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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Algeria

Addendum

**Views on conclusions and/or recommendations, voluntary
commitments and replies presented by the State under
review**

* The present document was not edited before being sent to the United Nations translation services.

1. The Government of Algeria has examined the 112 recommendations addressed to it following the presentation of its second report under the universal periodic review and wishes to reply as follows.

Recommendations supported by the Government of Algeria

2. Recommendation No. 11: This refers of course to implementing those recommendations that are in line with the Special Rapporteur's mandate, several of which have already been implemented. The Algerian Government has given its views on those recommendations as a whole in document A/HRC/20/17/Add.1.

3. Recommendations: No. 13, No. 20, No. 26, No. 27, No. 29, No. 33, No. 34, No. 35, No. 36, No. 37, No. 39, No. 40, No. 41, No. 44, No. 45, No. 46 and No. 47.

4. Recommendations: No. 48, No. 49, No. 50, No. 51, No. 52, No. 53, No. 54, No. 55, No. 56, No. 57, No. 58, No. 59, No. 60, No. 61, No. 62, No. 63, No. 64, No. 65, No. 66, No. 67, No. 70, No. 71, No. 72, No. 73, No. 74, No. 75, No. 76, No. 77, No. 78, No. 79, No. 80, No. 81, No. 82, No. 89, No. 96, No. 97, No. 98, No. 99, No. 100, No. 101, No. 102, No. 103, No. 106, No. 109, No. 110 and No. 111.

Recommendations that have already been implemented

5. Recommendation No. 8 (partially): Algeria is a party to the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

6. Recommendation No. 9: Algeria is a party to almost half of the international human rights instruments. It is committed to the promotion and realization of universally recognized human rights. Its accession to new international instruments is examined under a constant and gradual process in which the implications of ratification are considered in terms of consistency and adaptation of national law and practice, and also in terms of the financial implications of the effective implementation of the instruments concerned.

7. Algeria has been a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families since 2005.

8. Recommendations: No. 10, No. 16 and No. 18.

9. Recommendation No. 21: No one is being detained in Algeria for having expressed his or her opinion. Moreover, as part of the legislative reforms carried out in 2011 and 2012, the new law on information decriminalizes violation of the press laws.

10. Recommendation No. 24.

11. Recommendation No. 25: There is no legislation in Algeria criminalizing the exercise of the right of freedom of religion.

12. Recommendation No. 28.

13. Recommendation No. 31: Equality among all citizens is a fundamental principle enshrined in the Constitution of Algeria.

14. Recommendations: No. 32 and No. 42.

15. Recommendation No. 69: Act No.12-06 on associations was enacted in 2012 with a view to, inter alia, strengthening the freedom of association, more specifically regulating the activities of associations, and filling the legal gaps with regard to foreign associations, societies and foundations established in Algeria.

16. The Act further consolidates the right to establish associations by requiring the administration to issue a decision on requests for approval within a specific time frame, while stipulating that the silence of the administration constitutes approval and that any refusal to grant approval may be appealed before the courts.

17. It requires associations to meet a number of universally approved criteria in order to receive funding. These include: the integrity of their managers; transparency in the management of their activities, particularly in financial matters; compliance with their own statutes, including their stated field of activity; and respect for the Constitution, the law, and public order.

18. The law does not prohibit associations from receiving foreign funding. On the contrary, it encourages partnership by requiring transparency as a precautionary measure stemming from the Algerian State's desire to ensure the safety of its citizens.

19. Recommendation No. 95 (partially): With regard to the visit by the Working Group on Enforced or Involuntary Disappearances, discussions to organize the visit are under way with the Working Group as part of the State's cooperation efforts with this mechanism.

20. Recommendations: No. 105 and No. 108.

Recommendations that have been noted

21. Recommendations: No. 1 and No. 2.

22. Recommendations: No. 3 and No. 4: See the views on recommendation No. 9.

23. Recommendation No. 5: Algeria accepted the recommendation made during its first universal periodic review to consider the possibility of ratifying that instrument. It is still considering the issue.

24. Recommendation No. 6: See the views on recommendation No. 5.

25. Recommendation No. 7.

26. Recommendations: No. 12 and No. 14: See the views on recommendation No. 17.

27. Recommendation No. 15.

28. Recommendation No. 17: View: The state of emergency has been lifted throughout the country. The measures specific to the Algiers Wilaya are designed to protect persons and property from potential acts of terrorism, which, although drastically reduced and contained, still threaten the capital and major cities.

29. It should be noted in this regard that the terrorist groups that are still active in some regions of the country continue to brandish their primary threat to commit terrorist attacks on the capital and major cities of the country. That is why this measure aims above all to prevent any attack of this nature and any infiltration of terrorists among the public. Vigilance is still required until terrorism has become a thing of the past.

