



## NOTE ON THE HUMAN RIGHTS SITUATION IN ALGERIA EUROMED RIGHTS, JANUARY 2016

*EuroMed Rights in collaboration with its Algerian members – the Collective of the Families of the Disappeared in Algeria (Collective of the Families of the Disappeared in Algeria - CFDA), the Algerian League for the Defense of Human Rights (Algerian League for the Defense of Human Rights - LADDH), and the National Autonomous Union of Public Administration Staff (Syndicat national autonome des personnels de l'administration publique - SNAPAP) - calls on the European Union and its Member States to raise the issues and relay the recommendations outlined below with the Algerian authorities in the context of their bilateral relations and in particular at the next "Political dialogue, human rights and security" subcommittee meeting.*

### Introduction

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The beginning of 2014, marked by the presidential election campaign, in which incumbent President Abdelaziz Bouteflika was running for a fourth term, saw significant and increasingly structured citizen mobilisation in the country. Two years later, although civil society movements have persisted, and associations and mobilisations continue to emerge, the protection of human rights and fundamental freedoms in Algeria, however, has been suffering from stalemate, if not even receded in some aspects.

The authorities' closed attitude to the demands of civil society, whether in the form of demands relating to the right to work, identity, truth and justice, transparency, union freedoms, etc., indicate a refusal by the Algerian regime of a change deemed inevitable.

Pressure on activists and their organisations increased in 2015, in a clear attempt to discourage critical voices for the purpose of better controlling the changes in progress and to come within the regime, and to nip in the bud the expected social unrest linked to the deterioration of purchasing power following the collapse in oil prices and the budget cuts planned for 2016.

In early 2016, the Presidency of the Republic submitted a draft constitutional reform. Despite some limited progress such as the recognition of the Amazigh language as the second official language, the text does not signal the start of a democratic transition, quite the contrary in fact. It enshrines impunity in the constitution by including the principles established in the "Charter for Peace and National Reconciliation", definitively dismissing the requirements of truth and justice. In addition, it reinforces the judiciary's dependence on the executive branch, weakening the rule of law and consolidating presidential power at the expense of the Parliament. If the reform were to be adopted as it currently stands, it would be in line with those changes undertaken in 2012 which constituted a step backwards as regards the protection of fundamental rights and freedoms.

In this context, Algerian civil society more than ever requires clear external support in order not to suffocate in isolation, and in order to guide Algerian authorities towards a necessary democratic transition that can guarantee stability for the country and the region.

## 1. Harassment of human rights defenders and right-to-work and environmental protection activists

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Human rights defenders, autonomous unionists and ordinary citizens demanding their freedoms in Algeria are the subject of police and judicial harassment that has already led some of them being imprisoned and that hinders their activities and the dissemination of actions defending civil, economic, social and environmental rights. Over the past two years, this harassment and ever increasing risks of imprisonment have sent many right-to-work activists from the south of Algeria into exile.

### a. Criminal prosecution and prison sentences for economic, social, cultural and environmental rights activists

Despite the lifting of the state of emergency in 2011, the legal rules concerning demonstrations remain restrictive as they require prior authorisation, and unauthorised demonstrations are considered unlawful assemblies. The demonstrators are liable to criminal prosecution and risk sentences ranging from two months to five years in prison (Art. 99-100 of the Algerian Penal Code). Although the sentences are not applied consistently, the most active activists are often arrested during demonstrations and sometimes prosecuted.

On 3 October 2015, Journalist **Hassan Bouras**, a human rights activist, was arrested in the city of El Bayadh and accused of "*contempt of body corporate*" and of "*incitement to take up arms*", a crime punishable by death. Mr. Bouras remained in prison from the time of his arrest up until 18 January, the date on which he was unexpectedly released following his criminal charge apparently being dropped. He is therefore still being prosecuted for "insulting the President of the Republic and the military", but the date of his upcoming trial has not been set. Mr. Bouras is a member of the Algerian League for the Defense of Human Rights (LADDH) and he also campaigned against shale gas extraction in the South. He was also prosecuted by the authorities in 2003 and 2008. In carrying out his occupation as a Journalist, he has repeatedly denounced instances of corruption within the Algerian regime.

On 14 November, activists of the National Committee for the Defense of the Rights of the Unemployed (Comité National pour la Défense des Droits de Chômeurs - CNDDC), Tedjani Ben Darech and Adel Ayach took part in a rally in support of Hassan Bouras in the city of El Bayadh. The next day, they went to the Central Police Station in Algiers for the purpose of accompanying another activist who had been called to appear. They were then detained and held incommunicado for five days, without their families or their lawyers knowing where they were. Finally, the authorities confirmed that both Darech and Ayach had been detained, and they were then charged with "unarmed gathering" and "incitement to take up arms" and are still in prison.

Since January 2015, nine right-to-work activists have been detained in Laghouat (400 km to the south of Algiers). All nine were members of the CNDDC, and had also taken part in a sit-in in solidarity with the people of In Salah who had been carrying out peaceful demonstrations against shale gas extraction since December.

Among them, **Mohamed Rag**, arrested on 22 January 2015 in front of his home, was sentenced to 18 months in prison and a 20,000 DA fine for "violence against a police officer in the performance of his duties" on the basis of Article 148 of the Penal Code. His lawyer had denied any act of violence and had denounced abuse of power by the police as well as unfounded charges. Mr. Rag is still currently serving a prison sentence.

He is the subject of judicial harassment: he had already been [arrested](#) on 20 February 2013 during a right-to-work demonstration in front of the employment office of Laghouat. Charged with "assembly", "incitement to assembly" and "destruction of others' property", he was finally acquitted on 12 March 2013. He was [acquitted](#) for lack of evidence on 13 July 2014 as part of another case concerning a demonstration that had taken place in Laghouat on 8 June 2014. Following another demonstration three months later, Mohamed Rag, and 5 other individuals were charged with "armed assembly" and "contempt of an official" and subsequently acquitted on 30 November 2014.

