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**ALGERIA**

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## Introduction

1. Since regaining independence in 1962, Algeria has endeavoured to establish a State which is based on grass-roots participation and respects human rights and fundamental freedoms. Independent Algeria's various constitutions have all embodied universal human rights principles. It was the move towards a multiparty system in 1989, however, that led Algeria to speed up the process of accession to international human rights instruments, and it has been submitting the reports due as a result of those international undertakings since that time.

2. Information on Algeria and its population:

|                                 |  |
|---------------------------------|--|
| Surface area:                   | 2,380,000 square kilometres;   |
| Population:                     | 31,040,000 (1 January 2002), of whom 15,334,946 are women; the population is three times larger than it was at independence; |
| Per capita income:              | US\$ 1,630 (2001);   |
| External debt:                  | US\$ 22.571 billion (2001);  |
| Unemployment rate:              | 28.9 per cent;   |
| Official language:              | Arabic;  |
| National languages:             | Arabic, Amazigh;   |
| Religion:                       | Islam;   |
| Life expectancy:                | Overall: 71.5 years; men: 70.03 years; women: 72.8 years;  |
| Infant mortality rate (2000):   | Boys: 54.2 per thousand; girls: 47.8 per thousand; overall: 51.1 per thousand;   |
| Maternal mortality rate:        | 117 per 100,000 births;  |
| Total fertility rate:           | 2.54 (2000);   |
| Children aged under 5:          | 32 per cent (2000);  |
| Young people aged 15-24:        | 23 per cent;   |
| Adults aged 25-59:              | 38 per cent;   |
| Older persons aged 60 and over: | 7 per cent;  |
| Rural population:               | 12,943,686 (41.7 per cent);  |
| Urban population:               | 18,096,326 (58 per cent).  |

## I. GENERAL POLITICAL STRUCTURE

3. Algeria faced a series of challenges on independence: return of refugees, social and psychological care for the beneficiaries of victims of the war of national liberation, national reconstruction in all its aspects and setting-up of government structures. The institutions needed to enable a young nation to meet such challenges had to be designed and established and their effectiveness in the political and economic context of the time ensured. This reconstruction effort brought about compulsory schooling for all, free health care and a policy of full employment.

4. From 1988 onwards, there was a growing determination in Algeria to consolidate the rule of law and introduce a transition on two levels (political democratization and economic liberalization). As was the case elsewhere, this transition did not take place without difficulty. The building of a modern democratically functioning State with a transparent administration was hampered by domestic obstacles linked to a single-party culture and economic and social constraints.

5. The political reforms undertaken by the authorities since then, following a lengthy process of dialogue with all political parties that respect the Constitution and laws of the Republic, have resulted in institutions established on the basis of universal suffrage. The adoption by referendum of a revised Constitution on 28 November 1996 further strengthened freedoms, political pluralism, the separation of powers and the independence of the judiciary.

6. In addition to the Constitution, the democratization of public activity in Algeria today is based on three laws:

(a) The Political Parties Act, which was adopted in 1989 and amended in 1997, enabled more than 60 political groupings to emerge on the political scene. A subsequent adjustment brought the number of parties down to its current figure of 28;

(b) The Associations Act, promulgated in 1988 and amended in 1990, stipulates that associations may be established by a simple declaration of the founders, either at the wilaya (prefecture) or, for national associations, at the Ministry of the Interior. There are nearly 50,000 associations active in Algeria today; some, such as associations for the protection and promotion of women's rights, claim recognition as associations of public interest;

(c) The Information Act, which was adopted in 1990, paved the way for an independent or partisan press in addition to the public service press.

7. The first multiparty elections for the office of President of the Republic were held on 16 November 1995. They were followed by presidential elections on 15 April 1999, in advance of their scheduled date. The President's mandate is renewable only once. He holds the country's highest office, subject to the limits set by the Constitution, and appoints the head of Government, who then defines his programme and submits it for approval by the National People's Assembly.

8. Legislative power is exercised by Parliament, which consists of two houses: the National People's Assembly and the Council of the Nation (Senate). It monitors action by the Government and enacts laws. Following the legislative elections of 15 May 2002, the National People's Assembly now has 389 deputies, of whom 24 are women, representing 9 political parties, with 30 independents. The previous Assembly, the result of the 5 June 1997 elections, had 380 deputies, with 10 political parties and 11 independents. The Council of the Nation, established in December 1997, has 144 seats. Two thirds of its members are elected by a college of members of the municipal and departmental people's assemblies and the remaining third - i.e., 48 members - are appointed by the President of the Republic.

