. Concerning the right of custody (or hadhana), the amendment of the family code is in line with the principle of seeking the interest of the child. Thus, the father henceforth plays the role of a second fiddle after the mother in the area of devolution of the right of custody.

371. Generally, in a large number of cases, Algerian courts grant the custody of the child or children to their mother. Thus, according to the new provisions, the father must provide decent accommodation or failing that, a substantial amount of rent to enable the mother to exercise the right of custody devolved on her. Finally, a working mother cannot be deprived of her right of custody (Section 67 p. 2).

372. With regard to guardianship, a significant headway has been made in that henceforth, the mother shall have:

- the option to replace the father, in cases of emergency, in accomplishing certain deeds relating to civil life (administrative formalities, schooling of the children) in the event of the absence or unavailability of the latter;
- in the event of divorce, the right of guardianship of her own children over whom she has custody.

2) In Ordinance No. 70-86 of 15 December 1970, on the Algerian Nationality Code, as amended and supplemented in 2006:

373. Today, the Nationality Code allows for the acquisition of nationality through the Algerian mother (Section 6). Similarly, that Algerian nationality can be acquired through marriage with an Algerian man or with an Algerian woman (Section 9 a).

- Measures taken towards strengthening women's political rights:

374. After the 2008 amendment, Article 31 of the Constitution which was introduced stipulates that "The State shall work for the promotion of the political rights of women by increasing their chances of access to representation in the elected assemblies". The introduction of this new article into the Constitution falls within the framework of the public strategy aimed at institutionalizing good governance and strengthening democratic principles and equality of opportunities among citizens.

375. The implementation of this provision led to the formulation and promulgation of Organic Law No. 12-03 of 12 January 2012 establishing the procedures for increasing the chances of access by women to representation in the elected assemblies. In practice, this approach was confirmed recently by the opening of political party structures for women's representation, and by the entry of women in large numbers into electoral competition.

376. At the end of the last legislative elections held in May 2012, 146 women were elected as Members of Parliament into the National Peoples' Assemblies out of 462 members of the Assembly. With such results, Algerian women are front runners when it comes to women's representation in Parliament in the Arab and African contexts or even in the world.

377. Furthermore, as part of the fight against numerical literacy, measures have been taken by the Algerian Government to facilitate access by Algerian women to Information and Communication Technology, especially in the area of mass training which enabled 8,810 rural women to be trained in the use of ICT.

Article 19:

Peoples' Right to Equality

378. Algeria is lobbying for equal treatment of States in accordance with the provisions of the United Nations Charter which establishes sovereign equality to all Member States of the United Nations Organization. No consideration whatsoever should justify breaching the honour and the dignity of peoples.

379. In this respect, the Algerian Constitution stipulates in Article 26 that the leaders of the country "shall not resort to war to attack the legitimate sovereignty and the liberty of other peoples and shall extend its solidarity to only "colonial peoples and territories", as stipulated unambiguously in the General Assembly Resolution 1514 (XV) of 14 December 1960.

Article 20:

Peoples' Right to Self-Determination

380. Algeria associates itself fully with efforts of the international community for the establishment of the right to self-determination and to full sovereignty over natural resources as established in the Declaration of the right to Development and in the United Nations Charter and the two fundamental International Human Rights Covenants governing the full enjoyment of the right to development. The commitment of Algeria to supporting peoples under occupation for the recovery of their liberty is as a result of the experience of Algeria's own people who suffered from the horrors of colonization.

381. From the time of its accession to independence, it devoted itself to supporting the efforts of the international community in assisting all territories under occupation to be liberated from the burden of colonialism, synonymous with the negation of the rights of the human person, cultural dispossession and exploitation of the human being.

382. Algeria has not stopped advocating for the effective implementation of the United Nations General Assembly Resolution 1514 of 14 December 1960. Its effective enforcement should enable the phenomenon of colonialism, a black spot in the history of humanity to be brought to an end and to give the opportunity to peoples who are still under occupation to freely express themselves on their fate.

Article 21:

Peoples' Right to freely dispose of their wealth and natural resources

383. As it is one of the pillars of its foreign policy, Algeria is firmly committed to the principle of non-interference in the internal affairs of States and to the respect for their national sovereignty. Consequently, it considers that all independent States have the right to harness and freely dispose of their natural resources in accordance with the rules of international law. The State must exercise its full powers over the territory where it exercises its jurisdiction on the soil, subsoil, its air space, territorial waters and continental shelf.

Article 22:

Peoples' right to economic, social and cultural development

384. The new five-year development plan which involves a financial commitment of 21,214 billion DA (or 286 billion USD), will benefit practically all sectors with a special focus on structural projects and areas of the economic sector, the fundamental purpose of which is to reduce the dependence on oil and gas. This project earmarks: 130 billion USD for the completion of old projects (rail, roads, water...); 156 billion USD for new projects (11,534 billion DA).

385. In the area of employment, Algeria is working for an effective inclusion of the youth into the job market. Several arrangements for the creation of employment opportunities and the absorption of the youth have been implemented. These arrangements have also taken into account young graduates and those without qualification.

386. In 2011, the total number of jobs created as part of temporary employment mechanisms (DAIS, TUPHIMO, IAIG and PID) was 1,183,400 jobs. With regard to jobs created within the framework of mechanisms such as ANGEM, CNAC, ANSEJ and ANEM, the number of jobs has reached 477,629. Similarly, benefits and various tax exemptions were granted in 2011 to young entrepreneurs with projects for the creation of small and medium size enterprises (broadening of the maximum threshold for interest rate, reduction of personal contribution, reduction in administrative procedures). These latest measures have reinforced the already existing measures. In the area of housing, the five-year development plan provides for the completion of 2 million housing units. One million two hundred thousand (1.2 million) will be provided during the five-year

period and the remaining ones before the end of 2014.

Article 23:

Peoples' Right to International Peace and Security

387. The Algerian Constitution, in Article 28, has assigned the Algerian diplomacy the mission of working towards "the reinforcement of international cooperation and for the development of amicable relations between States based on equality and mutual interest and non-interference in internal affairs". Algerian diplomacy has always worked towards peace and the resolution of crisis situations, peaceful resolution of disputes and the promotion of the values of peace and national reconciliation.

