

UPR Info Pre-Session 41  
People's Democratic Republic of Algeria

**CHANGER SLIDE**

I will be speaking for Cairo Institute, Frontline Defenders, and SHOAA for Human Rights. We like to commence by thanking you for your time and commitment to human rights; from our hosts, to the permanent missions, to our fellow Human rights defenders. -**CHANGER SLIDE** Our agenda today will entail; Introduction, Topics, Freedom of Association, Freedom of Peaceful Assembly, All encompassing legislations, Conclusion, Recommendations. These will be the acronyms and terms used in the presentation.

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The People's Democratic Republic of Algeria is a member of the United Nations and the African Union. As a member of the Human Rights Council, We are holding Algeria to the highest standards. In the 3rd UPR cycle, the Algerian government committed to ensure reform to the laws related to 'Assembly & Association' in concert with its constitutional and international obligations. Encouraged by this commitment, we will provide necessary recommendations to address ongoing human rights concerns in Algeria.

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Algeria has witnessed patterns in human rights violations over the past five years. Notably in the last two years, there has been a persistent climate of serious restrictions on freedom of assembly, association, due to All encompassing legislation and Overly broad provisions. In February 2019, the pro-democracy Hirak protest movement swept through Algeria.

Overly broad provisions of the Penal Code, has resulted in a mass number of arrests (+7500 arrests in 2021 for instance). Presently, there are over 300 Prisoners of conscience in detention, due to their activity and/ involvement in the Hirak protest. Approximately 2/3 of Prisoners of conscience on Pretrial detention. Article 87 Bis of the Penal Code is a boundless legislation capable of encompassing anyone or any institution. Since the modification in 2021, the use of baseless terrorism charges against peaceful dissent has become normalized in Algeria. Using vague language such as "by any means whatsoever", to govern high caliber charges of terrorism and associations with terrorist entities. Currently there is a Protocol of prior authorization Contrary to Article 22 of the ICCPR. Enabling Arbitrary dissolution through Vague criteria. Local authorities have the ability to reject or cancel the registration of an association.

ARTICLE 95 bis of the Penal Code was amended in April 2020, prescribing imprisonment of (5) to 7 years, as well as a fine, to anyone who receives funds, or donation from a domestic or foreign state or institution. This all encompassing law leaves great leverage for authoritative discretion and abusive interpretation. Even the remittance from family members subsumed under this article and was severely punishable.

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Serious restrictions on freedom of assembly, association due to all encompassing legislation and vague provisions Induce disproportionate leverage of authoritative discretion-of such magnitude, at best harbors inconsistency and at worse breeds abusive interpretation.

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Whether the former or the latter, the ultimate result is the same-defective undemocratic legislations that infringe on the right to fair trial, due process, and dangerous precedence to legislations. Such legislative trajectory is both unfitting and unacceptable for a member of the Human Rights Council.

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For these reasons we make the following recommendations:

Repeal or review provisions of the Penal Code limiting the right to FoAA such as Articles 97 and 100, Article 95 bis on foreign funding, and Article 87bis to article 87bis 14 relative to terrorist and subversive activities. On the Premises of defective legislations through vague provisions in Penal Code, which infringe on the Universal Human Rights of FOAA, fair trial, presumption of innocence, and due process, that are based on Compelling/overarching right law; Release all human rights defenders, journalists, lawyers, bloggers, and protesters currently detained for their human rights activities and drop all charges including security-related charges against them.

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