9. The independence of the judiciary is provided for in article 138 of the Constitution.

## **II. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED**

### **A. Human rights mechanisms**

10. Most of Algeria's early warning and monitoring machinery in the area of human rights is now in place. It covers both individual - civil and political - and collective - economic, social and cultural - rights. It is divided into four main categories of interrelated mechanisms.

#### **1. Political mechanisms**

11. The political mechanisms centre around Parliament, which, with its two houses - the National People's Assembly and the Council of the Nation - is both the institutional embodiment of the democratic component of the Algerian State and a fitting forum for the free, pluralistic expression of citizens' concerns. Human rights questions are a major topic of parliamentary discussions and are dealt with by permanent commissions established to that end by both houses.

12. Political parties are considered by law to be a component of human rights mechanisms. The Political Parties Act of 8 July 1989, amended in March 1997, requires party statutes and programmes explicitly to include among their objectives the safeguarding of individual rights and fundamental freedoms. Article 3 of the Act stipulates: "In all their activities, political parties are required to abide by the following principles and objectives:

Respect for individual and collective freedoms and for human rights;

Commitment to democracy and respect for national values;

Observance of a multiparty system;

Respect for the democratic and republican nature of the State."

#### **2. Judicial mechanisms**

13. The Algerian State has set up judicial machinery to guarantee citizens' rights and provide the justice system with decision-making autonomy. To that end, the judiciary in Algeria is composed as follows: (a) the *daira* (sub-prefecture level) courts, (b) the *wilaya* (departmental level) courts and (c) the Supreme Court at the national level.

14. Article 152 of the Constitution also provides for a Council of State, to serve as the body regulating the activity of the administrative courts. It was established on 17 June 1998 and is composed of 44 members.

15. Lastly, Parliament has adopted a law establishing a jurisdiction court, which is responsible for settling conflicts of jurisdiction between the Supreme Court and the Council of State, in accordance with article 152 of the Constitution.

### **3. Freedom of the press**

16. The right to information and the freedom of the press are regarded by the law as part of the essential machinery for the monitoring and protection of the rights of the individual. The remarkable development of the press in Algeria has made it a real lever in collective protection of the rights of the individual. There are at the present time 32 daily papers, (compared with 25 at the time of the preceding report); 6 of these papers are in the official public sector (8 at the time of the preceding report), while 26 belong to the private sector and partisan interests (17 at the time of the preceding report). They have an average circulation of 1.5 million copies a day. There are 43 weekly papers, with an average total circulation of 1.4 million copies a week. Lastly, there are another 20 fortnightly or monthly periodicals, with a total circulation of 300,000 copies. Readership is estimated at 9 million per week.

17. Contrary to certain media reports, no Algerian journalist has been convicted of a crime of opinion. The only cases on record have involved trials for defamation or dissemination of false information. The non-publication of certain national newspapers is generally due to commercial disputes with their printers or to bankruptcy, as is the case in other countries.

18. As the international organizations themselves have acknowledged, the Algerian press is one of the freest in the developing world. The International Federation of Journalists, of which Algeria is a member of the Executive, is accredited in Algeria, and its North Africa office is situated in Algiers.

19. Since the completion of the institutional process by which Algeria acquired all the legal instruments needed for the democratic functioning of a State based on the rule of law, no legal proceedings have been taken against any newspaper, despite the fact that there would have been ample justification for judicial action to seek reparation for "repeated defamation and insults" on the part of certain newspapers. It should be noted in this context that the restrictions imposed at one time on the processing of security information have been lifted.

20. Foreign journalists regularly receive accreditation in Algeria. Accreditation is granted under a specific mechanism in order to process applications more flexibly and rapidly. A sign of Algeria's accessibility to foreign journalists is the fact that 1,200 of them visited the country in 1997, 626 in 1998, 839 in 1999, 706 in 2000, 654 in 2001 and 593 in the period up to 30 September 2002.

21. Negative and, on occasion, tendentious articles by some of these journalists have not prevented their authors from making repeated visits to the country.

#### **4. Civil society and trade union machinery**

22. Civil society associations have spread considerably since 1988. At the national level, there are currently nearly 50,000 associations active in various fields. The Algerian Constitution gives prominence to freedom of association for the defence of human rights. Article 32 guarantees the individual and collective defence of these rights and article 41 defines the area of application: freedom of expression, association and assembly. Freedom of association naturally includes the political field, but is also used to protect certain specific rights, the rights of women, children, the sick, the disabled, consumers and public service users. The authorities encourage the work of associations by granting them various subsidies and facilities.

23. Most associations now have statutes, established bases and activities that enable them to fit in with networks of international associations. Associations working for women's rights and education or combating illiteracy are especially active.