The eight other activists were arrested following a peaceful rally held on the day of Rag's hearing, and were sentenced to 6 months in prison and 6 months of suspended sentence and to a fine of 5,000 DA each for "assembly" (Art. 97 of the Penal Code) and for "pressure on the decisions of the judges" (Art. 147 of the Penal Code). They completed their sentences and were released. However, one of them, Belkacem Khencha, is once again being prosecuted and accused, this time of "contempt of body corporate", for his testimony given to the El Watan Week-end newspaper's edition of 11 September 2015 denouncing the mistreatment of prisoners in Laghouat.

In the city of El Oued (620 km to the south-east of Algiers), other activists campaigning for the rights of the unemployed were suppressed. **Rachid Aouine** was sentenced in appeal on 15 April 2015 to four months in prison and a fine of 20,000 DA for "incitement to unarmed assembly" under Article 100 of the Penal Code, following an ironic comment published on his personal Facebook page in which he urged the police to defend their own rights instead of repressing the demonstrators.

Ferhat Missa, also a member of the CNDDC, was arrested along with Rachid Aouine on 1 March 2015, and subsequently released. He was prosecuted for "incitement to assembly" for having taken part in a peaceful demonstration in El Oued to protest against the inaction of the local authorities following the flooding that hit the city in January 2015. He was finally acquitted on 16 March 2015.

#### ***b. Criminalisation of solidarity rallies***

Solidarity rallies are also criminalised: around thirty demonstrators that had gathered in support of Rachid Aouine in front of the courthouse of El Oued on 3 March 2015 were quickly dispersed by the police forces. Among these demonstrators, five individuals were prosecuted and sentenced by the Court of first instance to prison terms for this solidarity rally.

Abdelhamid Brahimi, who had criticised the El Oued police on Facebook following these overzealous arrests, was arrested on the same day and charged with "incitement to assembly". He was eventually acquitted on 9 March.

#### ***c. The search for scapegoats and the imprisonment of political activists following the violence in Ghardaia in July 2015***

Throughout 2015, violent clashes erupted repeatedly, in particular on 7-8 July, between the *Chaâmbi* and Mozabite populations in the region of Ghardaia (centre-south), causing the deaths of over 30 individuals. This intercommunity violence has complex causes, including the difficult economic and social situation, unemployment and lack of prospects in the Algerian south, political paralysis and

political manipulations that fuelled the polarisation of the communities. Although the involvement of dozens of individuals in the violence is undeniable, the complicity of the police is proven in some cases, and the Mozabite community has the highest amount of victims. The authorities called the military into the region to end the unrest, and took advantage of the situation to blame the events on certain well-known activists. Dozens of individuals were arrested and detained following opaque and politically-motivated procedures.

At least 31 individuals were prosecuted under the same charges, including "endangering state security", and the incitement of "citizens or inhabitants to take up arms against the authority of the State or to take up arms against each other", very serious offenses carrying the death penalty. Among these individuals were **Mr. Kamel E. Fekhar**, a political activist and former member of the LADDH who had already been prosecuted several times in the past for his activism, as well as Nacerdine Hadjaj and Noureddine Kerrouchi, executive members of the opposition party Rally for Culture and Democracy (Rassemblement pour la Culture et la Démocratie - RCD) in Ghardaia.

One week prior to his arrest, Kamel Eddine Fekhar had sent a letter to the UN Secretary General to call for the protection of the Mozabite people.

***EuroMed Rights calls on the EU and its Member States, within the framework of the bilateral relations with Algeria, to relay the following recommendations to the Algerian authorities:***

- *Put an end to all acts of police and judicial harassment against the above-mentioned individuals, and against right-to-work and human rights defenders in general, in accordance with the provisions of the United Nations Declaration on Human Rights Defenders;*
- *Guaranteeing the right to a fair trial and providing the basic guarantees of the rights of defense, in accordance with Article 14(3) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Algeria;*
- *Reform the law in order to remove the offense of "contempt of body corporate" and guaranteeing that the exercise of the freedom of expression and of peaceful protest does not lead to prosecution;*
- *Expedite impartial and independent investigations aimed at shedding light on the responsibilities for the violence perpetrated in Ghardaia in July 2015 and the role played by the security forces; establishing a mediation mechanism bringing together the various communities cohabiting in the region.*

## **2. Significant restrictions to the freedom of peaceful assembly in law and in practice**

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As was highlighted in the [first](#) and [second parts of the EuroMed Rights Regional Study on the Freedom of Assembly in the Euro-Mediterranean Region](#), the freedom of assembly and of demonstration in Algeria is seriously hampered by abusive laws and practices that restrict the exercise of this freedom.

Act No. 91-19 of 2 December 1991 on public meetings and demonstrations stipulates that any public demonstration requires a prior authorisation. In practice, the possibilities for obtaining authorisations for demonstrations that are considered critical of the government are zero, and the process is prohibited to organisations that are not registered. Article 19 of Act 91-19 provides that *"any demonstration taking place without authorisation or after its prohibition shall be considered an*

*assembly*". In addition, despite the lifting of the state of emergency 4 years ago, the prohibition of all forms of public demonstration in Algiers remains in force pursuant to a decision of the Head of Government dated 18 June 2001.

Meetings in enclosed public spaces require need to be declared, although the authorities generally refuse to accept the declaration from human rights defense organisations which, as a result, generally prevents meetings from being held in public spaces.

Therefore, the organisers have no other choice than to exercise their freedom of assembly at the risk of incurring heavy fines and/or prison sentences ranging between 2 months and 5 years, pursuant to the Penal Code (Art. 99-100).

