



Economic and Social Council

Distr.: General
19 November 2010
English
Original: French

Committee on Economic, Social and Cultural Rights

Forty-fourth session

Summary record of the 6th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 5 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*)

Third and fourth periodic reports of Algeria

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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)

Third and fourth periodic reports of Algeria (E/C.12/DZA/4; core document (HRI/CORE/1/Add.127); concluding observations of the Committee on the second periodic report (E/C.12/1/Add.71); list of issues (E/C.12/DZA/Q/4); replies of the Government of Algeria to the list of issues (E/C.12/DZA/Q/4/Add.1))

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

2. **The Chairperson** welcomed the Algerian delegation and invited it to introduce the State party's third and fourth periodic reports.

3. **Mr. Jazaïry** (Algeria) said that his country had ratified the International Covenant on Economic, Social and Cultural Rights in December 1989. As a signatory to eight universal human rights instruments and three protocols thereto, Algeria was firmly committed to effectively implementing those rights. That was why, as part of the nation's justice reform, the authorities were currently bringing domestic legislation into line with international standards and with the instruments to which the country was a party.

4. Since the Committee's consideration of its second periodic report, Algeria had adopted a series of development programmes: the special economic recovery programme, the supplementary support programme for economic growth (2005–2009) and the special programmes for the High Plateaux and the South, worth an overall total of some US\$ 207 billion. Those programmes and accompanying measures had made it possible to reduce poverty and improve household living conditions.

5. Algeria had already fulfilled the Millennium Development Goal to halve extreme poverty, which had gone from 12.1 per cent in 2000 to 5.7 per cent in 2005, and people living on less than \$1 a day had accounted for less than 0.6 per cent of the population in 2009. More than 1 million homes had been provided between 2005 and 2009, bringing the occupation rate per household down to 4.9 people. Despite the global economic crisis, the unemployment rate, which had stood at 27.3 per cent in 2001, had dropped to 10.2 per cent in 2009, with 3.5 million jobs created in the period 2000–2008. Youth unemployment was still a concern, however, and measures had been taken to provide training and modernize the job market.

6. Through the new Education Act adopted at the start of 2008, the Algerian authorities had committed to providing free, compulsory basic education for nine years along with free vocational training for every Algerian youth. School enrolment had stood at 97.96 per cent in 2009, with girls representing 49.52 per cent of students for the 2009/10 school year. To combat the still all too frequent problem of school dropout, secondary education had been restructured and bridging classes introduced between the various stages of the education system so that young people might stay in school as long as possible and benefit from true education.

7. Like the right to work and the right to education, the right to health was also enshrined in the Constitution, and the principle of free health care was guaranteed. In 2007, Algeria had introduced a new health card, resulting in the creation of 257 local public health-care establishments. Maternal and child health had been added to the country's health priorities in 2009. Maternal mortality had decreased considerably, from 117.9 deaths

per 100,000 live births in 1999 to 86.2 in 2008, while infant mortality had fallen from 39.4 per 1,000 in 1999 to 25.5 per 1,000 in 2008.

8. As part of a growing reaffirmation of Amazigh identity, Amazigh had been made a national language by constitutional amendment in April 2002. In practical terms, that status had resulted in the teaching of the Amazigh language; the appearance of Amazigh in the media, and particularly the founding of a satellite television channel; cultural creativity linked to two annual festivals, one dedicated to music and the other to cinema; and the development of artistic works and publications.

9. The Government had brought the National Advisory Commission for the promotion and protection of human rights (CHCPPDH) into line with the Paris Principles. In terms of economic, social and cultural rights, the Commission had conducted research for improving the conditions in which detainees were held and protecting the rights of women, children and vulnerable groups. The Government had also adopted a constitutional amendment to give women a more prominent place in local and national elective institutions and had set up a commission to give full effect to those new provisions. In the same spirit, the Government had amended the Nationality Code and the Family Code so as more fully to enshrine the equality of men and women in the law. Those amendments had made it possible for a mother to transmit her nationality to her child, thus allowing the reservation to article 9, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women to be withdrawn.

