



**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 2209th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 13 February 2013, at 3 p.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 3 p.m.

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

Fifteenth to nineteenth periodic reports of Algeria (CERD/C/DZA/15-19; CERD/C/DZA/Q/15-19; HRI/CORE/1/Add.127)

1. *At the invitation of the Chairperson, the Algerian delegation took places at the Committee table.*
2. **Mr. Delmi** (Algeria) said that he wished to pay tribute to the role of the Committee on the Elimination of Racial Discrimination in promoting equality regardless of origin. His country had been among the first signatories of the International Convention on the Elimination of All Forms of Racial Discrimination and he assured the Committee of his delegation's full cooperation.
3. Although the delays in the submission of the consolidated report were regrettable, the promotion and protection of human rights were of fundamental importance to his country, which had acceded to the majority of human rights instruments and would comply with its international obligations. His Government was pleased to renew its efforts to implement the Convention monitored by the Committee.
4. All the ministerial departments concerned had contributed to the report under consideration and various civil society bodies, including the National Advisory Commission for the Promotion and Protection of Human Rights and the High Commission on Amazighness and the Promotion of the Amazigh Language, had been consulted, in addition to the media and social networks.
5. His Government respected the Charter of the United Nations and the principles underlying the regional organizations, which formed the basis of its national policy, particularly with regard to apartheid and racial discrimination. It strove to promote greater justice in the international order through the right to development and had acceded to all the international instruments against discrimination and apartheid.
6. Algeria had been multicultural for millennia, and it had been possible for the different religions to coexist there since the seventh century and the advent of Islam, with its values of tolerance, solidarity and the common origin of human beings. Those values had suffered during the colonial period. The discriminatory system established during that period had been abolished following independence in 1962. The Constitution had established Islam as the official religion and Arabic as the official language. It had recognized Tamazight as a national language and the Amazigh people as African and Mediterranean elements of Algerian identity. The principle of non-discrimination was enshrined in the Constitution and legislation. All forms of discrimination were prohibited under articles 27 and 42 of the Constitution and by the Criminal Code, the Code of Criminal Procedure, the Political Parties Act and the Electoral Code, in addition to various other special codes, which established the cardinal principle of equality and thus were in conformity with the Convention.
7. Equality before the law was unrestricted and applied to nationals, non-nationals and migrant workers alike, all of whom also enjoyed equal access to health care. All children had equal access to education without discrimination and, thus, to equality of opportunity. All rights, except for political rights that were dependent upon nationality, were extended to non-nationals lawfully present in Algeria.
8. Discrimination was prohibited by law and Algerian society condemned all forms of racial or religious discrimination. No cases of racial discrimination had been recorded by the Algerian courts. Various institutions were responsible for ensuring that national law was

in accordance with Algeria's international obligations, principally the Supreme Court, the Council of State and the Constitutional Council.

9. The Algerian Nationality Code had been amended in 2005 to allow children, regardless of their country of birth, to acquire nationality from either parent; foreign nationals could be naturalized under certain conditions.

10. Article 36 of the Constitution established the inviolability of freedom of conscience and religion. All religions were treated as equal and could be practised within the framework of the law; any religious activities could be conducted with due authorization from the relevant religious and administrative authorities. Non-Muslim faith groups organized numerous activities and religious organizations received State contributions, including for the maintenance and renovation of places of worship. Moreover, the main monotheistic religious holidays had been recognized since 1963. Ordinance No. 06-03 of 28 February 2006 on conditions governing the practice of faiths other than Islam reinforced the constitutional principle and reflected the genuine will of the authorities to practise religious tolerance.

11. Algeria had always been a country of asylum and treated nationals and foreigners on the same basis, without discrimination, in accordance with the Constitution. Foreigners on Algerian soil were protected by the law. Refugees had the right to asylum, which was enshrined in the Constitution (arts. 67–69). Significant progress had been made in that regard: since 2008, refugees had been exempted from the normal rules of entry, in conformity with the international conventions ratified by Algeria. Moreover, a unit for stateless persons and refugees had been established within the Ministry of Foreign Affairs, and the Algerian Red Crescent had been designated as the agency responsible for refugee needs.

