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**Working Group on the Universal Periodic Review**  
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## Compilation on Algeria

### Report of the Office of the United Nations High Commissioner for Human Rights

#### I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1,2</sup>

2. In 2012, the Committee on the Rights of the Child recommended that Algeria ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities.<sup>3</sup>

3. The same Committee also recommended that Algeria consider ratifying the International Labour Organization Domestic Workers Convention 2011 (No. 189);<sup>4</sup> and the Hague Convention on the Civil Aspects of International Child Abduction.<sup>5</sup>

4. Regarding the recommendation received by Algeria during its second universal periodic review on ratifying the Convention on the Reduction of Statelessness,<sup>6</sup> the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the

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Government accede to that Convention on the Reduction of Statelessness and adopt its safeguards against statelessness into domestic legislation.<sup>7</sup>

5. The Committee on the Rights of the Child reiterated its recommendation that Algeria review its interpretative declarations regarding the Convention on the Rights of the Child with a view to withdrawing them.<sup>8</sup>

6. The Committee urged Algeria to fulfil its reporting obligations under the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, the reports of which were both overdue, since 2009 and 2011 respectively.<sup>9</sup>

7. The Committee on the Elimination of Racial Discrimination regretted that the combined fifteenth to nineteenth periodic reports of Algeria had been submitted with a delay of nearly 10 years.<sup>10</sup>

8. The Office of the United Nations High Commissioner for Human Rights (OHCHR) noted that as to cooperation with OHCHR and human rights mechanisms, apart from the visits by the High Commissioner in 2012, the Special Rapporteur on the right to education in January 2015 and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in May 2016, Algeria maintained, in general, its non-cooperation with United Nations human rights experts and mechanisms. The Government had not yet accepted the proposed visits of several special mandate holders, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.<sup>11</sup>

### **III. National human rights framework<sup>12</sup>**

9. OHCHR welcomed the adoption by Algeria of a number of constitutional amendments in January 2016, as a positive step towards far-reaching institutional, political and socioeconomic reforms.<sup>13</sup> It further encouraged Algeria to bring its national legislation into line with its international human rights obligations, particularly that relating to freedoms of assembly, expression and association.<sup>14</sup>

10. Since 2009, the Commission nationale des droits de l'homme had been accredited with B status by the Global Alliance of National Human Rights Institutions.<sup>15</sup>

11. The Committee on the Rights of the Child urged Algeria to establish an independent mechanism to deal with children's complaints of violations, either as part of a national human rights institution or as a separate one.<sup>16</sup>

12. The same Committee was concerned about the lack of progress in the adoption of the Child Protection Code, the elaboration process of which had been initiated in 2005.<sup>17</sup>

## **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Cross-cutting issues**

#### **1. Equality and non-discrimination<sup>18</sup>**

13. The Committee on the Elimination of Racial Discrimination recommended that, in accordance with the Convention, Algeria incorporate a definition of racial discrimination into its legislation<sup>19</sup> and the prohibition of racial discrimination into the Criminal Code.<sup>20</sup>

14. The same Committee was concerned by the persistence of racist stereotypes and by the hate speech that was sometimes directed against the Amazighs, asylum seekers, refugees and sub-Saharan Africans.<sup>21</sup>

15. OHCHR indicated that traditional social mores had created an extremely hostile environment for lesbian, gay, bisexual and transgender persons. In 2015, advocacy groups for those communities had focused mainly on personal safety, due to an increase in the intensity of hate speech coming from conservative clerics and the media.<sup>22</sup>

#### **2. Development, the environment, and business and human rights<sup>23</sup>**

16. The Committee on the Elimination of Racial Discrimination was concerned by reports about economic disparities, affecting in particular the regions inhabited by Amazighs, who allegedly had not benefited from adequate public investment, and recommended that Algeria step up its development efforts in the most disadvantaged regions, especially those inhabited by Amazighs.<sup>24</sup>

#### **3. Human rights and counter-terrorism**

17. The Committee on the Rights of the Child was concerned that children aged 16 could be detained in the context of counter-terrorism.<sup>25</sup>

### **B. Civil and political rights**

#### **1. Right to life, liberty and security of person<sup>26</sup>**

18. Since 1 April 2012, the Human Rights Committee has adopted 24 Views concluding that Algeria was in violation of its obligations under the International Covenant on Civil and Political Rights. Twenty-one of these related to cases concerning enforced disappearances,<sup>27</sup> two related to cases concerning extrajudicial or arbitrary executions<sup>28</sup> and one related to a case concerning torture and arbitrary detention.<sup>29</sup> The Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted two decisions concluding that Algeria was in violation of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>30</sup>

