



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Eighty-second session

Summary record of the 2210th meeting

Held at the Palais Wilson, Geneva, on Thursday, 14 February 2013, at 10 a.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)

Fifteenth to nineteenth periodic reports of Algeria (continued) (CERD/C/DZA/15-19 and CERD/C/DZA/Q/15-19)

1. *At the invitation of the Chairperson, the delegation of Algeria took places at the Committee table.*
2. **Mr. Hamed** (Algeria) said that article 4 of the Convention had not been enacted in the Criminal Code, but that the acts referred to therein, such as the dissemination of ideas based on racial discrimination or hatred, were punished under the criminal provisions governing offences against the person. An enactment in extenso of article 4 could be carried out, however, as part of the reform of the justice system currently under way.
3. As a result of the revision of the Nationality Code in February 2005, a child born to an Algerian mother automatically acquired Algerian nationality. Nationality could also be transmitted by marriage regardless of the spouse's nationality of origin. Courses on human rights and public freedoms were taught to students of the Judicial Academy, and, once they had taken office, judges, like police officers, attended skills development courses under the EuroMed Justice project set up in partnership with other countries, including France and Belgium. International and regional human rights instruments were available on the Ministry of Justice website.
4. **Ms. Driss** (Algeria) said that non-nationals in a regular situation with insufficient resources were entitled to free legal aid, which was also offered as a matter of law to victims of trafficking and smuggling of migrants without any conditions regarding their resources or residency. The *cautio judicatum solvi* had been removed from the Code of Civil and Administrative Procedure enacted in 2008. Legislation also provided for recourse to interpretation services (including into sign language, if needed) when required during civil, administrative, contentious, non-contentious or criminal proceedings. Lastly, civil servants were not required to belong to the Islamic faith.
5. **Mr. Akretche** (Algeria) said that Algeria, once a transit country for immigrants in an irregular situation, had become a country of destination and settlement for such immigrants as a result of the entry into force of the Schengen Agreement and the economic upturn the country had been experiencing for the past decade. The State had therefore established a system to combat and prevent illegal immigration while taking into account the related human and security aspects. Illegal immigrants had access to free health care on an equal footing with Algerians and could enrol their children in school, provided that the children had been reported to the civil registry. Illegal migrants were particularly vulnerable and were easy prey for transnational organized crime networks, or even terrorist networks. The Algerian Government therefore arranged for the repatriation of those migrants in collaboration with the authorities of their country of origin and had established a framework for cross-border cooperation with all neighbouring countries to exchange information on population flows.
6. In an effort to combat money laundering and the transfer of funds to finance terrorism, on 12 January 2012 Algeria had adopted the Organization Act on Associations, which prohibited all associations from receiving funds from foreign NGOs without prior authorization from the competent authority. The same transparency regarding the origin of funds was also required of foreign NGOs that had obtained the right to operate in Algeria. It should be noted that the 2012 Organization Act provided for a partnership mechanism between Algerian and foreign NGOs to facilitate the transfer of funds and make it easier for foreign NGOs to operate in Algeria.

7. Algeria did not collect statistical data disaggregated by ethnic group because, during the country's 132 years under colonial rule, national cohesion had been threatened by attempts to divide its population along ethnic lines. Accordingly, after independence Algeria had made a strategic choice to strengthen its national identity, which was made up of Arab, Muslim and Amazigh identity. The public authorities were sparing no effort to promote and protect the country's cultural heritage, and the delegation was not aware of any acts of discrimination carried out against persons who wore traditional clothing.

8. **Mr. Saadi** (Algeria) said that Africa Day was celebrated every year on 25 May, the anniversary of the establishment of the African Union. Cultural events and debates on the challenges facing Africa were organized on that occasion. Civil society drew the public authorities' attention to the problems facing citizens and had been consulted at all stages of preparing the State party's report. The Office of the United Nations High Commissioner for Refugees (UNHCR) was responsible for Saharan refugees, who had been living in the Tindouf camp since 1975, and a census of that group should be conducted under the auspices of the United Nations Mission for the Referendum in Western Sahara (MINURSO). He hoped that the Committee would pay more attention to the tragic situation of the Saharan people.