24. Trade union freedom is established in the Constitution and regulated by the Act of 21 December 1991. More detailed information can be found in Part Two (in the section on article 8).

#### **5. Other mechanisms for the protection and promotion of human rights**

25. On 9 October 2001, the President officially inaugurated the National Advisory Commission for the Promotion and Protection of Human Rights, which has 45 members, including 13 women. Members are selected and appointed on the basis of social and institutional pluralism.

26. The Commission was established under Presidential Decree No. 01-71 of 25 March 2001, as "an independent institution under the President of the Republic, which shall safeguard the Constitution, the fundamental rights of citizens and public freedoms".

27. The Commission is also a human rights advisory body with monitoring, early warning and evaluation functions.

28. The Commission is responsible for investigating any violations of human rights that may be reported or brought to its notice, and for taking appropriate action. Part of its mission is also to conduct awareness-raising, information and public relations activities in favour of human rights, to promote research, education and teaching in that area and to advise on possible enhancements to domestic legislation. The Commission produces an annual report on the state of human rights, for submission to the President of the Republic.

29. This new institution replaces the National Human Rights Observatory, which was wound up under the same presidential decree that established the Commission.

30. In order to bring the new body into line with the Paris Principles, Decree No. 01-71 of 25 March 2001 was amended by Decree No. 02-297 of 23 September 2002.

## **B. International treaties and the domestic legal order**

31. Algeria's international commitments prevail over domestic law. In a decision dated 20 August 1989, the Constitutional Council reaffirmed the constitutional principle according to which duly ratified international treaties prevail over domestic law: "... after ratification and upon publication, any convention is incorporated into domestic law and, pursuant to article 132 of the Constitution, acquires a higher status than the law, thereby permitting any Algerian citizen to invoke it in the courts". Consequently, private citizens may avail themselves of the protective mechanisms established by the Human Rights Committee and the Committee against Torture once domestic remedies have been exhausted.

32. The Algerian authorities, the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH), associations and the media make much of the possibility of seeking remedies under international mechanisms. In practice, Algerian citizens and their lawyers seem satisfied with the many domestic remedies available (courts, CNCPPDH).

## **III. INFORMATION AND PUBLICITY**

33. Algeria's ratification of international human rights instruments was extensively publicized in the national media when they were submitted for consideration and adoption by the National Assembly. All the instruments thus ratified were published in the *Official Gazette*.

34. In addition to the symposia and seminars regularly organized on this topic, the annual celebration of Human Rights Day on 10 December is an occasion for publicizing the various international human rights instruments to which Algeria is a party. Similarly, 8 March and 1 June offer regular opportunities to reaffirm the importance and role of women and children in society.

35. In universities, a module entitled "Public freedoms", which used to be taught in the law faculties, has been reintroduced with an updated syllabus which takes account of international developments and recent accessions. Some universities, such as Oran, Tizi Ouzou and Annaba, have already created specific modules. Human rights are taught to students at the National Judicial Training Institute, the Police Training School and the National Prison Administration Training School.

36. A UNESCO Chair in the teaching of human rights has been established at the University of Oran. Inaugurated in December 1995, it provides an educational framework within which to organize and promote an integrated system of human rights research, teaching, information and documentation. Preparations are under way to establish a master's degree specifically in the field of human rights. Regular workshops on human rights and humanitarian law are organized and their proceedings have been published. The National Human Rights Observatory popularizes the human rights principles embodied in domestic legislation and the international instruments to which Algeria is a party by, among other things, publishing journals and organizing and sponsoring seminars, exhibitions and workshops in cooperation with civil society associations.

37. Since the beginning of the decade, Algeria has been in a period of transition at two levels: to a multiparty democracy and to a market economy. It is a complex transition, made more difficult in particular by the state of the Algerian economy and the unfavourable international economic situation. These economic problems have provided fertile ground for dissent, which some forces have attempted to use in order to oppose the process of change within the country, in part by resorting to terrorist acts.

38. In order to deal with this new situation, the Algerian authorities decided to declare a state of emergency in February 1992. Although the state of emergency did impose some restrictions on the exercise of public rights and freedoms, it did not relieve the State of its obligation to guarantee the right to exercise the fundamental civil rights provided for in the existing domestic constitutional order and in the international agreements ratified by Algeria. Similarly, action to preserve public order and protect individuals and property threatened by terrorism has always been carried out in accordance with the law and with due regard for the undertakings deriving from various international instruments. The purpose of such action is to strengthen the rule of law and re-establish the conditions that legitimized the country's institutions through a return to the genuinely free, multiparty and democratic universal suffrage seen in Algeria's elections in 1995, 1996, 1997, 1999 and 2002.

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