388. At the regional level, Algeria has continually supported efforts by the African Union towards the resolution of regional conflicts, the conduct of mediation missions and good offices seeking to establish a stable climate and to promote good neighbourliness, which are fundamental elements in the success of development efforts on the continent.

Article 24:

Peoples' right to a satisfactory environment

389. Since environmental issues and their repercussions on public life and on citizens have taken on a wider dimension and have become unavoidable concerns for public authorities, lots of provisions and regulatory and/or legislative decisions were projected and implemented in order to regulate relations between the various social actors and the environment. Though actions on information, sensitization, education and environmental training are really necessary, they are inadequate to totally address the different aspects of the environmental issue and resolve the problems faced by the various operators in the economic, institutional and social areas, etc.

- Environmental Management towards attainment of Sustainability:

390. It is to meet such needs that a set of legal rules (laws, decrees etc.) were enacted and the content varies depending on the changes in the areas linked to environment itself as shown by the example of Law No. 03-10 of 19 July 2003 on environmental protection as part of sustainable development.

391. The purpose of this law is to implement a national environmental protection policy as part of sustainable development. It outlines the basic principles and the rules on environmental management: the protection, restructuring, exploitation of natural resources, restoration of degraded environment, prevention and the fight against any form of pollution and nuisance; the improvement of living conditions and the quality of life, the promotion of the use of available natural resources.

392. Management of the environment is based on the organisation of the information system on the definition of environmental standards, on planning, evaluation of the environmental impacts of development projects, on the definition of specific legal regimes and on intervention, individuals and associations regarding environmental protection. The law institutes prescriptions for the protection of biological diversity, the air and the atmosphere, waters and desert locations in the sea and the living environment. It also institutes prescriptions for the protection against nuisance (chemical substances and noise pollution).

393. Thus, in Part I of Law No. 03-10 containing the general provisions, Article 2 states that "the protection of the environment as part of sustainable development" is particularly: to promote sustainable national development by improving living conditions and by working to guarantee a healthy living environment; to strengthen information, increase sensitization and enhance public participation as well as the participation of the various stakeholders in environmental protection measures.

394. Article 3, still under Part I, stipulates that: "this law shall be based on the following general principles: the principle of information and participation, according to which every person has the right to be informed about the state of the environment and to participate in

procedures prior to the making of decisions likely to have detrimental effects on the environment;

395. Article 4 stipulates that for the purposes of this law, the following meanings shall apply:

- *Sustainable development* means a concept which seeks conciliation between the permanent socio-economic development and environmental protection, that is, the integration of the environmental dimension in a development which seeks to meet the needs of present and future generations;
- **Pollution**: any direct or indirect change of the environment caused by any act which causes or threatens to cause a detrimental situation to health, safety and the well-being of humankind;
- **Water pollution**: the introduction into an aquatic environment of any substance likely to change the physical, chemical and/or biological characteristics of water and create risks for the health of human beings;
- **Atmospheric pollution**: the introduction of any substance into the air or atmosphere caused by the emanation of gas, vapour, smoke or liquid or solid particles likely to harm or create risks in the living environment.

396. In Part II on the management instruments of the environment, Article 7 stipulates that: “any natural or corporate entity which makes the request shall receive from the institutions concerned information on the state of the environment. This information may relate to any data available in any form on the state of the environment as well as on the regulations, measures and procedures meant to ensure and organize environmental protection”.

397. Furthermore, Article 9 stipulates that: “without prejudice to the legislative provisions thereof, citizens shall have a right to information on the risks to which they are subjected in certain areas of the territory and the protection measures concerning them. This right is applicable to technological risks and foreseeable natural risks”.

398. Article 35 on the intervention by individuals and associations in the area of environmental protection states that: “associations legally constituted and carrying out their activities on environmental protection and improvement of the quality of life shall be called upon to play a part in, to be consulted and to participate in the action of the public organisation concerning the environment in accordance with the legislation in force”.

399. In Part III on environmental protection provisions, Law 03-10 institutes the protective provision particularly of the living conditions through Article 65 which states that: “without prejudice to the legislative provisions in force regarding town planning and subject to the considerations of the environment, groves, public gardens, leisure parks and any space of collective interest contributing to the improvement of the quality of life, are protected”.

400. In Part IV dealing with protection against noise, the law institutes protective provisions against chemical substances in Article 69 which stipulates that: “the protective provisions against chemical substances are meant to protect man and his environment against risks which may emanate from these substances, chemical preparations and products, as they are presented in the natural state or as they are produced by industry both in their natural state and when they are introduced into preparations”, as well as provisions against noise pollution in Article 72 which stipulates that: “the protective provisions against noise pollution are meant to prevent, eliminate or limit noise emission or propagation or vibrations likely to present harmful dangers to the health of persons and cause them excessive disturbance to the extent of damaging the environment”.

401. Implementation of the Integrated National Household and Related Waste Management (PROGDEM): The Integrated National Household and Related Waste Management (PROGDEM) which is at the centre of the urban environmental policy is an extension of Law No. 01-19, the point of departure and the reference framework of the new waste management policy. It aims at eliminating indiscriminate waste disposal, organizing the collection,

transportation and elimination of waste under conditions that ensure a healthy environment and predictability of hygiene in the environment.

402. The PROGDEM is an integrated, gradual and progressive management of household waste which has outlined the key guidelines for the introduction of this management through the mechanism of:

- Reorganizing the municipal administration in charge of waste management.
- Building the capacity of the collection and transportation agencies within the municipal areas.
- Opening up the public agency in charge of waste management to private investment.
- Introducing collection equipment.

403. In this respect, since its implementation in 2002, PROGDEM has made significant progress which has resulted in:

- The establishment of new forms of waste management services: by equipping all the communes with blueprints for household and related waste management, an important mechanism for assistance in decision at the local level for any investment in the area of equipment for the collection, transportation and treatment of waste. It should be noted that to date 1,169 blueprints have already been developed and their conclusions are being put into effect including the development of 26 transfer stations (break-load points) for the economy of transportation from collection points to localized waste treatment centres more than 20kms away.
- The development of authorized landfill sites and controlled dumps, facilities which have been built in accordance with the requirements under Law No. 01-19 (impact study, risk assessment,...) and general requirements are adopted, a real departure from the old waste management practices. To date, 118 authorized landfill sites and 135 controlled dumps are registered including 58 CETs (authorized landfill sites) and 55 controlled dumps will make it possible to remove 50% of household and related waste generated all over the country.