On 11 December 2015, members of the Maghreb Coordination of Human Rights Organisations (Coordination maghrébine des organisations de droits humains - CMODH) that had travelled from Morocco, Tunisia, Mauritania and Algeria were prohibited by the Algerian authorities from entering the hotel conference room reserved for the purpose of internal training. Article 14 of Act 91-19 exempts internal meetings from the obligation to seek prior authorisation. However, the authorities often misuse this provision and refuse to give human rights defense organisations a receipt as proof of having fulfilled the required statutory procedure.

On the occasion of Human Rights Day on 10 December 2015, a sit-in was organised by the SOS Disparus association in front of the People's National Assembly (PNA). Activists from other associations desired to join the rally but the police prevented them from doing so. Nine members of the Algerian Human Rights Association (Association Algérienne des Droits de l'Homme - AADDH), who sought to denounce in front of the Ministry of the Interior the absence of an administrative response to their application for registration of their association, and a member of SOS Disparus, were arrested and detained in a police station for five hours, and subsequently released without charges.

The families of the disappeared, which meet every week, are often faced with the same type of police pressure. The rally of 1 November 2015 in front of the National Consultative Commission for the Promotion and Protection of Human Rights was prevented, although no arrests were made. Another was severely repressed on 29 September 2015 in Algiers. On the occasion of the tenth anniversary of the adoption of the Charter for Peace and National Reconciliation, the families of the disappeared wished to denounce impunity and had planned two rallies, one in front of the People's National Assembly (PNA) and the other on Audin square. The security forces violently repressed the demonstrators, around fifty of which were arrested and taken to the police station and subsequently released a few hours later.

On 1 December 2015, the workers of the National Industrial Vehicles Company (Entreprise nationale des véhicules industriels - SNVI) in Rouiba (a city near the capital) gathered in front of the factory to denounce late payment of their wages. The police violently repressed the mobilisation and followed the strikers into the factory. Around ten demonstrators were injured and a further twenty were arrested by the police and released a few hours later.

In November 2015, activists of the National Association for the Fight against Corruption (Association Nationale de Lutte contre la Corruption - an association to whom the authorities refused registration) were blocked at Algiers airport and arbitrarily prevented from leaving the national territory to take part in the Conference of States Parties to the United Nations Convention against Corruption.

On 17 January 2015, a rally organised in Algiers by the Barakat civic movement (created in 2014 prior to the presidential election) to denounce shale gas extraction and to express solidarity with the mobilisations in In Salah (south of Algeria), was prevented from taking place. A strong police presence blocked access to the square and between 40 and 60 individuals were arrested. All of the demonstrators were released at the end of the day and no charges were filed against them.

***EuroMed Rights calls on the EU and its Member States, within the framework of the bilateral relations with Algeria, to relay the following recommendations to the Algerian authorities:***

- *Promote the exercise of the right of peaceful assembly in public spaces, lifting the obstacles in law and in practice to gatherings, whether or not they are registered, as long as they remain peaceful, ceasing arrests during peaceful demonstrations and the prosecution of citizens claiming their right to demonstrate peacefully;*
- *Establish a system of simple notification for public demonstrations to replace the system of prior authorisation currently provided for under Act No. 91-19 de 1991 in order to make national legislation compliant with the provisions of the International Covenant on Civil and Political Rights (ICCPR); effectively implement the declaration system provided for meetings in enclosed spaces;*
- *Repeal the decision of the Head of Government of June 2001 prohibiting all demonstrations in Algiers, in accordance with the recommendations of the Special Rapporteur of the United Nations on the promotion and protection of the right to the freedom of opinion and expression following his visit to Algeria in 2011.*

### **3. Freedom of Association under strict control of the authorities**

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Although certain statements from the authorities report over 100,000 registered associations, information on the actual number of associations approved since the entry into force of the new Act No. 12-06 in January 2012 has not been made public and the wilayas to which certain local associations have applied for information have refused to comment on the topic. The website of the Ministry of the Interior contains lists of the approved associations broken down into categories and regions but they date from before the entry into force of the Act.

Article 70 of the new Associations Act requires all the associations previously approved under the previous Act to make their statuses compliant with the new legislation through a long procedure that is almost identical as that required for creating a new association. On 12 January 2014, the deadline for registering associations already approved under the previous Act expired. The associations that did not fulfil this compliance requirement are, from this date, considered illegal. This provision goes against the recommendations contained in the report of the Special Rapporteur on the situation of human rights defenders in 2009. The Rapporteur had specifically recommended to the States that *"in the event of the adoption of a new Act, all NGOs previously registered should be considered as continuing to operate under law and accelerated procedures should be made available to them for the purpose of updating their registration"*<sup>1</sup>. In its resolution of April 2015, the European Parliament asked the Algerian authorities *"to repeal Act 12-06 on associations and to engage in a*

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<sup>1</sup> See General Assembly of the United Nations, [report of the Special Rapporteur on the situation of human rights defenders](#) (in French), Document of the United Nations A/64/226, 4 August 2009, Paragraph 108.

*genuine dialogue with civil society organisations in order to define a new Act that complies with international human rights standards and the Algerian constitution".*

In addition to the Act's very restrictive provisions, the administration carries out the abusive practice of not systematically issuing receipts to associations for the filing of their applications, as provided by law, thus depriving them of legal recognition and exposing them to arbitrary measures and to the risk of prosecution on the basis of Article 46 of the aforementioned Act. The Act provides for prison sentences of up to 6 months and a maximum fine of 300,000 Dinars (around 2,800 Euros) for the representatives of associations *"not yet registered, suspended or dissolved"*.

The members of several associations carrying out the approval or compliance procedures have been the subject of "administrative investigations" carried out by the security services. These practices were denounced in two in-depth studies conducted by Algerian and international associations<sup>2</sup> which highlighted the fact that these investigations *"may be conducted by the police or the gendarmerie (...), and are not provided for in the text of the Act but are practiced systematically save for a few exceptions"*<sup>3</sup>.

