



Algeria

Joint Submission to the UN Universal Periodic Review  
27<sup>th</sup> Session of the UPR Working Group

Submitted 22 September 2016

Submission by CIVICUS: World Alliance for Citizen Participation, NGO in  
General Consultative Status with ECOSOC

And

Ibn Khaldoun Center for Research and Maghrebi Studies (IKCRMS)

---

**CIVICUS: World Alliance for Citizen  
Participation**

CIVICUS UPR Lead, Email:  
[sara.brandt@civicus.org](mailto:sara.brandt@civicus.org)  
Ms Renate Bloem, Email:  
[renate.bloem@civicus.org](mailto:renate.bloem@civicus.org)

1. (A) Introduction  
Tel: +41 22 733 3435  
Web: [www.civicus.org](http://www.civicus.org)

**Ibn Khaldoun Center for Research and  
Maghrebi Studies**

UPR Lead Ammar Djefal  
Email: [djeffalammar@yahoo.fr](mailto:djeffalammar@yahoo.fr)

Tel: +213 (0)662826248  
Fax: +213 (0)23817103

- 1.1** CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the Global South, and have members in more than 160 countries throughout the world.
- 1.2** Ibn Khaldoun Center for Research and Maghrebi Studies (IKCRMS) is a Research Institute dedicated to the documentation and research in the key issues of democratic transition in Algeria, Tunisia and Morocco, economic and social rights and public freedoms processes.
- 1.3** In this document, CIVICUS and IKCRMS examine the Government of Algeria's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Algeria's fulfilment of 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. To this end, we assess Algeria's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.4** During the 2<sup>nd</sup> UPR cycle, the Government of Algeria received 21 recommendations relating to the above mentioned rights/ civic space. 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.
- 1.5** CIVICUS and IKCRMS are deeply concerned by the use of restrictive legislation to unwarrantedly limit the work of independent civil society organisations (CSOs) and 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.
- 1.6** 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.

  - In Section B, CIVICUS and IKCRMS examine Algeria's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.

- In Section C, CIVICUS and IKCRMS examine Algeria's implementation of UPR recommendations and compliance with international human rights standards related to the protection of human rights defenders, civil society activists and journalists.
- In Section D, CIVICUS and IKCRMS examine Algeria's implementation of UPR recommendations and compliance with international human rights standards concerning to freedom of expression, independence of the media and access to information.
- In Section E, CIVICUS and IKCRMS examine Algeria's implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- In Section F, CIVICUS and IKCRMS make a number of recommendations to address the concerns listed.

## 2. (B) Freedom of association

- 2.1** During Algeria's examination under the 2<sup>nd</sup> 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** Article 43 of the Algerian Constitution guarantees the right to freedom of association. Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Algeria is a state party, also guarantees freedom of association.<sup>1</sup> However, despite these commitments, the government has failed to uphold the right to freedom of association in both law and practice.
- 2.3** Freedom of association in Algeria is primarily governed by the Law on Association (Law 06-12 2012), which places extensive restrictions on CSOs. Following the adoption of the law in 2012, all organisations were required to reapply for registration and receive explicit authorisation from the Ministry of Interior (MoI) before being able to operate legally. Worryingly, the Law permits the MoI to refuse to register an organisation and unwarrantedly deprives CSOs the opportunity to

---

<sup>1</sup> Constitution Of the People's Democratic Republic of Algeria, Richmond, 1996, [http://confinder.richmond.edu/admin/docs/local\\_algeria.pdf](http://confinder.richmond.edu/admin/docs/local_algeria.pdf)

appeal the decision.<sup>2</sup> The decision to deny registration to an organisation can be made on vague and ambiguous grounds including a determination that the activities of the organisation are running contrary to “public order, public morality or provisions of existing laws and regulations”. According to the Law, the MoI can also dissolve registered CSOs or suspend their activities if they have not obtained prior permission to receive foreign funding or if they conduct activities which undermine Algeria’s sovereignty or interfere in the internal affairs of the country.”<sup>3</sup> Contravention of the Law, including belonging to an unregistered organisation, is punishable by up to six months’ imprisonment and a fine of up to 300,000 dinars (US\$4,040).<sup>4</sup>