404. Furthermore, the Environment Directorates in the Wilayas (DEW) were supported with technical expertise to develop such types of projects (carried out by highly qualified international experts) in order to ascertain the compliance and quality standards of these projects with international standards.

405. Moreover and in order to popularize the waste management methods and the exploitation of the technical landfill centres, ninety (90) training sessions were organized in collaboration with different institutions and organizations (such as GIZ, the World Bank and other public and private institutions), to provide training for 1,799 persons (officials from local government authorities, Environmental Unit of the National Gendarmerie, Engineering Offices....).

406. On the other hand, beyond the physical developments of the CETs, an institutional framework has been established for the creation of 42 public industrial and commercial institutions (EPIC) in the Wilayas for CET management, and an operational grant for two years of operations 2010-2011 of these institutions was provided in the sum of 4 billion DA, within the framework of a rational and forward-looking vision of these infrastructural facilities. Similarly, the implementation of the entry fee or "Gate Fee" would be the best solution to ensure the operational financing of the CETs. The commissioning of the technical landfill centres must absolutely be followed by the eradication of random landfills and rehabilitation of their sites.

407. This rehabilitation is all the more important since the sites consist of toxic elements which pollute the soils and water tables by constituting a danger to the health of the population. In this regard, a programme has been initiated for the eradication and rehabilitation of all the random landfills identified in the communes provided with technical landfill sites which will be commissioned. In this respect, 21 random landfills have been rehabilitated, 20 landfills are being rehabilitated and 23 are being assessed.

408. Moreover, the reclamation of waste which is an important component of PROGDEM, contributes substantially to reducing the quality of buried waste (thereby increasing the life span of the CETs), to reclaiming a sizeable fraction of secondary raw materials and contributing to the creation of green jobs. The reclamation and their use have become an economic imperative for our country.

409. In this regard, financial and tax measures have been taken to encourage the emergence and development of waste reclamation and use. It includes in particular promoting the development and use of equipment at waste collection sites in every major city in a Wilaya (32 garbage dumps out of which 8 are already operational) which constitute the major interface for collectors-users. Thus, the development of 30 sorting centres which will assist in identifying all the details concerning the implementation of the public packaging waste collection system "Eco-Jem", and draw all the lessons necessary for the replication of the operations in other cities of the country.

- Urban Environmental Management:

410. Similarly, the right of persons to live in an urban environment conducive for their welfare and self-fulfilment is recognized and taken care of. The framework Law No. 06-06 for city planning takes care of this aspect. The purpose is to determine the specific provisions seeking to outline urban policy components as part of the policy framework for town and country planning and sustainable development.

411. The general principles of urban policy include:

- Local management, according to which mechanisms and procedures are sought and designed to bring directly on board the people or through the instrumentality of an association for the management of programmes and actions concerning their living environment and to appreciate and evaluate the effects resulting therefrom.

- Human development, by which man is considered as the main wealth and the purpose of every development.
- Sustainable development, according to which urban policy contributes to the development that meets current needs without undermining the needs of future generations.
- Good governance, according to which the authorities listen to citizens and act in the general interest of the people in a transparent environment.
- Information, according to which citizens are informed consistently about the situation of their city, its development and prospects.
- Culture, according to which the city represents a space for creation, cultural expression within the framework of national values.
- The preservation, of the tangible and intangible heritage of the city must be safeguarded, preserved, protected and developed. Social equity is the coherence, solidarity and social cohesion which constitute the key elements of the city's policy.

412. In Chapter III and in Article 6, the framework Act governing the city aims at directing and coordinating all interventions, particularly in the following areas:

- reduction in disparities between neighbourhoods and the promotion of social cohesion;
- elimination of squatters and unhealthy settlements;
- guarantee and generalization of public services; in particular,
- services in the area of health, education, training, tourism, culture, sports and leisure;
- environmental protection;
- major risk prevention and protection of the populations;
- fight against social evils, marginalization;
- delinquency, poverty and unemployment.

413. Article 8 touches on sustainable development and stipulates that “sustainable development” and “urban economy” are intended to:

- protection of the natural and cultural environment;
- rational exploitation of natural resources;
- promotion of the city's economic function;
- promotion of information and communication technology.

414. Article 9 deals with the urban and cultural aspect and is aimed at controlling the growth of the city by preserving agricultural lands, coastal areas and protected zones, by ensuring;

- correction of urban imbalances;
- restructuring, rehabilitation and modernization of the urban fabric to make it operational;
- preservation and development of cultural, historical and architectural development of the city;
- promotion and preservation of public spaces and green areas;
- promotion of means of transport in order to facilitate urban mobility.

415. Article 10 of Chapter 3 on the framework Act on Town Planning addresses the social aspect and its objective is to ensure improvement in conditions and the quality of life of the population by:

- fighting against degradation of living conditions in the neighbourhood;
- promoting urban solidarity and social cohesion;
- promoting and preserving hygiene and health;
- preventing urban delinquency;
- strengthening social and public equipment.”

Article 25

Human rights promotion, teaching and education

416. In the area of human rights education, primary schools dispense knowledge on Conventions which have been incorporated into school curricula and textbooks in many carrier subjects (civic education, Islamic education, languages, history and geography).

417. School pupils are taught human rights from general textbooks (Universal Declarations and other international texts) and posters and articles on some Conventions are disseminated as teaching material in all schools all over the country.

418. For its part, the University, on a broader and deeper register, teaches an updated content of modules on human rights which are part and parcel of teaching at the Higher School of Magistracy, the Advanced Police College and the National Prisons Administration School as well as the National Schools of the Gendarmerie.

419. Fully conscious of the importance of human rights training and education, the Police Headquarters (DGSN) did all in its power to ensure that the training curricula for its personnel at all grade levels and functions are fully incorporated into that segment, as shown by the participation of officials from the national police in initiatives introduced in this subject area by national and foreign partners.

