



Human Rights Council
Working Group on the Universal Periodic Review
Forty-first session
7–18 November 2022

Summary of stakeholders' submissions on Algeria*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 32 stakeholders' submissions¹ for the universal periodic review, presented in a summarized manner owing to word-limit constraints. This report has been prepared taking into consideration the outcome of the previous reviews.²

II. Information provided by stakeholders

A. Scope of international obligations³ and cooperation with human rights mechanisms

2. Joint submission 14 (JS14 – Ensemble contre la peine de mort (ECPM), Ligue Algérienne pour la Défense des Droits de l'Homme (LADDH), World Coalition Against the Death Penalty (WCADP), Paris, France) stated that in the previous cycle, in 2017, Algeria received 11 recommendations on the death penalty. Two recommendations were partially accepted; for both, the parts concerning the commutation of sentences and the moratorium were accepted, while the parts calling for a first step towards abolition were rejected. The other recommendations concern the abolition of the death penalty and the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP 2).⁴

3. JS14 added that Algeria has ratified the majority of international treaties relating to the protection of human rights, in particular the International Covenant on Civil and Political Rights (ICCPR), in 1989; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), in 1989; the Convention on the Rights of the Child, in 1993; the African Charter on Human and Peoples' Rights, in 1987; and the African Charter on the Rights and Welfare of the Child, in 2003. However, Algeria has not signed or ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which provides for the establishment of a national preventive mechanism, or the ICCPR-OP 2.⁵

* The present document is being issued without formal editing.



4. JS17 noted with regret that the recommendations include the ratification of a number of important conventions. In addition, Algeria has refused to decriminalize defamation and homosexuality, to amend discriminatory provisions of the Family Code, or to define rape in the Penal Code.⁶

5. JS17 called upon Algerian government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute,⁷ to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁸ and to lift all reservations to the Convention on the Elimination of Discrimination against Women (CEDAW), ratify its Optional Protocol, and promptly submit a periodic report.⁹

6. International Campaign to Abolish Nuclear Weapons (ICAN) called upon Algeria to ratify the Treaty on the Prohibition of Nuclear Weapons (TPNW), signed by the Algerian government on 20 September 2017, as a matter of international urgency.¹⁰

B. National human rights framework

1. Constitutional and legislative framework

7. The European Centre for Law and Justice (ECLJ) noted that the new Algerian Constitution (January 2021) had been criticised as merely a surface level revision meant to appease progressives without implementing meaningful change. ECLJ stressed that it was critical to reform the laws and Constitution followed by implementing measures to fully comply with the international obligations mainly concerning freedom of conscience, opinion, and religion, including the protection of places of worship.¹¹

8. JS10 proposed several legislative recommendations related to freedom of expression and press, to ensure that Algeria's media regulations, laws, and state practices were brought in line with the national constitution and international human rights standards, including Article 19 of the International Covenant on Civil and Political Rights. JS10 recommended that Algeria amend the penal code to prohibit the prosecution of journalists under laws not related to media or journalism and to ease registration restrictions imposed under Law No. 12-06 on Associations to allow independent media organisations to receive donations and grants from government and/or non-governmental institutions including foreign donors.¹²

2. Institutional infrastructure and policy measures

9. Alkarama stated that the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) re-accredited the National Human Rights Council (CNDH) with B status on the grounds that it did not comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Alkarama had submitted a report to SCA highlighting the complete lack of independence of CNDH from the executive branch. It recommends fully aligning CNDH with the Paris Principles by ensuring its effective independence.¹³

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

10. According to Amnesty International (AI), despite some improvements regarding the women's rights in the 2020 amended Constitution, Algerian law continued to discriminate against women in matters of inheritance, marriage, divorce, child custody and guardianship.¹⁴

11. Human Rights Foundation (H.R.F.) noted that the UN Member States expressed concern over the discrimination against women and LGBTQ+ persons, especially the criminalization of consensual same sex sexual relations and lack of effective legislation to criminalize Gender Based Violence.¹⁵

12. The Stichting Broken Chalk (BCN) reiterated that persons with disabilities should not only enjoy their right to non-discrimination and their right to education, but they should also be fully and adequately included in society.¹⁶

Right to life, liberty and security of person, and freedom from torture

13. AI noted several examples of arbitrary and prolonged pretrial detentions despite the facts that both Algeria's Code of Penal Procedures as well as the Constitution provide that provisional detention should be exceptional.¹⁷ The organisation reminded the government to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and commute all death sentences.¹⁸

