

# Furthering Human Rights *in* Algeria

UPR Info Pre-Session 41  
Algeria

*Palais des Nations, Building E, Room XXI, Geneva  
August 31, 2022*

UPR Info Pre-Session 41  
People's Democratic Republic of Algeria

Partners in Joint Submission to the UN Universal Periodic Review 41st Session of the UPR Working Group:



# Agenda

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- **Topics**
  - Freedom of Peaceful Assembly
  - Freedom of Association
  - All encompassing legislations
- **Conclusion**
  - Recommendations
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# Associated Terms & Acronyms

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**ICCPR** – International Covenant on Civil and Political Rights

**Prior Authorization** – The right to freedom of peaceful assembly should never be made conditional upon prior registration as an association or as any other type of legal entity.

**Article 21 of the ICCPR** – The right of peaceful assembly shall be recognized.

**Article 22 of the ICCPR** – Everyone shall have the right to freedom of association.

**FOAA** – Freedom of Assembly and Association

**CSOs** – Civil Society Organizations

**United Nations (UN) systems**, rule of law needs to be consistent with international human rights norms and standards, produce equality before the law, and fairness in their implementation. Legislations need to have legal certainty and that they avoid of arbitrariness.

**Arbitrary legal actions** – do not reflect accepted legal precedence, nor are they made with regards to existing facts or established circumstance.

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## Introduction

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## Human Rights Concerns

The People's Democratic Republic of Algeria is a member of The United Nations, The African Union and The Human Rights Council.

In 3rd UPR cycle The Algerian government, **committed to ensure reform** to 'Assembly & Association' in accordance to the Constitutional and International obligations.

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**Serious restrictions** on Freedom of Assembly and Association. Concerns include but not limited to, all encompassing and defective legislation and penal code; vague criteria; vague language to govern high caliber charges; and Prisoners of conscience.

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# Freedom of Association

## Law 12-06-2012

- Protocol of **prior authorization** Contrary to **Article 22 of the ICCPR**
  - Arbitrary dissolution
    - Vague criteria
      - local authorities have ability to reject or cancel the registration of an association.
- Required to **re-register**
- Suspended and closed
  - Socialist Workers' Party (PST)
  - (RAJ) was arbitrarily dissolved
- In Process
  - UCP, MDS, and RCD

\*ARTICLE 95 bis of the Penal Code was amended in April 2020.

- **Imprisonment of five (5) to 7 years and a Fine**
- For **Funds or donation** from a **domestic or foreign** state or institution.
- **All encompassing law**
  - **Authoritative discretion and Abusive interpretation.**
  - Severely punishable.

# Freedom of Peaceful Assembly

In February 2019, the **pro-democracy Hirak protest movement** swept through Algeria

- Overly broad provisions of the Penal Code
- A mass number of arrests **+7500 arrests in 2021 for instance**
- Judicial prosecutions of **peaceful protesters, journalists, and Human Rights Defenders.**

Presently

- **Over 300 Prisoners of conscience**
- Approximately  $\frac{2}{3}$  in Pretrial detention.

\* Article 87 Bis (modification in 2021) of the Penal Code is **boundless** legislation with **vague** provisions

- **All encompassing** anyone or any institution.
- Baseless **terrorism** charges
  - Normalized
- **vague language**
  - "by any means whatsoever"
  - **terrorism** and associations with **terrorist entities.**
- **Change to the system** of governance as a direct **violation** of the law.
  - **life sentences** and to the **death penalty.**

# Conclusion

In conclusion, Parallels of **serious restrictions** on **freedom of assembly, association** occurred, as a result of **all encompassing** and **boundless** legislation and Penal Code embedded with **vague** provisions.

- **Disproportionate** leverage of **authoritative discretion**.
- **Inconsistency** at best and at worse breeds **abusive interpretation**.
- **Defective** legislations

# Recommendations

1. **Repeal** Law 12-06-2012 on associations, Law 12-04 relating to political parties, Law No 91-19 relating to assemblies, and adopt new legislation setting up a simple notification process in full compliance with ICCPR articles 21 and 22.
2. **Repeal or review** provisions of the Penal Code limiting the right to FoAA such as Articles 97 and 100, **Article 95bis** on foreign funding, and **Article 87bis to article 87bis 14** relative to terrorist and subversive activities.
3. **Release all** human rights defenders, journalists, lawyers, bloggers, and protesters currently detained for their human rights activities and drop all charges including security-related charges against them.



# Summary

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- **Freedom of Association**
  - Authorities can reject or cancel the registration of an association on vague criteria.
    - Law 12-06-2012
  - Criminalization of Funding and donation from a domestic or foreign state or institution(s)
    - \* Article 95 bis
- **Freedom of Peaceful Assembly**
  - Declaring power change of the system as a direct violation of the law.
    - \*Article 87 Bis
- Over **300** Prisoners of conscience unrecognized by the state
  - Approximately  $\frac{2}{3}$  of Prisoners of conscience are in Pretrial detention.
  - Charges are passed even with no evidence, and most appeals reaffirm most charges.
- Concerns for precedence:
  - Vague criteria
  - All encompassing law
  - Vague language to govern high caliber charges

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- These criteria include ‘interference in the internal affairs of the country’ or ‘infringement of national sovereignty’. See ‘Algeria passes new law on Associations’, International Centre for Not-for-Profit Law, 26 August 2021, <https://www.icnl.org/post/in-the-news/algeria-passes-new-law-on-associations>.
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Thank you for your time,  
and commitment to Human Rights.