420. Regarding the topics contained in the various training programmes (initial training, continuing education and training for internal promotion), they are all based on the following:

- Definition, sources, classification and exercising public freedoms.
- Powers of the police and public freedoms.
- The Universal Declaration of Human Rights.
- Characteristics of Human Rights.
- Human Rights and the behaviour of police officers responsible for law enforcement.
- Respect for human rights during preliminary investigations by the Police.
- Communication and Human Rights in Police/Citizens' Relations.

421. Ensuring that raising awareness and training magistrates and other personnel responsible for training magistrates and other personnel in charge of law enforcement plays a critical role in the judicial reform programme.

422. Practically, the measures taken by Algeria in this respect are broken down into the following actions:

- International and regional human rights Conventions are published in the Official Gazette of the Peoples' Democratic Republic of Algeria; their ratification is even brought to the attention of the general public through the local media;
- International and regional human rights conventions are put online on the website of the Ministry of Justice (www.mjustice.dz);
- Publication of a compendium containing the major international legal instruments which is freely made available to magistrates and law enforcement officers;
- Registration for a module on public freedoms and human rights has been incorporated into the training programme for judges at the Higher School of Magistracy;

- Programming of training cycles in Algeria and abroad for judges is already being practised on short and long term basis in the area of public freedoms and human rights. Thus, in 2001, 2007, 2009, 126 judges received training;
- Periodic organization of seminars, study days, conferences and workshops for judges on thematic issues related to human rights;
- International days established under the various international legal instruments are celebrated each year through the organization of round tables, seminars and conferences in the localities all over the country. These events which receive wide media coverage contribute to the promotion of the culture of human rights in the judicial environment, among magistrates and court clerks of all grades.

With regard to court officers, notably judicial police officers, the same approach has been scrupulously observed; emphasis has been put on the training of these personnel placed under the guidance, control and supervision of the magistrates at the public prosecutor's office and investigation.

Several modules are contained in the training programme provided to them:

- Fundamental freedoms (rights of freedom of movement, freedom of conviction, the right to vote and demonstration...),
- Economic, social and cultural freedoms (the right to housing, to work, to information ...),
- Legal guarantees before the judicial police and justice (control of police custody, remand, assistance by a counsel...).

Article 26:

Independence of the courts and establishment and improvement of national institutions for the promotion and protection of rights and freedoms

423. The independence of the courts (courts and tribunals) is guaranteed by the Constitution which devotes several articles to the judiciary and establishes its independence.

424. The judicial authority shall be independent; it shall protect society and freedoms. It shall guarantee to everyone the protection of their fundamental rights.

425. Article 147 of the Constitution provides that "the judge shall obey only the law" and Article 148 protects the judge against all forms of pressure, interventions or manoeuvres of any nature that could be harmful to the accomplishment of his mission or to the respect of his free judgment.

426. The judge shall be responsible to the High Council of the Judiciary in the forms determined by statute for the manner in which he performs his mission.

427. The independence of judges is enshrined by guarantees offered by the statute in the exercise of their powers which are mainly non-removability, incompatibilities and responsibility as well as the right to organize which have been instituted both in the interest of the judge and the citizen going to court.

428. To guarantee the independence of the judiciary, the lawmaker established a legal framework comprising two organic laws promulgated in 2004; one relates to the status of judges, and the other to the organisation, the remit and the functioning of the High Council of the Judiciary.

429. The High Council of the Judiciary which comprises the following persons is chaired by the President of the Republic:

- The Minister of Justice, Vice Chair;
- The first President of the Supreme Court;
- The Chief Prosecutor of the Supreme Court;
- Ten judges elected by their peers;
- Six personalities selected by the President of the Republic based on their competence.

430. In order to hold valid deliberations, the High Council of the Judiciary (CSM) shall have at least two-thirds majority of its members present.

431. The decisions of the CSM shall be declared by majority votes. In the event of a tie, the President has casting vote.

432. The CSM enjoys financial independence.

433. The CSM is competent in matters of appointments, promotions, transfers and discipline of judges.

434. A National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH) was established by the President of the Republic on 9 October 2001. It is composed of 44 members including 16 women from civil society; it is founded on the principle of sociological and institutional pluralism. The CNCPPDH is regulated by Ordinance No. 09-04 of 27/07/2009.

435. The Commission is an advisory body on respect for human rights with monitoring, early warning and evaluation functions; it is an independent institution responsible for considering situations of human rights violations identified or brought to its attention and for taking any appropriate actions, raising awareness and carrying out social communication and information advocacy campaigns towards the promotion of human rights including providing advisory opinions on national legislation towards its improvement. Similarly, it is incumbent upon it to:

- promote research, education and teaching of human rights in all cycles of education and in socio-professional circles;
- consider and provide advice and recommendations, where necessary on national legislation and regulation for their improvement;
- contribute to reports that the State must present to the United Nations bodies and committees and regional institutions in accordance with these international commitments;
- develop cooperation in the area of human rights, particularly with United Nations Organs, regional mechanisms and NHRIs as well as with other countries and national and international NGOs;
- ensure mediation activities as part of its mandate in order to improve relations between public authorities and citizens.

436. The Commission prepares an annual report on the human rights situation which it presents to the President of the Republic. This report is made public. The Commission can also submit proposals, specific or thematic reports to improve the promotion and protection of human rights.

Article 27:

Exercise of rights and freedoms with due regard to the rights of others, collective security, morality and common interest

437. Rights and freedoms shall be exercised in accordance with the Constitution and the law. The exercise of rights and freedoms shall not in any way violate the rights of other persons, the collective security, morality and the common interest. Several legislative texts supported by regulatory texts govern the exercise of these rights and freedoms, determine their legal regime and lay down the sanctions applicable in the event of violation of the rights of others or against the inherent requirements transgressing the collective security, morality and the common interest. For example, this is applicable to the fundamental codes: (civil code, commercial code, family code, criminal code...); specific laws (law on information, law on public meetings and demonstrations, law governing elections, law on political parties, law governing the practice of religion other than Islam ...).

738. Furthermore, for the citizen, the obligation to exercise and enjoy these rights and freedoms, while respecting the rights and freedoms of others is enshrined in Article 63 of the Constitution, which stipulates that "All the rights which a person enjoys shall be exercised in a manner which is respectful of the rights conferred by the Constitution on others, in particular by the right to honour, to the intimacy and the protection of the family, of youth and childhood".

