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COMMISSION ON HUMAN RIGHTS
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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION
AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

ALGERIA

[6 August 1984]

Algeria, affirming its faith in the dignity and worth of the human person, considers that:

- (1) Freedom is a fundamental right of every individual;
- (2) It is the State, first and foremost, which has the duty and obligation to protect human rights, without losing sight of the rights of the individual as proclaimed in the Universal Declaration of Human Rights and the subsequent conventions and covenants.

Consequently, for nearly a decade, Algeria has been adding to its legislation by adopting a National Charter (Ordinance No. 76-57 of 5 July 1976), a Constitution (Ordinance No. 76-97 of 22 November 1976) and new laws covering all aspects of social life.

These legal texts, which are in complete conformity and harmony with the principal human rights instruments, are intended to protect and promote the fundamental rights of the individual, thus demonstrating the importance which Algeria attaches to the implementation of all measures to combat discrimination and racism.

These texts complete the legal structure built up in Algeria, which until 1975, was forced to rely on some of the laws that had been in force during the colonial period.

For example, Ordinance No. 73-21 of 5 July 1973 repealed, as from 5 July 1975, all the non-Algerian laws which, upon independence, had been temporarily extended by Act No. 62-57 of 31 December 1962.

The Algerian legislators, however, made that extension subject to preremptory conditions by, for example, providing in article 2 of the above-mentioned Act, that:

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"All texts and provisions which run counter to the internal or external sovereignty of the Algerian State or are based on colonialism or discrimination, and all texts and provisions which run counter to the normal exercise of democratic freedoms shall be null and void."

This provision represents the first fruits, at a legal level, of the Algerian people's struggle against all forms of racism and discrimination. It has led to the repeal of a large number of discriminatory laws and regulations.

Thus, the Algerian constitution states that "the Republic of Algeria endorses the purposes and principles of the Charters of the United Nations, the Organization of African Unity and the Arab League".

Moreover, article 92 of the Constitution provides that "the struggle against colonialism, neo-colonialism, imperialism and racial discrimination shall be one of the basic tenets of the revolution".

Algeria, which has proclaimed its attachment to the principles set forth in the Universal Declaration of Human Rights, to which it formally acceded upon independence, is also a party to the main international legal instruments relating to human rights, including the International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted by the General Assembly on 30 November 1973.

As a party to this Convention since 25 June 1952, Algeria submits its first report on its implementation, in accordance with article VII.

Although acts of discrimination are not found in Algerian society, Algeria has taken a series of measures to ensure the effective enjoyment of human rights and fundamental freedoms.

Article 39 of the 1976 Constitution, for example, provides that:

"Fundamental freedoms and human rights and the rights of the citizen are guaranteed."

"All citizens have equal rights and duties."

"Any discrimination based on prejudice as to sex, race or occupation is prohibited."

In addition, article 41 provides that:

"The State ensures the equality of all citizens by suppressing obstacles of an economic, social or cultural nature which restrict equality between citizens, hinder the fulfilment of the individual as a person and prevent the effective participation of all citizens in the organization of politics, society and culture."

As far as legislation is concerned, penal measures have been introduced against any act of racial discrimination in respect of nationals or aliens.

Article 298 of the Criminal Code provides that:

"Any person who defames one or more persons belonging to an ethnic or ideological group, or to a specific religion, shall be liable to imprisonment for one month to one year and to a fine of 300 to 3,000 dinars, when the intent is to incite hatred between citizens or inhabitants."

In article 299, the same Code provides that:

"Any person who insults one or more persons shall be liable to imprisonment for six days to three months and to a fine of 150 to 1,500 dinars or to either of these two penalties."

Insults are expressly defined by the Algerian Criminal Code, article 297 of which provides that:

"Any offensive remark, term of disparagement or invective which does not involve the imputation of any act, is an insult."

"Any alien who is lawfully present in the national territory enjoys the protection granted to persons and to property in conformity with the law and the traditions of hospitality of the Algerian people."

Article 5 of the Civil Code, however, provides that:

"The police and security laws apply to all inhabitants of the territory."

These provisions are general and apply to aliens lawfully present in Algeria, without any reference to a convention being necessary.

With regard to equality before the courts and the guarantees available to any alien charged with a criminal offence, aliens may invoke articles 45 and 51 of the Constitution in the same way as Algerian citizens.

Article 45 provides that:

"No person may be held guilty, except under a law duly promulgated prior to the offence in question."

Article 51 provides that:

"No person may be prosecuted, arrested or detained, except in the cases specified by the law and according to the procedures prescribed therein."

Furthermore, under the long-standing traditions of hospitality and goodwill of Algeria as a country of asylum, any alien who is lawfully present in Algeria has the right to freedom of movement.

In addition, aliens lawfully established in Algeria are entitled to free care, education and teaching. These services are provided by general public bodies and are free.

Various means are employed to publicize the Convention widely and to ensure that the public is aware of the importance of the total elimination of all forms of racial discrimination and the crime of apartheid.

One of the tasks assigned to the cultural revolution in respect of education, instruction, culture and information under the Constitution is "to combat all prejudices as to race, class, sex and manual occupation, as well as any tendency towards anti-social violence, chauvinism and sectarian ideas, and to promote greater solidarity with oppressed peoples who are the victims of segregation or racial disparagement and peoples who are still exploited or were formerly colonized, with a view to a better appreciation of their history, their liberation struggles and their problems of national education, and respect for cultures and civilizations different from our own".

With regard to instruction, a course in civic and moral responsibilities taught in all schools and universities in Algeria is based directly on the principles embodied in the Constitution, with the aim of promoting human rights.

In addition, the International Day for the Elimination of Racial Discrimination has always been celebrated in Algerian schools by an assembly at which teachers read to the pupils and comment on the principles of the International Bill of Human Rights and other subsequent texts, while pointing out the injustices of the policy of apartheid in the light of the policy practised by the South African white minority.

In the area of culture and information, the Algerian film archives, Algerian radio and television and the Algerian press as a whole contribute continuously in various ways (film showings, press articles) to developing understanding of the basic principles of human rights.

Internationally, Algeria, which has always advocated respect for human rights and the rights of peoples, in accordance with the principles embodied in the Charter of the United Nations, continues to strive, with the progressive countries, for the total elimination of racial discrimination and apartheid, which it considers a crime against humanity.

Thus, the Constitution declares that "the complete liberation of Africa forms part of the fight of the Algerian people for the independence of African peoples struggling against colonialism and racial discrimination".

Consequently, in accordance with the principles of its foreign policy and the international commitments which it has entered into, Algeria:

has consistently condemned, and continues to condemn, the inhuman practices of the apartheid regime established by the white minority in South Africa;

supports the establishment of an international penal tribunal as provided for in article V of the Convention and recognizes that all the crimes enumerated in article II of the Convention are of a criminal nature and that the authors of such crimes should be brought before that tribunal;

implements effectively all resolutions and decisions of the General Assembly, the Security Council and other international bodies concerning the imposition of sanctions against the racist regime of South Africa by breaking off all relations (diplomatic, economic, trade or other) with it;

consistently and unwaveringly supports the national liberation movements, including the South West Africa People's Organization (SWAPO), struggling against all forms of domination and subjugation. In this regard, it should be noted that, in April 1981, Algeria, which strives for the attainment of this noble objective within all international and regional bodies, hosted the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries on the Question of Namibia.