

**UPR Working Group Checklist  
ALGERIA**

Reviewed on 14 April 2008

**Main issues raised by NGOs in their submissions but not raised during the Working Group<sup>1</sup>**

- Secret detention (in its presentation, Algeria denied its existence)
- Human rights defenders
- Independence of the judiciary (only mentioned by Algeria during its presentation)

**Main issues/questions raised by States during the Working Group on which Algeria did not provide a specific answer<sup>2</sup>**

Detention conditions

- Djibouti enquired about measures taken for rehabilitation structures in order to ensure that rights may be guaranteed.
- Sweden asked, regarding reports of torture and other ill-treatment in places of detention, what active measures Algeria was taking for its prevention.

Human rights while countering terrorism

- Kuwait requested information on Algeria's strategy to address terrorism while preserving civil freedoms.
- The Russian Federation requested more information as to how human rights are ensured while combating terrorism.
- Nigeria enquired about Algeria's strategy for addressing the phenomenon of terrorism while preserving civil liberties, constraints in this regard, and international assistance available.
- Mexico, recognizing the challenge to combat terrorism, requested information about measures to address this issue.

Freedom of opinion and expression, Freedom of the press

- France further enquired if Algeria planned to reform the Code of the Press to strengthen freedom of expression.

Freedom of religion and belief

- The Holy See asked how the Government reconciles this law with the constitutional guarantee of freedom of belief.
- Belgium expressed regret concerning the deteriorating situation of the freedom of religion and belief and referred to the controversial 2006 Ordinance determining the conditions and rules for the exercise of religions other than Islam. Belgium requested information regarding the motives behind these legislative and judicial measures.

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<sup>1</sup> This list is not exhaustive. The analysis is based on issues contained in the official documents (the additional information is not taken into account) NGOs submitted to the OHCHR and posted on the OHCHR website compared to ones contained in the Report of the Working Group document A/HRC/WG.6/1/DZA/4

<sup>2</sup> This list is not exhaustive. The analysis is based on the Report of the Working Group document A/HRC/WG.6/1/DZA/4. Some issues might have been raised by Algeria in its national report or during its presentation, but Algeria did not answer/comment specific questions on the issues listed during the interactive dialogue.

- Brazil asked how Algeria assessed the implementation of civil and political rights, especially the freedom of expression and religion.

#### Peace and national reconciliation

- The Democratic Republic of the Congo (DRC) asked, on peace and national reconciliation, for further information on the number of reports already submitted by the CNCPPDH since its establishment, and its impact on the promotion of human rights.
- Mexico requested information on the role of the CNCPPDH to address issues on the communication between civil society and the Government.
- Pakistan asked about the Algerian people's views on the peace process and national reconciliation
- Iraq asked about the role of national reconciliation in containing waves of violence.

#### Justice

- The DRC wanted to know whether perpetrators of crimes of terrorism are tried by special tribunals or the ordinary courts.

#### State of Emergency

- Mexico encouraged Algeria to revise the regulations on the state of emergency in force since 1992, expressing its understanding that the state of emergency could be lifted in the near future.

#### Enforced disappearances

- Mexico also asked whether the process of legal reform will address the issue of enforced disappearances.

#### Rights of the child

- With regard to the establishment of a National Children Commission in 2004, Malaysia requested information on how this Commission functions in receiving, examining and processing complaints from children, different from that of the juvenile court.

#### Arbitrary detention

- Germany referred to information concerning cases of suspects detained for months or years without notification to the judiciary and without any possibility to communicate with their family or lawyers.

#### Impunity

- Canada expressed concern that the Charter on National Peace and Reconciliation would end investigations on the disappearance of 10,000 persons.

#### Trafficking

- Slovenia asked what steps Algeria was taking to establish a legal framework to prevent and protect children from being trafficked for sexual and other exploitation, and to define 'trafficking' as a special criminal offence under domestic law.

#### Women's rights

- Slovenia asked what has been done to integrate a gender perspective during consultations and in the national report, including in the outcome of and follow-up to the review.

#### General

- Pakistan asked about measures to reinforce human rights advocacy in Algeria.

