



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Combined twentieth and twenty-first periodic reports of
States parties due in 2015**

Algeria*

[Date received: 12 July 2016]

* The present document is being issued without formal editing.



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Introduction

1. Algeria ratified the International Convention on the Elimination of All Forms of Racial Discrimination by Presidential Decree No. 66-848 of 15 December 1966. The ratification was announced in Official Gazette No. 110 of 30 December 1966.
2. In the previous report, which was considered in 2013, it was noted that the state of emergency had been lifted in February 2011, paving the way for a far-reaching programme of institutional, political and socioeconomic reforms fuelled by a genuine desire to broaden democratic space. These reforms are a dynamic response to the expectations of Algerian citizens that reflects the diversity of public opinion.
3. In addition, four new organic laws covering the electoral system, political parties, information and women's representation in elected assemblies have been adopted as part of the reform process and have already entered into effect, as have new laws on associations, incompatibility of mandates, the *Wilayas* (Governorates) Code and the Communal Code. This process culminated in a reform of the Constitution in January 2016, which was promulgated in the Official Gazette in March 2016.
4. In accordance with the reporting guidelines for States parties, this consolidated periodic report, containing in a single document the twentieth and twenty-first periodic reports, is divided into three parts:
 - The first part, entitled "General information", describes the State party's current political structure and the framework for the promotion and protection of human rights.
 - The second part, entitled "Responses of the Government of Algeria to the concerns and recommendations of the Committee", contains the responses of the Government of Algeria to the observations and comments made by Committee members when the fifteenth to nineteenth periodic reports were submitted in October 2013.
 - The third part contains information on the substantive provisions of the Convention in relation to which changes have taken place, addressing some of the concerns expressed by Committee members during the presentation of the last periodic report.

I. Part One General information

5. Algeria has always worked to promote and protect human rights, enshrining them in successive constitutions and strengthening them on the ground by means of a proactive policy for the implementation of universal human rights principles, while also taking into account the need for authenticity, modernity and the development of Algerian society.

1. Land, people and indicators

6. Surface area: 2,381,000 km²; population: 39.5 million (2014); official languages: Arabic and Amazigh, as stipulated by the constitutional amendment of 7 February 2016; religion: Islam; currency: Algerian dinar; gross domestic product: US\$ 206.5 billion (2012); Per capita income: US\$ 5,659 (2012); gross external debt: US\$ 3.9 billion (2012); unemployment rate: 9.7 per cent (2012); Average life expectancy (2011): 76.7 years on average (77.3 years for women and 76 years for men); Infant mortality rate (2010): 23.7 per thousand on average (25.5 per thousand for boys and 21.8 per thousand for girls); Maternal mortality rate: 76.9 maternal deaths per 100,000 births (2010); Economic growth rate: 2.6 per cent (2012); Inflation: 8.89 per cent (2012); School enrolment rate: 98 per cent (2010); Age structure (in per cent) (2008 general population and housing census): under 5 years old: 10.0; under 20 years old: 38.7; young people aged 15-24 years old: 21.8; 25-59 years old: 53.8; 60 years and above: 7.4.

2. General political structure

7. The Government of Algeria is implementing a national plan to strengthen respect for constitutionally protected human rights. The plan sets out a coordinated policy for action in this field and reaffirms the Government's resolve to consolidate the individual and collective rights and responsibilities of citizens while promoting values of equality, solidarity, sharing and tolerance.

8. In this spirit, the State authorities are pressing ahead with the process of reform; the reform of the justice system is complete and an evaluation of the success of measures adopted in the areas of education, health and social protection is under way. The status of women has improved considerably, especially since 2008, enabling them to play a more active role in public life and society through increased representation in institutional structures.

9. The human rights policy adopted by the Government of Algeria has resulted in ongoing improvements to both the institutional (see section a) and the legislative (see section b) frameworks.

(a) The institutional framework

10. The institutional framework for the exercise of human rights in Algeria consists of both constitutional (1) and non-constitutional (2) mechanisms.

Constitutional mechanisms

11. Constitutional mechanisms are assured by the country's political bodies and judicial institutions.

12. The 1989 Constitution, as amended in 1996, 2002, 2008 and 2016, enshrines the principle of the separation of powers between the executive, legislative and judicial branches.

13. The legislative branch is built around the parliament, which, as the State forum for democratic and pluralist expression, monitors the Government's actions and passes laws. Human rights issues are addressed by standing committees established for the purpose by the two chambers.

14. Following the constitutional review of 28 November 1996, which created a bicameral parliament, the National People's Assembly became the first chamber of parliament. The 462 members of the chamber, who are appointed by universal suffrage in legislative elections, represent the different political tendencies found within it.

15. The Council of the Nation is the second chamber of Parliament and has 144 members. Two-thirds of its members are indirectly elected by a college of the members of the people's communal and departmental assemblies while the remaining third (48 members) are appointed by the President of the Republic.

16. An organic law to increase the representation of women in local and national elected assemblies was promulgated in January 2012. The law enshrines this gradual transition by establishing quotas for the proportion of female candidates that range from 20 to 50 per cent. The law also establishes that any electoral list that does not meet the legally established quota for female representation must be rejected. This proactive policy for the advancement of women helped to raise the proportion of female parliamentarians to 31.6 per cent following the legislative elections of May 2012. As a result, Algeria has the highest representation of women in elected bodies of any country in North Africa and the Middle East.

17. Under the Constitution, the President of the Republic and the Prime Minister form the executive branch of the Algerian political system. The President of the Republic, as Head of State, personifies the unity of the nation and is elected by direct, universal and confidential suffrage for a five-year term, with the possibility of re-election for one further term only. The Prime Minister is responsible for implementing the programme of work formulated by the President and for coordinating the Government's activities. The programme is subject to approval by the National People's Assembly.

18. The executive branch has taken various actions to give shape to its human rights policy, including, first and foremost, ratifying international human rights instruments and strengthening cooperation with regional and universal human rights mechanisms.

19. The independence of the judiciary is enshrined in article 156 of the Constitution, which provides that: “The judiciary shall be independent and shall operate within the framework of the law. The President of the Republic shall guarantee the independence of the judiciary.”

20. The Government of Algeria has established judicial mechanisms to guarantee both the rights of citizens and the independence of the judiciary. The justice system in Algeria consists of two levels of adjudication, namely, courts of first instance and courts of appeal. The highest judicial authority is the Supreme Court, which is responsible, pursuant to the Constitution, for supervising the activities of the regular courts of law. The Supreme Court is also responsible for unifying jurisprudence throughout the country and ensuring compliance with the law.

21. The justice system also includes the administrative judiciary, composed of the administrative courts and the Council of State, which is the body responsible for regulating the activities of the administrative courts.

22. The Jurisdiction Court is responsible for resolving conflicts of jurisdiction between the ordinary courts and the administrative courts.

23. Established under articles 182 to 191 of the Constitution, the Constitutional Council is an independent institution responsible for upholding the Constitution. Composed of 12 members, the Council ensures that laws are consistent with the Constitution and, in particular, that constitutional rights and freedoms are respected. It also ensures that the will of the people, as expressed in referendums and presidential and parliamentary elections, is taken into account. Issues may be referred to the Council by the President of the Republic, the President of the Council of the Nation, the President of the National People’s Assembly and the Prime Minister. Groups of 50 members of parliament or 30 members of the Council of the Nation may also make referrals.

24. The National Human Rights Council, which was established by articles 198 and 199 of the Constitution, is an independent body with monitoring, early-warning and evaluation duties related to human rights.

25. The Council was created in replacement of the National Advisory Commission for the Promotion and Protection of Human Rights to serve as a national institution whose status grants it a predominant role in promoting and protecting human rights. In this role, the Council investigates any situation in which human rights are violated and takes appropriate action. It also carries out awareness-raising, information-sharing and public relations activities to promote human rights and advises on possible improvements to national legislation. The Council prepares an annual report on the state of human rights for submission to the President of the Republic, the parliament and the Prime Minister, which it also makes available to the public.

Non-constitutional mechanisms

26. Non-constitutional mechanisms promote the exercise of human rights and are provided for in infra-constitutional legislation.

27. Freedom of opinion and freedom of expression serve as checks and balances and are essential for monitoring and protecting human rights. The exercise of these freedoms is guaranteed in Organic Act No. 12-05 on information.

28. The Constitution of Algeria attaches great importance to freedom of association for the defence of human rights. This freedom, which is protected under article 41, includes the protection of specific rights such as the rights of women, children, the sick, persons with disabilities, older persons, consumers and users of public services.

29. Lastly, arrangements for exercising trade union rights are set out in Act No. 90-12 of 10 June 1990, as amended and supplemented by Act No. 91-30 of 21 December 1991 and Ordinance No. 96-12 of 6 June 1996. There are 65 trade union organizations for salaried workers and 32 employers’ associations, including 4 confederations, that protect sector-specific or professional rights.

(b) Legal framework and practical measures

30. The legal framework for the exercise of human rights in Algeria is provided by the Constitution, international treaties, organic laws and legislation.

31. Chapter IV of the 1996 Constitution, as amended in 2008 and 2016, is focused on rights and freedoms. The rights and freedoms set out in this chapter are accorded the status of constitutional principles. The same principles are also established in the international human rights treaties to which Algeria is a party.

32. Under the terms of a Constitutional Council decision dated 20 August 1989, the international commitments of Algeria prevail over domestic law. This decision upholds the constitutional principle according to which duly ratified international treaties prevail over domestic law, which is expressed in the Constitution as follows: "Once they are ratified and published, all treaties become part of national law and, pursuant to article 132 of the Constitution, acquire greater force than laws, thereby allowing all Algerian citizens to invoke their provisions before the courts."

33. Algeria has signed most of the human rights treaties. It reports regularly to the United Nations treaty bodies, the African Union and the League of Arab States, which were created under these international human rights instruments, on its progress in meeting its international human rights obligations. It maintains cooperative relations with organizations of the United Nations system, the international humanitarian movement and the NGO community.

34. The annual celebrations of Human Rights Day, International Women's Day, the International Day of the Child, the International Day of Families, the International Day of Older Persons, the Day of the African Child and the International Day of Persons with Disabilities provide a fresh opportunity to inform the public, through organized events, about the different international human rights instruments to which Algeria is a party. They also provide an opportunity to gauge the effect of measures taken by the public authorities and to learn how the treaties can be more effectively implemented.

35. As regards human rights education, primary school establishments ensure that pupils are introduced to human rights treaties through the curricula and textbooks provided for several subjects, including civics, Islamic education, languages, history and geography. Human rights are taught on the basis of universal texts (the Universal Declaration and other international treaties) and posters or articles of particular conventions, which are distributed for use as teaching aids to all schools throughout the country.

