



» ALGERIA

EMHRN Factsheet: ENP Memo 2013

EMHRN summary of ENP Algeria Memo and recommendations for the next memo.

Credit: Andrea Faenza

In its 2013 memo, the European Union (EU) deepens its analysis of the exercise of rights and fundamental freedoms in the context of the ongoing “exploratory talks” on EU-Algeria Action Plan. The EU raises a number of concerns relating to the promotion and protection of human rights in several areas, particularly:

Freedom of Association, Assembly and Expression

For the first time, the EU makes clear reference to the deterioration of the freedoms of association, assembly and expression. Algeria’s law 12-06 on associations features among the main concerns of the EU which points out to limitations on the cooperation of civil society with foreign human rights NGOs and obstacles in the mandatory registration procedure. The EU also mentions restrictions on the exercise of freedom of association, assembly and expression targeting trade unionists and bloggers. In addition, the EU regrets the slow pace in adopting decrees to implement the 2012 laws, including law 12-05 on information, though not mentioned specifically.

The Euro-Mediterranean Human Rights Network (EMHRN) reminds the EU of the importance of civil society consultation in the development of EU-Algeria relations and the ENP Action Plan, and calls for the inclusion the following recommendations in its next memo:

- *Ensure that human rights defenders and activists in Algeria can fully exercise their rights to freedom of expression, association and peaceful assembly without fear of harassment or interference;*
- *Conform laws relating to assemblies, rallies and demonstrations to international law and international commitments made by Algeria, particularly by repealing the decision of the Head of the Government of 18 June 2001 to ban any form of public demonstration in Algiers, and amending the articles in the Criminal Code that allows for disproportionate penalties against peaceful demonstrators;*
- *Guarantee freedom of association by allowing the registration of new unions, and bringing national legislation in line with the conventions of the International Labor Organization ratified by Algeria, including the Freedom of Association and Protection of the Right to Organise Convention (No. 87), and the Right to Organise and Collective Bargaining Convention (No. 98);*
- *Guarantee freedom of expression, opinion and information, by reinforcing editorial independence and facilitating media access for all citizens, in accordance with the International Covenant on Civil and Political Rights, particularly Article 19.*



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RESEAU EURO-MEDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان

Gender

The question of women's rights is only mentioned very briefly by the EU which regrets that gender-based discrimination should persist in the Family Code, despite an increase in the number of women elected to Parliament in 2012.

EMHRN calls on the EU to make the following recommendation to the Algerian authorities:

- *Incorporate a definition of discrimination consistent with Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Algeria, in national legislation, and particularly in the constitution;*
- *Repeal the provisions of the Penal Code and the Family Code that are discriminatory to women, withdraw all reservations to CEDAW and ratify its Optional Protocol;*
- *Guarantee the protection of women against gender-based violence, including through the adoption of legislation prohibiting violence against women in all its forms;*
- *Commit to a policy that promotes women's representation in all public decision-making bodies at every level.*

Justice

The EU regrets "the continuing lack of independence of the judiciary".

EMHRN and its members continued to document cases of protesters sentenced following seemingly unfair trials in 2014. EMHRN demands that the next memo tackle the independence of the judiciary more intensively, particularly:

- *The reform of the institutional framework, both constitutional and legislative, in order to strengthen the independence of the judicial system and ensure equal access to justice for all, equality before the law and respect of the right to a fair trial;*
- *The reform of the High Judicial Council by reviewing its composition and responsibilities and strengthening its autonomy;*
- *The fight against discrimination and corruption within the judicial system.*

Regarding transitional justice and the right to truth and justice, EMHRN urges the EU to examine the following issues in its next memo:

- *The lack of a reconciliation, justice and accountability process;*
- *Ratification of the International Convention against Enforced Disappearance;*
- *The repeal of the legislation implementing the Charter for Peace and National Reconciliation;*
- *The conformity of the proposed changes to the Constitution with Algeria's human rights obligations, and refraining from adopting changes that would entrench impunity for serious human rights abuses, such as forced disappearances, unlawful killings and torture;*
- *Deliberate obstacles to the rights to truth, justice and compensation as provided for in various international instruments binding Algeria;*
- *The establishment of an independent mechanism composed of jurists and independent and impartial national figures with the necessary mandate and means to investigate the crimes committed in the 1990s and the fate of the victims.*



Migration

The situation of migrants and refugees is not addressed in this memo.

On the basis of fieldwork, EMHRN has identified numerous violations of the rights of migrants and refugees that the next memo should examine, including:

- *Reception conditions for refugees, asylum seekers and migrants;*
- *The absence of an asylum system in line with international law;*
- *Police violence towards migrants in an irregular situation;*
- *The criminalisation of solidarity with migrants and the lack of access to economic and social rights, even to those guaranteed by national law.*

Visas and Access to international Observers

The 2013 memo makes reference for the first time to the restrictions on visas for international NGOs and the negative impact that this has on their capacity to work with local NGOs. However, no mention is made about cooperation with the Special Procedures of the United Nations - especially the Special Rapporteur on Torture, the Special Rapporteur, or even the Working Group on Enforced or Involuntary Disappearances. Despite their repeated requests, they have never received an invitation to visit Algeria. It is worth mentioning that Algeria has been a member of the Human Rights Council since January 2014.

Consequently, EMHRN exhorts the EU to call upon the Algerian authorities to:

- *Fully cooperate with the Human Rights Council and its experts, and respond favourably and without delay to their requests to visit, issue and honour permanent invitations to UN experts and human rights working groups and implement promptly their recommendations and communications;*
- *Promptly issue visas to representatives of international human rights organizations wishing to visit the country.*

