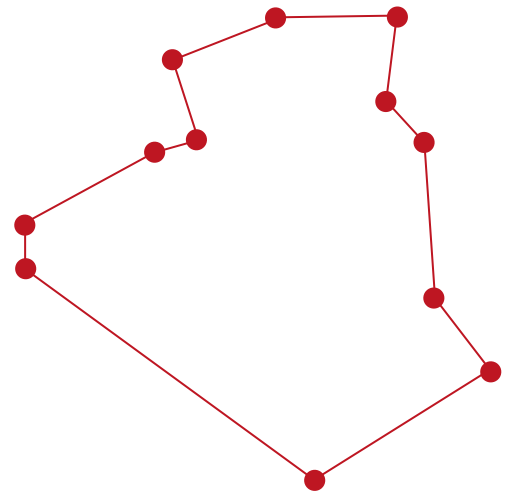


COUNTRY STUDY



ALGERIA

Social Rights Monitor

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Within their Partnership, the EU should support the Algerian government:

- In its engagement towards improving social protection (including access to health care and other essential services) by providing assistance and sharing good practices. Efforts should aim to universalize social protection;
- In building capacities and knowledge on how to implement sound and proper monitoring and evaluation to assess ex-ante and ex-post social protection programmes;
- In formulating education and employment policies that are based on an assessment of the country's needs;
- In promoting a participatory and inclusive approach to civil society organizations to reinforce the trust between the government, the EU and the civil society and recognize them as key actors to deliver social services to the most vulnerable groups;
- In organizing regularly and systematically collective bargaining that includes representatives of the governments, the employers and workers and provide more room for independent trade unions.



Introduction

This report assesses the overall situation in terms of social protection, decent work and civil society space in Algeria. In particular, it tracks the progress that has been made since the implementation of the European Neighbourhood policy. Political, economic and social relations with the EU were established in 2005 when the Association Agreement came into force¹.

The revised European Neighbourhood policy of 2015 places four main domains at the heart of cooperation with the Eastern and Southern Neighbourhood, namely (1) good governance, democracy, rule of law and human rights; (2) economic development for stabilization; (3) security and (4) migration and mobility. It is in this new framework that Partnership Priorities between the EU and Algeria were identified and adopted in March 2017 for the period 2018-2020, which include:

- Political dialogue, governance, rule of law and the promotion of human rights;
- Cooperation, socio-economic development, including trade and access to the European market;
- Energy, environment and sustainable development;
- Strategic and security dialogue;
- A human dimension, including cultural and inter-religious dialogue, migration and mobility.

We believe that the ‘implementation’ of these joint priorities should be based on a sound assessment of the current situation. Hence, consultations with civil society organizations, including SOLIDAR members and project partners, have been conducted within the seven countries covered by the project ‘Decent Work, Social Protection

and Freedom of Association in the Middle East and North Africa: Mobilizing for Social Justice by strengthening and promoting CSOs, social movements and independent trade unions’ role in reforms and democratic changes’. Qualitative feedback was collected on the basis of a questionnaire, the so-called ‘Social Rights Monitor’, offering room for civil society organizations to explain and provide input. This report summarizes the results and feedback received for Algeria upon which recommendations are built.



1. https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/algeria_en



Report

Social Protection

Social protection can be defined as a set of public measures, policies and programmes that are designed to protect, prevent and “transform” poverty and vulnerability across the life cycle². It seeks to guarantee ‘access to essential goods and services, promote active so-economic security and advance individual and social potentials for poverty reduction and sustainable development’³. The ILO has now established the notion of social protection floors, which aims to promote access to services and goods that meets the criteria of availability, accessibility, acceptability and quality, ensure income security for children, persons in active age and persons in old age while ensuring the progressive achievement of higher levels of protection (increasing social potential and opportunities while reducing poverty). The latter criteria were used to assess social protection in Algeria.