12. Algeria had been a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families since 2005. All migrant workers had benefited, including those in an irregular situation. Furthermore, as a member of the World Health Organization and the International Labour Organization, Algeria endeavoured to guarantee the fundamental rights of individuals, in particular the right to health and health care and the right to dignity and equality of migrant workers. The latter received free emergency and preventive health care, and their children had full access to education under the Education Act of 2008. All training facilities were open to migrant workers and members of their families.

13. In addition, Algeria had ratified the United Nations Convention against Transnational Organized Crime and the associated protocols, including the Trafficking in Persons Protocol. It spared no effort to contribute to the development of the African continent, and worked with other African Union countries on threats to the security and safety of African citizens and to combat trafficking in human beings through bilateral cooperation with neighbouring countries.

14. The President of the Republic had established the 44-member National Advisory Commission for the Promotion and Protection of Human Rights, based on the principle of pluralism, to monitor and evaluate the human rights situation. The Commission was an independent institution responsible for investigating human rights violations, raising public awareness of human rights and advising on possible improvements to national legislation.

15. The High Commission on Amazighness and the Promotion of the Amazigh Language, attached to the Office of the President of the Republic, had been established in 1995 to promote Amazigh culture. The High Commission actively pursued an annual programme of work that included scientific meetings relating to Amazigh identity, language and culture and published a significant number of works in Tamazight. That language was taught in Algerian schools at all levels on demand, whenever possible,

pursuant to legislation introduced in 2008. Tamazight had been integrated into the national curriculum, with its own programme and textbooks, and was evaluated in the same way as other subjects. Moreover, it was taught in three university departments. Numerous local radio stations broadcast in Tamazight throughout the country, in addition to one television channel. The High Commission organized meetings of researchers and experts on numerous aspects of Amazigh identity; since 2001, it had organized an annual Amazigh book and multimedia fair and had actively promoted the celebration of Amazigh New Year festivities.

16. In conclusion, he assured the Committee that his delegation would not merely note but act on all of its recommendations.

17. **Mr. Saidou** (Country Rapporteur) said that despite the substantial delay in submission of the consolidated periodic report, the Committee welcomed Algeria's willingness to resume its dialogue with the Committee.

18. Algeria was the largest country in Africa, the Arab world and the Mediterranean basin, and shared land borders with Tunisia, Libya, Niger, Mali, Mauritania, Western Sahara and Morocco. In 2012, the population of over 37 million was composed mainly of Berbers and Arabs, although its precise ethnic composition was difficult to discern as both groups had mixed throughout history. Some 99 per cent of the population were Muslim. Algeria had attained independence in 1962, after 37 years of colonial rule. It was a member of the United Nations, the Non-Aligned Movement, the African Union and the League of Arab States; since independence, it had become a member of the Organization of the Petroleum Exporting Countries. It had joined the Arab Maghreb Union in February 1999 and the Union for the Mediterranean in 2008. It had a rich history and had inherited a diverse culture shaped by Arab, African, European and Mediterranean influences. Arabic was the official language, while Tamazight was a national language; Islam, and its Arab and Amazigh identities, were key components of Algerian identity.

19. The Committee welcomed Algeria's consolidated periodic report, which contained information on the principal measures taken by the Algerian Government to fight racial discrimination and to implement the recommendations made by the Committee in 2001. It noted with satisfaction that the report had been drafted on the basis of the guidelines and requested further information on the main NGOs that had participated in the drafting process.

20. With reference to paragraphs 42 and 43 of the report, he said that while gathering information based on ethnicity could be viewed as divisive, it would facilitate action to combat racial discrimination if the number of those who might be treated less favourably were known. The State party should therefore consider adopting methods consistent with its willingness to combat discrimination and provide information to the Committee on ethnic composition, as requested in 2001.

