

COUNTRY REPORT: ALGERIA

Monitoring of the ENP Memo 2014

Introduction

The Arab Spring has fundamentally changed the political landscape of Europe's Southern neighbourhood – the Middle East and North Africa (MENA) and clearly revealed the need for a new social contract based on respect for fundamental freedoms, dignity and rule of law, in addition to the revision of social and economic policies towards ensuring sustainable development and economic and social justice. Despite high expectations, after more than two years the revolutions have thus far been unable to produce consolidated and stable democracies and a growth-based economic model have been still promoted by national and international actors. Widespread non-democratic practices are still hindering the transition towards multiparty democracy and conflict in the region is alarming with the ongoing war in Syria, Libya and in Iraq. Thus while significant changes have been produced in all countries, the MENA region is still lagging behind the promises of the Arab Spring.

In the aftermath of the uprisings, the EU offered its Southern Mediterranean partner countries “A partnership for democracy and shared prosperity” in the context of the revised European Neighbourhood Policy that focused on democratic transformation, a partnership with people and civil society, and sustainable and inclusive growth.

With yearly progress on the implementation of the European Neighborhood Policy, the EU assesses the progress and regress in implementation of Action Plans. In light of the Progress Reports on the implementation of the European Neighbourhood Policy 2014, SOLIDAR in coordination with the Arab NGO Network for Development (ANND) and in cooperation with the CONCORD working group on Enlargement, Pre-accession and Neighbourhood (EPAN), Global Network Arab Countries and the Association of Local Development Agencies (ALDA) conducted a consultation process from April to October 2014 to provide an opportunity for the organisations within the “SOLIDAR Network for Social justice in the MENA region” to comment on the progress reports prepared by the EU. This country report presents the outcomes of the consultation which focused on the key topics when it comes to the promotion of social justice: Freedom of Association and Peaceful Assembly, Decent Work and Social Protection.

The responses to the consultation clearly indicate that in **Algeria** worrying developments took place in 2013 and 2014. These developments demand attention in the new Progress Reports and should be incorporated in the policy making that shapes the relations between the EU and the region.

Note: No Country Progress Report is prepared for Algeria since no ENP Action plan is in force. The consultation is based on MEMO/14/219 issued 27 March 2014 on the Political situation and latest developments in EU relationship with Algeria

Executive Summary

Please find below a general overview of the feedback submitted by partners through the attached feedback tables. The partners' feedback can in no way be taken to reflect the views of SOLIDAR and its members.

Freedom of association and peaceful assembly

1. Access to Economic, Social and Cultural Rights (ESCRs)



Algeria has not yet ratified Optional Protocol to the International Covenant on Economic, Social and Cultural Right. In addition, no major steps have been made in the field of the human rights protection, with continued practices of repression and lack of judiciary independence.

While the Optional Protocol to the Convention on the Elimination of Discrimination Against Women has not been ratified yet, a quota of 30% of women in Parliament was introduced. However their legislative capacity remains severely limited due to the entrenched conservatism of the majority. In this context, in 2012 preliminary draft law on the criminalization of violence against women was drafted, however the proposal has been put on the sidelines since then.

2. Ability to establish associations and their access to funding

On January 12, 2014, pursuant to Article 70 of Algeria's Law on Associations (Law 12-06 of 2012), all existing associations that had not already done so were required to re-register and align their governing statutes with the Law. Any association that did not successfully register by January 12 was deemed illegal, with their members subject to prosecution and possible imprisonment.

In the framework of the European Instrument for Democracy and Human Rights, positive results have been recorded in the engagement of CSOs within the 2013 call for projects. Yet, partnership with the EU should be better advertised in order to ensure that Algerian CSOs participating to the projects are not discriminated by Algerian administration as a result of this partnership and/or bilateral programmes.

3. Participation in decision making processes (including EU delegations)

No major steps have been recorded in the field of democratic and active participation to decision-making. For instance, the Law on associations presents serious and critical shortcomings compared to international standards. Moreover, the draft law on the penal code is still pending, while recommendations made by the commission for monitoring the elections in 2012, have not been taken into consideration nor put into action yet.