14. MENA Rights Group (MENA Rights) recommended that Algeria abolish the death penalty formally in the Penal Code. MENA Rights recalled that during the last UPR, Algeria only noted recommendations to completely abolish the death penalty. Although there was a de facto moratorium on the application of the death penalty since 1993, it had not formally been abolished in the Penal Code, and, according to the Human Rights Committee, death sentences were not automatically commuted. In 2020, one death sentence was recorded.¹⁹

International humanitarian law

15. JS5 noted that the right to life is guaranteed by international conventions; exceptional circumstances, including a state of war, threat of war, internal political instability, or any other state of emergency, cannot be invoked to justify extrajudicial, summary, or arbitrary executions. Algerian state authorities have so far carried out executions without any judicial or legal process. Numerous cases of killings by Algerian public forces against Sahrawi refugees have been reported, either by bullets or by immolation.²⁰

16. JS5 indicated that Algeria did not provide the necessary protection to the Sahrawi people on its soil.²¹

17. JS5 urged Algeria to implement the Algerian national law on the whole Algerian territory, including the camps of Tindouf; to investigate extrajudicial executions; to prevent excessive use of force against defenseless refugees; and to bring the perpetrators and supporters of these violations to fair trials in accordance with international human rights law and international humanitarian law, as crimes for which there is no statute of limitations.²²

18. MENA Rights recommended to repeal articles 45 and 46 of Ordinance 06-01 to guarantee victims' right to truth and accountability for perpetrators of human rights violations during the civil war; and to establish a national truth-seeking commission tasked with the investigation of war crimes and serious human rights violations, including enforced disappearances.²³

Human rights and counter-terrorism

19. JS13 recalled that Algeria received and accepted two recommendations pertaining to the respect of human rights while countering terrorism in the previous UPR cycle. However, the authorities completely went against these recommendations. Since the resumption of Hirak protests in February 2021, the authorities repeatedly used demonising rhetoric against peaceful protests and increasingly resorted to charges of terrorism to prosecute peaceful activists.²⁴

20. CIDH Africa noted that "Glorification of terrorism", a crime, was systematically used to incriminate any peaceful act or criticism to the authorities or "national symbols". CIDH Africa pointed on the ambiguous laws and definition of crimes of terrorism, which, in some cases, were used against human rights defenders.²⁵

21. CIDH Africa recommended following measures to address the above-mentioned violations: to align the national definition of acts of terrorism with international standards; to fulfil international obligations to protect the rights of detainees accused by committing terrorist acts; to stop using counter-terrorism legislations to limit freedom of expression and peaceful activism.²⁶

Administration of justice, including impunity, and the rule of law

22. MENA Rights expressed their concern that despite Algeria's commitment to improve judicial independence and undertake reforms, the judiciary continued to suffer from interference by the executive. In addition, military tribunals continued to try civilians in violation of international standards. MENA Rights recommended to guarantee the independence of the judiciary, including by amending the Law on the Organisation of the Judiciary and strengthening the High Judicial Council's independence; also, to cease trials of civilians before military courts; and to ensure that lawyers can exercise their functions with complete independence and free from reprisals.²⁷

23. JS12 discussed an ongoing issue of the impunity for serious crimes committed during the 1990s that continues to prevail. More than 8,000 victims of enforced disappearances remained unaccounted for, and their families lacked any judicial avenues to access the truth on their fate. The absence of prosecutions, the amnesty laws and the policy of "oblivion" implemented by the authorities imposed a culture of impunity, which has left no hope for families to ever uncover the truth and not offered any guarantee of non-repetition.²⁸

24. JS12 recommended, among other things, to repeal the Charter on Peace and National Reconciliation, its implementing ordinances as well as all blanket amnesty legislation and stop the criminalisation of free speech, to ensure that thorough and independent investigations are launched into all allegations of enforced disappearance and ensure families have access to effective remedy, reparations and psychosocial support, including when a "judgement of death" was issued; and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED) signed in 2007, as well as the Rome Statute signed in 2000.²⁹

Fundamental freedoms and the right to participate in public and political life

25. ADF International recommended to fully respect the right to freedom of religion or belief without discrimination, including for persons belonging to religious minorities. It advised, among other things, to repeal the Article 144-bis-2 of the Algerian Penal Code criminalizing blasphemy, amend Law 06-03 to remove burdensome registration requirements for religious organizations and guarantee non-discrimination in the processing of requests; remove prohibitions on non-Muslim religious or belief communities operating on an unregistered basis, in accordance with international obligations. Algeria should recognize the Ahmadiyya community as an official religious association and remove all barriers to their activities, approve without delay existing requests for registration and re-registration of houses of worship and take immediate steps to re-open Protestant churches closed under COVID-19 measures or for being unregistered.³⁰