As reported in the 2017 EU-Algeria report⁴, Algeria remains engaged in reinforcing social protection despite budgetary constraints. Algeria is active in different programmes which all aim to improve employment, reduce job insecurity, promote the social and productive inclusion of poor and vulnerable groups while building overall social protection systems through learning practices⁵. Despite the effort, social protection faces considerable challenges in Algeria. On the health care sector⁶, respondents to the social rights monitor consider the management and services very poor. While budgetary constraints are certainly a reason for such situation, corruption makes matters worse by diverting available resources. As it is now, part of health expenditure is covered by the CNAS (Caisse Nationale des Assurance Sociale des travailleurs salariés) and

CASNOS (Caisse Nationale de Sécurité Sociale des Non-Salariés), although this is considered insufficient. A non-contributory system, such as social assistance, exists as well, to cover vulnerable groups such as single women with children, old age pensioners, people with disabilities, etc. However, these types of non-contributory assistance are not only insufficient they are also the financial resources most at risk when budgetary constraints are applied. Moreover, the provision of health care is simply limited and the criteria of quality, acceptability, affordability and availability are not met. When it comes to access, certain group find themselves excluded.

As far as income security is concerned, unemployment benefits in Algeria are foreseen only for workers in the event of dismissal for economic reasons. The benefits are also limited (the maximum length is 36 months) and are reduced over time (100% of the salary of reference for the first nine months, 80% for the next nine months, 60% the next nine months and 50% the last nine months)⁷. In the other cases, no unemployment benefits are foreseen. For instance, recent graduates, who are confronted with a very low job market supply, are not entitled to it. In 2017, the ONS (Office national des statistiques) estimated unemployment at 12.3 % while it was estimated at 29.7 % for young people aged between 16 and 24 years old⁸.

2. <http://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf> (see pp. 13-14); <http://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=54887>.

3. <http://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf> (see p. 22)

4. SWD(2017) 109 final: Document de travail conjoint des services – Rapport sur l'état des relations UE-Algérie dans le cadre de la PEC rénovée (Mars 2017).

5. <http://socialprotection.org/countrylist/algeria>

6. See «Réforme sanitaire: Le système de santé algérienne est-il hors-la-loi ?» at <http://www.lematindz.net/news/18306-la-sante-algerienne-malade-de-son-syteme.htm> (08-09-2015) and see <https://www.liberte-algerie.com/sante/le-syteme-de-sante-algerien-est-il-hors-la-loi-232378>

7. It is worth noting that the unemployment benefit is calculated based on a salary of reference and not based on workers' wages. This benefit corresponds to the average of the gross monthly salary of the worker for the last 12 months plus the guaranteed minimum wage, divided by two. See also: http://www.elmouatin.dz/IMG/article_PDF/article_a6475.pdf

8. <http://www.ons.dz/IMG/Emploi%20Avril%202017.pdf>



In addition, the informal sector in Algeria is widely spread throughout the country, which also correlates with more income vulnerability and insecurity. Regarding the elderly, a pension is foreseen but is insufficient for a decent retirement. It is not adapted to inflation and the increase in the cost of living. Certain pensions can be far below the minimum wage or even inexistent for certain groups of the population (e.g. migrants).

If social protection falls short of the hoped for results⁹, it is also because the state does not pay enough attention to social protection, explaining the lack of implementation and financing of social protection programmes. Moreover, the state does not engage sufficiently with civil society. While the latter should not substitute the role of the state in providing proper social protection, it has played a major role in reaching and helping the most vulnerable groups. In addition, the structure and combination of programmes are very complex. The lack of monitoring and evaluation but also the lack of ex-ante impact analyses makes it difficult to design policies that are adequate and responsive to the needs of the population. Related to this is the lack of reliable, regular and accessible data. Finally, respondents also mentioned the presence of a taboo around poverty, hence no clear definition of what is meant by being poor exists in Algeria, which poses a real problem when it comes to seeking appropriate solutions to poverty¹⁰.

Decent Work

Looking at the four strategic objectives of decent work (promotion of rights at work, employment, social protection and social dialogue) as defined in the Report of the Director-General, 87th Session, Geneva, June 1999, the following main issues were highlighted.

