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Fråga-svar

Algeriet. Rutiner för utfärdande av födelsebevis och id-kort. Grupper som kan ha problem med att erhålla dessa dokument. Möjliga konsekvenser av att sakna ett id-kort

Fråga

Vilka är rutinerna för utfärdande av födelsebevis och id-kort i Algeriet?

Finns det grupper som kan ha svårt att erhålla dessa dokument?

Vilka kan konsekvenserna bli om man saknar ett id-kort?

Svar

UN Committee on the Rights of the Child (2005) skriver om förutsättningar kring fastställelse av en persons identitet utifrån artiklar i konstitutionen och familjerätten.

B. Preservation of identity (art. 8)

162. The right of the child to recognition of its legal personality, in all circumstances, is recognized and protected by the Constitution, specifically articles 31 to 33 and 35.

163. The Civil Code contains a number of provisions recognizing legal personality. Article 25 states that “personality begins at the birth of a living child and ends at death”. Paragraph 2 of the same article adds that “the child enjoys civil rights from conception, provided it is born alive”.

164. Birth and death are recorded in the civil registers, and thereby constitute legally established facts. Where such proof is lacking or if the information in the registers

is imprecise, de facto recognition may be established by other means (Civil Code, art. 26). (s. 28)

Home Office (2003) skriver bl.a. om hur ett algeriskt id-kort kan erhållas.

6.103 Identity Card

In principle, all Algerian citizens aged 18 and over are required to carry an identity card on their person. [8c] [10] [12] In Algeria the relevant administrative authorities at provincial (Wilaya) level or exceptionally, district (Daira) level issue these documents. [8c] [10] [12] The card can be obtained using the birth certificates (register extract) of the person concerned, their father or sometimes their grandfather, as well as a certificate of residence (certificat de residence) from their municipality.

Landinfo (2008) oppgir at id-kort i Algeriet utfærdas utifrån opplysninger i en familiebok. Något sägs också om problem som kan oppstå for en person som saknar id-kort.

Alle algeriske borgere over 18 år er ved lov pålagt å ha ID-kort.

ID-kort skrives ut på bakgrunn av opplysningene i familieboken. Alle algeriske familier har familiebok som finnes i lokale folkeregistre der de bor.

Uten ID-kort vil en algerisk borger ikke kunne skaffe seg utdanning eller arbeid i offentlig sektor, ikke starte egen næringsvirksomhet, ikke åpne bankkonto, leie eller kjøpe bolig, gifte seg, motta arv, ta sertifikat, leie eller kjøpe bil, passere kontrollposter (som det er mange av i Algerie) eller få utstedt pass.

Hvis et ID-kort går tapt av en eller annen grunn, vil man få utstedt et duplikat.

Algeriske ID-dokumenter utstedt av rett myndighet i Algerie og anses for å ha alminnelig god notoritet. Myndighetene er generelt sett opptatt av å ha god oversikt over egen befolkning.

Samtidig forekommer korrupsjon og nepotisme. Det kan derfor ikke utelukkes at en person med de rette kontakter og nødvendige økonomiske midler ikke har benyttet seg av muligheten til å skaffe seg falske dokumenter.

UNHCR (2011) skriver att födelsebevis inte systematiskt utfärdas till flyktingbarn eller barn till statslösa personer i Algeriet.

Issue 5: Lack of systematic issuance of birth certificate

UNHCR would like to note that birth certificates are not issued systematically to children born in Algeria of refugees or stateless persons. This hinders their access to essential social services and can put them at risk of statelessness, thus increasing their vulnerability. (s. 5)

Migrationsverket & Bundesamt für Migration (Schweiz) ang. sahrawier och id-kort:

4.7 Sahrawis

Around 90 000 Sahrawis, originating from the disputed Western Sahara territory, are living in exile in Algeria (and around 25 000 in Mauretania), most of them in refugee camps in the South-western province of Tindouf.¹³⁷ They are recognised as refugees by the Algerian state.¹³⁸

[...]

Polisario issues ID-cards to Sahrawis from 18 years of age. From that age they are obliged to wear ID-cards. The validity of the cards is five years. This year new cards are issued. (s. 23 -24)

International Bureau for Children's Rights (2007) ang. registrering av barn, fastställelse av identitet m.m.

According to the Ministry of Employment and Solidarity, 3,020 children born out of wedlock were registered in 2005.⁶⁵ The Committee on the Rights of the Child recommended that the discriminatory classification of these children as "illegitimate" should be abolished.⁶⁶ In response, the Government indicated that a new law in preparation will make it mandatory to recognise paternity and grant "illegitimate" children a name and identity as a result of conclusive DNA testing.⁶⁷ At present, these children and their mothers suffer from social marginalisation. (s. 19)

[...]

In Algeria, birth and deaths are recorded in the civil registers and de facto recognition may be used as a way to establish identity.¹⁴¹ Birth registration is free and mandatory within 5 days of birth (10 days in the case of the Oasis and Saharan regions).¹⁴² Although 97% of births were registered in 2002, birth registration is not equally accessible for children across Algeria.¹⁴³ Children from nomadic families have lower birth registration rates.¹⁴⁴ The registration of children born out of wedlock is also an issue of concern in light of the social stigma associated with these births. The Committee on the Rights of the Child recommended that Algeria implement a more efficient birth registration system, free of charge for all and covering its territory fully, including through mobile birth registration units and awareness-raising campaigns to reach the most remote areas.¹⁴⁵ (s. 28)

US Department of State (ej daterad):

Birth certificates may be obtained from the city hall (Baladia) of the applicant's place of birth. This document is called variously "Extrait des Registres des Actes de Naissance"; "Extrait des Registres de l'Etat Civil (Acte de Naissance)". In the case of a person whose birth was not recorded, one of the following documents may be issued by the appropriate local authority in lieu of a regular birth certificate: "Extrait du Registre d'Inscription des Omis a l'Etat Civil"; "Extrait du Registre Matrice (Valant Acte de Naissance)"; "Fiche Individuelle de Naissance"; or "Acte de Notoriete" executed by an official of the court house (Palais de Justice) at the place of residence of the applicant.

The Country of Return Information Project¹ (2009):

The situation of unmarried mothers and abandoned children is a social drama that is unceasingly growing. According to the Centre national d'études et d'analyses pour la population et le développement (National studies and analyses centre for the population and development, Ceneap), more than 5,000 children are born out of wedlock every year.

¹ Ang. källan: *"The Country of Return Information Project functions as a network of NGO's for the collection and transfer of specific information on reintegration possibilities for potential returnees and their counsellors."* För mer info, se <http://www.vluchtelingenwerk.be/bestanden/CRI/cs-algeria-en.pdf>, s.1

The study's authors state that, since Algerian mentalities are refractory to this phenomenon, the unmarried mothers are not easily identified and prefer anonymity. A proportion of children could therefore remain unidentified. "Nevertheless, the evolution of society and the associations' mobilization to this phenomenon allowed many of these mothers to express themselves and to seek help and therefore break the taboo that surrounds them"¹⁸⁶. (s. 67-68)

Konsulterade källor

Sökningar har gjorts i följande databaser och söktjänster:

Lifos

Ecoi.net²

Refworld³

Dow Jones Factiva⁴

Google

Bing.com

Landdatabasen (norsk databas)

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

The Country of Return Information Project, *Country Sheet Algeria*, maj 2009

² <http://www.ecoi.net/about>

³ <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

⁴ <http://www.dowjones.com/factiva/index.asp>

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