36. Human rights modules are also an integral part of the curricula used by the Judicial Training School, the Police Training School, the National Prison Administration Training School, and gendarmerie training schools.

37. The texts of the international and regional human rights treaties ratified by Algeria can be consulted on the website of the Ministry of Justice (www.mjustice.dz). A compendium of the principal international legal instruments is available free of charge to judges, who also receive training in civil liberties and human rights in Algeria and abroad.

38. In addition to the Constitution, a number of other legal instruments, including, in particular, various organic laws, encourage the democratization of public life in Algeria today.

39. Organic Act No. 12-04 of 12 January 2012, on political parties, is designed to reinforce democratic pluralism, strengthen the provisions governing the creation of political parties and their relations with the Administration and encourage transparency in the management of political party finances and of disputes and conflicts between the Administration and approved political parties.

40. Act No. 12-06 of 12 January 2012, on associations, is designed to strengthen freedom of association, regulate the activities of associations in a more precise manner and fill any legal lacunae in existing provisions relating, in particular, to foundations, associations and foreign associations established in Algeria. To further consolidate the right of association, the Act requires the Administration to decide on requests for approval within a specific time frame.

41. Organic Act No. 12-05 on information, of 12 January 2012, is a response to the new needs of citizens and society that are emerging in this new environment. This Act strengthens citizens' right to information and freedom of expression with due respect for the diversity of their opinions.

42. The promotion and protection of human rights are of great importance. Accordingly, various new pieces of legislation have been adopted to strengthen and clarify the human rights framework. These laws address the situation of women, children, persons with disabilities and other protected groups.

II. Part Two

Responses of the Government of Algeria to the concerns and recommendations of the Committee on the Elimination of Racial Discrimination

1. Relevant data

43. Algeria is making significant efforts to make immigration an integral part of its development policy. Labour immigration management in Algeria is guided by a legal framework that regulates and supervises all phases of the migration cycle.

44. The use of foreign workers is regulated in accordance with the skills requirements of local labour markets, which cannot be met by existing capacity at the national level. The foreign workforce is managed in a manner consistent with national employment policy, which encourages investment, creates jobs and supports entrepreneurship and business creation.

45. The number of foreign workers in Algeria varies in accordance with the skills deficit in the domestic labour market and represents only 1.18 per cent of the working population (which, according to the survey carried out by the National Statistics Office in September 2015, stands at 7,397,000).

46. As at the end of December 2015, the employment services had registered 87,417 foreign workers with valid work permits (84,086 men and 3,331 women) employed in accordance with the labour regulations in force throughout the national territory.

47. The construction, civil engineering and water sector accounted for 87.69 per cent of the foreign workforce, followed by the industrial sector (particularly the hydrocarbon industry), the service industry and agriculture, which employ 8.17 per cent, 4.63 per cent and 0.03 per cent of foreign workers respectively.

48. As for the nationalities of foreign workers in wage employment, the dominant nationality is Chinese (66.55 per cent), followed by Turkish (8.21 per cent), Egyptian (4.49 per cent) and Indian (3.88 per cent).

2. Definition of racial discrimination

49. The Criminal Code has been amended and supplemented by Act No. 14-01 of 4 February 2014, which introduced new provisions against discrimination in two articles: 295 bis 1 and 295 bis 2.

50. Under article 295 bis 1, the offence of discrimination is defined in accordance with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, which reads: "The term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

3. Criminal penalties for racial discrimination

51. Under article 295 bis 1 of the Criminal Code, perpetrators of the offence of discrimination are liable to a penalty of 6 months to 3 years' imprisonment and a fine of between DA 50,000 and DA 150,000.

52. Article 295 bis, paragraph 3, declares punishable "any public incitement to hatred or discrimination against a person or group of persons on the basis of their race or ethnicity or any efforts to organize, promote, encourage or conduct propaganda activities for this purpose". The penalty for such offences is a term of 6 months to 3 years' imprisonment and a fine of between DA 50,000 and DA 150,000.

53. Similarly, any person in law that commits an act of discrimination as defined under article 295 bis 1 of the Criminal Code incurs a fine of between DA 150,000 and DA 750,000, without prejudice to any penalties applicable to its directors. It is also liable to one or more of the additional penalties provided for under article 18 bis of the Criminal Code (art. 295 bis 2).

4. Absence of complaints of racial discrimination

54. General awareness of the relevant legal remedies is raised by disseminating information on human rights legislation in the following ways:

- By publishing international and regional human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, in the Official Gazette; the ratification of such treaties is brought to the attention of the general public by local media.
- By posting international and regional human rights treaties on the website of the Ministry of Justice (www.mjustice.dz).
- Through a call centre set up by the Ministry of Justice, as part of its efforts to modernize the justice system, to provide a service to the public. Citizens are able to obtain information on requests related to online services through the toll-free helpline (10-78).

55. Given that the offence of discrimination, as defined by the provisions of article 1 of the Convention, was not incorporated into the Criminal Code until the implementation of Act No. 14-01 of 4 February 2014, it is clear that no criminal proceedings could have been initiated on this count before this date (criminal law not being retroactive).

56. It should also be noted that racial discrimination is a phenomenon that is alien to Algerian society and to its Arab-Muslim traditions. The suffering inflicted on the citizens of Algeria by colonization, which is inextricably bound up with discrimination and exclusion, prevents them from forgetting this painful episode in the country's past. As a result, they have fought against those phenomena, which have been rejected by society, since Algeria gained its independence.

57. With regard to information available on prosecutions brought and sentences handed down by national courts in respect of this offence, it should be noted that only one person has been prosecuted and convicted for the offence of discrimination and incitement to discrimination. The person in question was a legal entity convicted under articles 295 bis 1 and 295 bis 2 of the Criminal Code.

58. With regard to statistics relating to the offence of defamation, it should be noted that, since 2013, the national courts have recorded two judicial prosecutions for defamation and insult under articles 298 (2) and 298 bis of the Criminal Code.

59. With regard to the Committee's request that the Government take action to ensure that the people of Algeria are aware of their rights, and particularly of all the legal remedies available in connection with racial discrimination, including the right to invoke the Convention before the domestic courts, the communication strategy adopted by the National Security Department has laid the groundwork for an approach that facilitates sensitization of the public at large and strengthens civil society's role in guaranteeing security.

60. This inclusive approach has helped to foster trust between police bodies and the various components of society without distinction, or exclusion, based on an individual's regional or cultural affiliation.

61. The actions carried out by inspection bodies in response to alleged or confirmed cases of abuse of authority involving police officers are likewise a key part of the National Security Department's comprehensive, integrated national policy for strengthening human rights protection.

62. Since 2006, the Government has been engaged in an awareness-raising and training campaign targeting all police units that involves implementation of a raft of measures designed to ensure high-quality public service and improve interaction with the general public. The measures in question are centred around the following actions:

- Providing specialized training for police officers who deal with the general public at police stations, with particular attention being paid to advice, conduct and information-sharing;
- Establishing waiting rooms and all necessary reception facilities in police stations;
- Introducing a requirement to display the Universal Declaration of Human Rights, the relevant provisions of which affirm that all citizens shall be protected by the rule of law, at reception and custody centres.

63. In addition, registers have been made available in reception facilities to allow persons who consider themselves to have been adversely affected by discriminatory attitudes to report such treatment. Comments and complaints may also be submitted through the police website: www.algeriepolice.dz.

64. Although there are no complaints of this type of conduct on record, the fact remains that, in documented cases of such acts, the perpetrators have been severely punished by the authorities.

5. Promotion of the Amazigh language

65. The Amazigh language has been recognized in the Constitution as a national language since April 2002 and was established as an official language by amendment to article 4 of the Constitution dated 7 February 2016.

66. The Government of Algeria has thus taken an important step in the process of reviving Amazigh culture and identity in Algeria. Their constitutional recognition has been accompanied by the establishment of an Algerian academy for the Amazigh language attached to the Office of the President of the Republic.

67. The Government of Algeria, through the High Commission on Amazighness, is also working to promote and develop the Amazigh language through academic activities such as the publication of books and periodicals in Amazigh and through its support for Amazigh associations.

68. The Government of Algeria continues to work to remove the various obstacles which impede teaching of the Amazigh language, notably by:

- Printing an Amazigh language version of the revised Constitution;
- Providing continuous, high-quality training for teachers of the Amazigh language;
- Setting up a permanent radio station;
- Establishing numerous annual cinema and theatre festivals;
- Repealing the provisions that make Amazigh language and culture an optional subject in Algerian schools, by amendment of national education law;
- Gradually expanding the teaching of this subject to all *wilayas* in the country (32 *wilayas* to be covered in 2016/17).

69. In order to expand the teaching of Amazigh, the Government of Algeria plans to create sufficient teaching positions to meet all the needs that have been expressed. A

number of budget lines have been allocated for the recruitment of Amazigh language teachers throughout the country (see table below):

<i>Body/grade</i>	<i>No. of Amazigh positions</i>	<i>Wilaya</i>
Secondary school teachers	104	Bouira
		Tizi Ouzu
Middle school teachers	44	Bouira
		Tamanrasset
		Tizi Ouzu
		Setif
		Illizi
Primary school teachers	57	BBA-Boumerdes
		Adrar
		Bejaia
		Bouira
		Tamanrasset
		Tlemcen
		Tizi-Ouzu
BBA		
		Ain Defla

70. The strategy for extending the teaching of Amazigh nationwide envisages the creation of additional positions and the recruitment of additional teachers in further *wilayas*, by means of short and medium-term recruitment programmes and awareness-raising activities on the ground.

71. New classes have started up for the first time in 7 *wilayas*, taking the total number of *wilayas* in which Amazigh is taught from 11 to 22 for the 2015/16 school year. According to statistics provided by the Ministry of National Education, the number of teachers of the Amazigh language rose from 233 for 37,690 learners in 16 *wilayas* in 1995/96 to 2,600 teachers for 277,176 learners in the 2015/16 school year. Plans to recruit a further 500 teachers for the 2016/17 school year are in place.

72. Cognizant of the fact that, in order to promote the Amazigh language, it is necessary to publish works in that language and make them available to the general public, national institutions have fully committed themselves to publishing and co-publishing works in Amazigh.

73. Including all genres, over 300 titles have been published. In 2014, the High Commission on Amazighness published around 20 works in Amazigh to consolidate its achievements in this area.

74. Where communication is concerned, Amazigh has been enriched by the launch of a general and multimedia information service, under the ambit of Agence Presse Services, the aim being to provide training for journalists working in Amazigh at regional radio stations, public and private television channels and in print media.