### **Recommendations made to Algeria during the Interactive dialogue**

### Recommendations enjoying the support of Algeria

1. The establishment of an international round table to discuss the interrelation between security and fundamental freedoms. (Kuwait)
2. That Algeria share its experience in the fight against terrorism and pursue its efforts to combat poverty and promote economic, social and cultural rights with a view to achieving the Millennium Development Goals by 2015. (Sudan)
3. That Algeria take appropriate measures to address violence against children; recommends the continuation of the moratorium on death penalty. (Italy)
4. That the State strengthen its efforts to protect women's rights, including by addressing cultural and social barriers, as well as legal ones; recommends that Algeria cooperate with special procedures mandate holders; recommends that steps be taken to guarantee the rights of detainees, including immediate access to a lawyer, information to families on detentions, and ensuring that judicial authorities are informed of all detentions. (United Kingdom)
5. That Algeria take steps to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. (France)
6. That Algeria continue a dialogue with minority religions. (The Holy See)
7. That Algeria continue and strengthen its efforts in the field of economic, social and cultural rights, in particular in the field of health. (Cuba)
8. That Algeria pursue the peace process and national reconciliation. (Democratic Republic of Congo)
9. That Algeria continue the path along national reconciliation. (Jordan)
10. That the State take into account the observations made by the Human Rights Committee and the Special Rapporteur on the promotion and protection of human rights while countering terrorism; recommends that Algeria consider withdrawing its reservation to article 2 of CEDAW; recommends an exchange of respective experiences at the international level on the issue of communication between Governments and civil societies; encourages Algeria to review the impact that the state of emergency has on the enjoyment of human rights. (Mexico)
11. That Algeria continue giving priority to tolerance and reconciliation. (Saudi Arabia)
12. That Algeria implement measures to protect detainees from torture, cruel, inhuman or degrading treatment and ensure that all cases of persons detained are brought to the attention of the judiciary without delay; expresses support for the recommendation of United Kingdom regarding cooperation with special procedures mandate holders. (Germany)
13. That Algeria pursue its efforts in the area of the right to education. (Syrian Arab Republic)
14. That Algeria take steps to adopt a legal framework to protect children from trafficking and to define trafficking as a criminal offence under domestic law; recommends that Algeria integrate the gender perspective in the follow-up process to the UPR. (Slovenia)
15. That Algeria take measures for the prevention of torture and other cruel, inhuman and degrading treatment; recommends the review of domestic legislation to criminalize domestic violence. (Sweden)
16. That Algeria consider facilitating visits by human rights mandate holders. (Brazil)
17. That Algeria take initiatives to strengthen gender mainstreaming and women's rights. It also recommended that the State pursue its efforts to combat poverty. (Nigeria)

### Recommendations that did not enjoy the support by Algeria

According to the Report of the Working Group, "Other recommendations noted in the report in paragraphs 45, 55, 56, last sentence, and 63 above did not enjoy the support of Algeria."

45: Canada "recommended that Algeria review its Family Code to remedy provisions, which still represent discrimination against women regarding the issues of divorce and rape

witnesses. It also recommended that Algeria lift its reservations to CEDAW. Canada recommended that Algeria review the Charter in line with the recommendations of the Human Rights Committee to make sure that those who violated human rights be judged and prosecuted according to international standards, and to make sure that those who criticized the Government are not subjected to criminal prosecution.”

55: Belgium “recommended that Algeria respect freedom of religion and belief, revise the text of the 2006 Ordinance, and suspend its application in the meantime. “

56, last sentence: “what steps were taken towards the withdrawal of Algeria’s reservations to articles 2 and 16 of CEDAW, which Slovenia considered contrary to the object and purpose of the Convention. “

63: “The Netherlands recommended the updating of legislation regarding the situation of women, such as the Family Code in the areas of divorce, testimony and inheritance. In relation to Law No. 90-07 on freedom of expression, it recommended the drafting of a follow-up report with a view to further strengthening domestic laws on freedom of expression. Finally, it recommended further cooperation with special procedures.”