In January 2015, the Ministry of the Interior set up a hotline in order to improve relations with citizens. However, according to the testimonies of members of associations that tried to contact the Ministry concerning their association's status, none of them were contacted by the administration as promised as part of this service.

To date, the LADDH, the RAJ (*Rassemblement Action Jeunesse - Youth Action Assembly*) and the Algerian division of Amnesty International, which submitted compliance applications in January 2014 as provided for by Article 70, have still not obtained a receipt certifying their legal existence. The absence of a receipt exposes them to administrative and financial problems, as it can be required for signing a lease, renting a meeting room, opening a bank account or eligibility for state funding or funding from foreign donors present in Algeria. In addition, Article 46 of the Act provides for sentences of up to 6 months in prison and fines of three hundred thousand Dinars (approximately 2,800 Euros) for any member of an association "not yet approved, not yet registered, suspended or dissolved".

Although the National Democratic Institute (NDI, United States) received approval in 2013, the German Friedrich Ebert Stiftung and Konrad-Adenauer-Stiftung foundations left Algeria due to the absence of an agreement with the authorities, and are working from liaison offices in Tunisia, at the expense of local action in the field.

EuroMed Rights had previously published an [assessment memorandum](#) of the new Act No. 12-06 of 12 January 2012 on associations. The concerns raised at the time still represent, 3 years after entry into force of the Act, the main obstacles faced by the associations. The reports published in 2015, by the CISP and the CFDA, respectively, attest these obstacles. In particular: the procedure for creation subject to prior authorisation; the funding of associations and cooperation with foreign

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<sup>2</sup> [Associations. Emerging players lacking recognition in Algeria](#) (in French), CISP, 2015; and [Algeria; the slow asphyxiation of associations. Study on the application of Act 12-06 on associations](#) (in French), CFDA, 2015

<sup>3</sup> [Associations. Emerging players lacking recognition in Algeria](#) (in French), CISP, 2015, p. 37.

organisations; the system under which foreign associations must operate; the broad special conditions under which associations may be suspended or dissolved.

These highly restrictive provisions pose a continuing threat of prosecution to association activists. As an example, the members of the National Association for the Fight against Corruption (Association Nationale de Lutte contre la Corruption - ANLC) risk prosecution because the authorities refused to register the association that aims to raise awareness and educate with regard to the problems of corruption and to denounce specific instances of corruption. The application for registration was submitted on 9 August 2012, but a letter from the Ministry of the Interior dated 29 October notified the refusal to issue the registration receipt without providing any further information on the reasons for the refusal. The appeal brought before the Council of State was of no help, it having rejected the registration on the grounds that the association's purpose "would encroach on the prerogatives of state organs".

In its [response](#) to the Secretariat of special procedures of the United National High Commissioner for Human Rights of 26 February 2013, the Algerian State justified the refusal to register the association by stating that the ANLC "through its statutory objectives, it assumes the right to fight by any means against this scourge [corruption] and the protection of the public funds and property, despite these prerogatives falling fully and completely under the responsibility of the State and its authorised institutions".

***EuroMed Rights calls on the EU and its Member States, within the framework of the bilateral relations with Algeria, to relay the following recommendations to the Algerian authorities:***

- *Repeal Act No. 12-06 on associations and develop a new Act on associations that complies with international standards on the topic, guaranteeing in particular:*
- *The establishment of a real declarative system with automatic registration of the associations and guaranteeing an effective appeal in a reasonable deadline for associations whose registration is disputed by the administrative authority;*
- *Ensuring the systematic and immediate issue of the receipt for the filing of the Articles of Association;*
- *Removing the prison sentence and the fines for the heads of unregistered, non-approved, suspended or dissolved associations continuing their activities;*
- *Enabling the associations to obtain grants from foreign institutions without prior authorisation from the authorities;*
- *Enabling foreign organisations wishing to set up in Algeria or collaborate with Algerian associations to enjoy the same rights as Algerian organisations.*
- *Enabling all associations and their activists to take part in meetings and activities outside the country.*

#### **4. Violations of the freedom of association and harassment of autonomous unionists**

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##### ***a. Recommendations by international bodies***

Repression of autonomous unionists is intensifying in Algeria and the creation of autonomous unions remains hampered by [abusive administrative practices](#) that violate the international convention of



the International Labour Organisation (ILO), including Convention No. 87 on the freedom of association and the right to organise, ratified by Algeria.

In June 2015, the Standards Committee of the International Labour Conference investigated Algeria for the second time for non-compliance with this Convention. The General Confederation of Autonomous Workers in Algeria (Confédération Générale des Travailleurs Autonomes en Algérie - CGATA) submitted a complaint to the International Labour Office (ILO) alleging violation of the freedom of association in Algeria including instances of harassment and arbitrary suspensions and dismissals of autonomous unionists as well as instances of use of violence by the police forces during demonstrations.

Following the investigation conducted by the Standards Committee, the ILO issued recommendations to the Algerian authorities to put an end to the practices preventing the registration of autonomous unions and to reinstate all workers suspended or dismissed because of their trade union activities. The ILO also was also concerned that the Algerian Government had not yet submitted the draft of the new Labour Code, still being drawn up in absolute secrecy and without consultation with the unions. To date, the Government has not implemented any of these recommendations.

In spite of this, Director of the International Labour Office (permanent secretariat of the ILO) Guy Ryder, was invited to the tripartite State-Employers-Unions "social dialogue" (UGTA, central pro-regime unit), which excludes autonomous unions, and unfortunately did not take the opportunity to publicly address these recommendations. The Algerian autonomous unions, international confederations and NGOs questioned the ILO on what they criticised as an "endorsement" of the Algerian policy of exclusion and repression of autonomous unions. Following this pressure and industrial action from the General Confederation of Autonomous Workers in Algeria, the International Labour Office undertook to conduct a mission of technical assessment of the application of Convention No. 87 in Algeria in the course of 2016.

