



**Citizens' Rights in
The People's Democratic Republic of Algeria**



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INTRODUCTION

The Peoples' Democratic Republic of Algeria, popularly known as Algeria, is the largest country of the African continent and the Arab region. Algeria is a constitutional republic that enjoys multiparty system. The constitution of Algeria guarantees fundamental rights and socio-economic freedoms to the citizens of the country. The constitution prohibits any discrimination on the basis of religion, race, gender and language and envisages an independent and impartial judiciary to protect the basic rights of the citizens. However, the reality in Algerian society and polity is far from the objectives enshrined in the constitution. In the context of Arab spring that engulfed the entire region, Algeria also witnessed several protests demanding more employment, social housing and better freedom. These movements were oppressed by the government, which is still military in content and style. The democratic process in Algeria has taken different turns and trajectories since independence with different levels of progress. The quality of democracy and governance still remains far from perfection. Hence, the protection of civil and social rights is still problematic in Algeria. Realization of social economic and civil rights largely depends on strengthening democratic governance and building institutions within the country. But the capacity of the political parties to manage the political and economic processes of society is a major challenge in contemporary Algeria. In reality, the quality and pragmatic dimensions of fundamental rights in Algeria is receding. This is mainly because of the existence of authoritarian tendencies among political parties that manipulate public resources and construct consent of the people through coercive means. In this context, this report presents a brief account of citizens' rights in Algeria as envisaged in the constitution and evaluates whether the rights are actually exercised by the citizens of the country. The rights identified in this report are free health care, universal primary education, free housing, employment rights and right to dignity.



HEALTHCARE FOR CITIZENS :

Article 54 of the constitution of Algeria envisages protection of health care and medication for all citizens. Health insurance facilities are extended to citizens through two public sector schemes. All salaried employees and their families are covered by the Caisse Nationale de la Securite Sociale des Travailleurs Salaries (CNAS). Self- employed and others are covered under another separate plan. Almost 73 % of the people utilize these two insurance plans and thus enjoy free health care facility. Government of Algeria plays key role in health care delivery and all hospitals and primary health care clinics are in public sector. Due to this universal health care right, Algeria has achieved impressive records in extending health care facilities to almost all citizens. The entire population enjoys financial coverage for health care and it is estimated that 98 % of the total population of Algeria have access to health care. There are 185 health districts that address the medical needs of the people. Government put more emphasis on preventive care and thus the country has an extensive immunization program. According to the latest estimates of WHO, Algeria has 41,000 doctors and 61,000 nurses working in the country during the period of 2000-2010. As a result of increasing health sector spending and free access to health care for the poor, life expectancy rate in Algeria is 73.4 in 2012 where as it was only 59.6 in 1980. Though there is considerable improvement in overall health care delivery in the country, there are many challenges that the system face in Algeria. Due to the universal nature of public health care delivery, administrative and implementation issues make the hospital centric delivery model difficult to function transparently. Infant mortality is still very high with an average of 32%. Remote areas still don't have sufficient medical facilities. Apart from that, the quality of medical facilities in Algeria is still relatively low as per the international standards. Many of the hospitals provide only basis medical services and there are many hospitals without beds. Moreover, the distribution of health care delivery is uneven across the country. The southern region suffers from insufficient medical facilities, lack of staff and



equipment which results in low level of access. Though the constitution aims to provide free healthcare to all citizens, it is interesting to note that there are only 1.2 doctors and 1.7 hospital beds per 1000 people. Sanitation and hygiene facilities in Algeria are under developed. Therefore, epidemics like tuberculosis, hepatitis, measles, typhoid fever, cholera are common especially among poor people who lack access to safe drinking water. This clearly shows that ensuring universal free health care will not be effective unless and until, there is proactive measures to reduce poverty and provide access to clean water and sanitation facilities.

FREE EDUCATION FOR CITIZENS :

Article 53 of the constitution of Algeria envisages right to free education for all children between the ages of six and fifteen. Universal education is guaranteed to all children irrespective of race, religion, colour or sex. Also, it is mandatory for all the parents to enrol their children in schools. The constitution entrusts the government of Algeria to govern, organize and reform education sector. There are two ministries to look after education in Algeria- Ministry of higher education and scientific research and Ministry of primary and secondary education. In fact universal education has helped the country tremendously to reach a literacy rate of 69.9% among males and 60 % for women. The Algerian education system consists of primary, general secondary and technical secondary sections. Since education is free and compulsory, dropouts are not very common in primary education except girl students from rural areas. Therefore, literacy rate among young generation is 90%. But dropout rates are high in secondary school and only one third of the children complete secondary education in Algeria. Besides, government spending in education is very low compared to military spending. The number of students and teachers are relatively high in northern part of the country where as southern Algeria faces constraints in distribution of children and teachers. The country also has an established school meal program that covers large number of children in schools. There is an alarming trend of



rising juvenile delinquency in Algeria, reported by many agencies. After primary classes parents do not send their children to school and misbehave with them at home. This later develops into delinquency. In 2007 alone, 3467 cases of delinquency were reports from the country.