10. The Algerian authorities had decided to extend invitations during the current year to seven special procedures mandate holders, five of them dealing with issues pertaining to the realization of economic, social and cultural rights: the Special Rapporteur on the right to education, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the right to food, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation.

Articles 1 to 5 of the Covenant

11. **Mr. Pillay** asked whether the Covenant had ever been invoked before an Algerian court and whether there was any case law relating to provisions of the Covenant. If the Covenant had not been invoked before the courts, he wished to know the reasons. Was it because citizens were not informed about the Covenant rights or lacked a justice system in which they could invoke their rights? Or was it that they lacked confidence in the administration of justice and in the legal system?

12. On the issue of corruption, he was pleased to note the Anti-corruption Act had been adopted in 2006, but asked why the provision for a public body responsible for fighting corruption had not yet been implemented. He was interested to note that another provision of the Act required public officials to declare their assets but provided no penalties for failure to do so, which would seem to be crucial to any effective fight against corruption.

13. **Mr. Riedel** said that useful information had been provided on CHCPPDH activities. While the national plan of action for human rights was said to deal with areas such as health, education, the right to organize and participation in cultural life, important areas such as the right to work, the rights of families, women and children, and social security had not been mentioned. He wished to know whether the Government planned to extend the mandate of the CNCPPDH to those areas.

14. He would like to know whether the CNCPPDH planned to publish a report on the prison visits it had made and whether it was empowered, apart from those visits, to deal with individual cases. He would appreciate information on the tangible changes that had

followed the adoption of Decree No. 02-297 of 2002 to bring the CNCPPDH into line with the Paris Principles. Were the Principles now applied in full, or were restrictions still in place? Lastly, he wished to know the Algerian Government's current position on ratification of the Optional Protocol to the Covenant.

15. **Mr. Kedzia** said that he supported Mr. Pillay's request for additional information about case law concerning the Covenant, and Mr. Riedel's question about the Optional Protocol, which was all the more pertinent given that the State party had indicated in its third and fourth periodic reports that it was doing its utmost to inform citizens of the possibility of seeking remedies under international mechanisms.

16. He noted that in 2009, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) had decided to grant the CNCPPDH "B" status only, which meant that it was not in full compliance with the Paris Principles. In its review of the CNCPPDH, the ICC had expressed doubts about that body's independence from the executive, citing its limited cooperation with international human rights mechanisms and its public criticism of the conclusions and recommendations made under the universal periodic review and of the Committee against Torture, claiming that they sullied Algeria's reputation. He would like to know whether the State party planned to take measures to address the concerns of the ICC. He would also like an assessment of the practical results of CNCPPDH activities concerning the exercise of economic, social and cultural rights. Had the CNCPPDH been involved in drafting the State party's third and fourth periodic reports?

17. Noting that the State party had received visits from two United Nations Special Rapporteurs over the previous 10 years, the Special Rapporteur on violence against women in 2002 and the Special Rapporteur on freedom of religion or belief in 2007, he wondered whether the Government planned to extend a standing invitation to the special procedures mandate holders. Lastly, he wished to know whether the plan of action for human rights mentioned by the State party in its third and fourth periodic reports had been adopted, and if so, how it had been implemented.

18. **Ms. Bonoan-Dandan** expressed concern about the description of the CNCPPDH as an "advisory" institution and asked what the term meant exactly. Certain information requested by the Committee in its concluding observations on Algeria's second periodic report had not been provided, in particular concerning the structure of the CNCPPDH, how its members were appointed, how it was run, its mandate and its competence to receive complaints. She was also concerned that there was no reference to any programme on the rights of women among all the activities mentioned. She wondered whether economic, social and cultural rights were included in the priorities of the CNCPPDH, apart from the activities in support of the right to participate in cultural life, the scope of which required further explanation. Regarding human rights education, she wished to know who was responsible for training judges, police officials and the general public, and who in turn trained those trainers.

19. She would appreciate a more detailed reply to question four of the list of issues, particularly on the measures taken to ensure the fair distribution of natural resource revenues. She would also like further information regarding the reply to question six of the list, including how the authorities enforced the requirement that no privatization would be approved without a guarantee that employment levels would be maintained and no jobs would be lost. As to discrimination against women regarding inheritance, she would like clarification of the practice of making gifts *inter vivos*, which, according to the State party's replies, was becoming more common as a way of compensating for inequalities in inheritance.

