



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Forty-fourth session

#### Summary record of the first part (partial)\* of the 8th meeting

Held at the Palais Wilson, Geneva, on Thursday, 6 May 2010, at 3 p.m.

*Chairperson:* Mr. Marchán Romero

## Contents

### Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Combined third and fourth periodic reports of Algeria* (*continued*)

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 3.05 p.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)**

*Combined third and fourth periodic reports of Algeria (continued) (E/C.12/1/Add.71; E/C.12/DZA/4; E/C.12/DZA/Q/4 and Add.1; HRI/CORE/1/Add.127)*

1. *At the invitation of the Chairperson, the delegation of Algeria took places at the Committee table.*

2. **Ms. Driss** (Algeria), resuming discussion of articles 10 to 12 of the Covenant and in reply to the questions on the age of marriage, polygamy and grounds for divorce, referred to the legislative provisions mentioned in paragraphs 70 (subparas. (d) and (e)), 71 and 75 of the report.

3. With respect to children born out of wedlock, Algeria was bound by its obligations under the Convention on the Rights of the Child. In addition to article 163 of the Algerian Constitution, which enshrined the rights of the child, the applicable national legislative provisions were those of Ordinance No. 70-20 (arts. 60, 61, 63 and 64) and Decree No. 92-84. The children of nomads were registered where they were born, at one of the offices established for that purpose in the 1,500 municipalities in the south.

4. **Mr. Jazaïry** (Algeria) said that the *kafalah* system, which was Islam's equivalent of adoption, applied to foreign children as long as they were Muslims; the aim was to respect the personality of the child and his or her origin.

5. **Ms. Kedad** (Algeria) said that the health measures introduced were aimed at improving access to health care, developing local health care, and matching services to emerging needs and increasing demand. Major initiatives had been undertaken, including 800 projects to build new hospital facilities, 398 projects to renovate smaller basic facilities and 319 projects to provide medical equipment. As a result, there had been a marked improvement in health-care coverage: 1 doctor per 830 inhabitants in 2008, as compared to 1 per 25,500 inhabitants in 1962. The current provision of beds was 2 beds per 1,000 inhabitants (the target for 2015 being 3 beds). Lastly, public sector practitioners had benefited from the general salary increase for Algerian civil servants, and the profession as a whole was benefiting from more favourable conditions.

6. The network of Intermediary Mental Health Centres had been expanded and psychiatric services had been strengthened to meet the significant demand related, in particular, to the "black decade" that the country had been through. The number of consultations in prisons for victims of psychic trauma had increased from 175,000 in 2006 to 474,000 in 2008. She confirmed that those persons were not discriminated against in any way. Committee members could view the report on prison visits on the website of the National Advisory Commission for the Promotion and Protection of Human Rights ([www.cncppdh-dza.org](http://www.cncppdh-dza.org)).

7. With regard to drug addiction, the Drugs and Drug Dependency Office was centralizing and enhancing the existing multisectoral programme (6 local health centres, 3 regional treatment and detoxification centres, with 15 new centres planned by 2014). Care units for drug addicts had been deliberately established within general hospitals rather than psychiatric hospitals. With respect to smoking, Algeria had signed the World Health Organization Framework Convention on Tobacco Control in 2007 and was currently working to enforce the decree prohibiting tobacco use in public places.

8. **Mr. Jazaïry** (Algeria) said that, with respect to compensation, both the victims of terrorism and the relatives of those sentenced for acts of terrorism benefited from the same guarantees, the same cover and the same support as the rest of the population. The following statutory instruments stipulated measures to compensate the victims of terrorism: Presidential Decree No. 06-93, of 2006, on compensation for victims of the national tragedy; Presidential Decree No. 06-94, of 2006, on State assistance for impoverished families adversely affected by the involvement of a close relative in terrorism; Presidential Decree No. 06-124 on reintegration or compensation procedures for individuals dismissed on administrative grounds having to do with the national tragedy.

9. In relation to the question on improving conditions for persons in post-trial detention, special efforts were being made to promote training for prisoners. They were given the opportunity to complete their secondary studies and to take the baccalaureate (40 per cent pass rate among the prison population), and then to engage in public works outside prison.