19. The Committee on the Rights of the Child was concerned that children were subjected to long periods of pretrial detention and that they were not always separated from adults in detention.<sup>31</sup>

20. The Special Rapporteur on education welcomed the efforts of the Government to promote the enjoyment by persons in detention of their right to education. He considered that the type of education provided in prisons was similar to that given in ordinary schools.<sup>32</sup>

**2. Administration of justice, including impunity, and the rule of law<sup>33</sup>**

21. OHCHR indicated that Algeria had set in place a number of judicial mechanisms intended to protect the rights of citizens, on the one hand, and to ensure self-reliance in decision-making by the justice system, on the other.<sup>34</sup> Revised legislation adapted to reflect the country's regional and international commitments had provided grounds for the promulgation of texts that had contributed to strengthening the fundamental rights and liberties of citizens, including the Code of Criminal Procedure, amended on July 2015, and the Penal Code which came into force in January 2016.<sup>35</sup>

22. The Committee on the Rights of the Child was concerned that the juvenile justice system remained mostly punitive, as reflected notably by the possibility of sentencing a child as young as 13 years old to a prison term of 10 to 20 years.<sup>36</sup>

23. Concerning the combating of impunity, OHCHR noted that, partly as a result of sweeping amnesty measures that had entrenched impunity, the security forces continued to violate human rights. Activists and the families of victims of enforced disappearances continued to demand truth and justice despite threats being made against them.<sup>37</sup> OHCHR recommended that Algeria end impunity, investigate violations of human rights and support victims of such abuses.<sup>38</sup>

**3. Fundamental freedoms and the right to participate in public and political life<sup>39</sup>**

24. OHCHR expressed concern over the alleged excessive use of force against protesters who had often taken to the streets to complain about unemployment and inflation. OHCHR urged the national authorities to respect people's right to freedom of expression and to ensure that any wrongdoing by police forces was properly investigated.<sup>40</sup>

25. The United Nations Educational, Scientific and Cultural Organization (UNESCO) indicated that the Penal Code criminalized press writings, cartoons and speech that insulted or offended the President, the parliament, the judiciary, or the armed forces. It added that there was no legal protection for the confidentiality of journalists' sources.<sup>41</sup> UNESCO recommended that Algeria, in accordance with international standards, decriminalize defamation and place it within a civil code, and introduce a law on freedom of information.<sup>42</sup>

26. The Committee on the Rights of the Child expressed concern that members of non-governmental human rights organizations and journalists were often subjected to intimidation, harassment and arrest.<sup>43</sup>

27. OHCHR noted that civil society organizations faced several restrictions following the adoption of the Association Law No. 12-06 (2012). The law provided the authorities with broad leeway to refuse to register an association. According to information received by OHCHR, in some cases the authorities had not provided any legal justification for their decision not to register an association nor had they issued the initial registration receipt, without which the associations could not hold public meetings or obtain funding from abroad. Additionally, associations had been given two years to bring their status into conformity with the new law. In January 2014, all existing associations that had not already done so were required to re-register and align their governing statutes with the Law. Any association that had not successfully registered by that time was deemed illegal.<sup>44</sup>

28. The Committee on the Rights of the Child was concerned that the restricted conditions for professing a religion other than Islam and the attacks on and violence against religious minorities had undermined the effective enjoyment of the right of the child to freedom of thought, conscience and religion.<sup>45</sup>

29. The same Committee was concerned at the low representation of women in leadership positions.<sup>46</sup>

#### 4. Prohibition of all forms of slavery<sup>47</sup>

30. Regarding the recommendation received by Algeria during its second universal periodic review to step up its efforts to combat trafficking in persons, UNHCR considered that the current mechanisms related to the protection of victims of trafficking and smuggling did not satisfy the two relevant Palermo Protocols. Furthermore, Algeria lacked appropriate shelters for survivors of violence, facilities to deal with urgent cases and mechanisms for referral to the UNHCR refugee status determination procedure.<sup>48</sup> UNHCR recommended that the Government establish an effective national policy for combating trafficking in persons and smuggling and establish appropriate mechanisms for the protection of survivors of sexual and gender-based violence and victims of trafficking and smuggling, who are in need of international protection.<sup>49</sup>

#### 5. Right to privacy and family life

31. The Committee on the Rights of the Child was concerned that registration officers and family judges often refused to register children born out of wedlock, although no legal restriction exists, and that refugee and stateless children were not systematically provided with birth certificates.<sup>50</sup>

