

**94th session of the Committee on the Elimination of All Forms
of Racial Discrimination**

Parallel report

**Consideration of the twentieth and twenty-first periodic
reports of the State of Algeria**



2017

**Consideration of reports submitted by the State
party under article 9 of the International
Convention on the Elimination of All Forms of
Racial Discrimination.**

**From 20 November to 09 December 2017 In the
conference room, Palais Wilson, Geneva.**

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Preamble:

1- The Justice and Human Rights Forum (JHRF) examined the Twentieth and Twenty-first Periodic Report of the State of Algeria within the framework of the examination of reports submitted by States parties under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination and will be presented at the 94th session of the Committee on the Elimination of Racial Discrimination from 20 November to 09 december 2017.salle des conférences,Palais Wilson,Geneva.

2- it (JHRF) stresses that it wishes to submit a parallel report to the periodic report as a contribution to the analysis of the present report to the Committee at its 94th session, with a view to strengthening the protection and promotion of human rights in the Republic of Algeria as a whole and the protection of racial discrimination in particular. It aims to do so by providing neutral data and information based essentially on the accounts of Algerian civil society activists and African organisations who have sent us several documents, including videotaped testimonies and sometimes testimonies from the truth-seeking channels. These violations are a major cause of concern for our organization as an NGO that focuses mainly on observation and investigation and advocates for human rights in the Arab Maghreb region.

Introduction :

3- The Democratic Republic of Algeria ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 15 December 1966 and published it in Official Gazette No. 110 of 30 December 1966.15 days after ratification, giving the impression of a political will to eradicate all forms of racial discrimination.

4- The State party has implemented an important legal mechanism to combat racial discrimination and respect for human rights and is based on the constitutional text amended in 2016, which recognizes the primacy of international treaties over national law, authorizing all Algerian citizens to avail themselves of it before the courts.

5- The report under consideration by the State Party highlighted the efforts made mainly at the legislative level and the measures taken, for the promotion and protection of human rights, and in particular the criminalization of racial discrimination.

6- However, it must be said that these measures and legislations aimed at the elimination of racial discrimination have not yielded satisfactory results, and that acts of racial discrimination remain omnipresent even at the level of State party policy. These acts contradict the report under consideration.

I- Expulsion of sub-Saharan migrants in the desert: Ethnic profiling or humanitarian action?

▪ Context :

7- Since 2012, the Algerian government has carried out the expulsion of sub-Saharan migrants, without trial or any reasonable cause. A real manhunt organised by the police and gendarmerie targeted sub-Saharan men, women and children, whose only denomination is that they have

black skin, including migrants who have been working legally for years in Algier and other cities, some political asylum seekers, tourists with valid visas, and some were undocumented migrants, not to mention some of the underage non-accompanied.

8- In this context of expulsion, migrants who are arrested and plundered from their homes or workplaces are transported by trucks and buses to a camp outside the town of Tamanrasset, 2000 km from Algier, where they have been housed in unsanitary, attic prefabricated houses, while others have had to spend nights outside.

9- The testimonies of some deported migrants reveal acts of ill-treatment:"In Tamanrasset Algerian, they started to hit people, stole our money, kicked us out of their territory, you see, we did nothing" says a migrant from Mali who was expelled..

10- Dialo Soleiman, a Kenyan migrant recounts the problems he encountered in Algeria:"In Tamanrasset, I came there in July 2015, on the feast day, we had encountered quite a few problems. there were people who came to attack us because we had gone out to celebrate the tabaski (religious festival where Muslims sacrifice sheep), the Algerians in Tamanrasset attacked us, chased us home, even took my friends' phones..."

11- Meryem, a migrant from Guinea, after suffering the intimidation of the Algerian police said crying:"We want to leave this country, help us, have mercy on us, we are hidden, we do not eat, we do not have money to feed ourselves, we are poor housewives, we wash the Algerians' house to eat ".

12- Mr. Fouad Hassan, an Algerian activist, described the arrests of "fascists" at an international chain during his declaration: Only and only black people of skin, he proclaims, were arrested, they are arbitrary, because without valid reasons, people in a regular situation, people who had passports, valid visas were arrested. There were also refugees, asylum seekers under UNHCR mandate. There were also children and pregnant women.

13- According to some sources, more than 7000 Sub-Saharan people were deported by bus or lorry from Algeria, leaving migrants on Niger's borders for forced marching in the middle of the desert.

- The State tolerates racist comments against sub-Saharan migrants:

14- Contrary to the report under consideration, the Algerian government does not prosecute persons who incite hatred or discrimination or insult against deported sub-Saharan migrants; on the contrary, it has acted under the cover of a social context translated into an unprecedented media vogue (official newsletters, social networks, youtubes...) aimed at sowing hatred towards migrants, accusing them of carrying diseases, germs, wanting to occupy Algeria or steal the country's wealth.