10. **Ms. Kies** (Algeria), providing further information on social insurance coverage for employees and on the health system, said that the social security system was regulated by Act No. 83-14 and social security contributions had been set by a decree dating back to 1985. At the end of 2009, the number of persons with social insurance under the regimes for employees and the self-employed had been 8.7 million, not including dependants. Most Algerians benefited from social security. Health benefits included the third-party payment system in pharmacies, which covered over 2.2 million persons, thanks to agreements between social security funds and pharmacies, and the reimbursement of at least 80 per cent of the cost of medicines for all those with social insurance cover. In addition, through the attending physicians' medical-care system — 400,000 doctors had joined the scheme by the end of 2009 — the third-party payment system was already in place in five *wilayas* (departments) for medical treatment and was due to be gradually extended to all *wilayas* by the end of 2010.

11. The social security system guaranteed free access to all public hospitals for all types of treatment. Agreements with private health-care centres ensured that third-party payment was available in those facilities for those with social cover, and health and social initiatives undertaken by social security bodies were expanding the opportunities for free access to such important services as X-rays (four regional medical imaging centres), heart surgery and dental treatment. In the social security system, women were not discriminated against in any way and were entitled to social insurance on an equal basis with men.

12. **Mr. Tilmatine** (Algeria) said that the Ministry of National Solidarity was responsible for the care of the poor and of people in distress; it had three general directorates dealing with persons with disabilities, social cohesion, and persons living abroad. Faced with growing numbers of homeless persons, the Ministry had introduced an emergency service ("Samu social") to assist them and others such as street children and women in distress. The service comprised of multidisciplinary teams of personnel from the Ministry of Health, the Ministry of Civil Protection and the Ministry of Solidarity, as well as psychologists and social workers. The care consisted of material assistance, including accommodation and meals, and reintegration support. There were 299 care establishments throughout the country for the elderly, persons with disabilities, women in distress and street children.

13. There were also three shelters for repudiated women with children and women with social problems. It was not yet possible to say whether ever younger women were being admitted to such shelters, given the lack of adequate research and statistics. There were indeed girls made homeless by family problems; centres existed to provide them with psychological support and to help them reintegrate.

14. **Mr. Jazaïry** (Algeria), in reply to the question of whether the high rate of emigration was a sign of a higher level of unemployment than that indicated by the State party, said that his country was traditionally a country of emigration and had also become a transit country for people from sub-Saharan Africa and even from Asia wishing to emigrate to Europe. However, Europe, which had been relatively open, had shut itself off and that was causing problems for Algeria.

15. **Ms. Bonoan-Dandan** asked for details about a debt relief programme for farmers.

16. **Mr. Jazaïry** (Algeria) said that sort of programme provided assistance to farmers for a limited period, particularly during periods of drought.

17. **Mr. Dasgupta**, turning to articles 13 to 15 of the Covenant and referring to the draft framework Act on education mentioned in the report, which guaranteed the right to education for “all Algerian citizens, male or female, regardless of sex, social origin or geographic origin”, asked whether that provision guaranteed free primary education in public schools for all children regardless of nationality, as required under article 13 of the Covenant. He also wished to know what measures had been taken to address the significant disparities that existed in the quality of education between the main urban centres and remote rural areas.

18. **Mr. Abdel-Moneim** noted with satisfaction that, according to the report, the children of foreign nationals could choose to be enrolled in Algerian schools. He also welcomed the importance given to Arabic in the civic education programme, which addressed a legitimate concern to balance identity and diversity in a globalized world. He would have liked further information on religious education, in light of article 13 of the Covenant, which established that education should promote understanding and tolerance and which protected the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions.

19. **Ms. Barahona Riera** highlighted the significant progress made in Algeria in the field of education. The goal of universal primary education having almost been achieved, she wished to know what objectives the State party had set in terms of the quality of education at the primary and secondary levels and in higher education. She also wished to know what measures were being taken to prevent children from dropping out of school and to increase the proportion of children who went on to secondary school on completion of primary education, which, according to her figures, currently stood at only 12 per cent.