**2.4** In practice, the authorities have reportedly used the Law on Associations to deny independent human rights groups the right to operate by failing to register outspoken organisations in a timely manner.<sup>5</sup> These organisations include prominent groups such as the Algerian League for Human Rights (LADDH) and Youth Action Rally (RAJ), both of which were legally registered before the 2012 law came into force. However, despite their previous legal status and broadly acknowledged credibility, neither CSO received a response from the MoI after attempting to re-register under the Law.<sup>6</sup> As a result of such practices, a number of organisations have not been able to continue their operations in a legal manner while others have voluntarily closed down in order to avoid legal and administrative hassles.<sup>7</sup>

**2.5** Some of the most visible and critical CSOs in Algeria report sustained and unwarranted digital and physical surveillance of their activities.<sup>8</sup> Various CSO leaders have faced harassment by the Algerian authorities and arbitrary detention due to their legitimate work. For example, the President of the Algerian League of Human Rights, Hassan Bouras, was held in pre-trial detention for three months until 18 January 2016 but remained charged with insulting the President and the military under Article 144 of the Penal Code.<sup>9</sup> In addition, the leader of the human rights organisation, Djazairouna (Our Algeria) Association, and women’s human rights

---

<sup>2</sup> Law on Associations 12 – 06 (2012), Algeria Official Gazette, ICNL, 15 January 2012, <http://www.icnl.org/research/library/files/Algeria/A2012002.pdf> and Law Monitor Algeria, ICNL, 28 August 2016, <http://www.icnl.org/research/monitor/algeria.html>

<sup>3</sup> Political reform or restrict the addition of society, the political field in Algeria? Critical Analysis, JCA, <http://icalgerie.biz/?p=1688>

<sup>4</sup> Algerian Law on Associations 12 – 06 (2012), ICNL, 28 August 2016, <http://www.icnl.org/research/monitor/algeria.html>

<sup>5</sup> Amnesty, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#endnote-3>

<sup>6</sup> HRW, <https://www.hrw.org/world-report/2016/country-chapters/algeria>

<sup>7</sup> ICNL, <http://www.icnl.org/research/monitor/algeria.html>

<sup>8</sup> Ibid

<sup>9</sup> Al Karama, <http://en.alkarama.org/algeria/2025-algeria-hassan-bouras-released-after-3-months-in-pretrial-detention>

defender, Cherifa Kheddar, was arrested on 8 March 2015 and beaten by the police while demonstrating on International Women's Day in front of the Central Post Office of Algeria. She was detained for eight hours and severely beaten, verbally assaulted and denied access to medication.<sup>10</sup>

### **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** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection to human rights defenders. The ICCPR further guarantees the freedoms of expression, association and assembly. However, in spite of these protections the Algerian authorities have taken a number of legal and extra-legal measures to subvert the legitimate activities and work of human rights defenders.
- 3.3** Human rights defenders, civil society activists and journalists in Algeria remain vulnerable to judicial harassment under laws which unwarrantedly restrict freedom of expression and freedom of assembly. Of particular concern is Article 144*bis* of the Algerian Penal Code, which criminalises defamation of the Algerian President or insulting Islam with a prison term up-to five years and a fine of up to 100,000 dinars (US\$914).<sup>11</sup>
- 3.4** In April 2002 an arrest warrant was issued for Algerian human rights lawyer and founder of the CSO, Alkarama, Rachid Mesli, after being accused of "having held meetings with a terrorist organisation in 1999" and "attempting to supply terrorist organisations with cameras and phones." Rachid Mesli subsequently fled Algeria and now operates Alkarama from Geneva, Switzerland. In 2012, the Algerian Government sent out an international arrest warrant through Interpol for his arrest. While the Italian border police arrested Rachid in August 2015, an Italian court

---

<sup>10</sup> Algeria – Assault against human rights defender Ms. Cherifa Kheddar, The Arab Network for Human Rights Information, 21 April 2015, <http://anhri.net/?p=143579&lang=en>