75. Lastly, State institutions, working in conjunction with civil society, have launched an Amazigh teaching and learning programme for adults that they hope will enable all Algerians to read and write the language.

6. Promoting the economic, social and cultural rights of the Amazigh people

76. The Government strives to promote the economic, social and cultural rights of all Algerian citizens and its efforts in this direction all came to fruition when Amazigh was accorded official language status — a situation that will facilitate its promotion throughout the country.

77. Where culture is concerned, attention should be drawn to a new right recognized in the Constitution, namely, the right to culture, established under article 37 bis.

78. In January 2014, the Government established a special “Field Trip” programme in partnership with the Amazigh language and culture departments of Algerian universities. The aim of the programme is to collect and preserve the Amazigh cultural and linguistic heritage of the different regions of the country. Thus, regions including both the great south of Algeria (Djanet, Adrar, Timimoun, Tamanrasset), the west (Tlemcen, Chief, Oran) and the east (Tebessa, Constantine, Souk Ahras, Batna, Khenchela) welcomed teams of researchers in 2014 and the first half of 2015. The main goal of these field trips is to create a major pan-Amazigh dictionary.

7. Right to use Amazigh first names

79. All Algerians are free to choose their children’s first names and to register them with the civil registry service.

80. Article 64 (1) of Ordinance No. 70-20 of 19 February 1970, relating to the amended and supplemented Civil Status Code, provides that names must sound Algerian. Amazigh first names are de facto Algerian first names and are protected by all existing legislation, including the Constitution.

81. The Civil Status Code also allows children born of non-Muslim parents to be registered under first names that are not Algerian.

82. In addition to the above-mentioned legal framework, which underpins to the judicial procedures governing the allocation of first names, the Ministry of the Interior and Local Authorities has begun compiling a non-exhaustive and non-limiting list of names for use at the communal level to which civil registrars may refer when registering births, thereby ensuring that the parents or declarants have freedom of choice over first names.

83. The High Commission on Amazighness, acting in accordance with article 5 of Decree No. 26/81 of 27 March 1981, which stipulates that the national lexicon of first names should be reviewed every three years, has put forward a list of 500 Algerian first names.

84. The few reported cases of names being refused, which were attributable to individual staff members and not to the Administration, were duly addressed and resolved very quickly. In 2014, the High Commission on Amazighness asked the competent bodies to register names including Aderyan, Tara (both Tizi-Ouzou), Maylana (Algiers) and Atlas (Oran).

8. Situation of women, especially Amazigh women

85. The Algerian Constitution guarantees equality between men and women.

86. It defines the components of Algerian identity as being Islam, Arabness and Amazighness and recognizes no ethnic or racial categorization.

87. The laws and regulations promulgated in accordance with the provisions of the Constitution enshrine this principle and impose no restrictions or limitations on Algerian women’s effective enjoyment of their rights. On the contrary, they promote the exercise of women’s rights by enabling them to occupy decision-making positions.

88. In the political sphere, the law on political parties accords all citizens without exception the right to play an active role in a political party, to have access to centres of

decision-making and to enter elective office at any level (in the decision-making and executive bodies of political parties, Government, local and national assemblies, etc.).

89. Articles 35 and 36 of the Constitution, as amended in 2016, clearly stipulate that “[t]he State shall strive to promote the political rights of women by offering them increased opportunities for representation in elected assemblies” and that “[t]he State shall encourage the promotion of women to positions of responsibility in public institutions and authorities and in the private sector”.

90. With regard to the goal of increasing women’s representation in elected assemblies, Organic Act No. 12-03, adopted on 12 January 2012, introduces a quota system as a means to increase women’s chances of accessing decision-making positions. The Act paves the way for this gradual transition by establishing quotas for the proportion of female candidates standing for elected assemblies that range from 20 to 50 per cent. It requires political parties, on pain of refusal of accreditation, to include a proportion of women, without distinction of any kind, in their various party bodies, whether as founding members, members of congress or members of the executive bodies.

91. Furthermore, the employment of women in the ranks of the various State corporations and bodies (justice system, police, armed forces, customs authority, diplomatic corps, etc.) is encouraged during recruitment programmes.

92. This approach has resulted in a significant change in the number of women employed in such institutions, which continues to grow appreciably every year.

9. Situation of non-nationals, including migrants and refugees

93. The judicial mechanisms available for investigating complaints brought by migrants, including those in irregular situations, are those set out in national legislation: specifically, grievances may be raised by filing a complaint either with the criminal investigation police at a police station or gendarmerie or with an official of the Public Prosecution Service, or by suing for damages in criminal proceedings before an investigating judge.

94. Whichever of the three mechanisms is used, after a preliminary investigation or judicial inquiry, a decision is handed down by the court concerned, which must address both the criminal charges brought by the prosecution against the offender and the civil action for damages brought by the victim, who may make use of all ordinary and extraordinary avenues of appeals.

95. All migrants, including those in an irregular situation may appeal to the administrative court against administrative decisions made against them.

96. Victims who lack the means to assert their rights before the justice system may request legal aid in accordance with article 1 of Ordinance No. 71-57 of 5 August 1971, as amended and supplemented, on legal aid.

97. With regard to migrant workers, Act No. 81-10 of 11 July 1981, on conditions for the employment of foreign workers, and Decree No. 82-510 of 25 December 1982, on issuance formalities for work permits and temporary work authorizations, constitute the legal and regulatory framework governing procedures for the employment of foreign workers.

98. Algerian legislation makes no distinction between migrant workers and Algerian workers. This principle is scrupulously applied in labour matters, provided that the migrant workers concerned have employee status (Labour Relations Act No. 90-11 of 21 April 1990, as amended and supplemented, art. 2) and can show evidence of their recruitment according to the conditions set out in Act No. 81-10 of 11 July 1981 on conditions for the employment of foreign workers.

99. Owing to their particular social and political situation, and irrespective of the level of their professional qualifications, foreign workers, refugees and stateless persons recognized in accordance with the laws and regulations in force in Algeria (in accordance with the provisions of Decree No. 63-274 of 25 July 1963, as amended and supplemented, laying down procedures for the application of the Convention relating to the Status of Refugees, of 28 July 1951, and Decree No. 64-173 of 8 June 1964 on the accession to the Convention relating to the Status of Stateless Persons, signed in New York on 28

September 1954, published in the Official Gazette on 14 July 1964) are automatically granted work permits, with the possibility of renewal.

100. Labour disputes are handled using a specific procedure established under Act No. 90-04 of 6 February 1990, on the settlement of individual conflicts in the workplace, which provides for an initial attempt at mediation — firstly through the internal mediation services of the company concerned, whose role is to help prevent labour disputes, and secondly through the external mediation bureaus — before the dispute can be referred to the social affairs court.

101. There is no discrimination against migrant workers, whether their situation is regular or irregular. Migrant workers have the right, on the same basis as nationals, to file complaints with the competent judicial and administrative authorities and to be assisted by a person of their choosing, including in disputes with their employer, in order to ensure that they are able to assert their rights in accordance with in-force legal procedures.

102. With regard to reports of migrant workers in the south of the country being abused by their employers, the Labour Inspectorate have not recorded any instances of discrimination against such workers either when carrying out routine checks or when responding to a complaint.

103. However, between 2013 and 2015 (up to 30 April 2015), five individual complaints of non-payment of wages were recorded. The complaints concerned three Malian workers, one worker from the Niger and one Cameroonian worker.

104. These complaints were dealt with by the Labour Inspectorate under Act No. 90-04 of 6 February 1990 on the settlement of individual conflicts in the workplace, with the following results:

- One complaint was withdrawn as the conflict was settled amicably before the mediation meeting;
- One complaint resulted in the issue of a non-conciliation decision;
- Three complaints were withdrawn as the workers concerned failed to attend the mediation meeting.

10. Awareness-raising and training on the Convention

105. With regard to training for judges and law enforcement officers, measures taken include the following:

- A module on civil liberties and human rights, taught over a period of 3 months (16 hours and 30 minutes in total), has been added to the second year of the training programme for judges run by the Judicial Training School;
- Short- and long-term training programmes on civil liberties and human rights have been organized in Algeria and abroad for judges already in office;
- Seminars, one-day study courses, conferences and workshops addressing a range of human rights-related issues are organized for judges at regular intervals by the national human rights institution.

Training for prison staff

106. The module on human and civil rights, including the subject of prisoner treatment, is taught for all ranks concerned through specialized training at the National Prison Administration Training School and its branches. The same subject is taught to staff engaged in further training prior to their promotion and covers the following topics: “International standards for the rights of detainees”; “Equal treatment” (for re-education officials and re-education sergeants); and “Standard minimum rules on the treatment of prisoners” (for re-education sergeants).

In-service training

107. Subjects such as prisoner reception, addressing prisoner concerns, medical and psychological care, and recreation and sports activities are taught to in-service prison staff.

Training for police officers

108. In order to provide junior and senior officers with specialized training, in addition to the seminars and study days that are regularly organized by the Directorate General of the National Security Department, acting on its own or in conjunction with other public bodies and institutions, the National Security Department, through the structures responsible for police training, has made human rights a compulsory component of the different educational programmes delivered to trainees and those already in service.

109. It should be noted that article 14 of Executive Decree No. 11-334 of 20 September 2011, on the status of administrative officials of the regional authorities, stipulates that “the administration of the local authorities shall organize training, skills development and refresher courses for its staff on an ongoing basis in order to update their knowledge, improve their qualifications and facilitate their professional advancement”.

110. Several training sessions on the management of civil registries have been conducted for officers and registrars.

111. In 1992, responding to a specific scenario, the Government established a national human rights institution known as the National Observatory for Human Rights. In 2001, this institution was replaced by the National Advisory Commission for the Promotion and Protection of Human Rights.

112. The Government of Algeria would like to highlight the role that the Commission has continued to play in promoting and protecting human rights and tackling racial discrimination.

113. It has carried out information and sensitization campaigns to raise awareness of all forms of racial discrimination and prioritized the scrutiny of Government policies, particularly those relating to all national legislation on human rights (the Constitution, ratified Conventions, domestic laws, etc.).

114. The National Commission is committed to strengthening dialogue and social communication with civil society organizations in order to combat all forms of discrimination, including racial discrimination.

115. Lastly, Ordinance No. 09-04 of 27 August 2009, on the status of the Commission, which was adopted as law by parliament in October 2009, provides proof of the efforts made by the Government to address the concerns raised by the International Coordinating Committee and to comply with the Paris Principles.

116. To this end, the Commission has initiated a new draft law on its status that has been accepted by the competent authorities and is currently being considered by the General Secretariat of the Government prior to being submitted to parliament in the near future. The draft law on the new status of the National Commission incorporates all the standards set out in the Paris Principles relating to the status of national human rights institutions, including those contained in the general observations drawn up by the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, which have become a key point of reference.