32. The Committee on the Elimination of Racial Discrimination was concerned by the fact that civil registrars in certain *wilaya* communes had refused to register Amazigh first names on the grounds that they did not appear on “the list of Algerian first names”.<sup>51</sup> The Committee on the Rights of the Child raised similar concerns and recommendations.<sup>52</sup>

33. The Committee on the Rights of the Child reiterated its concern about the difficulty in implementing judicial decisions regarding custody and visitation rights for children with one parent living outside Algeria and the prevalence of child abduction among children of mixed marriages.<sup>53</sup>

### C. Economic, social and cultural rights

#### 1. Right to work and to just and favourable conditions of work<sup>54</sup>

34. The Committee on the Rights of the Child was concerned at the high level of unemployment among women and youth.<sup>55</sup>

#### 2. Right to social security

35. The Committee on the Rights of the Child was concerned that social programmes targeting families in the most vulnerable situations, such as free education and health services and social housing programmes, hardly reached the poorest children.<sup>56</sup>

36. The same Committee urged Algeria to ensure, as a matter of priority, that single mothers and their children no longer live on the streets and are effectively supported to keep and care for their children.<sup>57</sup>

37. The Committee was also concerned that the families and children of disappeared persons were requested to obtain a court declaration stating that the disappeared relative had died in order to obtain social security benefits, including child education benefits. It urged Algeria to ensure that the families of disappeared persons are no longer obliged to provide proof of the death of their disappeared relative to obtain social security benefits.<sup>58</sup>

#### 3. Right to an adequate standard of living<sup>59</sup>

38. OHCHR noted that the Government played a dominant role in the economy, leaving little room for private competitors. Numerous regulations made Algeria one of the most

difficult environments in which to establish and operate a business.<sup>60</sup> The amendments to the constitution of 2016 made multiple references to economic, social, and environmental rights. The constitution had also established several public bodies to support the realization of some of those rights. However, the language was often ambiguous and fell short of providing constitutional guarantees which would adequately reflect the country's international obligations. In some cases fundamental rights, such as food and sanitation, were not referenced at all, while in other cases rights such as health, education and housing were not sufficiently recognized.<sup>61</sup>

#### **4. Right to health<sup>62</sup>**

39. After a visit in the spring of 2016, the Special Rapporteur on health recognized the drastic improvement in health-related indicators since independence. The life expectancy of most sectors of the population had increased considerably and maternal and child mortality rates had been reduced. The health sector had developed, with a focus on primary care and universal free access for most of its population, including non-nationals. Despite the financial crisis, the country had maintained its commitment to improving the health of its population.<sup>63</sup>

40. However, the Special Rapporteur noted that important challenges remained. Maternal and neonatal mortality remained high and the country fell short of meeting Millennium Development Goal 5 on reducing maternal mortality. He added that even though the therapeutic interruption of pregnancies was allowed under a few exceptions, cases of rape and incest were not included, which might drive women towards unsafe clandestine abortions. Unmarried couples and single mothers faced important barriers in accessing health-care services due to stigma and the negative attitudes of health workers.<sup>64</sup>

41. The Committee on the Rights of the Child noted with serious concern that social rejection and stigmatization often led unmarried women and girls who were pregnant to resort to clandestine abortions, to abandon their children or to live on the streets. It urged Algeria to launch awareness-raising campaigns and educational programmes in order to put an end to their social marginalization, stigmatization and brutalization.<sup>65</sup>

42. The Special Rapporteur on health also underlined the need to design and implement an intersectoral public policy for sexual and reproductive health rights aimed at adolescents within and outside the educational system.<sup>66</sup>

43. The Committee on the Rights of the Child expressed concern that budgetary allocations to the health sector remained insufficient to address the health problems of children.<sup>67</sup>

#### **5. Right to education<sup>68</sup>**

44. After a visit in early 2015, the Special Rapporteur on education considered that the realization of the right to education had been remarkable in many respects. School enrolment rates were excellent, education was provided free of charge at all levels and gender parity at all levels had been largely achieved. Furthermore, the infrastructure for providing education was well in place and considerable budgetary resources were allocated to education: it was second only to national defence among national budgetary priorities, accounting for 16 per cent of the national budget in 2014.<sup>69</sup> However, Algeria did not have a legal framework for national spending in the field of education. The Special Rapporteur recommended that the Government prepare such a legal framework in order to set a minimum percentage of the national budget to be allocated to education. That framework should also include a budget for education quality.<sup>70</sup>