26. Minority Rights Group International (MRG) recalled General Comment No.37 on the right of peaceful assembly by the UN Human Rights Committee to repeal legislation used to prosecute people who exercise their rights to freedom of expression, association and peaceful assembly, with a view to bringing Algeria's legislative framework in line with its international obligations, notably under Article 21 of the ICCPR.³¹

27. JS4 called on Algeria to implement best practices and internationally recognized standards relating to the freedom of expression and to uphold the right to freedom of expression as enshrined in the Constitution and the ICCPR, ratified by Algeria. It recommends ending violence against, and harassment of, human rights activists and defenders and removing restrictions of all kinds on the registration of associations. In this connection, it recommends reforming legislation to enable Algerian NGOs to receive national and international funding in line with the best practices set out by the Special Rapporteur on the rights to freedom of peaceful assembly and of association; freeing all political prisoners and Hirak protesters; ending arbitrary arrests; and ensuring compliance with internationally agreed standards relating to pretrial detention.³²

Prohibition of all forms of slavery, including trafficking in persons

28. China Labour Watch (CLW) with reference to the International Labor Organization's indicators of trafficking in persons, found evidence of multiple indicators of trafficking

among foreign workers including deceptive recruitment, coercive recruitment, and coercion at destination, in addition to violations of labor rights and other human rights.³³

29. CLW recommended that Algeria: regularly inspect labor conditions in construction sites with foreign migrant employers and develop a mechanism to identify and help victims of human trafficking; help migrant workers who overstay their temporary permit and offer translation services at police departments in localities and to improve accessibility to the authorities to monitor human trafficking and the smuggling of migrants.³⁴

30. JS16 referred to the practice of enslavement of black families. The alarming testimonies received include the account of a young girl who was enslaved at the age of six years by a Sahrawi family in the refugee camps, before she fled to Spain and filed a lawsuit for slavery. Young black people in the camps of Tindouf – faced with the indifference of the camps' leaders, almost all of whom have slaves to carry out domestic chores and graze their livestock – have organized an informal group known as the freedom and progress association for the fight against slavery, which has identified 7,130 slaves yet to be emancipated in the camps, including women, who are raped, married against their will and sent into the desert to look after their masters' livestock. Nine black women have died while giving birth without medical assistance in the middle of the desert and three other slaves have died of thirst.³⁵

31. The recommendations submitted by JS16 in this regard include allowing international missions to enter the camps to conduct genuine and impartial investigations into the serious violations of the civil rights of the Sahrawi people and to ascertain the fate of murdered and missing persons and hand over their remains to their families to allow them to mourn with dignity.³⁶

Right to an adequate standard of living

32. JS5 noted the inadequate standards of living in the most disadvantaged areas, including the Sahrawi refugee camps in the Wilaya of Tindouf. It recommended Algeria to take appropriate measures to strengthen the enjoyment of economic and social rights in these areas; to include the Tindouf camps in the development plans; to guarantee the right to a decent standard of living for the inhabitants; to provide humanitarian aid and fight against all forms of misappropriation and looting.

Right to health

33. JS18 pointed out that the Algerian state's response to Covid-19 in Kabylia in 2020–2021 also demonstrated gross neglect, leading to unnecessarily high fatalities and intensified tension with the authorities. Kabylia health departments received little support from the Algerian government, despite being burdened with disproportionately high numbers of cases. JS18 therefore recommended that Algeria ensure fair and responsible handling of the coronavirus health crisis by allocating medical supplies from the international community to the Kabylia population.³⁷

34. JS19 points out that the standards of nutrition, public health and medical care have steadily deteriorated over the years, despite international aid. In addition, a large number of children are deaf or hard of hearing, and drinking water is difficult to access or is unfit for human consumption, of poor quality or polluted.³⁸

Right to education

35. BCN noted that according to the Algerian National Office of Statistics, the number of students throughout all levels of education increased by 3.8%, while the number of teachers decreased by 1.2%. BCN expressed concern that the ratio of students per teacher kept growing, which could lead to a worsening of the overcrowding problem in certain schools.³⁹

