



**International Convention
on the Protection of the
Rights of All Migrant
Workers and Members
of Their Families**

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COMMITTEE ON THE PROTECTION OF THE
RIGHTS OF ALL MIGRANT WORKERS AND
MEMBERS OF THEIR FAMILIES
Tenth session, 20 April – 1 May 2009

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 73 OF THE CONVENTION**

**Draft list of issues to be taken up in connection
with the consideration of the initial report of Algeria (CMW/C/DZA/1)***

I. GENERAL INFORMATION

1. Please provide updated data or, in the absence of such data, official estimates with regard to the number of Algerian migrant workers and members of their families abroad, including those who are non-documented or in an irregular situation, and of foreign migrant workers and members of their families residing or transiting in the territory of Algeria. What measures have been taken by the State party to set up a coherent system of data collection in order to evaluate the dimension and nature of migration flows?
2. Please specify progress in the process of harmonizing national legislation on migration with the Convention and provide more detailed and updated information on specific legislative, administrative, judicial or other measures taken to implement the provisions of the Convention following its ratification by the State party. Please include detailed information on the three draft laws that are part of the current legislative reform, including the framework law on child protection and its possible effect on migrant children (paras. 31-32).

* Paragraph numbers in brackets refer to the State party report published under symbol **CMW/C/DZA/1**.

3. Please provide examples of cases, if any, in which the Convention was directly applied by national courts or administrative authorities (para. 63).
4. Please describe the role, if any, of non-governmental organizations in the implementation of the Convention and in the preparation of the State party's report (see the Committee's provisional guidelines regarding the form and content of initial reports, paragraph 3 (d)).
5. Please provide further information on the steps taken by the State party to promote and publicize the Convention (para. 50), and to increase awareness and understanding of its provisions, among migrant workers and members of their families in the territory of the State party, its nationals intending to migrate abroad, State employees and the general public. Please also indicate whether specific training programmes on the Convention are implemented for relevant public officials, such as border police officers, embassy and consulate officials and social workers, but also judges, prosecutors and relevant government officials.
6. According to the State party's report (para. 47), the illegal emigration phenomenon known as *harraga* has been recently on the rise. Please provide more precise information in this respect, including estimates of the number of Algerians trying to emigrate unlawfully, and indicate whether there are studies on the causes of this clandestine emigration and of its impact within the State Party.
7. Please explain whether the national legislation provides for the application of the Convention to refugees and stateless persons (article 3 *d* of the Convention).

II. INFORMATION RELATING TO EACH OF THE ARTICLES OF THE CONVENTION

(a) General principles

8. With reference to paragraphs 51 to 57 of the State Party's report, please indicate whether migrant workers and members of their families, including women and children, who are non-documented/in an irregular situation, as applicable, enjoy the protection of Algerian law in line with the rights guaranteed in Part 3 of the Convention.
9. Please provide detailed information on (a) judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including when they are non-documented or in an irregular situation, in case of a violation of their rights; (b) the complaints examined by such mechanisms since 1 August 2005 and their outcome; and (c) any redress provided to victims of such violations.

(b) Part III of the Convention

10. Please provide more information on the procedure that a foreign resident wishing to leave the national territory must follow. Please include more detailed information on the requirement of an exit visa issued by the prefecture of the place of residence (paras. 75-78).

11. Please provide detailed information on the contents and practical application of law No. 08-11, which reportedly criminalizes illegal migration. Please specify whether any laws or legislative provisions apply restrictions on the right of migrant workers and members of their families to leave their country.
12. In paragraph 297 of its report the State party refers to penalization of any migrant worker who does not meet the requirements for entry, stay and employment in accordance with the terms of Ordinance No. 66-211 of 21 July 1966 on the situation of foreigners in Algeria. Please provide details about the application of Ordinance No. 66-211 of 21 July 1966 in practice, including data on convictions and sanctions. Please indicate the number of migrants, disaggregated by age, sex, nationality and/or origin currently held in administrative or judicial custody for violations of provisions relating to migration, as well as the length and place of their detention as well as information on decisions taken in their regard.
13. Please provide information on measures taken in response to reports of involvement of police/border guards in ill-treatment and abuse against irregular migrants.
14. With reference to paragraphs 193 to 195 of the State party's report, please provide more information on the laws and regulations governing the confiscation of identity documents and on measures taken to prevent the retention of identity documents by persons other than authorized judicial police officers or investigating judges, such as employers of domestic workers.
15. Please explain whether and how a migrant worker subject to an expulsion order can submit reasons why he or she should not be expelled and whether appeals from decisions of expulsion have suspensive effect. Please indicate whether collective expulsion is expressly prohibited by law (paras 202-203). Noting reports alleging that collective expulsion of sub-Saharan migrants has taken place on several occasions in 2008, the Committee wishes to receive detailed information on the State party's practice in this regard
16. Please provide information on (a) measures envisaged to be taken to ensure that effective consular assistance is provided to Algerian nationals working abroad and to members of their families, and (b) whether foreign migrant workers and members of their families in Algeria are informed of their right to have recourse to consular assistance in the case of detention or expulsion. What efforts are being carried out to effectively guarantee that any migrant worker or family member who may need so, can be assisted by a lawyer and/or an interpreter (paras. 204-205)? Please also provide detailed information on how the right to legal assistance for migrant workers is effectively implemented and provide disaggregated data on the number of migrant workers who have benefitted from the legal aid system (paras. 171-172).
17. Please provide detailed information on the practical measures taken to ensure that all migrant workers, including migrant workers who are non-documented or in an irregular situation, enjoy equal treatment with nationals in respect of remuneration and other conditions of work.