45. The Special Rapporteur noted, however, that Algeria faced a number of challenges, particularly the quality of education. He considered that the general standard of education

needed to be raised as a matter of urgency.<sup>71</sup> Additionally, there were high rates of school dropout, grade repetition and classroom overcrowding. Enrolment rates were sometimes lower in certain regions, in rural areas and among the poorest households. Ensuring equal opportunities in access to education for children with disabilities was still a challenge. There was also a perceptible decline in the teaching of Tamazight.<sup>72</sup>

46. The Special Rapporteur considered that the Government must address the imperative of ensuring quality in education as a matter of urgency. The performance and knowledge of students should be regularly evaluated. To that end, a national system for the evaluation and monitoring of the skills actually acquired by students should be set up. It was important for the Government to improve the selection and training of teachers. The Government should also adopt quality standards and criteria for the education system as a whole. The Special Rapporteur recommended that indicators be developed and a more advanced and more reliable data collection and processing system set up, in order to enable appropriate monitoring and evaluation of the education system.<sup>73</sup>

47. UNESCO considered that the State party should be encouraged to guarantee access to education for all, in particular children with disabilities, girls and children from rural areas and from the the poorest households, all the more so since Algeria benefited from a substantial legal framework covering the right to education. UNESCO recommended that the Government continue its efforts to guarantee access to education for all, particularly in remote regions of the country.<sup>74</sup>

48. The Committee on the Rights of the Child was concerned that there were significant regional disparities in access to education, some *wilayas* such as Djelfa and Mila being particularly disadvantaged.<sup>75</sup> It urged Algeria to ensure that children living in the most disadvantaged *wilayas* enjoy their right to education.<sup>76</sup>

49. The same Committee was concerned that in the absence of an inclusive education policy, children with disabilities rarely accessed mainstream education;<sup>77</sup> that there were no specialized teachers for children with intellectual impairment;<sup>78</sup> that mainstream school teachers were not trained to support children with disabilities;<sup>79</sup> and that the lack of a transportation system for pupils with disabilities and the lack of accessibility of school buildings were major obstacles to their integration into mainstream schools.<sup>80</sup>

50. The Committee urged Algeria to ensure that enforceable remedies are provided to children with disabilities and their families who have been refused access to inclusive education, or who have been denied the provision of reasonable accommodation with respect to education.<sup>81</sup>

51. The Committee was concerned that unregistered children were deprived of access to schools and were enrolled in mosques and in literary classes. It recommended that Algeria urgently issue clear instructions to all schools throughout the territory that all children, irrespective of their registration status, should be enrolled into public schools.<sup>82</sup>

52. The Committee on the Elimination of Racial Discrimination was concerned by reports that teaching of the Amazigh language had been abolished in a number of *wilaya* communes.<sup>83</sup> The Committee on the Rights of the Child raised a related concern.<sup>84</sup> The Committee on the Elimination of Racial Discrimination also regretted that the Amazigh language was excluded from areas of public life, such as the public administration and the justice system. It strongly encouraged Algeria to ensure that the Amazigh language is taught at all levels of education and its use further promoted throughout the country.<sup>85</sup>

## **D. Rights of specific persons or groups**

### **1. Women<sup>86</sup>**

53. OHCHR noted the adoption, in March 2015, of the law criminalizing domestic violence against women. Under the law, any man who was violent towards his spouse was liable to imprisonment and it also sought to protect the financial interests of married women. OHCHR encouraged the Government to further combat violence against women, including by ensuring the full implementation of the aforementioned law.<sup>87</sup>

54. The Special Rapporteur on health regretted that violence against women was largely condoned by society. Abused women, including those abused by their husbands were socially stigmatized and did not always receive adequate protection and services. He considered that the prevalence of violence against women, including domestic violence, posed a serious human rights and public health issue that should be addressed without delay and that certain aspects of the normative framework must be reinforced and effectively applied. The Special Rapporteur encouraged the authorities to continue the work on intersectoral campaigns to end violence across the country with the technical assistance of the relevant United Nations agencies.<sup>88</sup>

55. The Committee on the Rights of the Child was concerned that article 336 of the Arabic version of the Penal Code defined rape as an attack on so-called “honour” and that rapists might therefore avoid punishment by marrying the girl they had raped. It urged Algeria to revise article 336 of the Penal Code and define the crime of rape as sexual intercourse without consent.<sup>89</sup>