21. The Committee noted that constitutional and legislative measures had been taken to combat discrimination, and appreciated the fact that Algeria had cooperated with United Nations mandate holders and special procedures and had facilitated the visits of special rapporteurs.

22. The Committee welcomed the creation of the National Advisory Commission for the Promotion and Protection of Human Rights and requested further information on measures taken by the Government to ensure that the Commission regained "A status" and obtained funding. Algeria had clearly made significant efforts to amend its national legislation in order to fight discrimination; it would also be helpful to know whether a national action plan against racial discrimination had been drafted in the light of the Committee's general recommendation No. 33 of 2009, which took into account the outcome document of the Durban Review Conference in 2009.

23. The various measures taken by the Algerian Government to fight racism and xenophobia and to promote equality of opportunities for all Algerians should be highlighted, as should article 132 of the Constitution, which gave precedence to international conventions ratified by Algeria over domestic law, and the 2001 amendments to the Criminal Code introducing increased penalties for offences with a racial dimension. The recognition of Tamazight as a national language in the constitutional review of 2002 should also be highlighted. The Committee welcomed the role that Algeria played in promoting human dignity and fighting oppression in Africa.

24. In the light of paragraphs 70–75 of the report, the Committee wished to know whether a particular domestic law on racial discrimination reproduced the language of article 1 of the Convention.

25. With regard to article 2, the Committee had noted that the principle of the equality of citizens before the law was enshrined in article 29 of the Constitution and that one of the functions of the Constitutional Council was to censure violations of equality and ensure that laws applied to foreigners were compliant with the Constitution and the international conventions ratified by Algeria. Further, it had noted that all nationals and foreigners enjoyed the same rights, with the exception of political rights. The Committee welcomed all legislative and institutional measures adopted to fight racial discrimination; at the same time, it wished to know whether the relevant provisions were widely known.

26. As to article 3, the report stated that racism and racial discrimination were foreign to Algerian society. However, racism might be the result of unintentional acts by private individuals or relate to income differences in different social groups that could have an impact on citizens because of their ethnic origin, a point that was pertinent in view of Algeria's history. However, measures needed to be taken for the sake of future generations. Were Algerian citizens aware of the struggle of their parents and grandparents?

27. In connection with article 4, the State party asserted in the report that it rejected any doctrine based on racial inferiority or superiority. However, in view of the close relationship between race and religion, the Committee would like to know what measures had been taken to avoid religious conflicts in Algeria.

28. Concerning article 5 (a), the State party had indicated in paragraph 95 of the report that there was no discrimination affecting equality before the law, and in paragraph 98 it had indicated that the previous discrimination against foreigners had been terminated by law. However, the Committee would like further information concerning allegations made by some NGOs that certain categories of persons, notably sub-Saharan migrants, did not enjoy equal treatment before the courts.

29. In connection with article 5 (b) of the Convention, the report indicated that any violation of the physical integrity of any person in Algeria, including those in an irregular situation, was prohibited by the Constitution and the national legislation, and that severe penalties were imposed on perpetrators. However, during the universal periodic review process some United Nations special rapporteurs and NGOs had reported incidents in which security and defence forces had, with impunity, used violence against some individuals on the grounds of their nationality. He asked for further information on the assistance that victims of such violence, particularly those in irregular situations, could obtain from the authorities.

30. With reference to article 5 (d) (iv) of the Convention, he asked whether a Christian Algerian man could marry a Muslim Algerian woman, and whether that happened in practice.

31. The Algerian Government had made commendable efforts to promote culture, notably the High Commission on Amazighness. The Committee would appreciate further information on the funding available to the High Commission.

32. The Committee would welcome statistics on access to housing, health care, social security and social services for migrant workers. The State party should also provide information regarding complaints filed for cases of racial discrimination. The assertion in the periodic report that no such claims had been registered with Algerian courts was not necessarily a positive sign; it could indicate rather that victims were ill-informed about their rights or feared reprisals for speaking out, that they lacked confidence in the police or that the issue of racism was not taken sufficiently seriously by the authorities.

