

BRIEFING NOTE
ON THE SPECIAL REVIEW OF THE *COMMISSION NATIONALE CONSULTATIVE DE*
***PROMOTION ET DE PROTECTION DES DROITS DE L'HOMME* (CNCPPDH) OF ALGERIA**
BY THE INTERNATIONAL COORDINATING COMMITTEE OF NHRIs
- March 2009 -

****For more exhaustive information on CNCPPDH please refer to the Summary that was prepared by the ICC Secretariat in April 2008.****

I. BACKGROUND

The CNCPPDH first submitted its application for accreditation as a National Human Rights Institution (NHRI) to the International Coordinating Committee of National Institutions (ICC) in April 2000. At this time it was granted an "A (R)" (accreditation with reservation) status, because the information provided was incomplete. In April 2002, the status A(R) was confirmed as the annual report was missing and there was no clarity on the status of the government representatives. In 2003, the ICC lifted the reserve as the legislation (had been) amended to ensure only a consultative role for government members (no decision-making power) and the Annual Report of 2002 had been received.

On 31 January 2008, the CNCPPDH applied for re-accreditation. At its session held in April 2008, the Sub-Committee informed the Commission of its intention to accredit the CNCPPDH with **status B**, and gave the Commission the opportunity to provide, in writing, within one year of such notice, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles. The Commission retained its "A" status during this period.

The Sub-Committee also noted the following:

- "1) The Commission has not provided a current annual report but only a compilation of activities covering the period from 2002 to 2004.
- 2) The Sub-Committee refers to General Observation "Establishment of national institutions" to stress the importance of establishing national institutions in a constitutional or legal text.
- 3) The Chair and the members of the Commission are appointed and dismissed without a clear and transparent process. The Sub-Committee refers to General Observation "Selection and appointment of the governing body".
- 4) The Sub-Committee encourages the Commission to interact effectively with the United Nations Human Rights system, especially the Treaty Bodies and the following up of the recommendations at the national level, in line with General Observation "Interaction with the International Human Rights System" ".

II. DOCUMENTATION PROVIDED FOR THE SPECIAL REVIEW

To permit the SCA to make a determination on the continuous compliance of the CNCPPDH with the Paris Principles following the ICC deliberations of April 2008, the CNCPPDH submitted on 24 December 2008 the following documents to the ICC Secretariat:

- Annual Human Rights Report 2007 (in French)
- Letter of CNCPPDH President to Mr Gianni Magazzeni (Dec 2008)
- List of missions undertaken in 2007 and 2008 by CNCPPDH Members and staff members
- Report on detention center visits conducted in 2007 and 2008 (in Arabic)
- "Actes" of the 4th Meeting of NHRIs (Alger, March 2008) (in Arabic)
- Publication issued for the 4th Meeting of NHRIs "Droits de l'homme et Développement: Rôle des institutions nationales des droits de l'homme" (in French)
- Collection of principal international and regional texts with references to Algeria (in French)
- Booklet regarding the main international and regional instruments ratified by Algeria (in French)

The following Sections provide information concerning the four issues of concern formulated by the SCA in April 2008.

III. CLARIFICATIONS PROVIDED BY CNCPPDH ON THE ISSUES RAISED BY THE ICC

The CNCPPDH provided the following answers to the concerns raised by the SCA:

1. Provision of a current annual report

ICC SCA recommendation: The Commission has not provided a current annual report but only a compilation of activities covering the period from 2002 to 2004.

In response, the secretariat has received the following reports from the CNCPPDH:

- Annual Human Rights Report 2007 (in French)
- Report on detention center visits conducted in 2007 and 2008 (in Arabic)

The CNCPPDH, in a letter sent to the secretariat in December 2008, also informed that a drafting committee for the 2008 annual report was set up by decision N0 485/CAB/CNCPPDH of 13 November 2008. A first meeting of the drafting committee was held on 20 November 2008.