56. OHCHR noted that personal legal status between women and men remained unequal, in particular with regard to marriage, divorce, custody, abortion and inheritance. Nevertheless, the Family Code had been gradually amended, which reflected the measured progress towards achieving more equality for women in Algeria.<sup>90</sup>

57. The Committee on the Rights of the Child urged Algeria to promptly remove from the Family Code all provisions that discriminated against girls and women concerning child custody, inheritance, divorce, polygamy and repudiation,<sup>91</sup> and to recognize by law marriage between a Muslim woman and a non-Muslim.<sup>92</sup>

58. OHCHR pointed out that Algeria had removed its reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women and also ensured women a voice in Government by allowing their political participation by instituting quotas. Furthermore, in January 2012, Algeria had adopted a new law imposing a 30 per cent quota of women on the electoral lists of parties for legislative, municipal and communal elections, depending on the number of seats in the electoral district.<sup>93</sup>

59. Concerned that textbooks still included negative or patriarchal stereotypes,<sup>94</sup> the Committee on the Rights of the Child urged Algeria to develop non-stereotyped educational curricula that would address the structural causes of discrimination against women<sup>95</sup> and to eliminate societal discrimination against women and girls through public educational programmes.<sup>96</sup>

### **2. Children<sup>97</sup>**

60. UNHCR reported that the Law on the protection of the child (Law No. 15-12, adopted in July 2015) incorporated key principles of the Convention on the Rights of Child and made explicit reference to refugee children as part of its scope of application.<sup>98</sup> UNHCR considered that this new legal basis needed to be implemented in practice, with a particular focus on refugee children, in order to ensure that the rights of the child were respected and effectively implemented.<sup>99</sup>

61. The Committee on the Rights of the Child urged Algeria to ensure that children born to an Algerian mother married to a foreign national can automatically acquire their mother's nationality as prescribed in the Nationality Code.<sup>100</sup>

62. The same Committee was concerned that Algeria did not provide free legal aid, the assistance of a guardian, protection, psychological and medical support and shelter to unaccompanied minors and child victims of gender-based violence.<sup>101</sup>

63. The Committee expressed deep concern that sexual abuse against children in school was on the rise. It was also concerned about child victims of sexual exploitation and abuse being discouraged from or afraid of reporting rape and being ostracized and stigmatized.<sup>102</sup>

64. The Committee was concerned that corporal punishment remained widely accepted in society and routinely used as a disciplinary measure in schools, was lawful in the home and in alternative care settings and that there was no explicit legal prohibition of the use of corporal punishment as a disciplinary measure in penal institutions. It urged Algeria to prohibit corporal punishment unequivocally in all settings.<sup>103</sup>

65. The Committee urged Algeria to speed up the adoption process of the new Labour Code, ensure that it fully covers children working in the informal sector and define the types of hazardous work prohibited for persons under the age of 18.<sup>104</sup>

66. The Committee was concerned that the minimum age for voluntary recruitment into the armed forces or paramilitary forces was unclear and urged Algeria to establish by law a minimum age, ensuring that persons under the age of 18 do not serve in the armed forces.<sup>105</sup>

67. The Committee was concerned that limited measures had been taken to enforce the new anti-trafficking law and that Algeria continued to consider trafficking victims, including children, as illegal migrants and to deport them.<sup>106</sup> It urged Algeria to ensure that child victims of trafficking are offered the necessary assistance and are not punished for unlawful acts committed as a direct result of being trafficked.<sup>107</sup>

68. Regarding the recommendation received by Algeria during its second universal periodic review to step up its efforts to combat trafficking in persons, UNHCR welcomed the development of a national strategy for the fight against trafficking in persons.<sup>108</sup>

69. UNHCR recommended that the Government ensure that all children born on its territory are properly registered at birth, regardless of the status of their parents and that they fully enjoy their economic, social and cultural rights. It also recommended that the Government implement child protection mechanisms appropriate for refugee children.<sup>109</sup>

### **3. Persons with disabilities<sup>110</sup>**

70. Recalling that Algeria had ratified the Convention on the Rights of Persons with Disabilities in 2009, the Special Rapporteur on health considered that the Government should proceed without delay to its effective implementation. In the view of the Special Rapporteur, that implied moving away from a medical model, which put excessive emphasis on medical diagnosis, and abandoning old-fashioned practices, which led to people being excluded, based on diagnosis.<sup>111</sup>

71. The Committee on the Rights of the Child reiterated its concern that social stigma, fears and misconceptions surrounding children with disabilities remained strong in society.<sup>112</sup>