33. The Government should translate the Convention into all languages used in Algeria and disseminate it throughout the country. The Committee would like to know whether its content was included in the national school curriculum.

34. **Mr. Ewomsan** said that the problem of racial discrimination must first be acknowledged before it could be addressed. Noting the State party's affirmation that "racism and racial discrimination are foreign to Algerian society", he asked why it had gone to the trouble of establishing the High Commission on Amazighness and recognizing Tamazight as a national language. He would like more detailed information on efforts made to combat the marginalization of Amazighs and on measures adopted to allow them to use Amazigh first names.

35. **Mr. Huang Yong'an** said that he welcomed progress made by the State party on human rights since 2001, including the introduction of human rights education in schools and the establishment of the High Commission on Amazighness. Issues regarding migrant workers, refugees and asylum seekers remained to be addressed. The State party should also update its core document.

36. **Mr. Diaconu** said that the State party should make an effort to collect disaggregated population statistics in order to facilitate policy planning. He wished to know what percentage of the population was made up of Amazighs. According to one unofficial report, they constituted a third of the population and he wondered whether the delegation could confirm that. The African Union considered the Amazighs to be an indigenous people and he would like to hear the delegation's view of that affirmation. What rights did they enjoy?

37. The Committee would like to know how many Saharans, most of whom were refugees, were living in Algeria and whether they were legally resident or considered to be in an irregular situation. It would also like to have more information regarding refugees in the south of the country.

38. According to reports before the Committee, only 2.15 per cent of Amazighs received education in their mother tongue. Could the delegation comment on that assertion? He asked what the process was for requesting that Tamazight be taught in schools. Were there any Amazigh associations that were in a position to lobby the authorities on issues relating to Amazigh culture and language?

39. He considered that the State party needed to include a definition of racial discrimination in its domestic law and expressed doubt that provisions on defamation in the Criminal Code adequately reflected the requirements of article 4 of the Convention.

40. Noting that the State party had suffered greatly from acts of terrorism, but that such acts did not justify the violation of human rights, he asked whether it was possible that no acts of racial discrimination had been committed during or in the wake of violent episodes in Kabylia in 2001, 2004 and 2008. It appeared that members of the security forces had committed such acts against the local population in 2001, but none had been prosecuted. He

wished to know whether the people of areas in Kabylia affected by deliberate deforestation, which was carried out as an anti-terrorism measure, received compensation.

41. He asked whether it was true that migrant workers living in an irregular situation in the south of the country had difficulty accessing health and education services, and whether the State party would act on recommendations made during the universal periodic review that it should improve equality of access to those services.

42. **Mr. Calí Tzay** said that he would like to know whether the poor treatment apparently reserved for Saharans living in the territory of the State party was a matter of Government policy or the result of decisions taken at the local level. He was concerned that Algerian women married to persons from sub-Saharan Africa were not allowed to transmit their nationality to their offspring. According to reports before the Committee, persons from sub-Saharan Africa were frequently subjected to house searches and otherwise harassed. Was the State party considering elevating Tamazight to the status of an official language?

43. **Mr. de Gouttes** said that the Committee welcomed the declaration by the State party in accordance with article 14 of the Convention. A number of recommendations made by the Committee to the State party in its concluding observations of 2001 (CERD/C/304/Add.113) had still not been implemented. The State party should therefore provide disaggregated population statistics and include a provision in the Criminal Code in conformity with article 4 of the Convention.

44. He would like to know the current status of the draft legislation designed to bring the National Advisory Commission for the Promotion and Protection of Human Rights fully into line with the Paris Principles. The role of the High Commission on Amazighness needed to be strengthened. Lastly, he asked what measures had been taken to protect refugees and asylum seekers, in particular those from Mali and Libya.