In its [resolution of April 2015](#), the European Parliament questioned the authorities with regard to the cases of several right-to-work activists and made recommendations for the respect for trade union freedoms.

#### ***b. Harassment of autonomous trade unionists***

The CGATA has documented many cases of harassment of autonomous unionists. For several years, these activists have been subjected to various forms of persecution: suspension and dismissal from their jobs, including within the public administration, as well as trials and police repression. These forms of [harassment](#) aimed at preventing the legitimate trade union activities of workers are a violation of Algeria's commitments to union freedoms and the freedom of association.

In 2012, fifty-seven clerks, unionists within the National Federation of Justice-sector Workers of the SNAPAP, were suspended following a long strike they had begun to demand better working conditions. None of them ever received a written notification from the administration or a summons to appear before the Disciplinary Board. These unionists were arbitrarily deprived of their wages and of any possibility to receive state aid in relation to their inactivity, and of any form of appeal. Eight of them are currently still in this situation of extreme precariousness because they refused to sign a letter denying their membership to the union and asking for their reinstatement, according to the instructions of other colleagues that remain employed communicated to them in December 2014. The other clerks who signed this letter were heard by the Joint Industrial Committee on 30

December 2014. They are alleged to have been reinstated in their positions while being transferred and deprived of any retroactive rights.

Trade unionists in other sectors are suffering the same treatment. This is the case for Tarek Khodja Amar and Mourad Nekkache, postal workers and activists of the National Autonomous Postal Workers' Union (Syndicat National Autonome des Postiers - SNAP) who were suspended from duty in July 2014 following their participation in trade union activities. In 2015, the court ordered the reinstatement of Khodja and Mr. Nekkache, but *Algérie Poste* still refuses to apply this decision, which led to the activists filing a complaint with the International Labour Office. Activists of the cleaning sector were suspended in the city of Batna in 2014: Nadji Hassani, Nour Eddine Meziani, Mr. Messaoud Boudjelal, Abdessamed Hamza. Four Higher Education activists were also suspended in Sidi Bel Abbes: Setti Abdelkader, Mr. Mourad Naimi, Kaddour Dalli and Mr. Ali Aous. In October 2015, Yahia Habib was suspended from his job in the local administration of Tiaret because of his trade union activities. He remained abusively without wages for 45 days and was demoted by two levels after an audience with the Disciplinary Board.

Mourad Tchiko, trade unionist of the National Civil Protection Federation, has been the subject of persecution for over 10 years. After having denounced cases of corruption in the recruitment of agents, in 2004, he was placed under conservatory measures without pay, a situation that persists to this day. Although he was acquitted and rehabilitated by the courts in first and second instance, he has still not been reinstated to his position to date.

Other workers were dismissed. The most significant case is that of SONELGAZ (National Electricity and Gas Company) where 5 trade unionists were arbitrarily dismissed over the past two years: Abdellah Benkhalfa, Raouf Mellal, Mr. Mourad Samoudi, Faouzi Maouch, and Belkacem Khamis Chikca. Requests sent to the competent departments of the Labour Inspectorate did not deliver any results as the latter refused to acknowledge the dismissed workers as trade unionists.

Trade unionists, much like human rights activists and defenders, suffer persecution from the security forces and are sometimes prosecuted. Trade unionist Ms. Fatiha Houiche was prosecuted in March 2015 for "*illegal gathering*" following a demonstration of precarious workers in Msila. She was ordered to pay a fine following an appeal of the first judgment, but she continues to be harassed by the security services. On 18 October 2015, police invaded the University of Tiaret to arrest trade unionist Mr. Mansri Ahmed, who was released the next day. Mr. Yahia Habin has also suffered legal persecution since October 2015 "*for gathering*" following a rally of workers who had not received their wages.

Trade unionists also suffer violent attacks. In 2012, SNAPAP President Rachid Malaoui was the victim of an assassination attempt (the brake fluid cables of his personal vehicle were cut). The complaint that he filed with the courts was not followed by any measures from the departments concerned.

### ***c. Obstacles to the registration of Trade Unions***

The law governing the legalisation of new trade unions only requires that new unions notify the authorities of their existence, and does not require them to request permission to incorporate. After 30 days, the authorities are expected to issue a receipt acknowledging the incorporation of the union. However, the authorities frequently refuse to issue such a receipt.

The National Autonomous Union of Workers of the SONELGAZ group (National Electricity and Gas Company), filed its incorporating documents on 14 June 2012. The Ministry for Labour and Social Security sent a letter dated 13 September 2012 asking the union to fill out its application and to contact the Ministry, so that the latter could submit its comments and observations on the Articles

of Association filed. The comments concerned the certificates certifying the nationalities of the founders, the work certificates and the legal documents concerning the location of the organisation's registered office. The President, Mr. Benkhalfa, confirmed that the union had filed these additional documents on 15 October 2012. The union eventually received its registration receipt on 28 December 2013, much later than the 30 days provided for by law. In spite of this, the company refuses to acknowledge this union and dismissed its activists.

To date, the applications of six autonomous unions (Syndicat des travailleurs du jardin d'essais d'El-Hamma (Union of Workers of the Botanical Garden of Hamma), Syndicat National Autonome des Travailleurs du Nettoyage Algériens (National Autonomous Union of Algerian Cleaning Workers), Syndicat National Autonome des Travailleurs de la Fabrication et Transformation du Papier et Emballage (National Autonomous Union of Paper Manufacturing and Processing and Packaging), Syndicat National Autonome de la Banque de l'Agriculture et du Développement rural (National Autonomous Union of the Bank of Agriculture and Rural Development), Syndicat Régional Autonome des Travailleurs de la Construction du Bois et de ses Dérivés (Regional Autonomous Union of the Construction of Wood and its Derivatives), and the Syndicat des Enseignants du Supérieur Solidaires (Union of Higher Education Teachers in Solidarity) even after the corrections requested by the administration were made, have remained without a response for over a year. The National Postal Workers' Union, which had filed an application for approval in 2012, received confirmation of its registration in December 2015, 3 years and 7 months after having applied for it.