439. In this respect, the State of Algeria, by means of its judicial authority and security agencies ensures the respect of this obligation, and consequently of the security of persons, property and of the national community and the guarantee of the exercise of public freedoms. The intervention by the State in this area is exercised in compliance with the law, according to the laws and regulations in the Republic, in particular with the provisions of the Criminal Procedure Code under the supervision of the magistrates at the Public Prosecutor's Office.

440. While ensuring that this Constitutional requirement is complied with by every citizen, the State serves as a regulator by guaranteeing and protecting these rights and public freedoms by initiating the procedures and mechanisms put in place by the lawmaker, according to the provisions set forth by the relevant legislation including international Conventions and Treaties signed and ratified by Algeria.

Articles 28 and 29:

Other individual duties

Harmonious Development of the Family

441. The family, from the point of view of its harmonious development, social cohesion and respect, has been given special attention by the lawmaker, the public authorities and civil society. The Algerian lawmaker has devoted several legal provisions to the family. They include, inter alia: some basic provisions contained in the civil code (capacity, full age of adulthood, ...) and the civil and administrative procedure code (the institution of a section of family affairs to each court: Section 423 et seq.); of the family code containing the provisions relating to guardianship, the right of custody (or hadana), divorce (Law No. 84-11 of 9 June 1984, as amended and supplemented; Ordinance No. 70-86 of 15 December 1970 concerning the Algerian nationality Code, as amended and supplemented, which henceforth allows the woman to grant Algerian nationality to her children.

442. The public authorities, conscious of the importance of the family unit in society, have for the first time since independence, instituted the position of a Minister Delegate in charge of Family and Women's Affairs.

443. Civil society shows concern for family and women's issues in general and for the rights of children, an area where several national associations have been actively involved. The protection of women and children and assistance to parents are the key pillars of family policy in Algeria.

Protection of women:

444. Algerian women have achieved significant feats since independence, particularly in areas such as the economy, knowledge, medicine, education and justice. The proof is that they have become an unavoidable part of the political landscape and popular representation and their protection is ensured based on:

- National Constitution:

The Constitution subjects the woman to obligations arising from citizenship without any discrimination whatsoever. It protects her rights and subjects her to the same obligations;

- International instruments:

445. Algeria has ratified a number of international instruments concerning women, in particular the United Nations Convention on the Elimination of all Forms of Discrimination against Women and the United Nations Convention on the Political Rights of Women;

- National laws and regulations:

446. The legal and regulatory provisions concerning women are also many and are enshrined in the family and nationality codes...etc. Furthermore, Algeria grants parity to women just in the same way as men in the area of remuneration; equal work for equal pay.

Child Protection:

447. The child enjoys a large amount of protection in the Algerian judicial system as a subject of law and as an actor in the judicial process, as an author or victim of the breach of the Criminal Code. The child is a subject of law:

- National Constitution:

448. The Constitution provides that "the Statute shall uphold the rights of parents with regard to the education and protection of their children..." (Article 65).

449. The Constitution sets forth the principle of the protection of the family and childhood, with the understanding that the exercise of the liberties of every person shall be exercised with due regard for the rights conferred on others, in particular, of the right to honour, to the intimacy and the protection of the family, of youth and childhood (Article 63). In case the parents fail to do so, the protection of the children shall fall on the judge of minors.

450. Once the child is born alive and viable, he/she becomes a subject of full rights with a special protection until he/she attains the age of criminal responsibility first, then civil responsibility later.

- **National laws and regulations: In the Civil Code:**

451. Personality starts at the birth of a living child and ends upon death (Section 25). The child shall have a name and one or several first names. The name of a man shall be extended to his children (Section 28).

Nationality Code:

452. A child born to an Algerian father and Algerian mother shall be considered as an Algerian (Section 6). Under Section 7, Algerian nationality is acquired by birth in Algeria. A child born in Algeria to unknown parents shall have Algerian nationality.

453. However, a child born in Algeria to unknown parents shall be deemed not to have been Algerian if, as a minor, the person's filiation with a foreign national is established, and if in accordance with the national law of this foreign national, the child has the latter's nationality. A new-born child found in Algeria is presumed to be born in Algeria until evidence to the contrary. A child born in Algeria to an unknown father and a mother whose name alone appears on the birth certificate without any indication to prove the nationality of the latter.

Family Code:

454. According to Section 75, the father shall provide for the upkeep of his child unless he does not have the resources. For the male children, their maintenance shall be up to the time they attain the age of responsibility and for girls up to the time marriage is consummated. The father shall continue to be subjected to this obligation if the child is physically or mentally handicapped or if he is still in school. The obligation ceases immediately the child is able to meet his own needs.

455. Furthermore, any person who is completely or partially incapacitated as a result of his young age, insanity or feeble-mindedness or frugality shall be legally represented by a legal guardian in accordance with the provisions of this Statute (Section 81).

456. The law protects the child in carrying out his actions. As he has not attained the age of responsibility because of his youthfulness, the actions of the child pursuant to Section 42 of the Civil Code shall be void (Section 82). When he attains the age of discernment, without being an adult in the sense of Section 43 of the Civil Code, the actions of the child shall be valid in the case where the actions are beneficial to him and invalid where they are detrimental to him (Section 83).

457. However, the father shall be the guardian of his minor children. On his demise, the exercise of guardianship automatically falls on the mother as of right⁴⁵. Furthermore, the mother replaces the father in fulfilling all urgent needs of the children in case the latter is absent or prevented from doing so. In case of divorce, the judge commits the exercise of guardianship to the parent to whom the custody of the children has been entrusted. The minor child under guardianship shall be protected in the management of his heritage through clear provisions that will make the judge intervene to obtain prior authorisation. That is how the person exercising the guardianship must manage the possessions of his ward in the best interest of the latter. He is responsible for the common law rules and must seek the authorization of the judge for the following actions:

- sale, sharing, mortgaging of real property and related transaction;
 - sale of moveable property of a specific value;
 - commitment of the capital of the minor as loan, borrowing or shareholding
- decision;
- rental of immoveable property of the minor for a period in excess of three years or exceeding his age of discernment by one year.