Decent work and social protection

1. Setup of social protection floors

There have been several public rallies in 2013 to protest against the deteriorating of the health sector, and paramedics triggered an unlimited wave of strikes, demanding training, duty allowances and a benefits system for common services, aides and licensed nurses. While official data are unreliable, it is estimated that 90% of workers are allegedly covered by social services, however the lack of policy and social dialogue, as well as the exclusion of unions prevent the delivery of effective, equal and quality social protection services.

2. Growing informal economy and indecent work

Due to non-inclusive economic development resulting from the Rentierism of Algeria's economy- as the economy depends entirely on the export of hydrocarbons- voices that rise to call for growing diversification of the economy remain unanswered. At the same time, autonomous unions are not recognized; strikes are forbidden and wages are stagnating (the minimum wage was readjusted by the tripartite dialogue in January 2012, and it was fixed at DZD 18 000 per month, representing an increase of 20% on the 2010 minimum wage). Still, a

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systematic and regular monitoring of wage developments is not ensured. Moreover, the unemployment rate has increased significantly (more than 13%) among people with a higher education level. The situation is more critical for women, where the unemployment rate for women with a higher education level has increased significantly.

In early 2013, unemployed young people in the south of Algeria organized several sit-ins, calling for an immediate action from the government to combat exclusion and discrimination in the labor market and recruitment procedures. The government took a number of steps to promote the economic integration of unemployed young people living in the southern region, such as the requirement for all firms to give preference to unemployed young people when hiring in the south of the country, and applying heavy sanctions in case of non-compliance. Measures were also aimed at limiting wage discrimination, improving the education system and removing all constraints to the development of small enterprises. However, due to lack of official and reliable data, an assessment of the impact of such measures cannot be provided.

3. Respect for migrant workers' rights

Although the country is a party to the 1951 Refugee Convention and its 1967 Protocol, and it has ratified the international convention of the rights of migrants and members of their families in 2006, the absence of a national asylum law and a functioning national body to adjudicate asylum requests result in the on-going violation of migrant workers on the ground. For example, sub-Saharan African migrants are exploited in construction sites located in the South and the Oran area with impunity, and also immigrant women are often victims of rape, and have difficulty accessing care and justice. Moreover, due to the absence of the asylum law, refugees are not legally recognized in Algeria, therefore they cannot work and therefore have limited self-reliance opportunities.



The following table outlines the feedback provided by local partners on the 2014 EU progress Report

Benchmark	Memo 2014	Feedback (comments, analysis, feedback)
Freedom of association and peaceful assembly:		
1. Access to Economic, Social and Cultural Rights (ESCRs)	<ul style="list-style-type: none"> The overall situation with respect to human rights has not changed significantly in 2013. There is a perception of a continued lack of judicial independence and the situation seems to have deteriorated with respect to the freedom of association and assembly (including continuing hindrances for independent trade unions) and the freedom of expression (including for bloggers). 	<p>The human rights situation has not changed, it is the repression that came back as in time of the single party, when the independence of justice, nothing changed, the announced reforms several times shall be adjourned. The new associative law spent the abuse of power which was practiced by the administration for 20 years</p> <p>Algeria has not yet ratified Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.</p>
	<ul style="list-style-type: none"> There is a high-level (30%) representation of women in Parliament since 2012 but contentious provisions in the Family Code have not changed. 	<p>Certainly the policy of quotas is introduced, 30% of women in Parliament, but unfortunately, since 2 years, women parliamentarians are unable to propose a law on women's rights, because they are confronted with the conservatism of the majority and the guidance of their respective parties, we have tabled in 2012, a preliminary draft law on the criminalization of violence against women, we inform all members (men and women) we know, nothing has been done, we will resume the collection of signature in June 2014, hoping that these women will change the situation.</p>