In addition to these administrative obstacles, the unions seeking to register are subjected to other abusive practices. As is the case for the registration of association, the trade union activists can be subjected to perfectly illegal police investigations. This was recently the case for founding members of the Syndicat des Enseignants du Supérieur Solidaires, who were investigated by the security services in 2015.

Moreover, the authorities argue a very restrictive interpretation of Act No. 90-14 which governs the right to organise, for the purpose of rejecting the registration of autonomous trade union confederations. Following an attempt in 2001, the National Autonomous Union of Public Administration Staff (Syndicat national autonome des personnels de l'administration publique - SNAPAP) once again tried to create a confederation, the General Autonomous Confederation of Algerian Workers (Confédération générale autonome des travailleurs algériens - CGATA), bringing together unions of the public and private sectors. On 9 June 2013, a bailiff and process server hired by the SNAPAP filed the Articles of Association of this new confederation and all the other documents required under Act No. 90-14 to the Ministry for Labour and Social Security. The confederation has yet to receive a response from the government. On 26 November 2013, it filed a complaint with the ILO's Freedom of Association Committee. On 29 March 2014, it organised a General Meeting in the Trade Union House in Algiers. Observers from various international confederations took part in the meeting in order to assess the democratic legitimacy of the CGATA. The CGATA has since been accepted as a member of the International Labour Confederation.

Finally, it must be noted that the management of the majority union UGTA has behaved in an obstructive manner, being as it does not hesitate to proclaim its allegiance to the government and regularly castigates the autonomous trade unionists and the activists of independent civil society as "agents from abroad"<sup>4</sup>. The UGTA, considered the single union partner of the "social dialogue" and

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<sup>4</sup> See for instance the declarations of the Secretary General of the UGTA at the closing of its 12th Conference on 12 January 2016: <http://www.lequotidien-oran.com/index.php?news=5208182>

the State-Employers-Unions negotiations, showed its hand at the ILO conferences by attempting to prevent the assessment of Algeria for non-enforcement of the international convention on the rights of workers and freedom of association.

***EuroMed Rights calls on the EU and its Member States, within the framework of the bilateral relations with Algeria, to relay the following recommendations to the Algerian authorities:***

*Ensuring in all circumstances that autonomous unionists in Algeria are able to fully exercise their rights to freedom of expression, association and peaceful assembly without fearing harassment or interference, in accordance with the ILO's conventions and the international human rights conventions ratified by Algeria;*

- *Putting into practice the commitments made under Convention No. 87 of the ILO on the freedom of association and the protection of the right to organise, pursuant to the recommendations of the ILO Standards Committee of June 2015 during the assessment of Algeria, namely:*
  - *Ensuring that there are no obstacles in practice and in law to the registration of unions in accordance with Convention No. 87;*
  - *Acting promptly in order to process pending applications from the unions and informing the ILO;*
  - *Reinstating public servants dismissed on the grounds of anti-union discrimination;*
- *Bringing the Labour Code into compliance with international labour standards;*
- *Amending Act No. 90-14, so that workers, regardless of their sector, can form the unions, federations and confederations of their choosing;*

## **5. Limited progress on women's rights and the fight against violence against women**

On 5 March 2015, the People's National Assembly (PNA) approved a *draft law on amendments to the Penal Code* relating to violence against women, adopted by the Senate on 10 December after many changes. The Act included progress with regard to the protection of women against their spouses in the event of a divorce. The text provides in particular for a strengthening of sentences for sexual assault and "violence detrimental to the dignity of women in public spaces".

Women's rights organisations welcomed the adoption of this new Act, which follows on from certain commitments made by Algeria as regards the promotion and protection of women's rights as part of the [Universal Periodic Review of May 2012](#). The associations note, however, that a provision of this Act authorises the victims of acts of domestic violence to forgive the offender, which would extinguish prosecution. It is feared that women could be victims of new violence or threats aimed at making them withdraw their complaint.

Order No. 14-26 adopted on 1 February 2014, supplements of Executive Order No. 99-47 of 13 February 1999 on "*compensation for natural persons victim of physical injury or material damage suffered as a result of acts of terrorism or accidents having occurred as part of the fight against terrorism, as well as their dependents*". The new Order finally recognises the status of victims for women victims of rape committed by "*a terrorist or a group of terrorists*" and enables them to receive compensation granted by the State based on the report drawn up by the security services. Although this Order is a step forward in terms of reparations for crimes committed in the 90s, its implementation remains unclear, particularly regarding women victims who did not report the sexual violence suffered during the conflict.

In the parliamentary election of May 2012, 30% of the seats of the People's National Assembly (PNA) were won by women candidates thanks to the adoption of a new Act on "the chances of access for women to elected assemblies". In an [analysis sheet](#) on this Act, EuroMed Rights and its members had welcomed its adoption, while calling it a "drop in the ocean" compared to all the legal provisions that discriminate against women and that are still in force in Algeria.

The Family Code that is currently in force, despite a few positive amendments made in 2005, still provides for discrimination against women in the matters of marriage, divorce, guardianship, and the custody of children. The Algerian authorities should continue their efforts to remove the many forms of discrimination against women that still persist in the Penal Code and the Family Code, as well as withdraw all reservations to the Convention on the elimination of all forms of discrimination against women (CEDAW) and ratify its optional Protocol.