Though the constitution hails the right to education, there is a lack of special program that ensures enrolment of all children in schools. Child labour is also very high in Algeria as more than one fourth of the children work with their parents. This shows that universal education is not implemented effectively within the country. Substance abuse among children is also very high as one among 20 children use tobacco or alcohol. Due to religious restrictions girl child discontinue education at an early stage and there is no effective institutional mechanism to address this issue. The main barrier in attaining universal education goals in Algeria is the lack of capacity at the department of education and its personnel to initiate effective steps to ensure universal education to all children. School feeding program has not yet extended to all schools. This is another barrier that prevents children from attending school.

HOUSING FOR CITIZENS :

The right to adequate housing is not recognised by the constitution of Algeria. However, the constitution envisages certain provisions related to the right to housing. Article 52 of the constitution guarantees right to private property and inheritance rights. Nevertheless, social housing program is one of the key policies of the Algerian government. Algeria's social housing policy for the poor helped the under privileged. This policy received recognition from international agencies as well. In spite of this, housing problem is the most important source of discontent in Algeria and led to many violent struggles and protests in the past. Successive governments failed to implement an inclusive policy to provide adequate accommodation to all citizens. The capacity of national housing is 6 million units. But demand for housing is much above this figure. The government has



adopted Algerian National Housing Policy to address the increasing population and demands for housing. The policy has 4 components including:

- **Free Social Housing** for the poor and marginalized sections of society. In this scheme state funds the entire expenditure.
- **Rural Housing program** is intended to help people living in rural areas. The program provides 700,000 dinar to the applicants for construction houses that matches the geography of the region.
- **Social Covalent Housing** provides subsidies to middle income citizens to buy homes. The state will pay partial amount and remaining amount will be paid by the beneficiary through equal instalments.
- **Purchase by Instalments** is the popular option in which people from middle income or above purchase houses on instalment payment basis without interest.

Nevertheless, housing issue is still a burning problem mainly due to the widespread corruption among officials, lack of stakeholder participation and lack of transparency in identifying beneficiaries under each scheme. Often the poor and needy are excluded from the list of beneficiaries. The increasing number of slum dwellers and violent riots on the streets for affordable house is the clear indication that housing policy in Algeria has not met its broad vision and goals.

EMPLOYMENT FOR CITIZENS :

Article 55 of the constitution of Algeria guarantees the right to employment. According to the constitution, *“All citizens shall have the right to work. The right to protection, security and hygiene at work shall be guaranteed by statute. The right to rest shall be guaranteed. Statute shall determine the modalities of its exercise”*. Thus the state not only provides the right to work but right to rest and occupational safety and security of the employees. The constitution and government guarantees equitable access to employment, promotion



and salary in equal circumstances without any discrimination. Apart from that, the government guarantees social protection measures, right to collective action, pension, retirement benefit etc. The state also promises protection against all forms of discrimination on the basis of age, sex, marital status, family ties, political conventions, membership in trade union. Any such actions by the employers will be treated as null or void. Further, it is ensured that any form of such discrimination at work place will be penalized under Article 142 and Article 143 of the law. Algerian government also supports the workers through an inclusive social security system that provides health insurance, security from accidents at work place and old age pension. Disabled citizens get special assistance from government for the entire life time. Women workers enjoy 14 week maternity leave and women are free from working in dangerous employment conditions. All employers are authorised to draft a collective legal agreement after discussing with the labour union representatives. The labour department will examine whether the agreement is in compliance within the existing provisions for right to work.

Though the legal and constitutional mechanisms to protect right to employment is vast and broad based, unemployment rate is high in Algeria. It is interesting to note that the national minimum wage is very low compared to the international standard. The state failed to enforce minimum wage system in many sectors and social security measures are not adequate due to the prolonged unrest, increasing population, poverty and depleting resources. There is no effort from government to revise the wage policies in accordance with the changing living conditions and expenditure. There is restriction on labour union movements and government approval is required to form a workers association. Even though child labour is prohibited, there are almost 1.5 million child workers in Algeria as per the records of Human Rights Reports.