2. Establishment of a national institution in a constitutional or legislative text

ICC SCA recommendation: The Sub-Committee refers to General Observation "Establishment of national institutions" to stress the importance of establishing national institutions in a constitutional or legal text.

This issue was addressed in a letter of the President of the CNCPPDH to the Secretariat dated 9 June 2008. The CNCPPDH confirmed that it was established by a Presidential Decree and added that this legal instrument ranks in a very high level within the hierarchy of norms in the Algerian legal system. CNCPPDH also highlighted the fact that "several National Institutions within the ICC have been created by the same legal document (Presidential Decree) and continue to hold an "A" status". Lastly, CNCPPDH stated that it is directly linked as a consultant to the Institution of the President of the Republic who is the guarantor of its independence and the independence of its members.

However, in a document submitted to the secretariat by the NGO "Alkarama for Human Rights", it is stated that a Presidential Decree is considered above all else as an act of the executive within the national hierarchy of norms¹.

3. Appointment and dismissal of the chairperson and the members of the Commission

ICC SCA recommendation: The Chair and the members of the Commission are appointed and dismissed without a clear and transparent process. The Sub-Committee refers to General Observation "Selection and appointment of the governing body".

CNCPPDH, in a letter to the Secretariat dated 9 June 2008, informed that all documents that have been attached to its file provide a clear picture and explain extensively how the members are designated and by which Algerian national legal institution. The Commission added that the Presidential Decree "provide ample information on the designation procedure and the designated members, it tells also to which group of civil society they belong and the condition in which they can be dismissed from CNCPPDH". The Commission also pointed out that "the majority of members are holding their second term as commissioners and their mandate will end in October 2010. Furthermore, no member was ever dismissed from the Commission for abusive reasons. The members that have to leave had to perform other duties". Lastly, the Commission stated that "it is important to note that CNCPPDH has already responded positively to previous ICC request related to voting right of members coming from public institutions. Consequently to the ICC recommendation made in 2002, CNCPPDH changed the status of those members and was admitted in ICC as an "A" status member".

In the NGO submission of "Alkarama for Human Rights", it is stated that members of the CNCPPDH are appointed by the President of the Republic upon recommendations by national institutions and

¹ L'institution nationale des droits de l'homme devant le comité international de coordination des INDH, Algérie, Alkarama for Human Rights, 5 février 2009

national civil society associations related to human rights. However, the procedure for the designation of candidates to be recommended by various entities is neither public nor transparent. The NGO added that details of the selection process by various entities represented in the Commission needs to be worked out and the vacancies should be publicized.

4. Interaction with the UN human rights system

ICC SCA recommendation: The Sub-Committee encourages the Commission to interact effectively with the United Nations Human Rights system, especially the Treaty Bodies and the following up of the recommendations at the national level, in line with General Observation "Interaction with the International Human Rights System" “.

The CNCPPDH informed that “at the national level, CNCPPDH participated and contributed to the preparation of State Report to be submitted to Treaty monitoring bodies. To gain experience in dealing with treaty body members of CNCPPDH have been always attending the dialogue between the Algerian Government Delegation and the Committee experts”. To support this claim, the Commission provided the secretariat with a list of about 32 missions undertaken abroad including to attend treaty bodies sessions in Geneva (Human rights Committee (21-25 October 2007), UPR (10-17 April 2008), Committee against Torture (1-8 May 2008)). The CNCPPDH reported that they also attended sessions of the African Commission for human and peoples’ rights as well as ICC annual sessions and international conferences.

According to the information provided by the NGO “Alkarama for Human Rights”, the cooperation between the CNCPPDH and UN human rights system is insufficient. The Commission failed to provide its own document and to contribute, in an autonomous way, to the work of the Committee against Torture and the Human Rights Committee. In addition, “Alkarama for Human Rights” stated that the President of the CNCPPDH has recently publicly criticized the conclusions and recommendations of the UPR and the Committee against Torture as a way of tarnishing the reputation of Algeria.