<p>2. Ability to establish associations and their access to funding</p>	<ul style="list-style-type: none"> NGO activities are regulated by the 2012 law on associations that requires a new registration (by January 2014) and restricts international cooperation. A certain number of domestic NGOs and almost all international NGOs are confronted with problems in the mandatory registration process. Several international NGOs complained to the EU authorities that their representatives have been unable for some years now to obtain visas for entering Algeria, which hinders their work and cooperation with local NGOs. 	<p>On January 12, 2014, pursuant to Article 70 of Algeria's Law on Associations (Law 12-06 of 2012), all existing associations that had not already done so were required to re-register and align their governing statutes with the Law. Any association that did not successfully register by January 12 was deemed illegal, with their members subject to prosecution and possible imprisonment.</p> <p>Since the promulgation of law 12-06 regarding the management of associations, many of them have stopped their activities, and these foreign NGOs in Algeria for more than 10 years, which were tolerated by the administration, are today, without any status and threatened to stop their partnerships with local associations.</p>
	<ul style="list-style-type: none"> Cooperation with NGOs continued in 2013 with the launch of two new calls for proposals, under the EIDHR and the Non-State Actors thematic instruments, allowing the number of ongoing projects to increase to nearly 50. For the programming period 2014-20 and in line with the revised EU neighbourhood policy, EU support will shift from CSO being beneficiaries to becoming also actors in the implementation of cooperation programmes, through their regular participation in bilateral programmes. 	<p>Yes, the calls for projects in the direction of Algerian associations continued, indeed our organization with its Spanish partner have benefited from a project under the EIDHR programme, unfortunately, need to do more work communication on the part of the EU, to make more visible this partnership, because today 'hui, Algerian NGOs participating in these programs are always badly accepted by the Algerian administration.</p>
<p>3. Participation in decision making processes (including EU delegations)</p>	<ul style="list-style-type: none"> With regard to political reforms launched since 2012 in various areas, the process of completion of basic laws by subsidiary legislation (including decrees for application) has remained slow. Some of these laws – such as the law on associations – have also clear shortcomings 	<p>Unfortunately, despite all the yards of new bills, the situation has remained the same, the recommendations made by the commission for monitoring the elections in 2012, have remained a dead letter.</p>



	<p>compared to international norms and standards. Important draft laws on reform of the penal code and on the audio-visual sector are still pending. In 2013, there has been no visible progress in the implementation of the recommendations of the EU Election Observation Mission (May 2012 legislative elections).</p>	
Decent work and Social Protection:		
<p>4. Setup of social protection floors</p>	<ul style="list-style-type: none"> Investing in human capital (education, training, employment and health) and creating effective employment opportunities (notably among young people and women) will be crucial to strengthen sustainable and inclusive growth over the next years and to maintain social peace. 	<p>The reform of the employment policy, the reform of the education system, with professional and academic courses that meet the employment market are conditions to absorb the unemployment rate which does not stop to climb.</p> <p>Invest on the possibility of employment for women is crucial, indeed the rate of women who occupy a position of decent work is 15.99%, views the number of women who are of working age, this rate is ridiculous and shows also the exploitation of women in our society.</p> <p>There have been several public rallies in 2013 to protest against the deteriorating of the health sector, and paramedics triggered an unlimited wave of strikes, demanding training, duty allowances and a benefits system for common services, aides and licensed nurses¹.</p>

¹ <http://www.al-monitor.com/pulse/originals/2013/05/algeria-health-sector-strikes-paralysis.html##ixzz3GDwvyCJA>



