



CIVIC SPACE IN ALGERIA

Summary of joint submission to the

UN Universal Periodic Review (2017-2022)

CIVICUS, CIHRS, FIDH, MENA Rights Group, Frontline Defenders, LADDH, Alter Solidaire, SHOAA for Human Rights and ARTICLE 19



We are concerned by the government's persistent failure to address unwarranted restrictions on civic space in law and practice. The authorities have imposed onerous restrictions on freedom of association, peaceful assembly and expression. Associations have been dissolved and human rights defenders (HRDs), journalists and protesters subjected to widespread arbitrary prosecution. After President Abdelmadjid Tebboune's election in 2019, the authorities passed several restrictive laws and exploited the pandemic to suppress online freedoms and further crackdown on civic space. 2021 saw an increase in the use of unlawful violence against protesters and the use of unfounded terrorism charges, and arbitrary legal actions were taken against civil and political organisations.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

Law No 91-19 on Public Meetings and Demonstrations prohibits demonstrations based on broad provisions that can easily be used to forbid criticisms of authorities. In contravention of article 21 of the ICCPR, it implements in practice a regime of prior authorization.

Algerian authorities regularly used unlawful violence against protesters and arrested scores of protesters, journalists and activists, subjecting them to judicial persecutions, torture, ill-treatment and imprisonment, based on overly broad provisions of the Penal Code.

Police forces repeatedly blocked access to the location of demonstrations. Internet access on mobile phones was disrupted during demonstrations.

Ordinance No 21-08 and Decree No 21-384 of 7 October 2021 overly expand the definition of terrorism and establish a list of terrorist entities and individuals. The list is used to persecute human rights defenders and protesters.



FREEDOM OF EXPRESSION

The Penal Code contains overly broad and vague provisions that include prison sentences for non-violent speech offences. The Law No. 20-06, which amended the Penal Code, further criminalise free speech.

Authorities continue to use restrictive laws - including the 2021 Law on Information, 2014 law on audio-visual activity, Law 20-05 - to curtail the work of the media and create a climate of self-censorship.

There is a growing climate of insecurity for journalists, activists and government critics, often subjected to verbal and physical assaults, judicial harassment, arrests and killings.

The authorities have created an hostile environment for media outlets. In 2019 and 2020, at least 18 online media reported not being accessible on Algerian networks and some media outlets had their authorisation to operate withdrawn.



FREEDOM OF ASSOCIATION

Serious restrictions on freedom of association due to all-encompassing legislation and vague provisions induce disproportionate leverage of authoritative discretion. This has led to the closure of numerous CSOs.

Several independent trade unions and NGOs have been prevented from registering and civil society groups continue to be targeted and accused of receiving funding from "foreign" sources using Law 12-06-2012.

Article 95bis of the Penal Code, provides for the punishment of five to seven years' imprisonment for the receipt of any form of funding or advantage from a non-Algerian to perform or incite, among others, 'acts likely to undermine State security and public order'. Article 95bis therefore lends itself to abusive interpretation.

Opposition political parties have also faced unprecedented legal challenges. The government has closed PST's premises despite complying with repressive Law 12-04 . The Ministry of interior threatened legal action against other political parties if they continued to host meetings without authorisation.

Civic space in Algeria is currently rated "**REPRESSED**" by the CIVICUS Monitor

THE PATTERN OF VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS INCLUDE



Intimidation and attacks on HRDs' lives, integrity and personal security



Judicial persecution, arbitrary arrests and detention on charges of terrorism



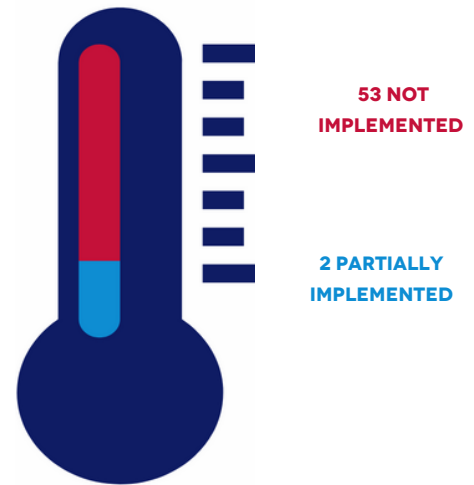
Enforced disappearances



Systematic harassment

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Algeria received 55 recommendations relating to the space for civil society in 2017:



RECOMMENDATIONS

- 1 Review restrictive provisions of Law 12-06-2012 and revise the law after through consultations with civil society organisations and trade unions.
- 2 Release all human rights defenders and journalists in detention for their peaceful human rights activities and reporting, stop prosecuting them and create an enabling environment for them to carry out their activities without fear of reprisals.
- 3 Review law 12-05 on Information, Law 14-04 on Audio-visual activity, Executive Decree No. 20-332 on electronic media, and Article 46 of the Ordinance No 06-01 implementing the Charter of Peace and National Reconciliation in consultation with media, civil society and journalists' unions to bring them into line with international media freedoms standards.
- 4 Repeal Law No 91-19 on Public Meetings and Demonstrations and adopt a new law fully in line with ICCPR article 21 and international best practices, with a simple notification process for holding assemblies rather than prior authorisation.
- 5 Review, in consultation with civil society and the wider Algerian public, Ordinance No. 21-08 and Executive Decree No. 21-384 relating to national list of terrorist entities and individuals in line with UN Special Procedures recommendations.

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