CIVICUS: World Alliance for Citizen Participation

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1. **(A) Introduction**

1.1 In this abbreviated document, CIVICUS and IKCRMS examine the Government of Algeria’s compliance with its international human rights obligations to promote and protect the rights to freedom of association, assembly, and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in May 2012.

1.2 During the 2nd UPR cycle, the Government of Algeria received 21 recommendations relating to the above mentioned rights. Of these recommendations, the Government of Algeria accepted 3 and noted 18. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of Algeria has not implemented all the recommendations relating to civil society space. While the government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, acute implementation gaps were found with regard to the right to freedom of association and expression.

1.3 CIVICUS and IKCRMS are deeply concerned by the use of restrictive legislation to unwarrantedly limit the work of independent civil society organisations (CSOs) and

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impede peaceful protests. We remain concerned that recent changes to domestic policy and legislation governing the core civil society rights are cosmetic and do not address the systematic and undue restrictions on civic space in the country.

1.4 CIVICUS and IKCRMS are further alarmed by the continued attempts to silence independent media through the undue closure of independent media outlets and persecution of people for exercising their right to freedom of expression.

2. (B) Freedom of association

2.1 During Algeria’s examination under the 2nd UPR cycle, the government received 10 recommendations on the right to freedom of association and creating an enabling environment for civil society organizations (CSOs). The government committed to ensuring to “Further strengthen laws and policies to protect the freedom of religion and belief, as well as the freedom of expression, association and assembly”. Of the recommendations received, the government accepted 1 and noted 9. However, as evidenced below, the government has failed to take adequate measures to realize many of these recommendations. Of the 10 recommendations on freedom of association, the government has not implemented any.

2.2 Recommendations

• Remove all undue restrictions on the ability of civil society organizations to receive international and national funding in line with best practices articulated by the UN Special Rapporteur on the rights to peaceful assembly and of association.

• The Law on Associations should be suitably amended to guarantee that undue restrictions on freedom of association are removed their provisions comply with articles 21 and 22 of ICCPR.

• All civil society organizations, which have been arbitrarily and unduly sanctioned or deregistered should be immediately reinstated.

3. (C) Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under Algeria’s previous UPR examination, the government received no recommendations on the protection of human rights defenders, journalists and civil society representatives. Nevertheless, it is clear that who voice dissent in Algeria are routinely subject to harassment, intimidation and attacks. Given the lack of attention given to the issues of HRDs during Algeria’s last UPR examination and the Algerian Government’s failure to make substantive changes to relevant polices or amend its
practices since the last examination, it is particularly important that the below concerns are addressed during the Algeria's third UPR examination.

3.2 Recommendations

- A consolidated process of repeal or amendment of legislation which unwarrantedly restricts the legitimate work of human rights defenders in line with the UN Declaration Human Rights Defenders should be initiated;

- Specifically, the Penal Code should be suitably amended in accordance with the ICCPR and the UN Declaration on Human Rights Defenders.

- All human rights defenders including, journalists and bloggers detained for exercising their fundamental rights to freedom of expression, association, assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.

4. (D) Freedom of expression, independence of the media and access to information

4.1 Under the 2nd UPR cycle, the Algerian government received 13 recommendations relating to freedom of expression and access to information. Among other recommendations, the government pledged to “implement the recommendations made by the Special Rapporteur on freedom of opinion and expression following his 2011 visit” and “further strengthen laws and policies to protect the freedom of religion and belief, as well as the freedom of expression, association and assembly.” Of the recommendations received, two were accepted and eleven were noted. However, as discussed below, the government has not implemented any of the recommendations.

4.2 Recommendations

- Review the Law on Information in order to ensure that Algeria's legislation is in line with the best practices and international standards in the area of freedom of expression.

- All media outlets unwarrantedly closed should be reinstated.

- The authorities must cease the practice of confiscating and censoring print media.

5. (E) Freedom of peaceful assembly

5.1 During Algeria's examination under the 2nd UPR cycle, the government received eleven recommendations on the right to freedom of peaceful assembly. Among other
recommendations, the government committed to ensuring to “further strengthen laws and policies to protect the freedom of religion and belief, as well as, the freedom of expression, association and assembly” and to “continue to take measures for the holding of public meetings and assemblies in keeping with the newly adopted laws in the country.” Of the eleven recommendations received, two were accepted while nine were noted. However, as evidenced below, the government has failed to adequately realize these recommendations. Of the eleven recommendations on freedom of assembly, the government has not implemented any of these recommendations.

5.2 Recommendations

- Best practices on freedom of peaceful assembly should be adopted, as put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his annual report (2012) which call for simple notification rather than explicit permission to assemble.

- The Law on Public Meetings and Gatherings and the Penal Code should be amended in order to fully guarantee the right to freedom of assembly.

- All demonstrators, journalists and human rights defenders detained for exercising their right to freedom of peaceful assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.