117. Following the revision of the Constitution of 7 February 2016, the national institution was established as a constitutional body under articles 198 and 199. The Council carries out monitoring, early-warning and evaluation functions in relation to human rights, investigates any human rights violation that is recorded or brought to its attention and takes any appropriate action that is necessary. It brings the results of its investigations to the attention of the administrative authorities and, where appropriate, refers them to the competent courts.

118. The Council undertakes awareness-raising, information-sharing and communication activities to promote human rights and issues opinions, proposals and recommendations relating to their promotion and protection.

119. The Council draws up an annual report for submission to the President of the Republic, the parliament and the Prime Minister, which it also makes available to the general public.

11. Trafficking in human beings

120. In addition to the legal aid that is automatically granted to victims of trafficking in human beings, even if they are non-nationals and do not have a legal residence permit (Act No. 09-02 of 25 February 2009, amending and modifying Ordinance No. 71-57 of 5 August 1971 on legal assistance, art. 2), articles 65 bis 19 to 65 bis 28 of Ordinance No. 15-02 of 23 July 2015, amending and modifying Ordinance No. 66-155 of 8 June 1966 establishing the Code of Criminal Procedure, stipulate that victims of organized crime, when acting as witnesses, may benefit from one or more extra-procedural and/or procedural protection measures if their life, their physical integrity or that of their family members or friends, or their essential interests are seriously threatened because of information that they are able to provide to the judicial system and which proves essential to uncovering the truth in cases involving organized crime.

121. With regard to the issue of trafficking in sub-Saharan migrants in an irregular situation within Algeria, there appears to be some confusion between the offence itself and other related offences, such as migrant smuggling, the sexual exploitation of vulnerable sectors of these foreign communities and prostitution, which also carry severe penalties under Algerian law.

122. It is likewise worth highlighting that the reports of trafficking in sub-Saharan migrants evoked by some sources are based almost entirely on the statements of certain illegal migrants who, in order to avoid refoulement, put forward unfounded allegations in order to be granted victim status. Specifically, in their statements they often claim to have been forced into servitude in order to provide for their needs and those of the compatriots accompanying them. In such cases, however, the law requires that physical evidence be presented in order to establish the truth about alleged cases of trafficking in human beings.

123. With regard to statistics on the offence of trafficking in human beings (which was introduced into the Criminal Code by Act No. 09-01 of 25 February 2009), one case has been recorded since 2013; an Algerian national was sentenced to 10 years' imprisonment and fined DA 10,000,000 for trafficking his spouse.

124. In any case, the issue of trafficking in sub-Saharan migrants, as presented in the report in question, cannot be considered a widespread practice that is accepted by the local population and the State authorities.

III. Part Three Information relating to the substantive provisions of the Convention

1. Article 1 General provisions

125. During the colonization of Algeria, the Algerian people were subjected to a policy of dispossession on many fronts. For this reason, the Government of Algeria very quickly repealed and revoked all the discriminatory legislation and regulations that it had inherited from the colonial period.

126. Algeria is a sovereign and democratic State founded on human dignity and the promotion of human rights and freedoms.

127. It is bound by the principles of the Charter of the United Nations and regional organizations. Since gaining its independence, it has based its foreign policy on support for peoples under colonial or foreign domination and for victims of policies of apartheid and racial discrimination.

128. The Government of Algeria is an advocate of the legitimate aspirations of peoples and of human fulfilment and contributes to the development of friendly and cooperative relations among States.

129. It shares the goal of promoting a more just international order in which human rights and peoples' rights, including the right to development, are fully realized.

130. The country's Constitution provides the framework for its policy of combating racial discrimination. To this end, legislation has been enacted to give effect to the promotion of the principle of non-discrimination and equality between nationals and non-nationals before the law.

131. The law in question is Act No. 14-01 of 4 February 2014, amending and supplementing Ordinance No. 66-156 of 8 June 1966, establishing the Criminal Code, which introduced new provisions relating to the fight against discrimination.

2. Article 2

Prohibition of racist practices and promotion of effective measures to integrate racial groups or persons belonging to such groups

132. On gaining its independence, Algeria established the constitutional principle of non-discrimination between citizens. This principle has been easy to apply as, traditionally, discriminatory practices have not existed in Algerian society.

133. In Algeria, the principle that all citizens are equal before the law in respect of their rights and responsibilities and the protection they receive is enshrined in article 32 of the Constitution, which states that: "Citizens are equal before the law and cannot be discriminated against in any way on the grounds of birth, race, sex, opinion or any personal or social condition or circumstance."

134. Article 32 of the Constitution prohibits all forms of discrimination on grounds of birth, race, sex, opinion, or any other personal or social status or circumstance.

135. The Civil Code, the Criminal Code, the Code of Criminal Procedure, the Electoral Code and the various special codes (the codes governing commerce, information, health, customs, etc.) establish this cardinal principle of equality between citizens and are consequently in conformity with the spirit and letter of the Convention.

136. One of the functions of the Constitutional Council is to censure any violation of the principle of equality of all citizens. The Council also ensures that the laws and regulations applied to foreign nationals are compatible with the Constitution and the international conventions ratified by Algeria.

137. It should be noted that, with the exception of political rights, which are dependent on nationality, all the rights enjoyed by Algerian citizens are extended to foreign nationals lawfully present in Algerian territory.

138. Act No. 14-01 of 4 February 2014, amending and supplementing Ordinance No. 66-156 of 8 June 1966, establishing the Criminal Code, introduced new provisions in two articles relating to the fight against discrimination (295 bis 1 and 295 bis 2).

139. Under the terms of article 295 bis 1 of the Criminal Code, the offence of discrimination is defined in accordance with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.

295 bis 1. "The term 'discrimination' shall mean any distinction, exclusion, restriction or preference based on sex, race, colour, descent, national or ethnic origin or disability which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

140. Under article 295 bis 1 of the Criminal Code, perpetrators of the offence of discrimination are liable to a penalty of 6 months to 3 years' imprisonment and a fine of between 50,000 and 150,000 Algerian dinars. Any legal entity which commits an act of discrimination under article 295 bis 1 above is punishable by a fine of between DA 150,000 and 750,000. It is also liable to one or more additional penalties under article 18 bis of the Criminal Code (art. 295 bis 2).

3. Article 3 Combating apartheid and racial discrimination

141. Racism and racial discrimination are alien to Algerian society.

142. The colonial administration, which developed a vexatious, discriminatory and exclusionist policy against the Algerian people, ultimately strengthened the moral solidarity of Algerian society. Moreover, it strengthened the opposition of Algerian society to any form of discrimination, exploitation or injustice directed against men and women struggling for their emancipation and dignity.

143. In that spirit, article 31 of the Constitution assigns to Algerian diplomacy the mission of working towards “the reinforcement of international cooperation and the development of friendly relations among States on the basis of equality, mutual interest and non-interference in internal affairs”. It subscribes to the principles and objectives of the Charter of the United Nations.

144. Furthermore, article 30 of the Constitution states that: “Algeria expresses its solidarity with all peoples struggling for their political and economic freedom, for the right to self-determination and against all racial discrimination.”

145. Algeria has accordingly acceded to a number of international instruments to combat discrimination and apartheid, including:

- The International Convention on the Suppression and Punishment of the Crime of Apartheid, ratified by Decree No. 82-01 of 2 January 1982, published in Official Gazette No. 1 of 5 January 1982;
- The Convention against Discrimination in Education, ratified by Decree No. 68-581 of 15 October 1968, published in Official Gazette No. 87 of 29 October 1968;
- The International Labour Organization Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), ratified by Decree No. 69-21 of 22 May 1969, published in Official Gazette No. 18 of 6 June 1969;
- The International Convention against Apartheid in Sports, ratified by Decree No. 88-89 of 3 May 1988, published in Official Gazette No. 18 of 4 May 1988.

4. Article 4 Punishment of racist acts, incitement to such acts and racist propaganda

146. Any incitement to hatred or discrimination and any defamation or insults levelled against one or more persons on the basis of their ethnicity, beliefs or religion are considered offences under Algerian law.

147. The Criminal Code was amended to this effect by Act No. 14-01 of 4 February 2014; article 295 bis 1 (3) declares punishable any public incitement to hatred or discrimination against a person or group of persons on the basis of their race or ethnicity and any efforts to organize, promote, encourage or conduct propaganda activities for this purpose. These offences are punishable by imprisonment for a term of 6 months to 3 years and a fine of DA 50,000 to DA 150,000.

148. Any person in law that commits an act of discrimination as defined in article 295 bis 1 of the Criminal Code incurs a fine of DA 150,000 to DA 750,000, without prejudice to the penalties applicable to its directors. It is also liable to one or more of the additional sanctions provided for in article 18 bis of the Criminal Code (article 295 bis 2).

149. In addition, any allegations that damage the honour or reputation of the individual or entity concerned are considered defamation under the Criminal Code. Article 296 of the Code reads as follows:

“Any allegation or charge that is prejudicial to the honour or reputation of the person or entity at which it is levelled constitutes defamation. The publication or reproduction of that allegation or charge is an offence, even if it is done in a way that leaves room for doubt or is directed at a person or entity not expressly named,

but identifiable by the terms used in the offending speech, cries, threats, written or printed text, sign or notice.”

150. Article 298 (Act No. 06-23 of 20 December 2006) states that: “Any defamation of an individual shall be punishable by imprisonment for a term of 2 to 6 months and/or a fine of DA 25,000 to DA 50,000. A pardon by the victim shall put an end to the criminal proceedings. Any defamation of one or more persons on the basis of ethnicity, belief or religion, intended to promote hatred between citizens and residents, shall be punishable by imprisonment for a term of 1 month to 1 year and/or a fine of DA 10,000 to DA 100,000.”

151. Article 298 bis (Act No. 01-09 of 26 July 2001) provides that: “Any insult levelled at one or more persons on the basis of ethnicity, belief or religion shall be punishable by imprisonment for a term of 5 days to 6 months and/or a fine of DA 5,000 to DA 50,000.”

152. As regards acts of desecration and damage, under article 160 ter* of the Criminal Code, any wilful defacement, destruction or desecration of places of worship is punishable by imprisonment for a term of between 1 year and 5 years and a fine of DA 1,000 to DA 10,000.

153. Under article 150, any person who damages or defaces tombs in any way shall be liable to imprisonment for a term of 6 months to 2 years and a fine of DA 500 to DA 2,000.