⁴⁵ Section 87 amended by Ordinance No. 05-02 of 27/02/2005

458. The authorization of the judge shall not be necessary where the minor under guardianship benefits from an act which enriches his property.

459. Finally, the minor placed under a guardian cannot be compelled to go into marriage and cannot be married without his consent; as consent is a constituent element of marriage. The ascendants (father and mother) are also part of the family unit as long as they live under the roof of the head of the family. If they live under their own roof, the ascendants benefit from maintenance obligation put on their dependent son pursuant to Section 77 et seq. of the family code.

460. Maintenance shall be in the form of providing food, clothing, medical care, housing or rent and any other thing that may be necessary according to customs and practices. Failure to pay alimony due the ascendants will expose the person to sanctions set forth in Section 330 of the Criminal Code. The Algerian legislation protects the child when he is a victim of a criminal offence and when he is the author.

461. Child victim of a criminal offence: Ordinance No. 66-156 of 8 June 1966, as amended and supplemented, on the Criminal Code provides for and sanctions offences which violate the physical or moral integrity of the child irrespective of his gender.

462. Sentences of detention or imprisonment are aggravated where the victim is a child of either gender. The competent courts judge perpetrators of such crimes more severely for committing such acts. The age of the victim is a determining factor; it sometimes is a constituent element of the offence and sometimes aggravating circumstances.

463. Other legislative texts take care of certain aspects of the protection of children who fall victim to such offences. They include Ordinance No.72-03 of 10 February 1972 on the protection of childhood and adolescence and Ordinance No. 75-64 of 26 September 1975 establishing centres and institutions for the protection of childhood.

464. Child perpetrator of the criminal offence: The judicial procedure applicable to minors is governed by the provisions of the Criminal Procedure Code contained in book III (rules governing juvenile delinquency). These rules contribute to the objective of protecting childhood and they take into account the concern for their reform.

In the Criminal Procedure Code:

465. Section 442 fixes the criminal age of discernment at over 18 years. Section 443 stipulates that the age to be retained for the determination of criminal responsibility is that of the delinquent on the day of the offence. Section 444 establishes the principle that in matters of crime or offences, the minor aged 18 years can be subjected to only one or several of the following protective or reform measures:

- returning the child to his parents, guardian or a trustworthy person;
- enforcing the option of releasing the child on probation;
- placing the child in an institution or a public or private educational establishment or vocational institution competent in such matters;
- placing the child in a medical or medico-pedagogical institution competent in such matters; placement in the care of a public agency to provide assistance;
- placing the child in a boarding institution capable of receiving delinquent minors of schooling age.

466. However, a minor of more than 13 years may also be placed in a public educational institution responsible for supervision and reform. Section 456 provides that a delinquent who is not more than 13 years of age cannot even temporarily be placed in a penitentiary institution. The delinquent person of between thirteen and eighteen years can be placed provisionally in a penitentiary institution only where such a measure seems indispensable or if it is impossible to take any other decision. In this case, the minor is kept in a special ward or failing that, in a special premise. As much as possible, he is subjected to solitary confinement at night.

467. Section 465 stipulates that in the event of a crime or offence, where the minor has co-perpetrators or main accomplices and that the investigating judge has made all of them aware; he sends the latter to a competent common law court. He separates the minor's case and sends it to the juvenile court.

468. The publication, through the same procedures, of any text, any illustration concerning the identity and the personality of delinquent minors is also prohibited (Section 477) subject to criminal sanctions. The judgment may be published but without the name of the minor or even his initials.

In the criminal code:

469. Section 49 stipulates that "a minor of 13 years can be subjected to only protective measures and reform." However, in case of any breaches, he shall be liable to only a warning. The minor of between 13 to 18 years may be subjected to protective measures or reform, or reduced sentences. Where a minor of between 13 and 18 years is to be sentenced for any criminal offence, the sentences pronounced shall be as follows:

- if the sentence entails a death sentence or life imprisonment, he shall be sentenced to between 10 and 20 years imprisonment;
- if the sentence entails life imprisonment or a term of imprisonment, he shall be sentenced to a term of imprisonment equal to half of the term for which he should have been sentenced or to a fine.

470. Section 51- In the area of a breach, the minor of between 13 and 18 years shall be liable to a warning or punishable by a fine or warning or a sentence by means of a pecuniary fine.

Specific legislative texts:

471. The rules applicable to the treatment of children deprived of their liberty are governed by the following texts:

- Law No. 05-04 of 6 February 2005 on the code on the organisation of prisons and the social reintegration of prisoners.
- Ordinance No. 75-64 of 26 September 1975 published in Official Gazette No. 81 on the establishment of institutions and agencies responsible for the protection of early childhood and adolescence.

472. These institutions and agencies are divided into four (4) categories. They mainly supervise the health of minors, their education, work and good employment and their leisure. The multi-purpose centres for youth protection (CPSJ) are a group of centres and departments grouped into (CSR, CSP, and SOEMO) a single institution:

- specialized reform centres (CSR) which are meant to receive minors of less than eighteen years who have committed an offence and need proper care.
- specialized protection centres (CSP) which are designed to receive minors in danger and who can be victims of an offence, in particular of sexual nature. They have the same services as the specialized reform centres (CSR).
- open air observation and education centres (SOEMO) are agencies operating like day institutions which cater for children undergoing supervised liberty (on parole); these children are young delinquents in moral danger or in a socially maladjusted environment.

- The SOEMO's are responsible for ensuring good material and moral conditions of life for minors who are entrusted to them, while maintaining these minors in their normal living environments.

Other duties:

473. Article 61: "Every citizen has the duty to protect and safeguard the independence of the country, its sovereignty and the integrity of its national territory, as well as all the attributes of the State. Treason, espionage, defection to the enemy, including all offences committed against the security of the State shall be punished with all the rigor of the law".

474. Article 62: "Every citizen must loyally discharge his/her obligations toward the national community. The dedication of the citizen to his fatherland and the obligation to contribute to its defence shall be sacred and permanent duties ..."

475. Indeed, the citizen is called upon to fulfil a number of obligations to the national community and also to the achievement and promotion of African Unity and this should be done by refraining from certain behaviours or attitudes likely to compromise the security of African States where he is a citizen or resident.