### **4. Minorities and indigenous peoples<sup>113</sup>**

72. OHCHR expressed concern at the situation of the Berber or Amazigh in Algeria. After years of marginalizing the Berber community, officials had made modest efforts to recognize its cultural demands. For instance, the Tamazight language was now considered a

national language. However, ethnic violence between Berbers and Arabs had worsened in recent years, particularly in the south.<sup>114</sup>

## **5. Migrants, refugees, asylum seekers and internally displaced persons**

73. UNHCR reported that Algeria lacked a comprehensive legislative framework and efficient administrative institutions for the protection of refugees, asylum seekers and stateless persons. In their absence, UNHCR had assumed key responsibilities. From its perspective, the most important development since the previous review had been the arrival of refugees from a Middle Eastern country fleeing armed conflict. According to the Government, more than 40,000 nationals of that country were now in Algeria. UNHCR commended the Government policy of welcoming those refugees without visa requirements until the end of 2014 and for having put in place a number of measures in their favour.<sup>115</sup>

74. The Committee on the Rights of the Child was concerned that UNHCR had still not been able to conduct proper registration of Sahrawi refugees who were still living in precarious conditions in Tindouf province under the administration of the Polisario Front and had not been granted access to detention centres, where migrants deemed “irregular”, including children, were held. The Committee urged Algeria to ensure that UNHCR has unimpeded access to all centres where refugees and potential asylum seekers are held and to all refugee camps in Tindouf province.<sup>116</sup>

75. UNHCR noted that the failure of the Government to grant refugee status and issue national documentation to refugees recognized by UNHCR under the Convention relating to the Status of Refugees and the Convention Governing the Specific Aspects of Refugee Problems in Africa, created fundamental problems for refugees in accessing documentation, residency, social security, the labour market, adequate shelter and many other rights.<sup>117</sup> The Committee on the Rights of the Child was concerned that asylum seekers and refugee children, including those recognized by UNHCR, were generally considered and treated as illegal migrants and faced arrest, detention and occasionally expulsion.<sup>118</sup>

76. UNHCR recommended that the Government grant and recognize refugee status by issuing national documentation to all persons within the mandate of UNHCR. It also recommended that Algeria fully implement its international obligations under the Convention relating to the Status of Refugees, the Convention Governing the Specific Aspects of Refugee Problems in Africa and the Convention relating to the Status of Stateless Persons and incorporate them into its domestic legal framework.<sup>119</sup>

77. The Committee on the Rights of the Child urged Algeria to decriminalize irregular migration and to ensure that children of migrant workers enjoy their rights without discrimination.<sup>120</sup>

78. The same Committee was concerned that families displaced during the “black decade” had not benefited from any programme to facilitate their safe return to their place of origin, or to meet their specific housing needs in the localities where they currently lived.<sup>121</sup>

## Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Algeria will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/DZSession27.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/DZSession27.aspx).
- <sup>2</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.1-9, 129.11, 129.82, 129.84-129.91, 129.95, 129.104, 129.111-129.112.
- <sup>3</sup> See CRC/C/DZA/CO/3-4, paras. 84 and 56 (f).
- <sup>4</sup> *Ibid.*, para. 72.
- <sup>5</sup> *Ibid.*, para. 51.
- <sup>6</sup> See A/HRC/21/13, recommendation 129.2 (Slovakia).
- <sup>7</sup> UNHCR submission for the universal periodic review of Algeria, p. 5. See also CRC/C/DZA/CO/3-4, paras. 40 (d) and 66 (d).
- <sup>8</sup> See CRC/C/DZA/CO/3-4, paras. 9, 10, 41 and 42.
- <sup>9</sup> *Ibid.*, para. 85.
- <sup>10</sup> See CERD/C/DZA/CO/15-19, para. 2.
- <sup>11</sup> OHCHR regional office for the Middle East and North Africa submission for the universal periodic review of Algeria, p. 1.
- <sup>12</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.12, 129.17-129.18, 129.22, 129.25, 129.50-129.52, 129.79, 129.83-129.84, 129.105-129.107.
- <sup>13</sup> OHCHR regional office submission, p. 2. See also UNHCR submission, p. 2.
- <sup>14</sup> *Ibid.*
- <sup>15</sup> List of national human rights institutions with accreditation status granted by the Global Alliance of National Human Rights Institutions available from [/nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf](http://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf).
- <sup>16</sup> See CRC/C/DZA/CO/3-4, para. 18.
- <sup>17</sup> *Ibid.*, paras. 11 (a) and 12.
- <sup>18</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.78 and 129.107.
- <sup>19</sup> See CERD/C/DZA/CO/15-19, para. 11.
- <sup>20</sup> *Ibid.*, para. 12.
- <sup>21</sup> *Ibid.*, para. 19.
- <sup>22</sup> OHCHR regional office, pp. 8 and 9.
- <sup>23</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.61-63 and 129.66.
- <sup>24</sup> See CERD/C/DZA/CO/15-19, para. 15. See also CRC/C/DZA/CO/3-4, para. 62 (a).
- <sup>25</sup> See CRC/C/DZA/CO/3-4, para. 81 (d).
- <sup>26</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.90-94 and 129.105.
- <sup>27</sup> See, for example, CCPR/C/105/D/1753/2008; CCPR/C/110/D/1900/2009; CCPR/C/111/D/1931/2010; CCPR/C/112/D/2117/2011 and CCPR/C/112/D/2132/2012.
- <sup>28</sup> CCPR/C/111/D/1964/2010 and CCPR/C/111/D/1974/2010.
- <sup>29</sup> CCPR/C/116/D/2297/2013.
- <sup>30</sup> CAT/C/51/D/376/2009 and CAT/C/52/D/402/2009.
- <sup>31</sup> See CRC/C/DZA/CO/3-4, para. 81 (b) and (d).
- <sup>32</sup> See A/HRC/29/30/Add.2, para. 42.
- <sup>33</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.45, 129.47, 129.54-129.55, 129.65 and 129.93.
- <sup>34</sup> OHCHR regional office submission, p. 2.
- <sup>35</sup> *Ibid.*
- <sup>36</sup> See CRC/C/DZA/CO/3-4, para. 81 (a).
- <sup>37</sup> OHCHR regional office submission, p. 6.
- <sup>38</sup> *Ibid.*
- <sup>39</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.11-129.16, 129.19-129.25, 129.28, 129.36 and 129.67-129.69.
- <sup>40</sup> OHCHR regional office submission, p. 10.
- <sup>41</sup> See UNESCO submission for the universal periodic review of Algeria, paras. 61-64.
- <sup>42</sup> *Ibid.*, paras. 75-77. See also OHCHR regional office submission, p. 5.
- <sup>43</sup> See CRC/C/DZA/CO/3-4, paras. 27 and 28.

- <sup>44</sup> OHCHR regional office submission, p. 3. See also CRC/C/DZA/CO/3-4, para. 27.
- <sup>45</sup> See CRC/C/DZA/CO/3-4, para. 41.
- <sup>46</sup> Ibid., para. 61 (d).
- <sup>47</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.102-129.103.
- <sup>48</sup> UNHCR submission, p. 3.
- <sup>49</sup> Ibid., p. 4.
- <sup>50</sup> See CRC/C/DZA/CO/3-4, paras. 37 (a) and (b), 65 (c) and 66 (b).
- <sup>51</sup> See CERD/C/DZA/CO/15-19, para. 16.
- <sup>52</sup> See CRC/C/DZA/CO/3-4, paras. 39 and 40 (c).
- <sup>53</sup> Ibid., para. 50.
- <sup>54</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.29, 129.59, 129.81 and 129.108.
- <sup>55</sup> See CRC/C/DZA/CO/3-4, para. 61 (d).
- <sup>56</sup> Ibid., para. 61 (b).
- <sup>57</sup> Ibid., paras. 34 and 73-74.
- <sup>58</sup> Ibid., paras. 61 (b) and 62 (c).
- <sup>59</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.56-129.57, 129.62-129.64 and 129.109.
- <sup>60</sup> OHCHR regional office submission, p. 7.
- <sup>61</sup> Ibid.
- <sup>62</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.70-129.72, 129.76-129.77, 129.80-129.81.
- <sup>63</sup> See preliminary observations of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health at the end of his visit to Algeria (27 April-10 May 2016), available from [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19934&LangID=ES](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19934&LangID=ES).
- <sup>64</sup> Ibid. See also CRC/C/DZA/CO/3-4, para. 57.
- <sup>65</sup> See CRC/C/DZA/CO/3-4, paras. 33 (b) and 34.
- <sup>66</sup> See preliminary observations of the Special Rapporteur on health. See also CRC/C/DZA/CO/3-4, paras. 59 and 60.
- <sup>67</sup> See CRC/C/DZA/CO/3-4, paras. 19 and 57.
- <sup>68</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.58, 129.60, 129.70, 129.73-129.75 and 129.77-129.80.
- <sup>69</sup> See A/HRC/29/30/Add.2, para. 33.
- <sup>70</sup> Ibid., para. 47.
- <sup>71</sup> Ibid., para. 62.
- <sup>72</sup> Ibid., para. 57. See also UNESCO submission, para. 69.
- <sup>73</sup> See A/HRC/29/30/Add.2, para. 64.
- <sup>74</sup> See UNESCO submission, para. 70. See also preliminary observations of the Special Rapporteur on health.
- <sup>75</sup> See CRC/C/DZA/CO/3-4, para. 63 (a).
- <sup>76</sup> Ibid., para. 64 (a).
- <sup>77</sup> Ibid., para. 55.
- <sup>78</sup> Ibid., para. 55 (a).
- <sup>79</sup> Ibid., para. 55 (c).
- <sup>80</sup> Ibid., para. 55 (b).
- <sup>81</sup> Ibid., para. 56 (e).
- <sup>82</sup> Ibid., paras. 37 (c) and 38.
- <sup>83</sup> See CERD/C/DZA/CO/15-19, para. 14.
- <sup>84</sup> See CRC/C/DZA/CO/3-4, para. 63 (g).
- <sup>85</sup> See CERD/C/DZA/CO/15-19, para. 14.
- <sup>86</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.26-129.49 and 129.63.
- <sup>87</sup> OHCHR regional office submission, pp. 7 and 8.
- <sup>88</sup> See preliminary observations of the Special Rapporteur on health. See also CRC/C/DZA/CO/3-4, paras. 33 (a), 45, 46, 73 and 74.
- <sup>89</sup> See CRC/C/DZA/CO/3-4, paras. 75 and 76 (a).
- <sup>90</sup> OHCHR regional office submission, p. 8. See also CRC/C/DZA/CO/3-4, paras. 48 and 49.
- <sup>91</sup> See CRC/C/DZA/CO/3-4, paras. 12, 29, 30 and 49 (a).