20. She would like to know whether a fixed percentage of the budget was allocated to education in Algeria and, if so, the figure and spending trends. Reports indicated that university funding was inadequate and should be increased in order to improve the quality of university education. She asked whether the content of education programmes was aimed at eradicating cultural practices that violated the rights of women and children and combating domestic violence.

21. **Ms. Bras Gomes** asked why the preschool enrolment rate for girls (5 per cent) reported by the United Nations Children’s Fund (UNICEF) was so low, whereas in later stages of education the marked imbalance between boys and girls disappeared. Identifying the cultural grounds for that choice would perhaps help combat certain prejudices and stereotypes. She also wished to know whether the measures taken in 2008 to prevent children from dropping out of school had been assessed and, if so, with what results. With respect to enrolment and education, she wondered whether the geographical disparities recorded were being addressed through targeted measures to promote access to education in certain regions in particular. Furthermore, she understood that there was only one television channel in Algeria; if that were the case, it would considerably restrict access to information for the many older persons who remained illiterate. Lastly, in the event of the

Amazigh language being recognized as an official language and not merely as a national language, would its teaching benefit from greater human and material resources?

22. **Mr. Tirado Mejía** asked whether documents in Amazigh had the same legal effect as documents in Arabic, given that Amazigh was only a national language.

23. **The Chairperson**, speaking as a member of the Committee, recalled the importance of combating customs and traditions, which were portrayed as cultural practices but were in fact harmful, and drew attention to the Committee's view expressed in its general comment No. 21 on the right of everyone to take part in cultural life. Referring to the conclusions and recommendations in the report of the Special Rapporteur on violence against women, its causes and consequences concerning her mission to Algeria (A/HRC/7/6/Add.2), which highlighted, in particular, the high level of violence against women in the private sphere, he urged the State party to strengthen its campaigns to raise awareness of that issue. With regard to Amazigh culture, he wished to know what measures the State party was taking to ensure preconditions for participation, facilitation and promotion of cultural life, and access to and preservation of cultural goods and whether the Berber minority living in the mountainous eastern regions of Kabylia could exercise their cultural rights as a minority.

24. **Mr. Jazaïry** (Algeria), returning to the history of the Islamization of Algeria, pointed out that the Berber or Amazigh people did not constitute a minority; they were a population group which had preserved its cultural heritage, including its language, during the Arabization of the country. Following independence, Algeria had considered that using Arabic, a language associated with the Koran, was a way of restoring the national identity, unfortunately to the detriment of linguistic diversity, which it was feared might become an element of conflict for the country. Subsequently, it had realized that faith and a shared commitment to freedom would have been sufficient. Currently, it was striving to modernize, while preserving its diverse cultural heritage; however, it would be impossible to have three alphabets and several official languages existing side by side.

25. Replying to the question on the legal recognition of documents in Amazigh, he confirmed that all courts in Amazigh-speaking regions recognized the legal validity of such documents. There was a genuine Amazigh cultural life but, with all due deference to certain non-governmental organizations, such forms of expression should remain cultural and not give rise to political demands. Although three universities taught Amazigh, the number of teachers was nevertheless inadequate since, once students had graduated, they still had to pass a difficult examination to be able to teach it.

26. All Algerians had the right to education, as did any person living in Algeria. However, the authorities were aware that the universalization of that right could cause problems with regard to the provision of high-quality education and were working on appropriate solutions. Education in tolerance was a fundamental issue: all Algerian families had suffered, to varying degrees, from the exploitation of religion for political purposes during the 1990s.

27. The school dropout rate remained an issue despite measures to encourage pupils to continue their schooling, including the payment of education allowances. The informal sector, which was thriving thanks to open markets, was very attractive to young people, who preferred highly profitable "commercial" activities in the street to studying.

28. Algeria had no specific legislation on domestic violence and the question of whether it should address that gap was a legitimate one. However, the Criminal Code provided for heavy penalties in, for example, cases of violence against children. The Minister-Delegate for Family and the Status of Women had launched a national plan to combat violence against women in 2009.