<sup>11</sup> HRW, <https://www.hrw.org/news/2016/09/07/algeria-3-year-sentence-insulting-islam>

rejected the extradition request from Algeria due to inconsistencies in the request, as the court considered his arrest to be a result of political persecution and held that his human rights activities had nothing to do with terrorism. On 13 May 2016, the Commission for the Control of Interpol's Files, an independent body responsible for monitoring the application of INTERPOL's data protection rules, withdrew the arrest warrant.<sup>12</sup>

- 3.5** On 20 March 2016 women human rights defender and member of the Algerian League for Human Rights (LADDH), Bellarabi Zulaikha, was convicted of "insulting the President", under Article 144 of the Algerian Penal Code, for posting a satirical image of President Abdelaziz Bouteflike on her Facebook account. She was ordered to pay a fine of 100,000 dinars (US\$915).<sup>13</sup>
- 3.6** Since Algeria's previous UPR examination, journalists have continued to be persecuted for their legitimate work. On 11 July 2012, journalist Mohamed Tamalt was sentenced to two years in prison for insulting the President under Article 144*bis* of the Algerian Penal Code on account of posts on Facebook and in an article published in a national newspaper, Essiak El Arabi.<sup>14</sup> In March 2015, the Algerian Ministry of Post, Information Technology and Communication refused to renew the accreditation of Boualem Ghomrassa, a correspondent for the London-based newspaper, Asharq al-Awsat. The government denied Asharq's request based on claims that he violated the journalistic code of ethics by being critical of State officials on Almagharibia TV station and in Elkhbar newspaper.<sup>15</sup> Moreover, journalist Mohamed Sharki was sentenced to three years in prison and a fine of 21,860 Algerian Dinars (US\$2000) for insulting the Prophet Mohammed under the 2006 Law on Regulating Non-Muslim Worship No. 06-03, after he wrote an article discussing foreign academic research of Islam in local newspaper, Eldjournhouria.<sup>16</sup>

---

<sup>12</sup> Interpol Withdraws International Arrest Warrant By Algeria Against the Lawyer Rachid Mesli, AlKarama, 24 May 2016 <http://en.alkarama.org/2130-interpol-withdraws-the-international-arrest-warrant-by-algeria-against-the-lawyer-rachid-mesli>

<sup>13</sup> Algeria: ANHRI Condemns Fining Rights Activist Bellarabi Zulaikha About EUR 900, ANHRI, 23 March 2016, <http://anhri.net/?p=161054&lang=en>

<sup>14</sup> Algeria: Journalist Mohamed Tamlt Unjustly Sentenced to 2 Years in Prison For Insulting President, ANHRI, 14 July 2016, <http://anhri.net/?p=169520&lang=en>

<sup>15</sup> Algeria: Wasting Press Freedom: Journalist "Boualem Ghomrassa" Inhibited of His Work Owing to his Journalistic Views, ANHRI, 10 March 2016 <http://anhri.net/?p=141928&lang=en>

<sup>16</sup> Algeria: ANHRI Demands the Drop of Punishment Against Journalist Mohamed Sharki, ANHRI, 8 March 2015, <http://anhri.net/?p=141768&lang=en>

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

- 4.1 Under the 2<sup>nd</sup> 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 Article 19 of the ICCPR guarantees the right to freedom of expression and opinion. Article 41 of the Constitution of Algeria also guarantees the right to freedom of expression. However, in policy and practice, freedom of expression is severely curtailed in Algeria, including through persecution of journalists and civil society activists as discussed above. The state heavily regulates the dissemination of private and public media creating a notable absence of news outlets which are openly critical of the government.<sup>17</sup>
- 4.3 The Law on Information (Law 12-05 of 2012) contains 32 articles that allow for the criminalisation and unwarranted restrictions on freedom of expression.<sup>18</sup> Among other onerous provisions, the law requires prior approval by the media regulatory authorities of all publications. The law further contains a number of overbroad provisions which endow the state with excessive discretion to censor critical publications.<sup>19</sup> These vague articles include prohibitions on infringements of Islam and expressions related to national identity, state sovereignty, the economy and security.<sup>20</sup> Violations of the Law on Information can lead to fines of up to 500,000 Algerian Dinars (US\$6,700).
- 4.4 While the Law on Information has been amended to remove provisions requiring imprisonment for legitimate exercise of free speech, as evidenced in section 3C of this report the authorities continue to use the Penal Code to arrest, prosecute and imprison individuals and groups for voicing critical dissent. Of particular concern is Article 144*bis* of the Law which criminalises defaming the Algerian President or