36. BCN indicated that 9.48% of children in Algeria were out of school, that the data varied considerably when looking at the out of school children among poorest and among richest, respectively 16.14% and 4.36%.⁴⁰

37. BCN expressed concerns that excluding pregnant girls from school greatly discredits the gender equality within the school system in Algeria. Even if girls are not directly excluded

from the school the social stigma surrounding teenage pregnancies can lead them to be forced to drop out.⁴¹

38. BCN recommended that Algeria takes the necessary measures to resolve these issues and provides additional financial and psychological assistance to persons with disabilities as part of a vulnerable group.⁴²

39. JS9 mentioned the difficulties encountered in ensuring the right of access to education for children with disabilities, owing to a lack of school assistants, didactic resources for those who need them, suitable learning materials and teacher training. The schooling of children with disabilities continues to fall broadly within the remit of the Ministry of National Solidarity, the Family and Women, which has neither the capacity nor the inclusive vision required. The Ministry of National Education should assume responsibility for the schooling of children with disabilities as part of an inclusive vision and in accordance with the Convention on the Rights of Persons with Disabilities, by creating a department for the inclusion of pupils with disabilities, establishing a multidisciplinary team and abolishing special classes that are no longer necessary. The role of the Ministry of National Solidarity, the Family and Women will be to provide financial support to the Ministry of National Education for the acquisition of tailored equipment and materials, to train school assistants, and to support schools managed by the parents of children with disabilities, which must operate on the basis of a school plan and programmes validated by the Ministry of National Education, but with a view to ensuring integration with other children.⁴³

Cultural rights

40. Congrès Mondial Amazigh (C.M.A.) stated that while Tamazight is recognized as an official national language in the constitutional amendment of 2016 (article 4), the recognition is in name only and so has no tangible effect and does little to address the dominance of the Arab-Islamic language and culture. In practice, the Amazigh language is taught in relatively few classes and in certain regions only, on an optional basis and with no regard for curriculum continuity. It is not used at all in the judicial system or the civil service. The Amazigh culture is largely marginalized as folkloric. For example, of the 15 or so television channels in Algeria, eight are public and focus exclusively on Arab-Islamic language and culture; the only Tamazight channel broadcasts for no more than eight hours a day, and a third of the programmes on that channel are in Arabic. Amazighs have no control over the channel's programming.⁴⁴

2. Rights of specific persons or groups

Women

41. Jubilee Campaign (Jubilee) mentioned the limitations of the Algerian legislation on domestic violence, which only applies to incidents of domestic violence between spouses and ex-spouses, excluding other male relatives. Moreover, Article 266 of the Penal Code permits perpetrators to receive commuted sentences should the victims pardon them; as such, many family members pressure the victims to pardon the attacker for the sake of saving face.⁴⁵

42. Jubilee recommended Algeria to amend and diversify existing legislation prohibiting violence against women by expanding the criminalization of domestic violence to include all family and non-family perpetrators and considering the social pressure women face to pardon their attackers.⁴⁶

43. AI recommended to amend all articles in the Penal Code and Family Code which discriminate on the basis of gender, namely Articles 326 (pardons rapists if they marry the victim) and 336 (does not provide a definition of rape) of the Penal Code, and Articles 11 (women must marry in the presence of a male relative), 53 and 54 (a husband does not need justification to divorce his wife, but a wife does), and 66 (a mother who remarries loses custody of her children) of the Family Code.⁴⁷

Children

44. JS16 pointed out that the recruitment of children in refugee camps to armed militias is a specific violation of the humanitarian and civilian nature of such camps. At the age of 5

years the children are sent to indoctrination centres and enrolled in programmes that incite hatred and violence, before being integrated into military training centres where they are enslaved, abused, trained in the use of firearms and explosives and assigned to the militia. Other children are taken from their parents and sent to indoctrination and weapons training centres in Algeria or other countries. Security Council resolution 2601 (2021) on the protection of education in armed conflict, adopted in November 2021, strongly condemns the recruitment of children and calls on States to put an end to such practices and take measures to protect children, including in refugee camps.⁴⁸

45. Global Partnership to End Violence Against Children (End Violence) expressed concern about the existing situation in Algeria concerning corporal punishment of children. End Violence hoped that the Working Group and the states would raise the issue during the review in 2022 and make a specific recommendation that Algeria intensify its efforts to enact a law to clearly prohibit all corporal punishment of children.⁴⁹