	<ul style="list-style-type: none"> In that context, economic reforms are urgently needed, in order to diversify and to strengthen the economy. Furthermore, according to a 2013 UNODC report, the problem of corruption increased substantially over recent years and it has been so far insufficiently addressed by the government. 	<p>Yes, urgent economic reform is needed, but, unfortunately, it continues to block foreign investment, including through the maintenance of the law, 51% / 49%, and also the security threat that is still wielded whenever the voices against corruption that blights the economy, and or, whenever there are discussions to relaunch the project of accession to the WTO.</p>
<p>5. Growing informal economy and indecent work</p>	<ul style="list-style-type: none"> Economic growth is projected to slow down from 3.3% in 2012 to below 3% in 2013. 	<p>We are not the new figures, but, seen the unemployment rate which does not stop to climb, and also social events, where we recorded, more than 700 for the year 2013, and cases of corruptions that burst, but without the mis en cause not expressed by justice, demonstrate also the impossibility that there would be one any economic growth.</p>
	<ul style="list-style-type: none"> The country continues to be excessively dependent on hydrocarbons, which amounted to 35% of GDP, more than 95% of export receipts and more than two thirds of fiscal revenues in 2012. 	<p>Yes the economy depends entirely on the export of hydrocarbons, voices that rise to diversification of the economy remain unanswered, because, the peacekeeping law 51/49, my take-over of the clans of the power over the economy, in particular the import market.</p>
	<ul style="list-style-type: none"> For the period 2014-17 the Single Support Framework (SSF) has been drafted and foresees interventions to focus on three sectors: justice reform and citizen's participation; labour market and employment; and management and diversification of the economy. 	<p>The justice reform project has yet announced in may 2014, for the other two sectors, nothing at the moment.</p> <p>In early 2013, unemployed young people in the south of Algeria organized several sit-ins, calling for an immediate action from the government to combat exclusion and discrimination in the labor market and recruitment procedures. The government took a number of steps to promote the economic integration of unemployed young people living in the southern region, such as the requirement for all firms to give preference to unemployed young people when hiring in the south of the country, and applying heavy sanctions in case of non-compliance. Measures were also aimed at limiting wage</p>



		<p>discrimination, improving the education system and removing all constraints to the development of small enterprises².</p> <p>A high unemployment rate among graduates of higher education and vocational training is also a feature of the Algerian labour market. In fact, the unemployment rate has increased significantly (more than 13%) among people with a higher education level. The situation is more critical for women.</p>
<p>6. Respect for migrant workers' rights</p>	<ul style="list-style-type: none"> No reference in MEMO/14/219 	<p>A thorny issue, respect for migrant workers, while Algeria has ratified the international convention of the rights of migrants and members of their families in 2006, unfortunately, on the ground, no application, it cites the example of sub-Saharan African migrants, who are exploited in construction sites, particularly in the South and the area of Oran with impunity, and also immigrant women who are often victims of rape, and have difficulty accessing care and justice.</p> <p>On another aspect, the migrant workers of European, French, English, Italian origin... etc, are faced with enormous administrative problems, where, even with a legal residence permit, authorization to work is inaccessible, and sometimes it is necessary to pay the bribes, to have the famous sesame, we have cases awaiting their permissions for more than 4 years, not to mention also the reception given in police stations or administration of wilaya, when where, intimidation and direct innuendo that foreigners who come to work in Algeria are all spyware any who wants trouble, these cases are frequent it includes workers for international NGOs.</p>

² [http://www.etf.europa.eu/webatt.nsf/0/3F6D27A7987C47FEC1257CE60024C937/\\$file/Employment%20policies_Algeria.pdf](http://www.etf.europa.eu/webatt.nsf/0/3F6D27A7987C47FEC1257CE60024C937/$file/Employment%20policies_Algeria.pdf)



		<p>Our organization works on a project information of the convention on migrant workers and members of their families, project funded by the EU under the line EIDHR, 2013.</p> <p>Although the country is a party to the 1951 Refugee Convention and its 1967 Protocol, the absence of a national asylum law and a functioning national body to adjudicate asylum requests has made it necessary for UNHCR to carry out refugee status determination (RSD). As these individuals are not legally recognized in Algeria, they cannot work and therefore have limited self-reliance opportunities.</p>
<p>Other comments or analysis</p>	<ul style="list-style-type: none"> • Please add feedback on issues not indicated in the above mentioned bench marks 	<p>We consider that the European institutions are not much effort for the visibility of their investment in Algeria, in particular, the application of article 2 of the association agreement with Algeria, the partnership should not be only, with calls to projects, should be the obligation of involvement of the Algerian institutions, is to popularize this association agreement, thus civil society organizations, recipient of the EU programme will not be considered as spies in the service of foreigners.</p> <p>On another aspect, we consider that the fact that officials of the European institutions do not have the opportunity to visit the projects on the ground, under the pretext of the security problem, makes ridiculous this investment, and those who share the same values as the EU, in terms of the universality of rights and democracy are minority and marginalized.</p> <p>Another fact, invest with the same organizations, without any real</p>



		assessment of the impact, has created in the first place, a class of civil society which is above the others, and which became fragile especially with the promulgation of the new law of organizations (12-06).
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