476. The third paragraph of Article 29 of the African Charter on Human and Peoples' Rights raises the issue of the obligation of loyalty of the individual to his country or African State in which he/she resides. Loyalty is presented by the fact that the individual must refrain from any behaviour, attitude or hostile act likely to violate or compromise the internal security of African States.

477. In this context, the State intervenes, through its security agencies mainly in two (02) separate ways, namely:

478. In the area of national security in general, through the role assigned to the national mechanism and its security mandates which it exercises in accordance with the laws and regulations of the Republic and the operational organizations of its security agencies.

479. The role of controlling the crossing of the borders and the monitoring of the administrative situation of foreigners transiting or staying in the national territory and also through the organization of the fight against clandestine immigration networks and groups and against activities related to transnational organized crime.

EFFORTS MADE BY ALGERIA IN THE TRAINING OF POLICE OFFICERS FROM AFRICAN COUNTRIES

480. In the first place, it should be recalled that human rights are taught in police institutes and specialized training centres of National Security for personnel of all grades and levels.

481. In the area of efforts made by Algeria in the training of police officers from African countries, it should be underscored that Algeria has provided (19) training sessions for one hundred and ninety-four (194) African auditors in various police disciplines and specialized areas.

**CONCLUSIONS OF THE WORK OF JOINT
BORDER COMMISSIONS WITH AFRICAN COUNTRIES
ON THE ISSUE OF HUMAN RIGHTS**

482. In the area of actions towards cooperation with neighbouring African countries, Algeria has, in collaboration with neighbouring African countries, established Bilateral Border Commissions.

483. Issues relating to human rights are considered during sessions of the Bilateral Border Commissions, the resultant effect of which has been the constant improvement in the various aspects, particularly:

484. Treatment meted out to passengers at the border posts is carried out as part of the implementation of the relevant border regulations without any distinction as to race or others.

485. Facilitation of the movement of persons and goods.

486. At the transit centres, health care is provided including boarding and transportation for persons who face expulsion or removal from the national territory in compliance with international principles and standards as contained in human rights Conventions and Treaties.

487. Implementation of decisions by the public authorities regarding the humanitarian management of foreigners of various nationalities, particularly African nationals fleeing from their countries as a result of armed conflict or natural disasters.

488. The organisation of airlifting of many African nationals who are in irregular situation back to their countries of origin during repatriation operations at the expense of Algeria on humanitarian grounds is done in collaboration with their accredited diplomatic representatives in Algeria.

POSTING OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON NOTICE BOARDS AT POLICE STATIONS

489. An ad hoc Working Group has been put in place to re-consider the nomenclature of relevant related notices and standards in all police departments (Central and Regional Administrative Offices, Police Stations) with particular reference to slogans adopted by the Institution.

Conclusion:

By ratifying the Charter, Algeria confirmed its determination to actively participate in the development of the regional human and peoples' rights protection and promotion system, the essence of which is to meet the expectations and concerns of African peoples by looking at the realities of the Continent.

It is working towards the implementation of the provisions by harmonizing its domestic legislation and its compliance with the African Charter by supporting the adaptation of the legislative and regulatory instruments through relevant actions and measures on the ground, both in the area of promotion and protection.

Regarding promotion, all the relevant sectors and the National Human Rights Promotion and Protection Advisory Committee ensure the dissemination of the provisions of the Charter.

Regarding protection, the Algerian legislation and the measures derived from it, have constantly broadened the space for effective enjoyment of human and peoples' rights.

It is in the spirit of the full accession to the Charter that this report has been prepared. Its presentation is the result of the determination of the Algerian Government to develop its cooperation with the Commission and to provide any additional information or response to questions that the latter may deem necessary to ask.

ANNEX:

Algeria and the nine main international human rights instruments

Description	Acronym	Adoption (A) and entry into force (EF)	Date of ratification by Algeria and reference in the Official Gazette	Reservations (R) and Interpretative Declarations (ID)
International Covenant on Economic, Social and Cultural Rights	ICESCR	A : 16-12-1966 EF: 03-01-1976	12-09-1989 Presidential Decree No. 89-67 of 16-05-1989 Gazette No. 20 of 17-05-1989	ID: art 1§3, art 8, art 13§3-4 and article 23§4
International Covenant on Civil and Political Rights	ICCPR	A : 16-12-1966 EF: 23-03-1976	16-05-1989 Gazette No. 20 of 17-05-1989	ID: art 1, art 22 and art 23§4
International Convention on the Elimination of All Forms of Racial Discrimination	CERD	A : 07-03-1966 EF: 04-01-1969	14-02-1972 Ordonnance n°66-348 of 15-12-1966 Official Gazette No. 110 of 30-12-1966	---
Convention on the Elimination of all Forms of Discrimination against Women	CEDAW	A : 18-12-1979 EF: 03-09-1981	22-05-1996 Presidential Decree No. 96-51 of 22-01-1996 Official Gazette No. 06 of 24-01-1996	R : art 2, art 15§4, art 16, art 29§1
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	CAT	A : 10-12-1984 EF: 26-06-1987	12-09-1989 Presidential Decree No. 89-66 of 16-05-1989 Official Gazette No. 20 of 17-05-1989	---
Convention on the Rights of the Child	CRC	A : 20-11-1989 EF: 02-09-1990	16-04-1993 Presidential Decree No. 92-461 of 19-12-1992 Official Gazette No. 91 of 23-12-1992	DI : art 14§1-2, art 13, art 16, art 17
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	ICRMW	A : 18-12-1990 EF: 01-07-2003	21-04-2005 Presidential Decree No. 04-441 of 29-12-2004 Official Gazette No. 2 of 05-01-2005	R : art 92§1
International Convention on the Rights of Persons with Disabilities	ICRPD	A : 13-12-2006 EF: 03-05-2008	04-12-2009 Presidential Decree No. 09-188 of 12-05-2009 Official Gazette No. 33 of 31-05-2009	---
International Convention for the Protection of All Persons from Enforced Disappearance*		A : 20-12-2006 EF: 23-12-2010	Signed by Algeria on 06-02-2007.	