18. Please inform the Committee about any specific measures taken to protect domestic migrant workers, particularly women, and especially those with an undocumented status, who are often subjected to such abuses as long workdays, lack of health insurance, physical and verbal ill-treatment, sexual harassment, and threats.

19. Please specify how the right of children of migrant workers, including children of migrant workers who are non-documented or in an irregular situation, to be registered at birth and to have a nationality is ensured in practice. Please also explain whether the children of migrant workers in an undocumented situation have the right to access to education and how this right is implemented in practice.

20. Please inform the Committee about the ways and means by which migrant workers are provided with access to information about their rights under the Convention, in accordance with article 33 of the Convention. Also, please indicate whether and how the State party has established programmes to inform Algerian nationals wishing to migrate abroad about their rights arising out of the Convention, their rights and obligations in the State of employment, and any other information that would facilitate their integration in the State of employment.

(c) Part IV of the Convention

21. Please comment on the requirement of possession of Algerian nationality for membership of a trade union's board of management, in light of article 40 of the Convention (paras. 109-111; 237-239).

22. Please provide information on the steps taken by the State party to facilitate the exercise by Algerian workers living abroad of the right to vote and to be elected at elections held in the State party.

23. Please provide information on measures taken, if any, to facilitate family reunification. Please provide clarification of the principle of family reunification under Act No. 81-10, which according to the State party's report (para. 258) only benefits the male spouse. Also, include detailed information on the provisions that will be introduced with the new draft law on the movement and establishment of foreigners in Algeria in this regard.

(d) Part V of the Convention

24. Please indicate the number of frontier and seasonal workers engaged in a remunerated activity in Algeria, disaggregated by gender, age and nationality, and provide information on any bilateral and multilateral agreements governing migration by frontier and seasonal workers to which Algeria is a party. Please explain which legal regime applies.

(e) Part VI of the Convention

25. Please provide detailed and updated information on the bilateral and multilateral agreements concluded in the field of migration, in particular temporary labour, programmes and other agreements concerning employment, protection, double taxation, and social security..

26. With reference to paragraph 24 of the State Party's report, please provide information regarding readmission of migrant workers, including statistical data on how many have been re-admitted by Algeria since 2005 and how many have been deported from Algeria under these agreements. Please specify whether the agreements mentioned in the State Party's report include procedures aimed at guaranteeing the rights of migrant workers and members of their families.
27. Please explain in detail which services and institutions in the State party deal with questions concerning international migration of workers and members of their families and how the different services and institutions coordinate their activities.
28. Please provide information on (a) the ways and means by which Algerian nationals, in particular women, are typically recruited for work in foreign countries; (b) the efforts undertaken to regulate recruitment activities within the State party of Algerian nationals for employment abroad; and (c) the efforts undertaken to cooperate and consult with the main destination countries of Algerian migrant workers with a view to promoting sound, equitable and human working and living conditions for nationals of Algeria in those countries.
29. Please provide information on the number of returning Algerian migrant workers. Please provide more information on the measures the State party is taking to facilitate the orderly return of nationals working abroad, inter alia, when they decide to return to the State party or when their authorization of residence or employment expires, or when they are in an irregular situation in the State of employment. What measures are adopted to facilitate their durable social and cultural reintegration? (paras. 294-296).
30. Please indicate how the State party deals with the increasing numbers of irregular and undocumented migrant workers transiting or staying in its territory, including those who are victims of trafficking. Please provide information on measures taken to prevent illegal or clandestine movements of migrant workers, including through organized smuggling and trafficking. In this context, what measures has the State party taken against the dissemination of misleading information by smuggling, trafficking or other criminal networks? Please provide information on migrant workers who transit through the State party, in particular with regard to their protection from all forms of criminal networks.
31. Please provide information on the number of persons trafficked to, from, in transit through and within the State party since 1 August 2005, disaggregated by gender, age and nationality. If no precise numbers are available, please provide estimates. Please provide detailed information on cases where persons were convicted of crimes related to trafficking in human beings and smuggling of migrants.

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