45. **Mr. Lindgren Alves** said that he did not agree with other members of the Committee on the importance of gathering statistics. The essential point was that the State party should take meaningful steps to give the appropriate status to Amazigh culture and it appeared from the periodic report that progress, including numerous legislative changes, had been made in that regard. He would like the Government of the State party to take a more active role in combating the widespread problems of incest and rape. He asked whether Algeria was a secular State. It appeared that Islam was the official religion and he would like to know whether a requirement of citizenship was being a Muslim.

46. **Mr. Kemal** said that, in the experience of the Committee, no country was entirely free of racial discrimination. Victims of racial discrimination might not report such cases for fear of potential problems with the authorities. While it was important to maintain national unity, the gathering of statistics would be a useful first step towards eliminating regional inequalities. He would like to know how many refugees from sub-Saharan Africa were present in the territory of the State party and how they were treated. He also wished to know in what conditions legal migrant workers in the oil industry lived and worked, and how migrant workers in an irregular situation were treated.

47. **Mr. Murillo Martínez** asked for details of the territorial distribution of the Amazigh population, and in particular its share of productive land. He also wished to know how the country's ethnic composition was reflected in participation in politics and decision-making bodies. He asked whether the National Advisory Commission for the Promotion and Protection of Human Rights had undertaken any nationwide surveys to gauge people's perception of the problem of racial discrimination. He would also welcome additional information on the scope and impact of Africa Liberation Day.

48. **Ms. Dah** commended the State party for its strong tradition of diplomacy and the work of its Mission in Geneva. Although the report marked a turning point after a 10-year gap in reporting, the State party needed to focus on promptly implementing the Committee's recommendations, as it appeared that some of the same concluding observations would have to be made as before.

49. She wished to know how many women were in both chambers of parliament, and whether there was a quota system or an intention to introduce one. Noting that one third of the members of the Senate were appointed by the President, she suggested that those appointments might be an ideal starting point for introducing equality.

50. She regretted that the representative of the National Advisory Commission for the Promotion and Protection of Human Rights was not in a position to officially participate in the debate with the State party, as provided for in the Committee's rules of procedure. She expressed the hope that the bill currently under consideration would enable the Commission to regain its "A" status and that it would be provided with the necessary financial and human resources, and freedom, to carry out its work effectively.

51. **Mr. Vázquez** said that, although the Committee welcomed the fact that Algeria had ratified most of the international human rights treaties and that they had direct effect in domestic law, it was concerned about the extent to which minorities enjoyed the rights promised in law.

52. Noting that, according to the Constitution, Arabic was a national and official language of the State while Tamazight was simply a national language, he asked what the practical differences were between an official and a national language. He asked the delegation to comment on efforts being made to increase the availability of education in Tamazight, which was currently provided to only a very small percentage of Algerian children. He would also be interested to hear about the Amazigh television station, which allegedly had a large proportion of programming in Arabic rather than Tamazight, and the reluctance of officials to register names in Tamazight.

53. He expressed concern that the wearing of traditional clothing and jewellery by Amazigh people as an expression of their ethnic identity was discouraged, that those who did so were often regarded with suspicion and that displaying local flags at sporting events had been prohibited.

54. He would welcome further explanations about the burning of forests on which people depended for their livelihood. He would be interested to know whether the causes had been investigated and whether compensation had been offered.

55. He asked the delegation to comment on the situation of sub-Saharan refugees. In particular, he expressed concern that their procedural rights were affected by a lack of translation and interpretation into their languages, and that sub-Saharan children were allegedly subjected to detention.

56. While he understood that the State party's reluctance to collect the data the Committee considered important was a legacy of the colonial experience, when the assigning of ethnic identities had been used as a means of oppressing and dividing the population, he asked whether alternative means of gathering statistics had been considered. The Committee emphasized the importance of self-identification and a voluntary rather than coercive approach, which would not present the problems that were of concern to the Government.

57. Noting that Algeria had endorsed the United Nations Declaration on the Rights of Indigenous Peoples, he asked whether the State party considered that Amazigh ethnic groups were indigenous peoples under the Declaration.