20. In conclusion, she wondered what the effect of the state of emergency in force since 1992 had been on the exercise of economic, social and cultural rights. She would appreciate an explanation of the meaning of the sentence in paragraph 152 of the State party's report, which read: "The state of emergency itself will be lifted only when the Algerian authorities are confident that the conditions that gave rise to it in the first place have completely disappeared."

21. **Mr. Abashidze**, noting that, while women were well represented in many professions, the percentage of seats held by women in elected assemblies remained low, especially in the National Assembly, wondered what measures had been taken to improve the situation. He would like to know whether the public had access to official human rights reports or whether they were simply administrative reports. He also wished to know whether the legal system tended to apply the provisions of the Covenant directly without according first priority to domestic legislation and whether there had been any cases in which the Constitutional Court had given precedence to a provision of an international instrument over an incompatible provision of domestic legislation.

22. **Mr. Sadi** expressed surprise that the State party had not observed the prescribed deadline and had submitted two periodic reports in a single document, given the importance the Algerian delegation professed to assign to its dialogue with the Committee. Regarding the harmonization of domestic legislation with the Covenant, as claimed by the delegation, he wondered what was planned for the transitional period. He would like the delegation to provide additional and more substantial information on the various indicators the State party had mentioned in its report (for instance, life expectancy, infant mortality and the unemployment rate). He would also like to have examples of specific Covenant rights training offered to judges. It was also important to know whether or not prison visits were announced and whether the CNCPPDH was authorized to make such visits unannounced.

23. He would like to know how the status of the Amazigh language as a national language, differed from official language status, and would appreciate concrete examples of signs of changing attitudes to the roles of men and women, especially since marital rape was not criminalized.

24. **Mr. Schrijver** asked the Algerian delegation whether the State party planned to ratify the Optional Protocol to the Covenant. He also wished to have an idea of how the human rights provisions really worked in practice, and to what extent economic, social and cultural rights were invoked. Regarding the supremacy of ratified international instruments over domestic law, how often and under what circumstances had citizens been able directly to invoke economic, social and cultural rights?

25. He would like the delegation to provide data on unemployment among young people and indigenous communities.

26. Considering that the denial of economic, social and cultural rights could be a cause of terrorism, he pointed to the apparent lack of a prevention policy in the State party's human rights and anti-terrorism strategy.

27. **Mr. Zhan** Daode praised the quality of the periodic report and its innovative structure, the first section being devoted to the replies to the list of issues, followed by a second section introducing the measures taken concerning each article of the Covenant. He also welcomed the very relevant statistical information provided, which was included directly in the body of the report in order to clarify and support every statement it contained.

28. **Mr. Atangana** requested further information on the number of convictions, the nature of the sanctioned acts and the positions of the individuals prosecuted in the anti-corruption cases mentioned in paragraphs 35 and 36 of the State party's replies to the list of

issues. He would also like to learn whether the necessary structure was in place to implement the Anti-corruption Act and whether there were penalties in place for anyone who failed to declare his or her assets as required by the aforementioned Act.

29. He would appreciate knowing which periods were covered in the two annual reports published by the CNCPPDH. He requested full and detailed information on the protection offered to the estimated 1.5 million displaced persons, whose destroyed and pillaged property was supposedly worth \$20 billion.

30. **Ms. Barahona Riera**, referring to the delegation's statement that amendments had been made to the Constitution, the Family Code and the Nationality Code in order to create greater equality between men and women, asked whether those were separate from the reforms mentioned in paragraphs 69 ff. of the State party's report. She also wondered whether the State party planned to withdraw its reservations to articles 2 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

31. Given the disturbing situation of homeless women, who survived on the streets by begging, and of women with disabled children, she wondered whether the Government had taken measures to protect those vulnerable groups. She also wondered to what extent the legal provisions that still allowed polygamy, and the country's cultural traditions and values, affected equality of women and men.