***EuroMed Rights calls on the EU and its Member States, within the framework of the bilateral relations with Algeria, to relay the following recommendations to the Algerian authorities:***

- *Extend protection against violence and sexual harassment in the workplace, that are not mentioned in the Act;*
- *Establish support and rehabilitation programmes for women victims of violence;*
- *Integrate into Algerian legislation, including the Constitution, a definition of discrimination that is in line with that contained in Article 1 of the CEDAW Convention ratified by Algeria;*
- *Repeal the provisions of the Penal Code and the Family Code that continue to discriminate against women;*
- *Withdraw all reservation to the Convention on the elimination of all forms of discrimination against women and ratify its optional Protocol.*

## **6. Denial of the right to truth and justice on crimes and enforced disappearances in the 1990s**

In 2014, the United Nations Human Rights Committee condemned Algeria four times in cases of enforced disappearances committed in Algeria in the 1990s. In each of its findings on cases of enforced disappearances, the Committee found that Algeria violated fundamental rights enshrined in the International Covenant on Civil and Political Rights – Articles 2§3, 7, 9, 10 § 1, 16 and was concerned about the non-compliance of the Charter for Peace and National Reconciliation with international human rights law.

Following three communications filed by the Collective of the Families of the Disappeared in Algeria, the Committee condemned Algeria, on 21 March 2014, for the disappearances of Mohamed Mehalli<sup>5</sup> and Ali Lakhdar-Chaouch<sup>6</sup> and on 30 October 2014, for the disappearance of Toufik Ammari<sup>7</sup>. In October 2014, Algeria was also condemned by the Committee for the enforced disappearance of Rachid Sassene following a communication filed by the TRIAL NGO.

In light of these violations, the Committee urged the Algerian State to conduct a thorough and rigorous inquiry into these disappearances, to provide the families with detailed information about

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<sup>5</sup> Communication No.1900/2009

<sup>6</sup> Communication No.1899/2009

<sup>7</sup> Communication No.2098/2011

the results of these inquiries, to immediately release the disappeared Ali Lakhdar Chaouch, Mohamed Mehalli, Toufik Ammari and Rachid Sassene if they are still held incommunicado or to return their remains to their families in the event of death, to prosecute, try and punish those responsible for the disappearances and to compensate the families appropriately.

The Committee also recalls that in declaring any complaint or information on crimes from the 90s inadmissible, the texts of the Charter for Peace and National Reconciliation deprive the families of the disappeared of the fundamental right to an effective remedy. These texts prohibit any legal action against agents of the State<sup>8</sup> and punish and penalize public discussions on the massive human rights violations committed during the 90s<sup>9</sup>. The Human Rights Committee has already asked the Algerian authorities not to apply Order No. 06-01 for the implementation of the Charter and condemned Algeria on several occasions for not having conducted any criminal investigations in the cases of the disappeared.<sup>10</sup>

Despite the 29 condemnations made against the country by the Human Rights Committee, Algeria has not implemented any of the Human Rights Committee's recommendations and has not commissioned any investigations for the purpose of shedding light on the fate of the missing persons.

The Committee against Torture also condemned Algeria for the severe torture inflicted in 2001 and 2005 to Mr. Nouar Abdelmalek in a decision rendered in May 2014 following a communication filed by the TRIAL NGO. According to the Committee, Algeria violated Art.1, 2 § 1 read in conjunction with Articles 1, 11, 12 13, 14 and 15 of the Convention against Torture. The Committee also found "the absence, over a decade after the event, of any investigation into the acts of torture repeatedly denounced by the applicant" and found an absence of cooperation from Algeria, regretting the fact that the Party State did not provide any substantive information on the admissibility and the merits of the application. The Committee finally asked Algeria to begin an impartial investigation into the events in question in order to punish those responsible for the treatment inflicted to Nouar Abdelmalek and to inform it within 90 days of the measures taken, including as regards compensation for the victim.

In 2014, the UN Working Group on Enforced Disappearances (WGED) transmitted 41 cases of enforced disappearances to the Algerian government, requesting that appropriate investigations be conducted in order to clarify the fate and the location of the persons reported missing and to protect their rights. The answers provided to the WGED by Algeria on the fate of the missing persons were not, according to the special procedure of the UN Human Rights Council, sufficient to consider that the cases have been clarified. In total, 3,047 cases of enforced disappearances were submitted to the WGED and none of them were clarified by the Algerian authorities.

In September 2012, on the occasion of the visit of the United Nations High Commissioner for Human Rights, Navi Pillay, to Algeria, the Algerian authorities stated that they were willing to welcome the UN Working Group on Enforced Disappearances. In its annual report published in August 2014, the WGED was looking forward to the confirmation of the dates of the visit, based on the three proposal

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<sup>8</sup> Article 45 of Order No.06-01 of 27 February 2006.

<sup>9</sup> Article 46 of Order No.06-01 of 27 February 2006.

<sup>10</sup> Human Rights Committee 1 November 2007, Ninety-first session, Final observations of the Human Rights Committee, recommendation 7 b and c, CCPR/C/DZA/CO/3/CRP.1 Examples of case law of the Human Rights Committee, Human Rights Committee, Aouabdia c. Algeria (communication 1780/2008); Human Rights Committee, Djebrouni c. Algeria (communication 1781/2008); Human Rights Committee, Chihoub c. Algeria (communication 1811/2008).

presented by the Working Group in its note verbale dated 13 May 2014. To date, no visits of the WGED to Algeria have been scheduled.

The CFDA recently learned of the discovery of a dozen mass graves in Algeria. The skeletons were entrusted to a team of police experts of the National Institute of Criminology and Forensics (Institut National de Criminologie et de Criminalistique - INCC) for analysis. The CFDA, as an association of the families of the disappeared, offered its help in identifying the remains by offering to provide DNA samples from the families. The gendarmerie asked for written authorisation from the Attorney General of the Court of Algiers. The CFDA's lawyer therefore submitted the application to the Attorney General of the Court of Algiers who simply answered that he had not been informed of the facts and closed the case, despite the lawyer having attached a press article<sup>11</sup> describing the discovery. This situation perfectly illustrates the obstacles encountered by the families of the disappeared in their search to find their loved ones.