* This Convention has not yet been ratified by Algeria

**Optional Protocols to the Universal Declaration of Human Rights ratified by
Algeria**

Description	Acronym	Adoption (A) and Entry into Force (EF)	Date of Ratification by Algeria and reference in the Official Gazette
Optional Protocol to the International Covenant on Civil and Political Rights	ICCPR-OP1	A : 16-12-1966 EF : 23-03-1976	12-09-1989 (accession) Presidential Decree No. 89-67 of 16-05-1989 Official Gazette No. 20 of 17-05-1989
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts	OP-CRC-AC	A : 25-05-2000 EF : 12-02-2002	06-05-2009 (accession) Presidential Decree No. 06-300 of 02-05-2009 Official Gazette No. 55 of 06-09-2006
Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	OP-CRC-SC	A : 25-05-2000 EF : 18-01-2002	27-12-2006 (accession) Presidential Decree No. 06-299 of 02-09-2006 Official Gazette No. 55 of 06-09-2006
Optional Protocol to the Convention on the Rights of Persons with Disabilities	OP-CRPD	A : 13-12-2006 EF : 03-05-2008	Signed by Algeria on 30-03-2007

Regional Human Rights Instruments ratified by Algeria

Description	Adoption (A) and Entry into Force (EF)	Date of Ratification by Algeria and reference in the Official Gazette
African Charter on Human and Peoples' Rights (ACHPR)	A : June 1981 EF : 21-10-1986	20 March 1987 Presidential D e c r e e No. -37 of 03-02-1987 Official Gazette No. 06 of 04-02-1987
African Charter on the Rights and Welfare of the Child	A : July 1990 EF : 29-11-1999	24 September 2003 Presidential D e c r e e No. 03-242 of 08-07-2003 Official Gazette No. 41 of 09-07-2003
Additional Protocol to the ACHPR Establishing the African Court on Human and Peoples' Rights	A : 10-06-1998 EF : 15-01-2004	03 June 2003 Presidential D e c r e e No. 03-90 of 3-03-2003 Official Gazette No. 15 of 05-03-2003
Additional Protocol to the ACHPR on the Rights of Women	A : 11-07-2003 EF : ---	Signed on 29 December 2003
Arab Charter on Human Rights	A : 23-05-2004 EF : 16-03-2008	11 June 2006 Presidential D e c r e e No. 06-62 of 11-02-2006 Official Gazette No. 15-02-2006

**Other International and Regional Human Rights Conventions ratified by
Algeria**

Convention	Adoption (A) and Entry into Force (EF)	Date of Ratification by Algeria and reference in the Official Gazette
International Convention on the Suppression of the Crime of Apartheid	A : 1973 EF : 18.07.76	05.12.1981 Off. Gazette No. 1 of 05.01.1982
UNESCO Convention against Discrimination in Education	A : 1960 EF: 22.05.62	15.10.1968 Off. Gazette No. 87 of 29.10.1968
ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation	A : 1958 EF: 15.06.60	22.05.1969 Off. Gazette No. 49 of 06.06.1969
International Convention against Apartheid in Sports	A : 1985 EF: 03.04.88	03.05.1988 Off. Gazette No. 18 of 04.05.1988
Convention on Prevention and Punishment of the Crime of Genocide	A : 1948 EF : 12.01.51	11.09.1963 Off. Gazette No. 66 of 14.09.1963
Convention of the Organisation of African Unity on the Elimination of Mercenaries in Africa	A : 1977	06.06.2007 Off. Gazette No. 39 of 13.06.2007
Convention on the Political Rights of Women	A : 20.12.52 E.F : 07.07.54	19.04.2004 Off. Gazette No. 26 of 25.04.04
ILO Convention No. 182 on the Prohibition of the Worst Forms of Child Labour and the Immediate Action for Their Elimination	A : 17.06.1999	28.11.2000 Off. Gazette No. 73 of 03.12.2000
Convention establishing the Organisation of the Arab Union	A : 14.02.2002	16.02.2003 Off. Gazette No. 12 of 23.02.2003
Convention on the Status of Refugees	A : 1951 EF : 22.04.54	25.07.1963 Off. Gazette No. 105 of 1963
O.A.U. Convention Governing the Specific Aspects of Refugee Problems in Africa	A : 1969 EF : 20.06.74	25.07.1973 Off. Gazette No. 68 of 24.08.1973
Convention on the Status of Stateless Persons	A: 1954 EF : 06.06.60	08.06.1964 Off. Gazette No. 57 of 14.07.1964
The Slavery Convention of 1926 as amended by the Protocol of 07 December 1953	EF : 07.07.55	11.09.1963 Off. Gazette No. 66 of 14.09.1963
Supplementary Convention of the Abolition of Slavery, Slave Trade, and Institutions and Practices similar to Slavery	A : 1956 EF : 30.04.57	11.09.1963 Off. Gazette No. 66 of 14.09.1963
Convention for the Suppression of Trafficking in Persons, and of the Exploitation and Prostitution of Others	A : 1949 EF : 25.05.51	11.09.1963 Off. Gazette No. 66 of 14.09.1963

ILO Convention No. 105 on the Abolition of Forced Labour	A: 1957 EV : 17.01.59	22.05.1969 Off. Gazette No. 49 of 06.06.1969
Additional Protocol to the United Nations Convention against Transnational Organized Crime and its Optional Protocol to Prevent, Suppress and Punish Trafficking In Persons, in particular Women and Children	A : 15.11.2000	09.11.2003
United Nations Convention against Transnational Organized Crime	A : 15.11.2000	05.02.2002 No. 09 of 10.02.2002

Protocol against Illicit Trafficking of Migrants by Land, Air and Sea Additional to the Convention against Transnational Organized Crime	A : 15.11.2000	09.11.2003 O.G. No. 69 of 12.11.2003
Arab Convention on the Suppression of Terrorism	A: 22.04.1998	07.12.1998 O.G. No. 93 of 13.12.1998
OAU Convention on the Prevention and Combating of Terrorism	A : 14.07.1999	09.04.2000 O.G. N°30 of 28.05.2000
OAU Protocol to the Convention on the Prevention and Combating Terrorism	A : 08.07.2004	06.06.2007 O.G. No. 39 of 13.06.2007
Convention of the Islamic Conference Organisation on Combating International Terrorism	A : 01.07.1999	23.09.2007 O.G. No.60 of 26.09.2007

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