9. The Government of Algeria took care of persons who had fled northern Mali and taken refuge in the Timiaouine camp in the Adrar *wilaya* (governorate). UNHCR had commended the Government for its efforts in cooperation with the Algerian Red Crescent to address the public health emergency and secure the area. About 1,000 Malian refugees had been taken in by relatives in Algeria, in keeping with the long-standing tradition by which families with members living on both sides of the border offered hospitality in times of trouble.

10. The rights of other sub-Saharan refugees were protected without discrimination. Those who believed they had been wronged could file a complaint with the Bureau for the Protection of Refugees and Exiles of the Ministry of Foreign Affairs. Algeria was currently reforming its legislation on refugees in collaboration with UNHCR and the International Organization for Migration (IOM). UNHCR was currently examining allegations of ill-treatment of sub-Saharan refugees.

11. **Ms. Abed** (Algeria) explained that the National Advisory Commission for the Promotion and Protection of Human Rights, which had a mandate to promote a human rights culture and to protect the most vulnerable groups of people, such as persons with disabilities, migrants and women victims of violence, had lost its "A" accreditation status issued by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. A new bill that would bring the Commission's statutes into line with the Paris Principles had been submitted in January 2013 to the Secretariat-General of the Government and should enable the Commission to recover its "A" status.

12. **Mr. Chebihi** (Algeria) said that Algeria had carried out a comprehensive institutional reform with the aims of better distributing wealth throughout the country, reviving the economy and encouraging the participation of civil society in decision-making. To that end, the Government had adopted several sectoral policies on agricultural and rural renewal and environmental protection and in 2010 had enacted the Act on the Regional Planning Blueprint, which aimed to ensure better geographical distribution of economic activities. The standard of living in the country was on the increase, and Algeria had already reached three of the Millennium Development Goals, namely the first goal of eradicating extreme poverty, the second goal of achieving universal primary education, and the sixth goal of combating HIV/AIDS and other diseases. Considerable progress had also been made in reducing child mortality and improving maternal health. The five-year development programme for the period 2010–2014, to which the State had allocated the equivalent of US\$ 286 billion, should help to consolidate that progress.

13. **Mr. El Hachemi** (Algeria) said that the High Commission on Amazighness, which was responsible for promoting the Amazigh language, had two main objectives: to revive the Amazigh culture as a key aspect of national identity and to promote the teaching of the language. Its budget had steadily increased since its establishment in 1995, reaching about 118 million dinars in 2012, compared with about 41 million in 1996. The High Commission was committed to spreading Amazigh culture and literature in all *wilayas* of the country by publishing a magazine, supporting the publication of various books, organizing discussions, meetings and music and theatre festivals, and sponsoring the annual Amazigh film festival. The High Commission also compiled glossaries and other terminology resources. The creation of a television channel and several local radio stations that broadcast in the Amazigh language had also helped to raise awareness of the culture and preserve its oral heritage. There were plans to translate the Convention into the Amazigh language and to disseminate it through local associations. While Amazigh had been recognized as a national language, regulatory and legislative changes were still needed to allow its use in the civil service and in the justice and education systems. To that end, the High Commissioner had recommended the adoption of a law on the generalization of the Amazigh language and the amendment of, *inter alia*, the Code of Civil Procedure and the Information Code. The language had been taught as an elective in primary school since 1996, but its use was in decline for various reasons. However, the number of students who had earned a degree in teaching the Amazigh language and culture was very much on the increase. There was no official law prohibiting parents from giving their children Amazigh first names, but there had been a few reported cases of refusals to register such names. After contacting the relevant ministries, the High Commission had taken the initiative to approve a list of 511 Amazigh first names that it would send to its institutional partners. Complaints filed by persons who believed they had been victims of discrimination in the selection of their child's first name were properly handled.