58. With regard to incitement to racial discrimination and hatred, he noted that the wording of the provision in the Criminal Code purporting to implement article 4 of the Convention (“any insult directed at one or more persons belonging to an ethnic or philosophical group or to a specific religion shall be punishable by imprisonment”) was broader than what was contemplated in the Convention, and that the concept of an insult was not the same as the concept of incitement to hatred or the assertion of racial superiority. He wished to know whether the law required that the insult be based on the person’s ethnicity. Given the concern that an overly broad law could be used in a way that disadvantaged minorities, NGOs and human rights defenders, he would welcome details of how that provision had been interpreted.

59. He would also be interested to hear more about the situation of NGOs that received foreign funding and their recognition.

60. **Mr. Kut** said that the formal mechanisms and institutional policies to combat all forms of discrimination were very broadly outlined in the State party report, but the Committee would be interested to hear concrete examples of how they were applied to combat discrimination in the daily lives of Algerians.

61. Noting that the National Advisory Commission for the Promotion and Protection of Human Rights was responsible for investigating any violations of human rights observed or brought to its notice and for taking appropriate action, he asked for specific examples of action that had been taken. Were the Algerian authorities satisfied with the functioning of the Commission? He would be interested to know how the fact that the Commission was based on the principle of sociological and institutional pluralism affected its functioning.

62. He asked for further details of how the Nationality Code applied in the case of mixed marriages.

63. **The Chairperson**, speaking as a Committee member, asked for further information on the Nationality Code and whether dual nationality was permitted.

64. **Mr. Delmi** (Algeria) said that his Government was aware of the shortcomings in its report, and hoped that the Committee members’ comments and recommendations would enable it to ensure that Algerian legislation was in line with the commitments it had entered into on ratifying the Convention.

65. A number of factors contributed to non-discrimination in Algeria, particularly the principle of equality between all peoples that was fundamental in Islam. In addition, the fact that Algeria had experienced many invasions throughout its history meant that much of the population was unaware of its ethnic origins. The focus in Algeria was always on unifying rather than dividing factors between people, and his Government was very cautious in its treatment of ethnic issues. The civil register contained no references to a person’s ethnic origin or religion, and once a person had acquired Algerian nationality, there was no further mention of their origins.

66. Turning to the issue of refugees, he said that as the Algerian people had themselves been given asylum in other countries during the colonial period, they understood the situation of the many refugees in their country. Algeria was a country of asylum and transit, and therefore had to deal with countries of origin and countries of destination.

67. The Government and the National Advisory Commission were working together to meet the criteria set by the Paris Principles and ensure that the Commission had its “A” status restored.

68. **Mr. Akretche** (Algeria) said that his country had ratified the 1951 Convention relating to the Status of Refugees and its Protocol, which were fully applied in the country. The Algerian Office for Refugees and Stateless Persons dealt with refugee applications, and

worked closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) in Algiers. Rejected applications could be appealed.

69. Refugees from Western Sahara had received assistance in Algeria, and their children benefited from education programmes. More recently, there had been an influx of refugees from Mali following the deterioration in the situation in that country. While taking steps to secure the borders against terrorist threats, the Algerian authorities had introduced measures to facilitate the entry of displaced Malians fleeing the violence. A UNHCR representative had given a positive evaluation of the camp where many Malian refugees were accommodated, covering accommodation, food, health care and education.

70. Refugees fleeing the violence in Syria had also been welcomed in Algeria, given the good relations between the two countries and the fact that Syrians did not require a visa for entry to Algeria. The authorities had immediately set up reception centres, providing for all basic needs, including health care, food, accommodation and education, in cooperation with the Algerian Red Crescent. There was no obligation for Syrian refugees to go to those centres, and many opted to stay with family members or friends as Algeria had a large Syrian population. They were in a fully legal situation in the eyes of the authorities.

71. The majority of illegal migrants were trying to get to Europe, but given European Union entry restrictions and the employment opportunities in Algeria, many ended their journey in the State party. Efforts to combat illegal immigration were undertaken in compliance with the relevant international conventions and the principle of human dignity.

The meeting rose at 6 p.m.