DIGNITY OF INDIVIDUAL :

Article 34 of the Algerian constitution guarantees the inviolability of the human entity. The constitution also prohibits any form of physical or moral violence or breach of dignity. In Algeria capital punishment is exempted for minors in the age group of 13-18. Algeria is party to many international agreements that highlight provisions for strong laws that check cruelty, torture, inhuman behaviours and attack on individual dignity. As a constitutional measure, torture is prohibited in Algeria and many legal mechanisms were initiated to prevent torture in any form. Torture is a criminal offence and government officials are directed to avoid physical and mental torture of the individual in a nay circumstances. Further, the criminal code of Algeria clearly states that “any person who practices, causes and orders an act of torture to be practiced shall be punishable by 5 to 10 years of imprisonment and a fine of 100,000 to 500,000 dinar”.

The constitution also ensures privacy and security of the individual from arbitrary arrest and detention. Searches, home visits and enquiry into personal communication should be conducted only with the consent of the person. The criminal procedure code also prohibits execution of arrest warrant before 5 am and after 8 pm. The state prohibits arbitrary arrest and detention and denial of free trial to any citizen.

But Algeria’s actual record in protecting the dignity of individual is far from satisfactory. Security forces and army still enjoys immunity on their atrocities against protesting civilians. Amnesty International reports that even though torture is prohibited, Algeria still suffer from extreme human rights violations that were conducted during the period of civil war and political unrest. In spite of the commitment to protecting human dignity, there is no effort to conduct impartial investigation on cases of extra judicial custody, killing, arbitrary detention, torture, ill treatment etc. Women face many social and cultural restrictions irrespective of the constitutional guarantee of human dignity. Cases of sexual abuse, physical exploitation



and indecent treatment of women are often ignored by the government without formal investigation and necessary action. Members of armed groups still enjoy benefits from government and the atrocities they have conducted were not investigated even after the end of civil war and emergency. Hence, the right to human dignity is exercised by a minority only.

CONCLUSION

The above analysis on the rights enshrined in Algerian constitution and executed by the government shows that even though there are legal and constitutional safeguards to protect the rights of the citizens, operational and contextual barriers prevent the people from enjoy it in fullest sense. The political fragility in the country, prolonged civil wars and conflicts, social tensions, religious restrictions and administrative inefficiency often creates stumbling blocks in realizing the rights envisaged in the constitution. According to the rating of Freedom House, Algeria is not a free country with an overall score of 5.5 (1- best, 7-worst). Military and intelligence exerts supreme power and authority over the government. Hence, actual exercise of the rights largely depends on the priorities of the armed forces. Extra-judicial killing, false encounters, disappearance, illegal detention and trail, ban on workers strikes, lack of proper health care facilities and inferior social status of women pose serious doubts about the sanctity of the rights guaranteed by the constitution. A critical analysis of the failures in ensuring rights to the people points to failure of governance. Good governance requires civil and accountable government. Unfortunately the government of the People's Republic of Algeria is yet to become a truly accountable governance system.



REFERENCES

1. African Charter on Human and Peoples rights (n.d.). *African Charter on Human and Peoples' Rights Third and fourth periodic reports*. Retrieved April 8, 2014, from www.achpr.org/files/...reports/3rd,4th.../staterep34_algeria_2006_eng.pdf
2. Amnesty International (2013). *Annual Report: Algeria Human Rights*. Retrieved April 9, 2014, from <http://www.amnesty.org/en/region/algeria/report-2013>
3. *Constitution of the People's Republic of Algeria*. (n.d.). Retrieved April 8, 2014, from http://www.confinder.richmond.edu/admin/docs/local_algeria.pdf
4. Danish Institute for Human Rights (2005). *Executive Summary of the Algeria country risk assessment*. Retrieved April 10, 2014, from www.commdev.org/.../1752_file_CRA_20Algeria_20Executive_20Sum
5. Freedom House (2012). *Algeria | Freedom House*. Retrieved April 9, 2014, from <http://www.freedomhouse.org/report/freedom-world/2012/algeria>
6. UNDP (2013). *The Rise of the South: Human Progress in a Diverse World*. Retrieved April 9, 2014, from <http://www.undp.org/hdi/Algeria>