46. CIDH Africa expressed concern that the Algerian government refuses to register migrants' children out of marriage although they are born on its soil, which limits children's basic rights, e.g. access to primary health care and education.⁵⁰

47. CIDH Africa therefore recommended Algeria to recognize children born out of marriage and grant them legal status to have full access to education and health care.⁵¹

Persons with disabilities

48. JS9 observed that not enough is being done to monitor the application of laws on accessibility, in particular compliance with Algerian accessibility standards, and no enforcement action is being taken against persons who infringe those laws. The proposals contained in the annual report drafted by the members of the national commission for accessibility, comprising all ministries concerned, have yet to be forwarded to the Government for consideration in public policies. There are no local branches (local commissions for accessibility) responsible for conveying local accessibility needs to the national commission and monitoring the local implementation of laws. Algerian accessibility standards do not give enough consideration to accessibility for persons with intellectual or psychological disabilities. The Government has no national plan for making public spaces accessible, with priorities and results to be attained in the short and long terms in accordance with a clear schedule.⁵²

49. JS9 recommends the examination and adoption by the National People's Assembly of the draft framework law on the promotion and protection of the rights of persons with disabilities.⁵³

Indigenous peoples and minorities

50. Cairo Institute for Human Rights Studies (CIHRS) indicated that the law 12-06 and Ordinance 06-03 are used to prevent religious minorities from fully exercising right to freedom of religion or belief, including the freedom of association and peaceful assembly. At least 18 churches affiliated to the Algerian Protestant Church (EPA) have been closed since 2017 allegedly due to their "illegality".⁵⁴ CIHRS recommended, among other things, to repeal Law 12-06-2012 and adopt a new law fully in compliance with ICCPR Articles 21 and 22.⁵⁵

51. JS8 noted that an estimated 99% of Algeria's population of 43 million people are Sunni Muslim. The remaining percent is comprised of Christians, Jews, Muslim minorities including Ahmadiyyah and Shi'a Muslims, and the non-religious. The country's constitution declares Islam as the official state religion (Article 2) and to become a president of the country a candidate must be a Muslim (Article 91).⁵⁶

52. JS8 recommended the Algerian government, among other things, to suspend and revise Ordinance 06-03 (of 2006) which sets out the conditions and rules for the exercise of non-Muslim religions, to bring it in line with Article 18 of the ICCPR; to grant permission to all forcibly closed churches to re-open and grant permission to EPA (*Église Protestante d'Algérie*) affiliated churches to continue to use rented premises as places of worship EPA.⁵⁷

53. MRG stated that Black Algerians, indigenous to southern Algeria, account for an estimated 10% of the country's total population as per a 2009 academic estimate. However, no official statistics exist. These Algerian citizens suffer from racial discrimination largely considered to be imputable to the state institutionalization of a white Arab-Muslim identity only.⁵⁸

54. MRG also noted that the activists of the Movement for the Self-Determination of Kabylia (MAK) – an organization promoting the independence of Kabylia through peaceful means, labelled as terrorist entity by Algerian authorities in May 2021 – regularly faced arbitrary arrests and harassment by the police. Many reported being subjected to administrative discrimination and loss of employment, while some had their passports confiscated by the Ministry of the Interior.⁵⁹

55. JS7 recommended that Algeria should enable the Kabyle People to exercise their right to self-determination and respect their aspirations to freedom, dignity, and development along with protecting the population of the region from the gross violations committed by the State's military and security services.⁶⁰

Lesbian, gay, bisexual, transgender and intersex persons

56. JS12 indicates that the legal vacuum concerning the protection of LGBTQ+ individuals – including, criminalisation of consensual same sex relations (article 338 of the Penal Code), lack of awareness and training of relevant institutions – prevents them from accessing any remedy in case of gender-based violence (GBV) or other discriminatory treatment. This leads LGBTQ+ individuals not to report violations in almost all cases based on their fear of being outed or prosecuted, creating a situation of complete impunity.⁶¹

57. JS12 emphasised the existing discrimination against the LGBTQ+ individuals, including house raids and arbitrary prosecutions for actions protected by the right to privacy, bodily autonomy, and non-discrimination in the ICCPR. JS12 also indicated at the heightened risk of torture and ill-treatment by the authorities as well as by other inmates.⁶²