---

<sup>17</sup> Algerian Solidarity Campaign: Algerian Media Restrictions

<http://www.algeriasolidaritycampaign.com/algerian-media-restricting-freedom-of-expression-2/>

<sup>18</sup> Algeria, Cairo Institute for Human Rights Studies, September 2013, <http://www.cihrs.org/wp-content/uploads/2013/09/Algeria.pdf>

<sup>19</sup> Law Monitor Algeria, ICNL, 28 August 2016, <http://www.icnl.org/research/monitor/algeria.html>

<sup>20</sup> Algeria, Cairo Institute for Human Rights Studies, September 2013, <http://www.cihrs.org/wp-content/uploads/2013/09/Algeria.pdf>

insulting Islam and mandates a prison term up to five years and a fine of up to 100,000 dinars (US\$914).<sup>21</sup>

- 4.5** A number of cartoonists, HRDs and other Algerian citizens have been subject to judicial harassment for making or disseminating statements critical of government policy through media outlets, social media or other channels.<sup>22</sup> For example, on 1 March 2015, a labour rights HRD, Rachid Aouine, was arrested after posting ironic comments on Facebook stating that there should be disciplinary actions against law enforcement officers staging protests in Algeria.<sup>23</sup> He was charged with “inciting an unarmed gathering” under article 100 of the Penal and spent four months in prison and paid a fine of 20,000 Algerian Dinars (US\$190).<sup>24</sup>
- 4.6** On 23 May 2016, Algerian Prime Minister, Abdelmalik Sellai, announced that plans to close more than 50 privately owned TV channels claiming “they do not have the necessary license to operate.”<sup>25</sup> On 23 June 2016, police forces stormed the new headquarters of the newspaper, Al-Watan, and banned journalists from entering the building, claiming that their new headquarters building was in breach of building regulations. The police prevented the staff from working and they also prevented the staff from transferring their equipment from the old to the new headquarter. On the same day, KBC TV Director Mehdi Ben Issa and the TV Channel, Al-Khabar’s Chairman, Zahreddine Semati, were arrested under charges of allegedly violating their license to only show cultural programmes, by instead showing political satirical programmes.
- 4.7** From 20-23 June 2016, the Algerian government blocked the social media sites Facebook, Twitter, Viber, Snapchat, Whatsapp and Instagram coinciding with high school final examinations. The Ministry of Post, Information Technology and Communication claimed that the decision was taken to prevent students from cheating during the exams.

---

<sup>21</sup> Algeria Events of 2015, Human Rights Watch, 2015, <https://www.hrw.org/news/2016/09/07/algeria-3-year-sentence-insulting-islam>

<sup>22</sup> Law Monitor Algeria, ICNL, 28 August 2016, <http://www.icnl.org/research/monitor/algeria.html>

<sup>23</sup> Algeria: The anti-corruption activist Rachid Aouine arrested in El Oued, Alkarama, 6 March 2015, <http://fr.alkarama.org/item/1749-algerie-le-militant-anti-corruption-rachid-aouine-arrete-a-el-oued> and

<sup>24</sup> Rachid Aouine militant pour les droit des chomeurs temoigne, Liberte Algerie, 17 September 2015, <http://www.liberte-algerie.com/actualite/rachid-aouine-militant-pour-les-droits-des-chomeurs-temoigne-232929>

<sup>25</sup> Algeria: Massive Attack on Media Freedom,,, Government to shut more than 50 privately owned satellite channels, 25 May 2016, <http://anhri.net/?p=164881&lang=en>