154. The prevention and punishment of any activities by an organization that incite racial discrimination are provided for in the following articles:

(a) Articles 22, 30 and 61 of Act No. 90-14 of 2 June 1990 on the exercise of the right to organize;

(b) Articles 2 and 10 of Organic Act No. 12-04 of 12 January 2012 on political parties;

(c) Articles 9, 10 and 24 of Act No. 89-28 of 31 December 1989 on public meetings and demonstrations, as amended and supplemented;

(d) Articles 28 and 60 of Act No. 12-06 of 12 January 2012 on associations.

155. Under article 92 (9) of Organic Act No. 12-05, journalists are required to refrain from directly or indirectly defending racism, intolerance or violence.

156. It should be noted that article 97 of this Act provides for the High Council of Ethics and Deontology for Journalism to impose penalties upon any person who violates the principles of ethical journalism, including by defending racism and intolerance.

157. In addition, the right to information and press freedom is enshrined in article 1 of the Organic Act on information. Article 2 of this Act provides that this right shall be exercised freely, in accordance with current legislation.

5. Article 5 Full and effective enjoyment of civil, political, economic, social and cultural rights

Article 5 (a)

Right to equal treatment before the courts and the administration of justice

158. Having ratified the International Covenant on Civil and Political Rights, the first Optional Protocol thereto and the African Charter on Human and Peoples’ Rights of 27 June 1981, the Government ensures that all Algerian citizens and all persons under its jurisdiction are able to exercise this right within the framework of established procedures.

159. Equality before the law is a constitutional right; Algerian legislation allows no restriction of this right and establishes no distinction on the basis of race, colour, or national or ethnic origin. It should be noted that access to civil justice for foreign nationals in Algeria is no longer subject to the payment of a security deposit (*caution judicatum solvi*) to cover costs.

160. In criminal cases, foreign nationals must be provided with assistance from a lawyer and, if necessary, an interpreter, as the right to a defence is guaranteed by the Constitution.

161. In addition, Act No. 09-02 of 25 February 2009, amending and supplementing Ordinance No. 71-57 of 5 August 1971 on legal assistance, extends the right to legal assistance, including legal counsel and payment of legal fees, to “any aliens lawfully present in national territory having insufficient resources to assert their rights in court” and provides that “legal assistance shall be granted for all cases brought before ordinary and administrative courts and for all discretionary and protective acts”.

162. Under this Act, victims of trafficking in human beings, organ trafficking and migrant smuggling automatically have access to legal assistance, irrespective of their nationality.

163. In Algeria, there is no discrimination on the basis of race, colour, gender, religion or ethnicity.

164. Algerian legislation consistently provides for equal treatment before the courts and for legal remedies in the event that the exercise of a right is restricted.

165. Such remedies apply not only to court rulings but also to decisions issued by administrative authorities, the validity of which is assessed at final instance by the Council of State, which is the highest administrative court.

166. The courts and the administrative authorities must ensure that legal remedies are available, or face penalties themselves. Such remedies are available for all defendants, whether they have been arrested or placed in detention, and at all levels at which cases are considered.

167. During the preliminary investigation, the public prosecutors are informed of any arrest and are required to monitor the methods used by the criminal investigation officers in the course of the inquiry (i.e. during searches, home visits, seizure of property, custody).

168. Should an arrestee be placed in detention on the basis of a detention order or arrest warrant or sentenced to imprisonment, he or she may apply to the competent court (indictments chamber, trial court or, in certain circumstances, the Supreme Court) for release on bail.

169. The rules set forth in the Code of Criminal Procedure in this regard apply to both Algerian and foreign nationals.

170. Article 61 of the Constitution provides that: “The State shall provide reparation for any miscarriage of justice. The terms and conditions of reparation shall be established by law.”

171. The right to reparation is available to female citizens who are subjected to unlawful arrest or detention, as well as to foreign nationals. The Code of Criminal Procedure guarantees the exercise of this right.

172. The amendments to the Code of Criminal Procedure introduced by Act No. 01-08 of 26 June 2001 establish the right to reparation in the event of unjustified pretrial detention leading to a dismissal of proceedings, discharge or definitive acquittal (arts. 137 bis to 137 bis 14) and in the event of the erroneous conviction of a person who is later found to be innocent (arts. 531 bis and 531 bis 1).

173. With regard to pretrial detention, it should be noted that under the new provisions of the Code of Criminal Procedure (Ordinance No. 15-02 of 23 July 2015), the investigating judge is no longer permitted to order pretrial detention for persons who have committed an offence punishable by no more than 3 years’ imprisonment, with the exception of offences that resulted in death or in a manifest breach of the peace. These provisions clearly state that pretrial detention must be an exceptional measure and one of limited duration.

174. On another matter, article 91 of the Code of Criminal Procedure provides that “the investigating judge may call upon an interpreter, excluding his or her clerk and the witnesses”. If the person is not a sworn interpreter, he or she shall take the following oath: “I hereby vow to translate faithfully the words spoken or exchanged by persons expressing themselves in other languages or dialects”.

175. Article 92, meanwhile, provides that: “If a witness is deaf and mute, the questions and replies shall be written. If the witness cannot write, the investigating judge shall appoint an interpreter who is able to converse with him or her. The record of the

proceedings shall mention the family name, first name, profession and place of residence of the sign language interpreter and the oath that he or she has taken.”

Article 5 (b)

Right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

176. Article 40 of the Constitution prohibits any violation of physical integrity:

“The State guarantees the inviolability of the human person. All forms of physical or psychological violence or affronts to human dignity are forbidden. Cruel, inhuman or degrading treatment is punishable by law.”

177. Article 41, meanwhile, stipulates that: “Violations of the rights and freedoms or of the physical or psychological integrity of the human person are punishable by law.”

178. These provisions also extend to foreign nationals, under article 81: “All foreign nationals lawfully present in the national territory shall enjoy the protection of the law with respect to their person and property.”

179. Such violations are also punishable under the Criminal Code. Title II of the third book of the Criminal Code, on crimes and offences against the person, defines and sets penalties for the offences of wilful homicide (murder), wilful homicide with premeditation and malice aforethought (assassination), infanticide, poisoning and crimes and offences involving intentional assault and battery.

180. These penalties serve to protect any victim residing in Algerian territory, without exception, reservation or distinction of any kind, including on the basis of sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, wealth, marital status, birth or any other status.

181. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was ratified in 1989, has been implemented gradually through a series of practical measures, culminating in the reform of the justice system which began in 2000.

182. The provisions of the Criminal Code that prevent and punish torture and cruel, inhuman or degrading treatment have been further strengthened as a result.

183. The law protects all persons residing in national territory, whether they are Algerian or foreign nationals, including migrant workers and members of their families, even if they are in an irregular situation, pursuant to article 5 of the Civil Code, which expressly provides that: “Police and security laws are binding for all those who reside in national territory.”

184. This protection is guaranteed by the punishment of violations of freedom (art. 107 to 111); abuse of authority (art. 135 to 140); crimes and offences against persons (art. 254 to 303); and crimes and offences against property (art. 350 to 417).

185. Under Act No. 04-15 of 10 November 2004, three articles were added to the Criminal Code to enable implementation of the provisions contained in articles 40 and 41 of the Constitution.

186. The articles in question are 263 bis, 263 ter and 263 quater, which prescribe very severe penalties for perpetrators of acts of torture (imprisonment for a term of 5 to 10 years and a fine). The penalties are even greater for civil servants (imprisonment for a term of 10 to 20 years and a fine) or when the acts of torture are preceded, accompanied or followed by a serious offence other than murder (imprisonment for a term of 10 to 20 years or for life).

187. The Criminal Code (art. 263 quater (3)) goes so far as to define as a serious offence the failure of civil servants to report acts of torture, which is punishable by imprisonment for a term of 5 to 10 years and a fine. Article 293 of Ordinance No. 66-156, amended by Act No. 06-22 of 20 December 2006, provides that any person who subjects an abducted, arrested, detained or confined person to physical torture shall be sentenced to life imprisonment.

188. As a preventive measure, specifically with regard to preliminary inquiries conducted by criminal investigation officers, the Code of Criminal Procedure provides for mechanisms to ensure the humane treatment of persons taken into police custody and to monitor the use of this measure (such as a medical examination of the person in custody at his or her request, or by decision of the public prosecutor, or at the request of the person's legal counsel or family). A medical examination is mandatory at the end of the period of police custody (Code of Criminal Procedure, arts. 51 bis 1 (8) and 52 (6)).

189. Persons who are imprisoned by virtue of a court order or decision handed down by a judge, including foreign nationals, are entitled to receive visits from members of their family, pursuant to articles 66, 67 and 71 of the Code on Prison Organization and the Social Reintegration of Detainees.

190. In the Algerian prison system, all persons deprived of their liberty are treated in accordance with the same rules, without distinction. Thus, "detainees shall be treated in such a manner as to preserve their dignity as human beings and constantly to raise their intellectual and moral levels without distinction on grounds of race, gender, language, religion or opinions".

191. This general principle, which applies to all detainees, whether at the pretrial stage, that is, awaiting a final judgment, or convicted and sentenced to imprisonment, is enshrined in article 2 of Act No. 05-04 of 6 February 2005 establishing the Code on Prison Organization and the Social Reintegration of Detainees.

192. The costs of detention are borne by the Treasury. These costs cover, inter alia, expenses related to detainees' food and health care. The rules that apply to detainees (whether pretrial, charged or convicted) are the same for nationals and non-nationals. The latter are entitled, in addition, to seek assistance from their diplomatic or consular representatives accredited to Algeria.

193. The rules on police custody established in the Code of Criminal Procedure (arts. 51, 51 bis, 51 bis 1 and 52) are strictly observed with regard to both nationals and non-nationals. Persons in custody are protected by these rules as follows:

- The period of custody cannot exceed 48 hours, unless written authorization for an extension is obtained from the public prosecutor having territorial jurisdiction (and any criminal investigation officer who violates the provisions on the duration of custody is liable to incur the penalties for arbitrary detention).
- Persons in custody have the right to contact and be visited by a person of their choice, including ascendants, descendants, siblings or a spouse, and the right to contact and be visited by their legal counsel and, in the case of foreign nationals, a diplomatic or consular representative.
- They also have the right to be examined, at their request or at the request of their legal counsel or family, by a doctor of their choice, at the end of the period of custody.

194. Article 52 (4) provides that "individuals may be held in custody only in premises intended for that purpose, known to the public prosecutor's office and consistent with human dignity".