58. JS12 recommended Algerian government, among other things, to repeal Articles 266 bis, 266 bis 1, 279 and 330 bis of the Penal code allowing perpetrators of Gender Based Violence (GBV) to escape justice; to adopt measures to ensure effective access to justice, health care and social services for survivors of GBV; to repeal Articles 333 and 338 to decriminalize consensual same-sex relationship; and to put an end to the judicial harassment and intimidation of Women's Human Rights Defenders (WHRDs) and LGBTQ+ activists, fully allow them to advocate for their rights in law and in practice, and prosecute derogatory speech and smear campaigns against WHRDs and activists.⁶³

Migrants, refugees and asylum-seekers

59. The Sahraoui Observatory for Media and Human Rights (Sahraoui Observatory) stressed that gross violations of human rights were and still prevailing practices over four decades in the refugee camps including extrajudicial killings, kidnappings, enforced disappearances, arbitrary detention, torture, intimidation, cruel and abusive treatment, writing with sharp instruments on the body of victims, rape and other forms of violations.⁶⁴

60. The organisation urged Algeria to open a comprehensive and independent investigation into all cases of extrajudicial killings committed in the Sahrawi refugee camps in Tindouf, South Western Algeria, and revealed the truth of what happened regarding the above-mentioned cases.⁶⁵

61. JS11 and Sahraoui Observatory expressed concern about the legal status of the Sahrawi Refugees in the camps, which affects their enjoyment of the rights stipulated in the 1951 Convention on the Status of Refugees and its annexed protocol, and therefore recommended the State under review to allow a general census of the camp population.⁶⁶

62. They encouraged the Algerian authorities to revoke the delegation of their powers and ensure protection of civil and political rights of the refugees in the camps, including creation of an atmosphere conducive to the work of civil society organizations and the protection of the right to peaceful assembly.⁶⁷

63. AI recommended to abolish or amend Article 175 bis of the Penal Code, which criminalizes “illicit” exit from Algeria, and ensure that any violations of migration legislation are treated as administrative, not criminal, offences, to amend Law No. 08-11 to decriminalize irregular entry, stay, and exit and ensure they are treated as administrative offences rather than criminal offences and adopt a national legislation implementing the 1951 Convention on the Status of Refugees and its 1967 Optional Protocol, as well as other international law and standards or the protection of people in need of international protection. AI urged Algeria to grant protection to refugees recognized as such by UNHCR and to stop the practice of arbitrary arrests and summary expulsions of foreign nationals without due process and respect the principle of non-refoulement.⁶⁸

Stateless persons

64. JS7 noted an issue of statelessness existing in Algeria, particularly in the Sahrawi refugee camps.⁶⁹ It also referred to the ruling of the Spanish Supreme Court, confirming that since the majority of Sahrawis are lacking a legal status be it within the camps or outside, they are stateless. The lawsuit was filed by a Sahrawi refugee who was not able to renew her passport after its validity came to an end against a decision of the Ministry of the Interior. Algeria does only deliver passports with short validity to travel for medical treatment or family reunion purposes.⁷⁰

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International	ADF International, 1202 Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom);
Alkarama	Alkarama Foundation, Geneva, (Switzerland);
BCN	The Stichting Broken Chalk, Amsterdam (Netherlands);
CIDH	CIDH AFRICA; Laayoune (Morocco);
CIHRS	Cairo Institute for Human Rights Studies, Geneva (Switzerland);
CLW	China Labor Watch, New York (United States of America);
C.M.A	Congrès Mondial Amazigh, Paris (France);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
End Violence	Global Partnership to End Violence Against Children, New York (United States of America);
H.R.F	Human Rights Foundation, New York (United States of America);
ICAN	International Campaign to Abolish Nuclear Weapons (ICAN), Geneva (Switzerland);
JUBILEE	JUBILEE CAMPAIGN, Fairfax, VA (United States of America);
MENA Rights	MENA Rights Group, 1219 Chatelaine (Switzerland);
MRG	Minority Rights Group International (MRG), London (United Kingdom);
Sahraoui Observatory	The Sahraoui Observatory for Media and Human Rights, Laayoune (Morocco).