## 5. (E) Freedom of peaceful assembly

- 5.1** During Algeria's examination under the 2<sup>nd</sup> 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** Article 21 of the ICCPR guarantees the right to freedom of peaceful assembly. In addition, article 41 of the Algerian Constitution also guarantees the right to freedom of peaceful assembly. However, in practice the government continued to unwarrantedly curtail this right.
- 5.3** The Law on Public Meetings and Gatherings (91-19 of 1990) requires organizers of a protest to submit written notification of the gathering to the relevant authorities three days<sup>26</sup> prior to the planned activities.<sup>27</sup> The Law authorises officials to deny approval if the gathering "opposes national values or... undermines the symbols of the Revolution of November 1, the public order or morality"<sup>28</sup>. Article 97 of the Penal Code makes it a crime to participate or organise in an unauthorised gathering with a penalty of up to one year in prison.<sup>29</sup> Articles 99-100 of the Penal Code prescribe sentences from two months to five years imprisonment for demonstrators.<sup>30</sup>
- 5.4** In practice, groups deemed critical of the government, including human rights groups, independent trade unions and opposition political parties are routinely denied approval to hold gatherings.<sup>31</sup> In January 2015, peaceful demonstrators were arrested as they took part in a protest against unemployment in the city of Laghouat. Some of the arrested, including members of the CSO National Committee for the Defence of the Rights of the Unemployed (CNDDC). They were charged with taking

---

<sup>26</sup> ICNL law monitor law on association (12–06) <http://www.icnl.org/research/monitor/algeria.html>

<sup>27</sup> Freedom of Assembly in Algeria, 2015 <http://euromedrights.org/publication/freedom-of-assembly-a-seriously-violated-law-in-algeria/>

<sup>28</sup> ICNL law monitor law on association (12–06) <http://www.icnl.org/research/monitor/algeria.html>

<sup>29</sup> Algeria Events of 2015, Human Rights Watch, 2015, <https://www.hrw.org/news/2016/09/07/algeria-3-year-sentence-insulting-islam>

<sup>30</sup> Note on the Human Rights in Algeria, Collective of Families of the Disappeared in Algeria CFDA, Algerian League for the Defense of Human Rights, LADDH, National Autonomous Union of Public Administration Staff SNAPAP, EuroMed Rights, February 2016, [http://euromedrights.org/wp-content/uploads/2016/02/Note\\_Algeria\\_final\\_version\\_EN.pdf](http://euromedrights.org/wp-content/uploads/2016/02/Note_Algeria_final_version_EN.pdf)

<sup>31</sup> Freedom of Assembly Under Threat: Muzzling dissent in the Euro-Mediterranean Region, EuroMed Rights, 2014, [http://euromedrights.org/wp-content/uploads/2014/12/FOA2014\\_PART-II\\_EN\\_REPORT.pdf](http://euromedrights.org/wp-content/uploads/2014/12/FOA2014_PART-II_EN_REPORT.pdf)

part in “unarmed gatherings” and received prison terms between one and two years. Some of these sentences were later reduced on appeal.

## **6. (F) Recommendations to the Government of Algeria**

CIVICUS and IKCRMS call on the Government of Algeria to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: freedom of association, freedom of expression, freedom of peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In light of this, the following specific recommendations are made:

### **6.1 Regarding freedom of association**

- Take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures, which unwarrantedly limit the right to association.
- 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.
- Abolish criminal responsibility for participation in the activities of non-registered organizations and lift the ban on the activities of non-registered organizations.
- All civil society organizations, which have been arbitrarily and unduly sanctioned or deregistered should be immediately reinstated.
- Unwarranted raids on civil society groups and unjustifiable disruptions to legitimate, conferences, seminars and other activities organized by CSOs should be stopped.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that

allows and embraces dissenting views, including those of human rights defenders, CSOs, journalists, political activists and others.

- Specifically, 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.
- Guarantee the effective and independent functioning of autonomous trade unions by removing the proscriptions on the formulation of independent labour unions and undue limitations on the right to strike for unions.

## **6.2 Regarding the protection of human rights defenders**

- Civil society members, journalists and human rights defenders should be provided a safe and secure environment to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bring perpetrators of such offences to justice.
- Ensure that human rights defenders are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- 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.
- Senior government officials should publicly condemn instances of harassment and intimidation of civil society activists and organisations.
- The Government should systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect human rights activists by adopting a specific law on the protection of human rights activists in accordance with Council resolution 27.31 of the Human Rights Council

### **6.3 Regarding freedom of expression, independence of the media and access to information**

- Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards.
- 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.
- Reform defamation legislation in conformity with article 19 of the International Covenant on Civil and Political Rights (ICCPR).
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the Government may find sensitive.
- Take adequate steps to remove restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Guarantee access for all persons in Algeria to domestic and foreign media information, both offline and online.
- Develop a action plan ensuring that Internet laws comply with the government's commitment to guarantee freedom of expression and information, so as to ensure free access to electronic media, loosen electronic media ownership rules and allow national bloggers, journalists, other Internet users to play a full and active role in promoting and protecting human rights.
- Unfettered access to online information resources should be allowed by removing restrictions on access to national and international news websites and social media outlets and the websites of civil society organizations.
- Implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practices.