Wages in Algeria are reported to be inadequate. Purchasing power is very low and challenged by inflation. A minimum wage, called SNMG and fixed at 18,000 DZD (about 131 euros) is available but is clearly insufficient for a decent standard of living as reported by SNAPAP in their studies¹¹. Moreover, with a widespread informal sector, there is even less control over wages and working conditions. This leaves a large part of the population vulnerable. Social dialogue is in place in Algeria and can take the form of bi-partite (UGTA-Government) or tri-partite (UGTA-Government-Employers) negotiations. However, these negotiations only happen with the only recognized trade union, the UGTA, while independent trade unions remain severely marginalized. Moreover, social dialogue only takes place within the public sector – private companies are reticent to establish bargaining and agreements between the employers and workers.

Finally, informal workers are not represented, leaving many workers' claims in silence. All in all, the representation of all workers at the national and international level remains a challenge. The fall in oil revenues, on which Algeria depends, has affected economic development. The employment situation has worsened, especially with the austerity measures that Algeria decided to apply. Although initiatives are in place in order to educate and professionally train young people, jobs are still in short supply while some vulnerable groups are excluded from the job market, such as migrants. As in neighbouring countries, young people become disillusioned and prefer risking their own life to migrate.

9. <https://www.liberte-algerie.com/actualite/forces-et-faiblesses-du-systeme-de-protection-sociale-en-algerie-112893> ; <http://www.opml.co.uk/projects/unicef-algeria-social-protection-evaluation>

10. «Abdoune Benallaoua, «Nous n'avons pas de définition précise de ce qu'est un individu pauvre» (20-06-2016), see <https://www.dzairnews.com/articles/elwatan-abdoune-benallaoua-economiste-de-la-pauvrete-nous-n-avons-pas-de-definition-precise-de-ce-qu-est-un-individu-pauvre> and «Mounia Meslem l'a annoncé: Vers une augmentation de la pension des handicapés» (29-06-2016), see <http://www.lejournalalgerie.com/Editions/290616/Le%20journalalgerie.pdf>

11. See <https://www.presse-dz.com/revue-de-presse/62-700-da-le-mois-le-sa-laire-de-la-survie> and <https://www.liberte-algerie.com/dossier-economique/le-pouvoir-dachat-du-dinar-affaibli-223918>



Enabling Environment

The Office of the United Nations High Commissioner for Human Rights (OHCHR)¹² has identified five ingredients essential to creating and maintaining an enabling environment for civil society: a robust legal framework compliant with international standards and a strong national human rights protection system that safeguards public freedoms and effective access to justice; a political environment conducive to civil society work; access to information; avenues for participation by civil society in policy development and decision-making processes; and long-term support and resources for civil society. Judging by the above criteria, the situation in terms of civil society space in Algeria looks rather restricted.

The Civicus Monitor¹³, when reporting on the civic space's state of play, labels Algeria as repressed. It states that 'In spite of progressive constitutional changes adopted by the Algerian parliament in early 2016, Algerian civil society operates in an environment highly restrictive to human rights. The State imposes severe legal and de facto restrictions on freedoms of association, expression, and peaceful assembly. [...] All peaceful protests held without prior State approval are prohibited by law, and protestors face the prospect of heavy criminal sanctions including imprisonment. Associations and journalists exercising their right to freedom of expression face the prospect of arrest and prosecution.'

The Law on Associations (Law 12-06 of 2012), which was adopted in 2012, is indeed very restrictive¹⁴. It offers discretion to the government to refuse registration of associations but also to arbitrarily suspend or dissolve associations' activities. The government also makes it harder for foreign funding to be received by associations.

Due to these heavy administrative and practical constraints, certain associations had no choice but to close down.

As far as information is concerned, this is governed by the Law on Information adopted in 2012. Civil society organizations face a number of restrictions on what can be disseminated and published¹⁵, as prior approval by a state-related agency is required. Moreover, access to information may be very limited and constraining as well, especially when it covers issues such as national security, sovereignty and the economy as reported by the International Centre for Not-for-Profit Law. Freedom to access information and freedom of expression are clearly limited, with journalists and organizations facing severe risks if they were to criticize state-related actions.

12. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/52/PDF/G1607352.pdf?OpenElement>

13. <https://monitor.civicus.org/newsfeed/2016/09/01/algeria-overview/>

14. <http://www.icnl.org/research/monitor/algeria.html>

15. Ibidem



Recommendations

With the new partnership priorities, the EU and Algeria agreed to put the emphasis on reinforcing the role of civil society and women; promoting and protecting workers' rights; reinforcing social bipartite and tripartite dialogue; supporting youth and boosting their energy; etc. However, from the social rights monitor, there is an overall perception that so far the EU agenda has remained largely focused on stability, giving priority to trade or security, while leaving aside social development and human rights. It is hence imperative for the EU in cooperation with Algeria to ensure coherence between commitments and implementation. It should adopt an inclusive and human right-based approach and acknowledge that stability lies in a complex interaction between several factors that go beyond mere security, and include economic, social and political elements. The partnership priorities offer a new opportunity to ensure that the necessary steps are taken to achieve social justice and hence, stability in Algeria. In order to achieve these goals, we believe that the EU should support the Algerian government:

- In its engagement towards improving social protection (including access to health care and other essential services) by providing assistance and sharing good practices in order to simplify the procedure and build a clearer and more efficient structure. Efforts should aim to universalize social protection, so that all categories of people, including migrants, are covered and protected;
- In building capacities and knowledge on how to implement sound and proper monitoring and evaluation to assess ex-ante and ex-post social protection programmes. This will help respond to the needs of the population, achieve results and improve (income) security. This goes hand in hand with investing in the creation of regular, quality, accessible and reliable data;
- In formulating education and employment policies that are based on an assessment of the country's needs. This also requires a better understanding of the scope and implications of the informal sector, which is responsible for insecurity in terms of wages, social protection, working conditions and human rights, in order to further seek solutions, possible regulations and more suitable forms of organization;
- In promoting a participatory and inclusive approach to civil society organizations to reinforce the trust between the government, the EU and the civil society and recognize them as key actors to deliver social services to the most vulnerable groups. Social justice can only be achieved within a society that is inclusive, where citizens can access the democratic process and play an active role in society. There must be a dialogue in place between public institutions and civil society organizations in order to guarantee the participation of all stakeholders in elaborating and monitoring public policy. The 2012 Law on Associations should be reviewed in order to remove barriers to civil society and protect freedom of association and the right to freely organize. The EU should effectively push for a more enabling and inclusive environment;
- To organize regularly and systematically collective bargaining that includes representatives of the governments, the employers and workers and provide more room for independent trade unions. Social dialogue should not be only limited to the public sector. More effort should be put into holding the private sector accountable by providing space to workers to voice their claims.



Moreover, the Algerian government should work on a clear definition of the poor. This would significantly help recognize poverty as a key issue to which the government should give higher priority. This would help avoid the automatic reduction of financing for social protection in general, including solidarity measures, in the case of austerity. In parallel, a clearer definition of poverty and vulnerability, and hence acknowledging that combating it is key to stabilizing the country and reinforcing social cohesion and integration, could be an incentive to further build sustainable resources for financing social protection, combined with ambitious employment policy.

It is in the interests of the EU to support the Algerian government in implementing appropriate social policies. It is only through an open, dynamic, engaged, solidarity-based society that stability and security in the country can be achieved.

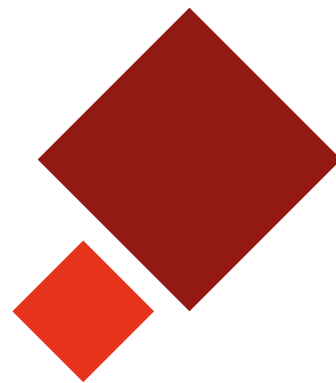




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The Social Rights Monitor is a tool developed by SOLIDAR members and partners to allow partner organizations and allies based in the country to assess the situations in terms of social protection, decent work and an enabling environment and track the progress made since the implementation of the European Neighbourhood Policy and the partnership priorities established with the EU. This report has been developed in the framework of a regional programme “Mobilizing for Social Justice: Decent Work, Social Protection and Freedom of Association in the Middle East and North Africa region” led by SOLIDAR.

SOLIDAR is a European network of membership based Civil Society Organizations who gather several millions of citizens throughout Europe and worldwide. SOLIDAR voices the values of its member organizations to the EU and international institutions across the three main policy sectors: social affairs, lifelong learning and international cooperation.

This country profile has benefited from contributions by Algerian civil society organisations.*

*If your organization has contributed to the report and is not listed here, contact the SOLIDAR offices to edit the report.



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