15- During the wave of expulsions of migrants, the famous Algerian lawyer "Farouk Ksentini", who holds the post of chairman of the National Consultative Commission for the Promotion and Protection of Human Rights, was the author of the statements that violated human dignity by saying in Arabic in a local media:"The presence of African migrants and refugees in several localities of the country can cause problems". This presence exposes "to the risks of the spread of AIDS and other sexually transmitted diseases". And also:"To avoid this catastrophe which is imposed on us, we must expel African migrants".

After widespread condemnations, Mr Farouk ksentini had to deny his positions on the Chourouk chain accusing others of defamation, while the government was absolutely silent about the words of the highest national institution that was supposed to protect human rights in its universal context.

16- Similarly, the words of the Algerian Red Crescent went in parallel with the measures taken by the government: for the President of the Algerian Red Crescent, Saida Benhabyès, the reason for the deportations is quite simple:"given the promiscuity that exists in the capital which poses security problems".

17- At a time when the President of the Algerian Red Crescent, welcomed the support given to its organization by the State institutions and declared, with regard to the expulsion of migrants - who called them illegal - that "The sine qua non condition for the success of our action is security and stability in the country", the director of research for North Africa at Amnesty International, Heba Moray said, "This is a blatant case of large-scale ethnic profiling."

18- It must be said that this roundup proved that the State party acted in violation of the African Charter on Human Rights and Peoples, in particular, of Article 12 of the Charter, which stipulates: "A foreigner lawfully admitted to the territory of a State Party to the present Charter may be expelled from it only by virtue of a decision in conformity with the law. The collective expulsion of aliens is prohibited. Collective expulsion is the one that targets national, racial, ethnic or religious groups globally."

19- Faced with a collective expulsion of this magnitude, it must be said that the system of Algerian jurisdiction has failed, and has not protected the restrictions of Algerian law, which does not provide for collective expulsions or the primacy of international treaties.

II- Expulsion of Syrian refugees to Morocco: irrefutable arguments.

20- The Algerian government refuses to accept Syrian refugees who entered Algeria through the Houari Boumediene airport, and even worse, according to documented and reliable testimonies of these deportees, they were deported to Morocco through a border point near the famous Zouj-Bghal border post, including children and pregnant women.

21- The Moroccan authorities denounced in a communiqué from his Ministry of Foreign Affairs "the inhumane behaviour of the Algerian authorities against these immigrants", claiming to have identified the Algerian ambassador with irrefutable arguments which show that these

refugees have passed through the Algerian territory, noting that because of the current weather conditions and the distances travelled, these people could not move through the territory without the Algerian authorities knowing or intercepting them.

22- The Algerian authorities claimed that they had refused to grant access to these refugees who had been returned from Morocco, and that following this refusal that the Moroccan authorities had appealed to their media to accuse the Algerian authorities of wrongly accusing the Algerian authorities of having expelled these Syrians, when in reality they were on Moroccan territory.

23- These positions were far from giving them credit because the refugees passports, and the videos recorded, clearly show the truth and indicate the route.

24- It was necessary to wait for six weeks during which these poor people lived tragic days, without shelter or food, except for some modest help from Moroccan civil society volunteers, for the Algerian authorities to accept them.

25- It should be said that the expulsion of Syrian refugees contradicts article 3 of the Convention relating to the Status of Refugees, which stipulates that:"Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin ».

III- Discriminatory policies against refugees in Tindouf camps:

- **Freedom of movement outside the Tindouf camps:**

26- Sahrawi refugees at the Tindouf Camps (Algerian territory) complain about the discriminatory measures taken by the Algerian authorities, which require them to obtain a travel authorization to visit the rest of the

Algerian territory issued by the Algerian military communications office in Tindouf. Refugees must complete a form at the said Ministry of the Interior of the Polisario Front, and collect all information likely to deduce the applicant's itinerary in the rest of the Algerian territory and the reason for his visit. This information is transmitted, ipso facto, to the Algerian military communications office in Tindouf, which issues travel permits, valid for a maximum of 3 months, after a careful review of the applicant's file

27 - "It's humiliation," recounts Hammadi, an ex-refugee who has returned to Moroccan territory and lives in housing provided by the Moroccan authorities, "we are refugees, we must rejoice at the rights granted by the Convention relating to the Status of Refugees, the people in the Tindouf camps are fed up with it," says Hammadi.