- Organize inclusive consultations with journalists and media in order to resolve disputes that exist concerning the Audio Visual Law No. 147-04 dated 24/2/2014
- Refrain from adopting any laws providing for censorship or undue control over the content of the media.
- Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all forms, including the arts.

#### **6.4 Regarding freedom of assembly**

- 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.
- All instances of extra-judicial killing and excessive force committed by security forces while monitoring protests and demonstrations should be immediately and impartially investigated.
- Review and if necessary update existing human rights training for police and security forces with the assistance of independent nongovernmental organizations to foster more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Senior government officials should publically condemn the use of excessive and brutal force by security forces in the dispersal of protests. A formal investigation into such instances should be launched, and perpetrators should be brought to justice.

- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.

## **6.5 Regarding access to UN Special Procedures mandate holders**

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritize official visits with the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 3) Special Rapporteur on the Independence of Judges and Lawyers; 4) Special Rapporteur on extrajudicial, summary or arbitrary executions; 5) Special Rapporteur on the rights to privacy and; 6) Working Group on Arbitrary Detention.

## **6.6 Regarding State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with civil society organizations on all issues mentioned above and enable more effective involvement of civil society in the preparation of law and policy.
- Include civil society organizations in the UPR process before finalizing and submitting the national report.
- Systematically consult with civil society on the implementation of UPR including by holding periodical comprehensive consultations with a diverse range of civil society actors.
- Incorporate the results of this UPR into its action plans for the promotion and protection of all human rights, taking into account the proposals of civil society and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

## Appendix

### UPR of Algeria (2<sup>nd</sup> Cycle – 13th session)

| Recommendation   | Position  | Full list of themes  | Assessment/comments on level of implementation                |
|--|-----------|--|---|
| <b>Right or area: 14.2. Freedom of thought, conscience and religion</b>  |           |  |   |
| 129.13 Further strengthen laws and policies to protect the freedom of religion and belief, as well as the freedom of expression, association and assembly ( Namibia );<br><b>Source of position:</b> A/HRC/21/13 - Para. 129 & A/HRC/21/13 - Para. 3 | Supported | 14.2 Freedom of thought, conscience and religion<br>14.3 Freedom of opinion and expression<br>14.4 Right to peaceful assembly<br>14.5 Freedom of association<br><b>Affected persons:</b><br>- general<br>- minorities/ racial, ethnic, linguistic, religious or descent-based groups | Status: Not Implemented.<br><br>Source: see paragraph 1.1-5.4 |
| <b>Right or area: 14.3. Freedom of opinion and expression</b>  |           |  |   |
| 129.11 Implement the recommendations made by the Special Rapporteur on freedom of opinion and expression following his 2011 visit ( France );<br><b>Source of position:</b> A/HRC/21/13 - Para. 129 & A/HRC/21/13 - Para. 2                          | Supported | 14.3 Freedom of opinion and expression<br>41 Follow-up to special procedures<br><b>Affected persons:</b><br>- general  | Status: Not Implemented.<br><br>Source: see paragraph 4.1-4.7 |
| <b>Right or area: 14.4. Right to peaceful assembly</b>   |           |  |   |
| 129.20 Continue to take measures for the holding of public meetings and assemblies in keeping with the newly adopted laws of the country ( Russian Federation );<br><b>Source of position:</b> A/HRC/21/13 - Para. 129 & A/HRC/21/13 - Para. 3       | Supported | 14.4 Right to peaceful assembly<br><b>Affected persons:</b><br>- general   | Status: Not Implemented.<br><br>Source: see paragraph 5.1-5.4 |