29. **Mr. Bencherif** (Algeria) explained that, in order to combat school dropout, the Algerian Government had established a system of bridging programmes between general education and vocational education, which it had recently adapted to the needs of the national economy and which should allow pupils to find a job on completion of their studies. Thanks to the flexibility of the system, Algeria had met the Millennium Development Goal relating to universal primary education. With regard to the school enrolment rate, girls accounted for 47.12 per cent of children enrolled in preschool, 47.28 per cent at the primary level and 49.57 per cent of children enrolled at all levels combined. The enrolment rate of children was 97.34 per cent. For the 2009/10 school year, the enrolment rate of children aged 6–15 years was 94.23 per cent; girls accounted for 48.73 per cent of children enrolled in lower secondary education, and 58.24 per cent in upper secondary education. The number of girls in higher education was rising steadily and, currently, the majority of new graduates were women. The education budget was over 390 billion dinars in 2010, as compared to 222 billion dinars in 2006.

30. **Mr. Jazaïry** (Algeria) said that his country had several public television channels: one in Arabic, one in Amazigh and an international channel in French. People also had unrestricted and uncensored access to satellite channels and the Internet.

31. **Ms. Akeb** (Algeria) said that three factors facilitated access to culture in Algeria. The first was the high number of facilities — libraries, cultural centres, auditoriums, etc. — which were to be found almost everywhere. The second factor was the decentralization of cultural events: 110 cultural festivals, both international and local, were organized throughout the country. The third important factor was cost-free access to culture.

32. **Mr. Jazaïry** (Algeria) pointed out that, in 2009, Algeria had hosted the second Pan-African Cultural Festival, which had helped to promote further universal access to culture and raise public awareness of the value of culture.

33. **Ms. Akeb** (Algeria) said that there were no barriers to cultural production in the Amazigh language and provided some figures in that regard. In 2009, Algeria had produced 3 plays and 3 feature-length films in Amazigh out of a total of 50 plays and 20 feature-length films. In 2009, Algeria had also ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

34. **Ms. Barahona Riera** asked about the sexual and reproductive health programmes on offer in schools. The report referred to a programme for young persons but gave no details. It would also be useful to know what percentage of the education budget was allocated to that area.

35. **Ms. Kedad** (Algeria) explained that the existing school and university health programme covered reproductive health. Education programmes had been developed within that framework. Furthermore, there were 1,483 screening and monitoring units, as well as units in universities to meet the needs of young persons. Otherwise, the reproductive health programmes introduced by Algeria were in line with World Health Organization recommendations. With regard to contraception, 62 per cent of couples used a method of contraception. Civil society associations and competent international organizations were also actively involved in those and other programmes. Youth centres providing access to counselling services and appropriate care were being set up. With respect to budgetary allocations for health and education, they were the largest items of social spending: education came first, followed by health, which had risen as a share of GDP from 3 per cent to 8 per cent, i.e. currently 222 billion dinars. It was interesting to note that the share of the health budget allocated to operating costs had been reduced (from 20 per cent to 8 per cent) in favour of spending on treatment.

36. **Mr. Sadi** asked why the Amazigh population continued to consider themselves as a separate group.

37. **Mr. Jazaïry** (Algeria) said that the education budget accounted for 20.88 per cent of the national budget. With respect to the question of Tamazight, it had a cultural dimension and, like many other issues, a political dimension, which was outside the scope of the Covenant. Regarding the work of the treaty bodies and the practical value it should have for Governments, those bodies did not take the replies provided by delegations to their questions into account in their concluding observations. The pedagogical value of the decisions of treaty bodies was diminished by the lack of explanation as to why certain replies were considered inadequate. Such information would help Governments identify errors and adjust their actions so as to comply as fully as possible with their international obligations. The goal of all parties was undoubtedly to assist persons in difficulty and to avoid human rights violations. Lastly, he urged the Committee to introduce a new approach that would advance the cause of victims.

38. **The Chairperson** thanked the delegation of Algeria and announced that consideration of the third and fourth periodic reports of the State party had been concluded.

39. *The delegation of Algeria withdrew.*

*The first part (public) of the meeting rose at 5.20 p.m.*