32. **Mr. Tirado Mejía**, noting that the state of emergency had been in place in the country for 18 years, asked the State party whether the situation that existed 18 years earlier had changed, making it possible to consider lifting the emergency measures.

The meeting was suspended at 4.55 p.m. and resumed at 5.25 p.m.

33. **Mr. Jazaïry** (Algeria) pointed out that all Algerians had Berber origins. Throughout the country's history, the Berbers had been influenced, including linguistically, by two waves of invaders. The inhabitants of the regions heavily involved in trade had thus adopted Arabic, while the others, who lived in more remote regions, had retained their local languages, including Amazigh. In answer to the question of why Amazigh was not an official language, he reminded the Committee that Algeria was the only country to recognize Amazigh as a national language, as set forth in article 3, paragraph 3, of the Constitution, which he would read out. If Amazigh was recognized as an official language, then all official documents would have to be produced in that language along with their original versions, and the regions concerned would need to work in three different alphabets (Arabic, Latin and Tifinagh). Although protection of cultural and social diversity had been expanded to include the protection of language, it should not be politicized. In 1995, the country had 30,000 students being taught in Amazigh; in 2000, that figure had increased to 240,000. Although the Government encouraged all forms of education in Amazigh, the decision to participate or not was a private one. It was thus up to families to decide which type of education they wanted for their children.

34. The problem of displacement dated back to the 1990s, the dark years when the inhabitants of isolated regions had fled terrorist group attacks and had come to seek refuge in the cities, leaving their goods and property behind. All types of infrastructure had been affected: hospitals, schools, etc. Nowadays, in order to boost rural development, the Government's approach was to speed up the construction of housing for those population groups and to devise special programmes, meeting local needs as far as possible, in regions previously affected by terrorism.

35. **Ms. Kedad** (Algeria) said that there were numerous indicators of very positive developments in the country's economic and social situation since independence, according to data from the five censuses that had been carried out since then. Thus, in 2008 more than 93 per cent of homes had access to electricity, and illiteracy, at nearly 80 per cent in 1962,

currently stood at 22 per cent on average. Life expectancy at birth was 76.6 years for women and 74.9 years for men.

36. **Ms. Kies** (Algeria) said that the under-30 unemployment rate was about 70 per cent. In order to address that problem, the Government had implemented new measures to create jobs for young graduates without work experience and for unskilled young people. The Government's objective was to create 3 million jobs across all categories as part of the 2010–2014 five-year plan. In the formal employment sector (business and public administration), people were recruited to specific posts, irrespective of the candidate's sex. Women occupied more than 16 per cent of all posts, and that percentage was constantly growing, mainly in the fields of education, health, the judiciary and national security as well as the National People's Army. Microcredit had been extended to 5,000 women, and 11,000 women had started their own businesses. Currently, more than 1 million women were registered with the National Social Insurance Fund for salaried employees.

37. **Mr. Bencherif** (Algeria), in response to questions about the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH), reminded the Committee that the establishment of that independent body represented a qualitative advance, given that the Commission had replaced a monitoring centre set up during the era of terrorism. In accordance with the Paris Principles, the CNCPPDH played an advisory role to the Government so as to enable it better to respond to the new demands of participatory democracy. Its purpose was to make it possible for civil society to portray accurately the human rights situation on the ground and thus enable the Government to take realistic measures. Made up of 45 members from civil society, including 19 women (with State representatives participating only as consultants), the CNCPPDH was divided into five specialized subcommissions covering the following areas: legal affairs, human rights protection, education and promotion, mediation, and foreign affairs and cooperation. While it was the central body, it also had five regional branches in order to be closer to the citizens. Its annual reports were made public once they had been submitted to the President of the Republic, and some were already posted on the Commission's website at the following address: www.cncppdh-dz.org. They were also sent to the Office of the United Nations High Commissioner for Human Rights and to all accredited embassies in Algeria. Having the power to act on its own initiative, the CNCPPDH had released several reports on in situ visits to hospitals, orphanages, nursing homes, prisons and women's shelters, which the relevant ministries took into account in determining their actions. Algeria had officially appealed against the downgrading of the CNCPPDH by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).

The meeting rose at 6 p.m.