Joint submissions:

JS4	Joint submission 4 submitted by: Réseaux Unité Pour Le Développement Mauritanie (RUDM2), CIDH AFRICA, Milan (Italy);
JS5	Joint submission 5 submitted by: Promotion du Développement Economique et Social (PDESo), Observatoire du Sahara pour la Paix, la Démocratie et les Droits de l’Homme (OSPDH), Geneva (Switzerland);
JS6	Joint submission 6 submitted by: Comité International pour le respect et l’application de la charte africaine des droits de l’Homme et des peuples (CIRAC), Le Forum Justice et Droits de l’Homme, 1209 Geneva (Switzerland);
JS7	Joint submission 7 submitted by: The African Human Rights Monitoring Organization (Africa Watch), Defenders for Human Rights, Sahrawi Association Against Impunity in the Tindouf Camps (ASIMCAT), International Committee for the Respect and

- the Application of the African Charter of Human and Peoples Rights (CIRAC), Memory and Justice Association (MJA), Cormelles le Royal (France);
- JS8 **Joint submission 8 submitted by:** World Evangelical Alliance, The Commission of the Churches on International Affairs of the World Council of Churches, The Protestant Church of Algeria (Église Protestante d'Algérie), Middle East Concern, Geneva (Switzerland);
- JS9 **Joint submission 9 submitted by:** Fédération Algérienne des Personnes Handicapées (FAPH) and its network of member associations of persons with disabilities, Algiers (Algeria);
- JS10 **Joint submission 10 submitted by:** Committee to Protect Journalists (CPJ), The Tahrir Institute for Middle East Policy (TIMEP), New York (United States of America);
- JS11 **Joint submission 11 submitted by:** Moroccan League for the Defense of Human Rights (LMDDH.ma), The Moroccan League for Citizenship and Human Rights, Shumoua Association for Equality, Moroccan Association for Human Rights, The National Front for Dignity and Human Rights, Moroccan Office for Human Rights, RABAT (Morocco);
- JS12 **Joint submission 12 submitted by:** DIGNITY - Danish Institute Against Torture, Cairo Institute for Human Rights Studies (CIHRS), The Collective of the Families of the Disappeared in Algeria (CFDA), The Justitia Center for Legal Protection of Human Rights in Algeria, Tharwa N'Fadhma N'Soumer, 2100 Copenhagen (Denmark);
- JS13 **Joint submission 13 submitted by:** CIVICUS: World Alliance for Citizen Participation, Cairo Institute for Human Rights Studies, ARTICLE 19, MENA Rights Group, International Federation for Human Rights, Frontline Defenders, Algerian League for the Defence of Human Rights, SHOAA and Alter'Solidaire, Johannesburg (South Africa);
- JS14 **Joint submission 14 submitted by:** Ensemble contre la peine de mort (ECPM), Ligue Algérienne pour la Défense des Droits de l'Homme (LADDH), World Coalition Against the Death Penalty (WCADP), Paris (France);
- JS15 **Joint submission 15 submitted by:** Lawyers for Lawyers (L4L), International Bar Association (IBA), 1007 JC Amsterdam (Netherlands);
- JS16 **Joint submission 16 submitted by:** il Cenacolo and the Sahara Civil Society Coalition (The Sahara Civil Society), The Sahrawi Association Against Impunity in Tindouf Camps, African Institute for Peacebuilding and Conflict Transformation, Citizenship and Human Development Association, The Sahrawi Association for Economic, Social, Cultural and Environmental Rights, Um Al-Tunisi Association for Social and Solidarity Economy, Al-Waha Association for the Protection of Mother and Child, Al-Amal Association for Supporting Autonomy and Expanded Regionalisation, The South Observatory for Territorial Development, Saharan Association for Sustainable development and the promotion of Investment ASDI, African Forum for Research and Studies in Human Rights, The Sahara League for Democracy and Human Rights, Milan (Italy);
- JS17 **Joint submission 17 submitted by:** Cairo Institute for Human Rights Studies (CIHRS), Collectif des familles des disparu(e)s en Algérie (CFDA), Ligue algérienne de défense des droits de l'Homme (LADDH), Syndicat national autonome des personnels de l'administration publique (SNAPAP), Tharwa N'Fadhma N'Soumer, Centre Justitia pour la protection juridique des droits de l'Homme en Algérie, Riposte Internationale, le Collectif Action-Détenus, la Confédération générale autonome des travailleurs en Algérie (CGATA), Euromed Droits, Geneva (Switzerland);