195. In this context, and to emphasize the public prosecutor's office's authority over the criminal investigation police, the Ministry of Justice has issued three ministerial circulars to chief prosecutors:

- The first, dated 19 April 2008, requested them to ensure that they are informed of the steps taken during preliminary inquiries;
- The second, dated 7 December 2009, requested them to ensure that any medical certificate issued by a doctor during the period of custody is drawn up and sent to the public prosecutor's office on a confidential basis;
- The third, dated 21 August 2014, contained a reminder of the reporting hierarchies between the criminal investigation police and the judicial authority and requested chief prosecutors to supervise criminal investigation officers as rigorously as necessary to ensure that they fulfil their legally established duties and obligations, particularly with regard to custody conditions. To this end, chief prosecutors are

requested to initiate proceedings in the event that criminal investigation officers fall short of their obligations whether with regard to custody or by violating a person's right to privacy, (correspondence, telephone calls and electronic communication) or to freedom of movement.

Article 5 (c)

Political rights, in particular the right to participate in elections, to vote and to stand for election, to take part in public affairs and to have access to public office

196. The right to take part in the conduct of public affairs and to vote and to be elected is guaranteed by articles 7, 8, 9, 10 and 11 of the Constitution and by the set of laws establishing the democratic and multiparty character of the Algerian political system.

197. Article 62 of the Constitution provides that: "Any citizen who meets the legal conditions may vote and to stand for election".

198. Access to State functions and employment is guaranteed by article 63 of the Constitution.

Article 5 (d)

Other civil rights

The right to freedom of movement and residence

199. Article 55 of the Constitution provides that: "All citizens in possession of their civil and political rights shall be entitled to choose their place of residence freely and to travel within the national territory. They shall be guaranteed the right to enter and leave national territory."

200. "These rights may be restricted only for a limited period of time, on the basis of a reasoned decision of the judicial authority."

201. These provisions also extend to foreign residents, subject to their compliance with the legislation and regulations of the host country, including those concerning visas for entry to and residence in Algeria (Act No. 08-11 of 25 June 2008 on the conditions governing foreigners' entry to, residence in and movement within Algeria).

202. The right to asylum is a constitutional right and a political refugee in possession of this right cannot be surrendered or extradited under any circumstances (art. 69). Extradition may only take place by virtue of, and pursuant to, an act on extradition (art. 68).

203. The right to enter and leave national territory may be restricted only by order of the public prosecutor, who may, for the purposes of an investigation and on the basis of a reasoned report from the criminal investigation officer, prohibit a person from leaving national territory if there is any indication of probable involvement in a crime or offence (Code of Criminal Procedure, art. 36 bis 1).

The right to leave and to return to one's country

204. Article 55 (2) of the Constitution provides that Algerian citizens shall be guaranteed the right to enter and leave national territory.

205. As regards the right to leave national territory, the only restrictions that may be imposed concern persons whose travel documents have been withheld by an investigating judge in the context of judicial proceedings, for reasons relating to the investigation.

206. In any event, only the judicial authority is competent to prohibit a person from leaving national territory. No citizen may be prevented from returning to his or her country.

The right to nationality

207. The right to nationality is enshrined in article 33 of the Constitution.

208. Ordinance No. 70-86 of 15 December 1970 establishing the Code of Algerian Nationality, as amended and supplemented, sets out the conditions for the acquisition and loss of nationality:

Article 6: “Any child born of an Algerian father or mother shall be considered Algerian.”

Article 7: “The following shall have Algerian nationality by virtue of being born in Algeria:

1. A child born in Algeria of unknown parents.

However, a child born in Algeria of unknown parents shall be deemed never to have been Algerian if, while still a minor, his or her filiation is established with respect to a foreign national and if, under the national law of that person, he or she has the latter’s nationality. A newborn child found in Algeria shall be presumed, unless the contrary is proven, to have been born in Algeria.

2. A child born in Algeria of an unknown father and a mother whose name alone is written on the birth certificate, without any other information that proves her nationality.”

209. Article 8 of Ordinance No. 05-01 of 27 February 2005 amending and supplementing Order No. 70-86 of 15 December 1970 establishing the Code of Algerian Nationality provides that: “A child who acquires Algerian nationality by virtue of article 7 above shall be deemed to have been Algerian since birth, even if it was established only after the birth that the relevant legal conditions had been met. The granting of Algerian nationality from birth, as well as the withdrawal or renunciation of that status, pursuant to the provisions of article 7 above, shall have no effect on the validity of any legal instruments executed by the person concerned, or on the rights acquired by third parties on the basis of the nationality previously acquired by the child.”

210. Article 17 reads as follows: “Collective effect: minor children of a person who acquires Algerian nationality by virtue of article 10 of this Ordinance shall become Algerian at the same time as their parent.”

211. However, they shall have the right to renounce their Algerian nationality within a period of two years once they reach the age of majority.

212. A foreign national who applies for Algerian nationality may acquire it, subject to certain conditions (art. 10).

213. Article 11 et seq. of this Ordinance provide that, as an exception to article 10, Algerian nationality may be granted:

(a) To a foreign national who has rendered exceptional services to Algeria or has developed a disability or illness while serving Algeria or its interests;

(b) To the spouse and children of a deceased foreign national who would have fallen into category (a) when alive; they may submit a posthumous application on the latter’s behalf when submitting their own application for Algerian nationality;

(c) To a foreign national who is of exceptional importance to Algeria.

The right to marriage and choice of spouse

214. Families enjoy the protection of the State and society (Constitution, art. 72). The Family Code, the core instrument regulating family relations, defines the legal status of those who make up the family, which is the basic unit of society, and thus reflects the level of social, economic and cultural development of society.

215. Act No. 84-11 of 9 June 1984, establishing the Family Code, as amended and supplemented by Ordinance No. 05-02 of 27 February 2005, defines marriage as a consensual contract concluded between a man and a woman in the manner prescribed by law. The aims of marriage include founding a family based on affection, kindness and mutual support, providing moral protection for both spouses and preserving family ties by safeguarding the bonds of marriage and the duties of a shared life, living together in harmony, mutual respect and kindness, and contributing jointly to the safeguarding of family interests and the protection and good upbringing of the children (Family Code, arts. 4 and 36).

216. The marriage contract is concluded by mutual consent between the two parties (art. 9).

217. Consent is considered by law to be an essential condition of marriage; in other words, if one of the parties does not consent, the marriage is void and any person concerned, including the parties, may request an annulment by the court. In this regard, it is important to highlight the role played by the representative of the Public Prosecutor's Office in matters of personal status, which are considered under Algerian law to fall within the sphere of public order. Accordingly, the public prosecutors having territorial jurisdiction may use all legal means available to restore compliance with the law in cases brought before them. Thus, article 3 bis provides that: "the Public Prosecutor's Office shall be a principal party in all proceedings to give effect to the provisions of this Act".

218. Under article 13 of Ordinance No. 05-02 of 27 February 2005, it is forbidden for a *wali* (guardian), whether he is the father or another relative, to force the minor under his guardianship to marry or to give the minor in marriage without the latter's consent.

219. In addition to giving their consent, the parties must also have the legal capacity to enter into a marriage contract.

220. For both men and women, the legal minimum age for marriage is 19 years old; this serves as a form of guarantee for the protection of individual rights, especially those of women, who can thus be fully aware of what they are consenting to.

The right to own property

221. Article 64 of the Constitution provides that: "the right to own property shall be guaranteed".

222. Article 22 stipulates that: "expropriation must be carried out in accordance with the law. It shall give rise to fair and equitable compensation."

223. These two principles form the basis of Act No. 91-11 of 27 April 1991, which establishes the rules for expropriation in the public interest.

224. Act No. 91-11 of 27 April 1991, establishing the rules for expropriation in the public interest, was published in Official Gazette No. 21 of 8 May 1991 and is binding on all citizens throughout the national territory. It defines the conditions governing expropriation in the public interest and the procedure by which it is carried out. Under this Act, expropriation in the public interest:

- Must constitute an exceptional means of acquiring goods or property rights;
- Shall be enforceable only if all other solutions have failed;
- Must follow a specific, formal procedure (involving a declaration that expropriation is in the public interest, an evaluation of the property and rights to be expropriated, and an administrative deed of transferability, stipulating the amount of compensation payable and the requirement for prior deposit). If a friendly agreement regarding the offer of compensation cannot be reached with the administration, the owner may refer the matter to the competent court.

225. According to the Act, any expropriation enforced outside of the permitted cases and conditions shall be considered null and void and deemed an abuse, which, in addition to the other penalties provided for by current legislation, may give rise to a court order of compensation.

226. Article 386 of the Criminal Code imposes a penalty of imprisonment and a fine on "any person who dispossesses another of immovable property, by deception or fraud". This penalty is increased if the dispossession takes place at night, or using threats and violence, or by climbing or breaking in, or if it is carried out by several persons, or if one or more of the perpetrators is carrying a visible or hidden weapon.

The right to inherit

227. Article 64 of the Constitution provides that "the right to inherit shall be guaranteed". This right is governed by articles 126 to 172 of the Family Code.

Freedom of thought, conscience and religion

228. Article 32 of the Constitution provides that: “Citizens shall be equal before the law, without distinction as to birth, race, sex, opinion or any other personal or social condition or circumstance.” Freedom of thought, conscience and religion is a fundamental right guaranteed by the State.

229. The inviolability of freedom of conscience is enshrined in article 42 of the Constitution, in accordance with article 18 of the International Covenant on Civil and Political Rights. The practice of Islam and other faiths is regulated in Algeria.

230. Religious associations must register with the authorities in order to be recognized and to be able to practice their faith in a context of transparency. They receive financial support from the State, without discrimination, which is used, amongst other things, to maintain and restore places of worship. The main monotheistic religious festivals have, for a long time, been defined as statutory holidays under Act No. 63-278 of 26 July 1963, as amended and supplemented (paid days of rest).

231. Ordinance No. 06-03 of 28 February 2006 on the conditions of practice of faiths other than Islam reinforces the constitutional principle mentioned above and reflects a real willingness on the part of the public authorities to recognize all revealed religions.

232. This text thus guarantees “the right to practice one’s faith freely with due regard for the provisions of the Constitution, this Ordinance, current legislation, public order and morals, and the fundamental rights and freedoms of third parties”, “tolerance and respect between the different religions” and “State protection” for associations of religions other than Islam (arts. 2 and 3). It also prohibits “the use or religious affiliation as a justification for discrimination against any person or group of persons” (art. 4).

233. Persons wishing to carry out an activity in the religious sphere must be qualified to do so and must obtain the approval of the relevant religious authority and the necessary administrative authorizations. This provision applies to all faiths, including Islam, which is the majority religion in Algeria.