14. **Mr. Diaconu** asked how the State party ensured the participation of civil society in activities to promote the Amazigh language and culture.

15. **Mr. Ewomsan** emphasized that the State party needed to recognize the ethnic diversity of its population, namely its Arab and Amazigh identity, in order to strengthen national unity.

16. **Mr. El Hachemi** (Algeria) said that the High Commission on Amazighness had been established in 1995 to meet the demands of the Amazigh population regarding their identity, and that members of that group had always played a very active role in the activities of the many cultural associations throughout the country. The High Commission maintained a website and was in close contact with civil society in all *wilayas*.

17. **Mr. Akretche** (Algeria) said that Algerian unity was achieved through the recognition of Arab, Muslim and Amazigh identity, and that there was no intention to promote one culture at the expense of another. A conference on local development and a national conference on civil society had been organized in 2011 to encourage dialogue among local authorities, partners in industry and local elected representatives, with the aim of identifying the obstacles that must be overcome for civil society to have a greater say in the development of public policies. The purpose of the general population census was not only to gather detailed demographic information but also to gain a better understanding of the economic and social situation in the country, so as to tailor public policy to the needs expressed by citizens from all social and ethnic backgrounds.

18. **Mr. Murillo Martínez** asked how the State party encouraged the Amazigh population to participate in public life and decision-making.

19. **Mr. Vázquez** asked what steps the State party was taking to inform the population about mechanisms for filing complaints of discrimination and what procedures NGOs had to follow to become registered. He also wished to know if it was true that sub-Saharan

refugee minors had been placed in detention and that forests in regions where Amazigh communities lived were sometimes set on fire.

20. **Mr. Delmi** (Algeria) said that his country, as a member of the African Union, was committed to promoting the rights of the African diaspora while ensuring that its members contributed to the continent's development. The public authorities endeavoured to involve the public in decision-making through local governments and elected representatives. Anyone could work in the civil service or run for public office, regardless of their ethnic or social origin. Refugees and migrants could turn to local migrant welfare societies to share their grievances and lodge complaints if they believed they had suffered discrimination. Their complaints were then forwarded to the justice system or to local offices of international organizations such as UNHCR and IOM. In any event, violations of the rights of refugees and migrants remained rare.

21. **Mr. Hamed** (Algeria) emphasized that the reason there were no complaints of racial discrimination was that the concept as defined in article 4 of the Convention had not yet been classified as an offence in the Criminal Code. Article 4 of the Convention would, however, soon be enacted in national law.

22. **Mr. Akretche** (Algeria) said that, under article 64 of the Code of Civil Status, first names must sound Algerian, but that the rule did not apply to children of parents who were not Muslim. The State protected the right of all persons to have a surname and a first name, and anyone who believed their rights had been violated in that regard could petition the courts. The 1981 decree establishing the list of Amazigh first names, which provided that the list should be updated every three years, had not really been implemented. Consequently, as part of the President's structural policy reforms, the Ministry of the Interior had taken on the task of updating the list. Like all other Algerians, Amazighs could sit the civil service examinations and, if successful, take up a post. Algerian NGOs that received foreign funding must obtain authorization to operate for reasons of transparency and security.

23. **Mr. El Hachemi** (Algeria) said that the High Commission on Amazighness carried out activities in the fields of science, culture and education to promote the Amazigh language. It had published more than 100 works in the Amazigh language, awarded many grants to cultural and scientific associations that carried out projects relating to Amazigh identity, and organized several Amazigh book fairs and film festivals. No forest had ever been set on fire to harm the interests of a particular ethnic group, but Algeria, which had been in the grip of terrorism for many years, had no choice but to target homes of terrorists wherever they might be located.