28- Article 26 of the Convention relating to the Status of Refugees states: "Each Contracting State shall grant refugees lawfully present in its territory the right to choose their place of residence and to move freely within its territory subject to the provisions of the regulations applicable to aliens in general in the same circumstances. »

▪ Discriminatory procurement measures:

29- Other measures taken by Algeria described as discriminatory acts: After 12.00 pm, it is forbidden for any vehicle carrying a license plate of the refugee camps to stop at or near any service station in Tindouf to obtain fuel. Worse still, all vehicles registered in the camps are prohibited from using more than 45 litres of fuel.

30- Article 23 of the Convention relating to the Status of Refugees stipulates that: "The Contracting States shall accord to refugees lawfully residing in their territory the same treatment in matters of public assistance and relief as they accord to their nationals".

Article 20 of the Convention also makes it clear that "in cases where there is a system of rationing to which the population as a whole is

subject and which regulates the general distribution of scarce products, refugees will be treated as nationals".

▪ Confiscation of Algerian passports:

31- Returning from abroad, the Algerian authorities confiscate the Sahrawi refugees' passports from the Tindouf camps. Sahrawi refugees depend on Algerian passports to cross Algerian borders; however, the refugee wishing to obtain an Algerian passport has to wait months, even years to obtain this document.

32- "Back from abroad, Our passports are immediately confiscated at the points of entry in Algiers," said Ahmed Mahmoud, an ex-refugee at the Tindouf camps who chose to return to Morocco with a Mauritanian passport," wasteful to think of returning abroad in a month's time, for example, and the recovery is done in Algiers at the Polisario embassy. Thanks be to God,"he adds," After having obtained my residence card in Nouadibou, I was able to obtain a Mauritanian passport with which I was able to trade and return to Morocco »

33- The Algerian authorities claim that this measure is purely administrative, and was taken at the request of the Polisario Front. In any case, this situation clearly contradicts the provisions of the Convention relating to the Status of Refugees since Tindouf is a territory of Algerian sovereignty.

IV- Teaching the Amazigh language: unexplained figures!

34- Since 2002, when the Amazigh language was constitutionalized as a national language, until 2016, when it was recognized as an official language, that mean more than 14 years of Amazigh language promotion... However, reality shows that the government adopted a speech that promoting the Amazigh language without adopting effective measures that can promote this spoken and written language by the majority of Algerians.

35- The figures even presented in the report in question explain alarming percentages: indeed, the number of Amazigh language teachers out of the percentage of teachers in the Ministry of National Education is 0.62%.

36- Similarly, the percentage of learners targeted by Amazigh language teaching is barely 3.22% of the number of students enrolled in 2016/2017.

37- These figures reveal the modesty of the government's measures taken in the context of the globalization of Amazigh language teaching.

38- Many Amazigh activists have denounced a discriminatory policy in Algeria which provides for the deprivation of their cultural rights.

V- Recommendations:

In the light of the realistic diagnosis of the report of the State of Algeria, submitted in accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination and will be presented at the 94th session of the Committee on the Elimination of Racial Discrimination, the Justice and Human Rights Forum (JHRF), as an independent non-governmental mechanism, in particular to monitor the situation of human rights at the regional level and report back, and as a power of proposal, recommends the following:

To the Algerian government:

- The Algerian Government should fight strongly against ethnic profiling of members of migrant communities, crimes motivated by hatred of a minority, racism, racial discrimination, xenophobia and related forms of intolerance;**
- The Algerian government should understand that the harmonization of legal texts with international treaties, or the recognition of the primacy of international treaties must be translated into reality so that citizens and foreigners can enjoy the rights guaranteed by these treaties: It is pointless to ratify the African Charter on Human and Peoples' Rights if the Algerian State continues to violate its provisions and expel nationals of African countries;**

- The Algerian government should guarantee the right of free movement from Tindouf camps to the rest of the Algerian territory, without restriction or discrimination;
- The Algerian government should guarantee the right of free movement from Tindouf camps to the rest of the Algerian territory, without restriction or discrimination;
- The Algerian Government should adapt any form of restriction of refugee rights to the provisions of the Convention relating to the Status of Refugees, which will strengthen the legal bases for measures taken against refugees, instead of solemnly proclaiming pretexts that violate their rights;
- The Algerian government is urged to strengthen the measures of Amazigh language globalization and to raise the rate of recruitment of Amazigh teachers and implement a national plan of Amazigh language globalization in order to target all learners ;

To the Committee on the Elimination of Racial Discrimination:

- It is important to note that the massive roundup of sub-Saharan migrants without just cause is described as ethnic profiling, and police violence against these vulnerable migrant groups is very discouraging and calls into question the report under consideration, which states that there is no complaint of racial discrimination.
- It should be stressed that the implementation of the provisions of the Convention on the Elimination of Racial Discrimination requires a political will that provides for the sharing of the universal principles of respect for and promotion of human rights;
- The State Party should be encouraged to respect the conventions that it has ratified and clarifications should be provided to remove ambiguities related to certain procedures.