- JS18 **Joint submission 18 submitted by:** Unrepresented Nations and Peoples Organization (UNPO), Les Amis de la Kabyle (AKA), Aza-Rouge Solidaire, Organisation des Entrepreneurs Kabyle (ODEK); Amitié France Kabylie (AFK), Deutsch Kabylische Freundschaft (DFK), Association Culturelle Imazighen de Bruxelles, Association Culturelle Berbera (ACB Italia), Amite Quebec Kabylie, La Maison de Amoureux de la Kabylie, Réseau Kabyle Inc, Les Femmes Kabyles Autochtones du Canada, Centre Culturel Kabyle, Izerfan Rights International, The Hague (Netherlands);
- JS19 **Joint submission 19 submitted by:** Mouvement Droits de l'Homme (MDHM), La ligue marocaine pour la citoyenneté et les droits de l'homme, Association de Défense des Droits de l'Homme, Instance marocaine pour la justice sociale et les droits de l'homme, Centre national des médias et des droits de l'homme, Le Front national pour la dignité et les droits humains, Forum Marocain pour la Démocratie et les Droits de l'Homme, COMMISSION OUVRIERE, Association marocaine pour les droits des victimes, Centre des droits de l'homme et du développement durable, Association des femmes sahraouies pour le développement intégré, Organisation nationale des droits de l'homme et du développement durable, Coalition civile pour les droits de l'homme, L'INSTANCE Nationale de Défense des Fonds Publics au Maroc, Office Marocain des Droits de l'Homme, Assemblé Marocaine des Droits de l'Homme, Association marocaine pour la défense de la dignité du citoyen, La ligue des syndicats libres, Association Solidarité Africaine, Observatoire national des droits des artisans, Kenitra (Morocco).

² See [A/HRC/36/13](#), [A/HRC/36/13/Add.1](#) and [A/HRC/36/2](#).

³ The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

⁴ JS14, paras. 4–5.

⁵ JS14, paras. 4–5.

⁶ JS17, para. 3.

⁷ JS17, para. 25.

⁸ JS17, para. 123.

⁹ JS17, para. 97.

¹⁰ ICAN, p. 1.

- 11 ECLJ, paras. 4, 23.
- 12 JS10 para. 48, Recommendations.
- 13 Alkarama, para. 1.3, Recommendations 2.
- 14 AI, para. 40.
- 15 H.R.F., para. 3.
- 16 BCN, para. 35.
- 17 AI, paras. 20, 33.
- 18 AI, para. 73.
- 19 MENA Rights, para. 3.1.
- 20 JS5, para. 21.
- 21 JS5, paras. 40–41.
- 22 JS5, para. 26.
- 23 MENA Rights, para. 3.2.2.
- 24 JS13, para. 6.1.
- 25 CIDH Africa, paras. 67–69.
- 26 CIDH Africa, Subchapter. Recommendations, p. 10.
- 27 MENA Rights, para. 3.2.1.
- 28 JS12, paras. 33–34.
- 29 JS12, paras. 43–45.
- 30 ADF International, para. 28.
- 31 MRG, para. 12.
- 32 JS4, Ch. Recommendations, p. 5.
- 33 CLW, Ch. Human Trafficking, p. 3.
- 34 CLW, Ch. Recommendations, p. 8.
- 35 JS16, p. 10.
- 36 JS16, p. 10.
- 37 JS18, para. 55.
- 38 JS19, Chapitre. 5 / Droit à la santé .
- 39 BCN, para. 4.
- 40 BCN, para. 17.
- 41 BCN, para. 17.
- 42 BCN, para. 45.
- 43 JS9, pp. 2, 6, 9.
- 44 C.M.A., paras. 2–3.
- 45 Jubilee, para. 51.
- 46 Jubilee, para. 52.
- 47 AI, para. 64.
- 48 JS16, p. 10.
- 49 End Violence, paras. 1.3 and 3.
- 50 CIDH Africa, paras. 55, 64, 66.
- 51 CIDH Africa, para. 66 Recommendations.
- 52 JS9, para. 5.
- 53 JS9, para. 8.1.
- 54 CIHRS, paras. 42–43.
- 55 CIHRS, para. 69.
- 56 JS8, para. 2.
- 57 JS8, paras. 25, 29.
- 58 MRG, para. 34.
- 59 MRG, para. 8.
- 60 JS7, para. 10.
- 61 JS12, paras. 61–62.
- 62 JS12, para. 61.
- 63 JS12, paras. 63–64, 70–71.
- 64 Sahraoui Observatory, para. 3.
- 65 Sahraoui Observatory para. 9, Recommendations; JS11 pp. 12–13.
- 66 Sahraoui Observatory, para. 11, Recommendations; JS11 pp. 12–13.
- 67 Sahraoui Observatory, para. 16, Recommendations.
- 68 AI, Ch. Rights of Migrants and Refugees, paras. 67–71.
- 69 JS7, Ch. VI.
- 70 JS7, para. 32.