234. Other legal safeguards for religious freedom and practice provided under Algerian law include the following:

- The status of ministers of faiths other than Islam, established by Decree No. 69-204 of 6 September 1969, on the specific status of the personnel of non-Muslim religions, which sets out the following rights: the right to remuneration; the right to social security; and the right to family benefits.
- The right to own property of non-Muslim religious associations, and exemption from taxes, including property registration and transfer-of-ownership fees, under Ordinance No. 76-54 of 10 June 1976.
- The right of non-Muslim parents to give their children a first name of their choice, under article 28 of the Civil Code and article 64 of the Code of Civil Status.
- The right of detainees to fulfil their religious obligations and their right to be visited by a minister representing their faith, under article 66-3 of Act No. 05-04 of 6 February 2005 establishing the Code on Prison Organization and the Social Reintegration of Detainees. For example, in Algiers alone, there are seven registered prison chaplains, of whom three are French and four serve other linguistic communities.
- The right of recourse to the National Committee on Faiths other than Islam, whose composition and rules of procedure are established in Executive Decree No. 07-158 of 27 May 2007. This Committee ensures that the principle of freedom of religious practice is observed and deals with any related issues and concerns.

235. Measures are being taken to promote the Amazigh language and culture, including the preaching of sermons in this language, to enable its speakers to understand and assimilate the values of Islam in their preferred language.

Freedom of opinion and expression

236. The rights to freedom of opinion and expression are guaranteed by articles 48 and 50 of the Constitution, which also enshrines the right to freedom of intellectual, artistic and scientific creation, including intellectual property rights:

Article 38: “Fundamental freedoms, human rights and the rights of citizens shall be guaranteed. They constitute the shared heritage of all Algerians, whose duty it is to pass this heritage from one generation to the next, in order to preserve its integrity and inviolability.”

Article 42: “Freedom of conscience and opinion shall be inviolable.”

Article 44: “Freedom of intellectual, artistic and scientific creation shall be guaranteed to all citizens. Intellectual property rights shall be protected by law. Publications, recordings or any other means of communication and information may be seized only by virtue of a court order.”

Freedom of assembly and association

237. The right of peaceful assembly is recognized under article 48 of the Constitution, which states: “Freedom of expression, association and assembly shall be guaranteed to all citizens.” The exercise of this right is governed by Act No. 89-28 of 31 December 1989 on public meetings and demonstrations. The operative provisions of this Act (arts. 2 to 20) establish a flexible procedure for the exercise of this right whereby the public authorities must be notified three days in advance of meetings and five days in advance of demonstrations.

238. Act No. 91-19 of 2 December 1991 increased the period of advance notice to eight clear days for public meetings; more recently, it was established that such meetings require the approval of the *Wali* (Prefect). Any demonstration held without permission or after being prohibited is considered a gathering that may be dispersed by the Minister of the Interior or by the *Wali* under whose territorial jurisdiction it occurs.

239. The right to found or join a political party is guaranteed to all citizens without exception. In this context, the Constitution prohibits the founding of a political party on the basis of discrimination, stipulating that: “Pursuant to the provisions of this Constitution, political parties cannot be founded on the basis of religion, language, race, sex, profession or region. Political parties cannot use partisan propaganda relating to the characteristics mentioned in the previous paragraph.”

240. In addition, article 10 of Organic Act No. 12-04 of 12 January 2012 on political parties provides that: “Any Algerian who has reached the age of legal majority may join a political party of his or her choice and leave that party at any time.”

241. In Algeria, freedom of association is guaranteed to all citizens without distinction. Article 48 of the Constitution provides that: “Freedom of expression, association and assembly shall be guaranteed to all citizens.” Article 54 of the Constitution also enshrines the right to freedom of association and requires the State to foster the development of associations, stipulating that: “The right to form associations shall be guaranteed. The State shall encourage the development of associations.”

242. The exercise of this right is governed by Act No. 12-06 of 12 January 2012 on associations. In this context and under article 4 of this Act, any individual may form, administer and manage an association. There are no discriminatory preconditions to be satisfied other than objective criteria relating to age, nationality and the enjoyment of civil and political rights.

243. Under Algerian law, foreign nationals have the right to form associations, on an equal basis with Algerian citizens, without distinction as to sex, race, language or ethnicity, provided they are lawfully resident in Algeria. In this regard, article 60 of Act No. 12-06 of 12 January 2012 on associations provides that: “Any foreign national who forms or joins a foreign association must be in a regular situation with respect to current legislation.”

244. Alongside political parties, voluntary associations constitute today an essential and dynamic component of social, professional, cultural and scientific life. There are currently over 94,000 associations.

Economic, social and cultural rights

The right to work, to equal pay for equal work, to favourable conditions of work and to just and favourable remuneration

245. The right to work has been enshrined in every Constitution of Algeria since the country gained independence. Article 69 of the Constitution of 2016 thus provides that: “All citizens have the right to work.”

246. It is worth noting that, following the structural adjustment programme, the phased modernization of enterprises and the privatization of some of them, the Algerian economy has started to grow again, and that this has naturally affected employment, especially as the State has introduced specific measures to encourage job creation.

247. It is worth recalling that the Constitution of 1989, as amended and supplemented in 1996, marked a clean break with the previous system and established the following basic principles:

- Freedom of association;
- The right of all citizens to form and join trade unions;
- The right to strike;
- Protection of health;
- The right to rest;
- The right to work and social security;
- The right to protection, health and safety in the workplace;
- The right to free education under the conditions established by law;
- Equal access to free vocational training in public vocational training establishments.

248. These principles have been incorporated and fleshed out in labour legislation, particularly with regard to:

- The opportunities granted to social partners for consultation and negotiation to settle differences and to workers for the exercise of their right to strike (Act No. 90-02 of 6 February 1990);
- Rights and obligations and general protection, the organization of collective bargaining and workers’ participation in the life of the enterprise (Act No. 90-11 of 21 April 1990 on labour relations);
- Conditions of occupational health, safety and medicine (Act No. 88-07 of 26 February 1988 on occupational health, safety and medicine).

249. The means of assistance, intervention, monitoring and arbitration available to public authorities are established in Act No. 90-03 of 6 February 1990 on labour inspection and Act No. 90-04 of 6 February 1990 on the settlement of individual labour disputes.

250. Procedures and mechanisms whereby social partners can join forces to defend their material and moral interests are set forth in Act No. 90-14 of 2 June 1990 on the exercise of the right to form and join trade unions.

251. This body of legislation was supplemented in 1994 by three legislative decrees designed to provide a framework for the redundancy plans necessitated by industrial restructuring and to provide social coverage for workers suffering from the consequences. These were:

- Legislative Decree No. 94-09 of 26 May 1994 on the preservation of employment and the protection of workers at risk of involuntary redundancy;
- Legislative Decree No. 94-10 of 26 May 1994 introducing the option of early retirement;
- Legislative Decree No. 94-11 of 26 May 1994 instituting unemployment insurance for workers at risk of involuntary redundancy or likely to be laid off for economic reasons.

252. In 2004, Act No. 04-19 of 25 December 2004 on the recruitment of workers and the supervision of employment gave the National Employment Agency a status more suited to its activity and opened the door for the creation of private recruitment agencies. This Act protects all jobseekers against any form of illegal subcontracting.

253. Lastly, as a member of the World Health Organization and the International Labour Organization, Algeria strives to guarantee fundamental human rights, including the right to health and the continual improvement of health care, with due regard for human dignity and equality, and focusing in particular on migrant workers and their families.

The right to form and join trade unions

254. The freedom to form trade unions is not only enshrined in the Constitution but is also given effect in Act No. 90-12 of 10 June 1990, as amended and supplemented by Act No. 91-30 of 21 December 1991 and Ordinance No. 96-12 of 6 June 1996. This Act recognizes the right of wage earners in the private and public sectors to form trade unions that are independent and separate from political parties.

255. The exercise of this right is also regulated by the statutes of trade union organizations (see articles 1, 2 and 3 of the Act).

256. In addition to a vast array of independent trade unions, there are no fewer than 64 national trade union organizations for workers and 32 employers' organizations, including 2 in the public sector and 33 in the private sector, 4 of which are confederations. It is worth noting that the workers' organizations cover almost all branches of economic activity (public and private) and that the public sector unions include nearly all civil servants working for public institutions and authorities — for example, in health care (12 trade unions), transport (9 trade unions) and education (13 trade unions).

The right to housing (update)

257. The Algerian Government endeavours to ensure a steady rise in the standard of living of its citizens. Achievement of this goal rests on an equitable distribution of the benefits of development and a judicious allocation of resources which ensure that citizens' needs are met and that the nation shows solidarity with the most deprived.

258. In this context, the various plans launched since 2000 have increased the total number of available housing units by nearly 3,000,000, from 5,416,000 to 9,341,000.

259. It should be noted that the Government provides comprehensive, direct support for low-income families through the allocation of subsidized rental accommodation and has created a range of housing and an aid scheme for families seeking to own property in rural or urban areas.

The right to public health, medical care and social security

260. The right to health is a constitutional right enshrined in article 66 of the Constitution, which provides that: "The State shall make every effort to prevent and eradicate epidemic and endemic diseases."

261. The health system in place since independence has thus been steadily improving, through the development of health indicators and human, material and infrastructure resources that serve to protect and promote public health.

262. The introduction of compulsory vaccination for all children and the increase in immunization coverage to over 95 per cent has brought about a clear decline in epidemiological indicators. In addition to improving immunization coverage, Algeria regularly introduces new vaccines (hepatitis B, haemophilus influenzae) and is extending the vaccination drive to the adult population, as is already the case for the vaccines against diphtheria and tetanus, for which boosters are compulsory every 10 years, and for the influenza vaccine, which is provided annually free of charge to persons at risk and pregnant women.

263. Moreover, free health care, the reform of medical training and the organization of the health system around health-care sectors are the cornerstones of the health policy established in the 1970s, which has also been characterized by a focus on the development of health-care infrastructure.

264. Occupational health protection for all workers is a right enshrined in the Constitution that has gradually been incorporated into national public health policy, pursuant to Act No. 85-05 of 16 February 1985.

265. The national health system ensures that all individuals and families, without distinction, have equal rights to health protection and equal access to all health-care structures for the purpose of receiving appropriate emergency care and essential preventive and curative care and that migrant workers and members of their families, irrespective of their residence or employment status, are treated on an equal footing with Algerian nationals.

266. Thus, the health-care provisions contained in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, including articles 28, 43, 45 and 70, are covered by current national legislation and regulations.

267. The right to social security is a fundamental principle enshrined in article 69 of the Constitution, as amended and supplemented.

268. The Algerian social security system is based on the principles of solidarity and sharing. Affiliation to this system of social coverage is mandatory for all employees and self-employed persons, and also for a number of specific categories of persons who are also eligible. The system encompasses all forms of social security provided for by international conventions. Over 85 per cent of the Algerian population is covered by the social security system in Algeria, taking into account both insured persons and their dependants (spouses, children and other dependent relatives).