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- <sup>92</sup> Ibid., para. 49 (b).  
<sup>93</sup> OHCHR regional office submission, p. 8.  
<sup>94</sup> See CRC/C/DZA/CO/3-4, para. 63 (f).  
<sup>95</sup> Ibid., para. 64 (e).  
<sup>96</sup> Ibid., para. 30 (b).  
<sup>97</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.48-129.49, 129.56 and 129.96-129.101.  
<sup>98</sup> UNHCR submission, p. 2.  
<sup>99</sup> Ibid., p. 4.  
<sup>100</sup> See CRC/C/DZA/CO/3-4, paras. 39 and 40 (a).  
<sup>101</sup> Ibid., para. 65 (b).  
<sup>102</sup> Ibid., para. 75.  
<sup>103</sup> Ibid., paras. 43 and 44 (a). See also preliminary observations of the Special Rapporteur on health.  
<sup>104</sup> See CRC/C/DZA/CO/3-4, para. 72.  
<sup>105</sup> Ibid., paras. 69 and 70.  
<sup>106</sup> Ibid., para. 77.  
<sup>107</sup> Ibid., para. 78 (c) and (d). See also CERD/C/DZA/CO/15-19, para. 21.  
<sup>108</sup> UNHCR submission, p. 3. See also OHCHR regional office submission, p. 10.  
<sup>109</sup> UNHCR submission, p. 5.  
<sup>110</sup> For relevant recommendations, see A/HRC/21/13, paras. 129.10, 129.56 and 129.75.  
<sup>111</sup> See preliminary observations of the Special Rapporteur on health.  
<sup>112</sup> See CRC/C/DZA/CO/3-4, paras. 29 and 55.  
<sup>113</sup> For relevant recommendations, see A/HRC/21/13, para. 129.110.  
<sup>114</sup> See OHCHR regional office submission, p. 5.  
<sup>115</sup> UNHCR submission, pp. 1 and 2. See also CRC/C/DZA/CO/3-4, paras. 65 and 66.  
<sup>116</sup> See CRC/C/DZA/CO/3-4, paras. 65 (d) and 66 (c).  
<sup>117</sup> UNHCR submission, p. 6. See also preliminary observations of the Special Rapporteur on health.  
<sup>118</sup> See CRC/C/DZA/CO/3-4, para. 65 (a).  
<sup>119</sup> UNHCR submission, pp. 6 and 7.  
<sup>120</sup> See CRC/C/DZA/CO/3-4, para. 68.  
<sup>121</sup> Ibid., para. 61 (a).
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