30. Nevertheless, demonstrations and sit-ins are often organized without the required permission in Algiers and other cities. The security forces always disperse the crowds without using conventional means, in accordance with the firm instructions issued by their superiors.

31. In addition, the law on public information and the law on associations enacted in 2012 are likely to further the realization of the right to the freedoms of opinion, expression and association. These two laws fully comply with the international standards on the subject.

32. Recommendations: No. 19 and No. 22.
33. Recommendation No. 23: See the views on recommendation No. 17.
34. Recommendation No. 30.
35. Recommendation No. 43: Algeria has accepted the recommendations calling for the criminalization of violence against women (see recommendations No. 39, No. 40 and No. 41, above).
36. Recommendations: No. 68, No. 83, No. 84 and No. 85.
37. Recommendation No. 86: Algeria fully cooperates with the special procedures mandate holders of the Human Rights Council. It values their contribution to the realization of all human rights. In this spirit, and in accordance with its national priorities, it has extended invitations to seven special procedures mandate holders, three of whom have already visited the country. Once all these visits have been completed, Algeria will consider in a timely manner the visit requests from other mandate holders, on the basis of these mandates' level of priority for Algeria.
38. Recommendations: No. 87 and No. 88: See the views on recommendation No. 86.
39. Recommendation No. 90: Algeria has observed a de facto moratorium on the death penalty since September 1993, and has introduced reforms to the Criminal Code restricting the use of the death penalty to only the most serious crimes. As a result of the reform of the judicial system initiated in early 2000, the death penalty has been replaced with custodial sentences in the Criminal Code for the offences of armed robbery, illicit drug-trafficking, arson, aggravated robbery, counterfeiting and smuggling.
40. In November 2007 Algeria became a co-author of the United Nations General Assembly draft resolution submitted by the European Union calling for a moratorium on the use of the death penalty. It is thus the only State in its region to once and for all join the call for a moratorium on the use of the death penalty. Algeria has accepted the invitation from Spain to join the Support Group of the International Commission against the Death Penalty and to actively participate in its deliberations.
41. At the 67th session of the General Assembly, Algeria will actively participate in drawing up the draft European Union resolution on a moratorium on the death penalty. It will once again act as co-author of that resolution.
42. Recommendations: No. 91 and No. 92: See the views on recommendation No. 90.
43. Recommendation No. 93: Throughout the 1990s, Algeria experienced the most serious political and security crisis since its recent independence. In order to provide a response that would take into account the complex nature of the different aspects of the crisis, Algeria chose to establish an internal national mechanism to deal with and recover from the crisis, subject to the approval of the people: the Charter for Peace and National Reconciliation. This document was adopted by referendum in an act of popular sovereignty to restore peace and social cohesion and to heal the deep wounds that terrorism has inflicted on the civilian population.
44. In the unanimous view of Algerian men and women, the President's call to "turn the page without tearing it" had to be answered, and this was the intention behind the broad mandate the people gave him to begin "a new process to achieve national reconciliation, because it is only through national reconciliation that the wounds of the national tragedy will be healed".
45. In this respect, it is recognized that reconciliation in post-conflict situations is both a goal and a process, because it is a huge challenge that requires support from all sides and a

collective effort to overcome the emotional trauma of the past, not only by perpetrators and victims but by society as a whole.

46. In order to avoid pitting perpetrators and victims against each other through judicial confrontation, public naming and shaming in the media, and settling of political and partisan scores that would hinder and complicate the task of restoring civil peace and social cohesion, the approach taken by Algeria in its quest for peace and reconciliation has included the two elements “truth and justice” in a wider sense of seeking the truth by using a non-selective approach that does not in any way perpetuate conflictual attitudes and that fulfils all forms of social and transitional justice.

47. Therefore, national reconciliation as defined in the Charter is neither an individual process nor an excuse for not just forgiving but letting crimes go forgotten and unpunished.

48. National reconciliation is a tremendous wave of patriotic enthusiasm sweeping up all members of society, allowing them to project themselves into the future to build their social relationships on a foundation renovated by the collective recognition of the errors of the past and a willingness to live together as citizens with respect for diversity and pluralism, which are guaranteed by the values of genuine identity, democratic participation and solidarity under the safeguards of the rule of law.

49. It is in fact a joint democratic response to put an end to the bloodshed once and for all, establish a lasting peace, and, in a spirit of solidarity and forgiveness, give the Algerian people hope for the future so they can build the nation for future generations.

50. Recommendation No. 94: See the views on recommendation No. 93.

51. Recommendation No. 95 (partially): To date Algeria has not received any request for a visit from the newly-established Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. See also the views on recommendation No. 86.

52. Recommendation No. 104: See the views on recommendation No. 86.

53. Recommendations: No. 107 and No. 112.