269. The State covers what are known as “national solidarity” expenses by paying allowances to supplement low pensions and other retirement benefits, awarding exceptional pension increases, and making good the shortfall in social security contributions resulting from the reductions granted to employers who recruit jobseekers.

270. The State also pays family allowances to both in-service and retired national and foreign employees.

271. Social security benefits in Algeria can be categorized as follows:

- Social insurances, which include:
 - Health insurance, which covers at least 80 per cent of standard health-care costs. Coverage increases to 100 per cent for persons with a chronic disease or on a low income. The insurance policy also guarantees a replacement income for employees who stop working for health reasons.
 - Maternity insurance, which covers 100 per cent of standard health-care costs for mothers and newborns. Female employees are eligible for 14 weeks’ maternity leave and a daily allowance equivalent to 100 per cent of the wage on which their social security contributions are based.
 - Disability insurance, which provides a disability pension for workers whose capacity to work falls to 50 per cent or lower.
 - Survivors’ insurance, which provides the beneficiaries of a deceased worker, pensioner or recipient of an allowance with a sum equivalent to 12 times the wage on which contributions were based or 12 times the retirement or disability benefit or the allowance paid in respect of a work-related accident or occupational disease.
- Compensation for work-related accidents and occupational diseases, whereby victims of an accident or occupational disease are granted full health-care coverage and a daily allowance equal to 100 per cent of the wage on which contributions are based if they are forced to stop working. Any worker suffering from the after-effects of a work-related accident or occupational disease receives an allowance.
- Unemployment and early retirement insurance, which provides social security coverage for workers who lose their job for economic reasons (closure of employing organization or workforce reductions).
- Retirement pensions, available from the age of 60 (65 for self-employed men and 60 for self-employed women), subject to the completion of at least 15 years of work.

The retirement age may be lowered by 5 years for female employees, at their request, and a full pension is equal to 80 per cent of the reference wage for 32 years of work (2.5 per cent for each validated year).

272. A retirement allowance is granted from the legal retirement age to persons who have worked for at least 5 years or 20 quarters. A pre-retirement scheme for employees established in 1997 by Ordinance No. 97-13 provides for pro rata pensions to be paid from the age of 50 and after 20 years of contributions and for retirement at any age after 32 years of activity, granted solely at the request of employees.

273. Act No. 88-07 of 26 January 1988 on occupational health, safety and medicine provides that “occupational health constitutes an obligation of the employing organization” and sets forth general rules relating to occupational health, safety and medicine, training and information, prevention, and oversight of the implementation of current legislation and regulations.

274. Occupational health activities mainly involve protecting and promoting workers’ health and fitness for work, and improving working conditions and the work environment in order to guarantee health and safety.

The right to education and training

275. The right to education is enshrined in the basic statutes of the Republic, which guarantee free access to education for all children.

276. Article 65 of the Constitution stipulates that: “The right to education shall be guaranteed. State education shall be free of charge under the conditions established by law.”

277. Furthermore, Act No. 08-04 of 23 January 2008 on national education policy stipulates that school is compulsory for all boys and girls between the ages of 6 and 16, with the possibility of a two-year extension for children with disabilities. Parents and legal guardians who fail to meet this requirement are liable to a fine. Article 10 of this Act provides that: “The State shall guarantee the right to education to all Algerians, without distinction as to sex, social background or geographical origin.”

278. Since becoming independent, Algeria has devoted considerable resources to the development of the national education sector.

279. The Government spares no effort to ensure that all Algerian children, without distinction, receive an education. To this end, measures have been taken to increase school enrolment.

280. After over 50 years of continual effort, Algeria has not only made up for its traditional backwardness in educational matters, but has also managed to meet the strong demand for education that has been expressed since independence.

281. Thanks to a programme of infrastructure development and personnel recruitment in all disciplines, overall pupil numbers have increased tenfold since 1962 to reach over 8 million today, resulting in an enrolment rate of nearly 98 per cent, compared with only 43.5 per cent in 1965.

282. The effort has also been directed towards educational support, entailing the provision of millions of school textbooks; the opening of State-funded canteens under a budget that has increased twelvefold since 1999; boarding and semi-boarding facilities, which have doubled in number over the same period; a school bus service covering the country’s 1,541 communes; increasingly universal health services; and educational grants awarded at the beginning of the school year to the most deprived children, benefitting 3 million children.

283. Article 73 of the Act on national education policy provides that: “The purpose of adult education is to increase citizens’ literacy levels and to ensure a steady rise in their level of education and general culture. This education is free and is intended for young persons and adults who did not attend school, or whose schooling was insufficient, or who wish to improve their cultural level or achieve social and professional advancement.”

284. The children of migrant workers or resident foreign nationals are immediately integrated into the school system.

285. As regards vocational training, the Ministry responsible for this sector establishes the conditions and referral procedures for the various vocational training options, according to the wishes of applicants and the capacity of the host institutions. Training of this kind is also available to migrant workers and members of their families, who benefit from the same referral services.

The right to equal participation in cultural activities

286. It is an active, day-to-day concern of the Algerian Government to develop the cultural sector, as can be seen by measures taken at the local, regional and national levels.

287. These efforts have paved the way for a revival of cultural and artistic life, evidenced on a daily basis by the varied cultural programmes and the widespread enthusiasm for organizing and attending cultural events.

288. The main thrusts of Algerian cultural policy include promoting and encouraging reading among the general public by building a denser library network, firstly by expanding the National Library to include 14 branches throughout the country and, secondly, by building a cultural centre in each *wilaya*, adding to the existing 32, and setting up a national book centre.

289. Under an agreement with the Ministry of the Interior, it has been decided that each of the 1,541 communes should be provided with a library. The public authorities have also decided in favour of the gradual acquisition of 40 mobile libraries.

290. Algeria has always sought to encourage the intellectual creation of literary and artistic works.

291. This policy has translated into various commitments, notably, through accessions to international conventions and, domestically, through the passing of legislation on copyright.

292. Algeria has thus acceded to international conventions on the protection of copyright and other related rights. At the national level, copyright protection is enshrined in article 38 of the Constitution, which stipulates that: "Freedom of intellectual, artistic and scientific creation shall be guaranteed to all citizens. Intellectual property rights shall be protected by law."

The right of unrestricted access to all public places

293. Other than the provisions of the Constitution, there are no provisions in Algerian law that in any way limit or restrict fundamental freedoms.

6. Article 6

The right to seek remedies and reparation before the courts

294. Article 61 of the Constitution provides that: "The State shall provide reparation for any miscarriage of justice. The terms and conditions of reparation shall be established by law."

295. In addition, article 169 of the Constitution provides that: "The right of defence shall be recognized, and, in criminal cases, shall be guaranteed." This guarantee applies to all residents present in national territory and at all stages of the proceedings.

296. On this basis, all accused persons have the right to be present at their trial and either to defend themselves or to be assisted by a lawyer. This is, however, a recognized "right" of the accused and not a *sine qua non* for the holding of the trial.

297. Any person whose rights have been violated may seek appropriate reparation before the competent judicial authority. The procedure to be followed is determined by the act or circumstance that led to the violation of denial of rights. Any person claiming to have suffered injury as a result of an offence may, by filing a complaint, bring criminal indemnification proceedings before the competent investigating judge.

298. In administrative cases, any individual claiming to have suffered injury due to the acts of a public authority may apply for a discretionary or hierarchical remedy before applying to the administrative court for a judicial remedy. Act No. 08-09 of 25 February

2008 establishing the Code of Civil and Administrative Procedure provides that any decision issued by an administrative authority may be appealed before the administrative court.

299. The following articles should be noted in this regard:

Article 800: “The administrative courts shall be the courts of general jurisdiction in matters of administrative litigation. They shall hear, at first instance and on appeal, all cases in which the State, the *wilaya*, the commune or a public administrative establishment is a party.”

Article 801: “The administrative courts shall also be competent to rule on applications for annulment, interpretation or assessment of the lawfulness of administrative decisions of the *wilaya*, the commune or public administrative establishments.”

Article 902: “The Council of State shall be competent to rule on appeals against administrative judgments and orders.”

300. The Council of State hears, at first and last instance, applications for annulment, interpretation or assessment of the lawfulness of administrative decisions issued by central administrative authorities. It also hears cases that are brought before it in accordance with specific instruments.

301. In addition, the Council is competent to rule on appeals against judgments and orders handed down by the administrative courts.

302. It also serves as an appeal court for cases that are brought before it pursuant to specific instruments (arts. 901 and 902).

Article 903: “The Council of State shall be competent to rule on applications for judicial review of decisions issued by administrative courts at last instance.”

Article 919: “When an administrative decision, including one of dismissal, is subject to an application for total or partial annulment, the interim relief judge to whom the application is submitted may order the execution of the decision, or of some of its effects, to be suspended if urgent relief is deemed necessary and when there are sufficient grounds, based on the investigation thus far, to raise serious doubts as to the lawfulness of the decision.”

303. This Code also sets out all available means of redress against administrative decisions and the related procedures.

304. Aside from the civil and criminal reparation available to all persons claiming to have suffered injury, articles 531 bis and 531 bis 1 (1) of Ordinance No. 66-155 of 8 June 1966 establishing the Code of Criminal Procedure, as amended and supplemented, provide that any convicted person whose innocence is later proven, or his or her beneficiaries, shall be entitled to compensation for the material and non-material damage suffered as a result of the conviction.

305. The State covers this compensation, which is awarded by the Compensation Commission, in accordance with the procedure set out in the Code of Criminal Procedure.

7. Article 7 Measures to promote understanding, tolerance and friendship among peoples

306. For over a century, Algeria was the victim of a systematic colonization policy. During the colonial period, the Algerian people were also subject to all kinds of dispossession, alienation, discrimination and exclusion.

307. Determined to end this suffering, on gaining independence, the Algerian people declared its support for all peoples who fight for their independence. It also expressed its solidarity with peoples who fall victim to policies of discrimination and apartheid.

308. In this spirit, Algeria played a leading role in the development and adoption of the International Convention on the Elimination of All Forms of Racial Discrimination. For

many years, it also chaired the United Nations Council for Namibia, thereby demonstrating its attachment to the principles of humanism and solidarity.

309. Lastly, Algeria is a party to all the instruments that seek to eliminate discrimination in the fields of education; forced labour; employment and occupation; sports; and against women.

310. Each year, Algeria celebrates Africa Liberation Day by organizing various conferences and events. In addition, on commemorative days devoted to the Universal Declaration of Human Rights, the rights of the child, and women's rights, it recalls the crimes committed through apartheid and urges vigilance against new forms of discrimination. It has been active in the codification of new norms to combat racism, racial discrimination and related practices.