24. **Mr. de Gouttes** said that he welcomed the information that reforms had been undertaken to incorporate articles 1 and 4 of the Convention into Algerian law, and he wished to know if under current law the civil courts were competent to hear cases of discrimination on the ground of ethnicity in relation to economic, social and cultural rights. He requested further information on the bill to strengthen the National Advisory Commission for the Promotion and Protection of Human Rights. Noting that Algerian legislation prohibited the gathering of statistics on ethnicity, he said that the Committee often suggested to the many States parties who were in the same situation that they should use other information, such as data from civil registries and socioeconomic indicators on access to housing, employment and education. He wished to know whether the Algerian authorities considered that to be a feasible option. The delegation might also wish to indicate the number of Malian refugees who had fled to Algeria since the recent events in Mali. Lastly, he wished to know if the Amazighs had been consulted when preparing the list of Amazigh first names.

25. **Mr. Kemal** pointed out that the special measures provided for in article 1 of the Convention were not limited to quota policies, but instead concerned broader temporary programmes aimed at ensuring the advancement of certain racial or ethnic groups. He

wished to know if Algeria, which was rich in minerals that had greatly increased in value in recent years, had used the surplus revenue thus generated to establish a sovereign wealth fund for future generations.

26. **Mr. Delmi** (Algeria) said that the State, through the Ministry of National Solidarity, provided for the needs of the poor, particularly during natural disasters and the month of Ramadan. With regard to housing, the State financed 80 per cent of the purchase price of social housing for low-income families. Health care was provided free of charge. A sovereign wealth fund for future generations had been established using the revenues generated by the increase in the price of oil, which had risen from US\$ 35 to US\$ 100 per barrel. Before the events in Mali there had not been any Malian refugees in Algeria, only persons displaced for economic reasons, who had since returned to their country of origin. Recently, some 1,000 Malians with family in Algeria had crossed the border, and only 390 had applied for refugee status in Algeria. Since the closure of the border between Algeria and Mali, many Malians had sought asylum in Mauritania, the Niger and Burkina Faso, and Algeria had provided 528,000 tons of food as aid for refugees in those countries.

27. **Mr. El Hachemi** (Algeria) said that Amazighs had of course been consulted about the list of authorized first names, and that a working group comprising Amazigh sociologists, historians and teachers had been tasked with identifying all existing first names, digitizing them and transcribing them in the Roman and Arabic alphabets.

28. **Mr. Hamed** (Algeria) said that he did not have any information on civil actions brought by victims of discrimination, but he assured the Committee that any person subject to the jurisdiction of the courts could seek redress before the administrative and civil courts for violations of their civil and political rights or their economic, social and cultural rights.

29. **Ms. Adda** (Algeria) said that Algerian legislation and the Constitution enshrined the freedoms of thought, conscience and religion but that the Family Code, which was based on sharia law, prohibited an Algerian woman from marrying a non-Muslim.

30. **Mr. Djehlane** (Algeria) said that Amazigh was a national language and was taught in many schools as a separate subject. An inspectorate had been established to monitor the teaching of the language. A total of 61,091 students were enrolled in Amazigh classes in 1,195 schools for the 2012/13 school year. With regard to access to education for the children of refugees and stateless persons, pre-primary and primary education was compulsory and guaranteed for all school-age children. The Convention was not taught in schools as such but was covered in human rights courses.

31. **Mr. Saidou** (Country Rapporteur) said that the dialogue with the delegation of Algeria had been fruitful, frank and constructive. He highlighted positive elements, such as the Government's willingness to amend the Criminal Code to enact article 4 of the Convention in positive law and the adoption of many measures to improve implementation of the Convention since the submission of the previous report in 2009. The Committee's concluding observations would help the State party to make progress in the fight against all forms of discrimination.

32. **Mr. Delmi** (Algeria) said that the outsider's view of the Algerian situation provided by the Committee members had enabled the delegation to better identify the gaps and weaknesses in the fight against racial discrimination. The delegation would be sure to report the Committee's comments and suggestions to the competent authorities.

The meeting rose at 1.05 p.m.