Our organisation once again asserts that respect of the right to truth and the fight against impunity are key elements of the non-repetition of the crimes and democratic renewal and the guarantee of rights and freedoms in Algeria. However, the Algerian authorities have made no effort to ensure that effective and impartial investigations were conducted into the fates of the missing persons.

Even today, the issue of the disappeared remains a sensitive topic in Algeria and the right to the freedom of expression and the freedom of peaceful assembly of the families of the disappeared are regularly flouted by the authorities. In its annual report of 2014, the WGED stated that it had transmitted to the Algerian government three letters requesting rapid intervention following accusations of excessive use of force and the arrest of relatives of victims of enforced disappearances who participated in peaceful demonstrations (see A/HRC/WGEID/100/1, par. 9, and A/HRC/WGEID/101/1, par. 9 and 10). The WGED stated that it was concerned and recalled resolution 21/4 of the Human Rights Council, in which the Council urged the States to take effective measures to protect, among other individuals, the human rights defenders fighting against enforced disappearances, intimidation, persecution, reprisals and ill-treatment perpetrated against them.

***EuroMed Rights calls on the EU and its Member States, within the framework of the bilateral relations with Algeria, to relay the following recommendations to the Algerian authorities:***

- *Repeal the texts implementing the Charter for Peace and National Reconciliation;*
- *Lift deliberate obstacles to the access to the rights to truth, justice and full reparations as defined in several international instruments that commit Algeria;*
- *Immediately cease all practices aimed at intimidating the families of the disappeared and ensure the protection of all victims and their families;*
- *Establish an independent mechanism, comprised of lawyer and independent individuals, that can establish the truth about the crimes committed in the 1990s, with the mandate and the means to conduct thorough and impartial investigations;*
- *Enable the United Nations Working Group on Enforced or Involuntary Disappearances, and the Special Rapporteur on Torture and the Working Group on Arbitrary Detention to visit Algeria without conditions and within a reasonable timeframe;*

<sup>11</sup> <http://www.jeune-independant.net/Decouverte-de-dix-charniers-des.html>

- *Ratify the international Convention for the protection of all individuals against enforced disappearances, signed by Algeria on 6 February 2007.*

## **7. Increasing vulnerability of foreign populations in a country that has become a host country and then a transit country**

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Algeria, historically a country of emigration or transit, is gradually becoming a destination country for refugees and migrants, particularly from sub-Saharan Africa.

Although Algeria is a signatory of the Convention on the status of refugees and the Convention on the protection of all migrant workers and the members of their families, the country has not yet developed adequate legislation for the implementation of the latter Conventions. These principles therefore remain a dead end. Procedural safeguards are not generally accessible for migrants, including access to an interpreter and a lawyer<sup>12</sup>.

In 2008, Algeria adopted Act No. 08-11 on the conditions for entry, stay and movement of foreigners. This Act concerns migrants, transporters, employers, landlords or any person deemed to be "complicit". **It criminalises illegal migration** and provides for tougher penalties than those previously provided for. Lacking effective access to justice, the persons served with a deportation order do not enjoy their right to remedies enshrined in Algerian law. Finally, although the Act provides for universal access to healthcare, illegal immigrants are often afraid to go to hospitals in case they are identified and are subjected to discriminatory treatment.

On 1 October 2015, a Cameroonian woman was the victim of repeated rape with violence committed by at least seven individuals in the agglomeration of Oran. The victim, an illegal immigrant, was refused entry to several hospitals and clinics. The gendarmerie of Yahmorassen refused to register her complaint, threatening her with imprisonment if she continued to try and lodge a complaint. The mobilisation of the activists of the SNAPAP and the FARD (Femmes Algériennes Revendiquant leurs Droits - Algerian Women Claiming their Rights) was able to put pressure on the local authorities and the victim was able to enter a complaint<sup>13</sup>.

**Algeria has no national asylum legislation.** The refugee recognition rate by the Algerian Office for Refugees and Stateless Persons (Bureau algérien pour les réfugiés et apatrides - BAPRA) is almost zero, even if the applicants were previously identified as refugees by the HCR. The individuals in need of international protection, asylum seekers applying to the BAPRA or identified as refugees by the HCR, have no right to accommodation, education, employment or to obtain a residence document in Algeria.

EuroMed Rights stresses that such practices are illegal and increase the vulnerability of individuals seeking international protection. They contravene the principle of the right to a fair trial, of non-refusal, of non-penalisation of illegal entry for individuals in need of international protection, and the right to leave any country including their own. These principles have binding legal force.

Access to the HCR is also limited as their offices are located in the heavily guarded embassies district of Algiers. Reaching the HCR requires several police roadblocks to be crossed. Two Ivorian asylum seekers, who met a delegation of EuroMed Rights in January 2013, explained that they were refused

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<sup>12</sup> See the two EuroMed Rights reports on this topic: [Far from prying eyes, A trap for migrants and refugees - Militarisation of the Border between Algeria and Morocco](#), 2015; and [Maqhnia, crossing the uncrossable border](#), 2013.

<sup>13</sup> See <http://rue89.nouvelobs.com/2015/11/05/viol-dune-camerounaise-reliance-debat-sort-migrants-algerie-261951>



entry once by the security guard because they did not have an appointment, and then arrested on the second try at one of the police roadblocks.

A new legal framework for asylum is said to be under preparation in Algeria, although there are no certainties as to its compliance with respect for the country's international obligations, let alone in the absence of any consultation with the civil society working in this field. Pending this Act, refugees remain without protection and are treated as illegal immigrants.

The authorities' slowness in taking into account the realities of migration and the difficulties encountered by migrants and refugees confine these people to precarious situations and exclusion. The spread of acts of racially-motivated violence is all the more worrying as it enjoys almost complete impunity, denounced by the civil society organisations that are EuroMed Rights members in Algeria.

Weekly news releases from the Ministry of National Defense speak of arrests of "clandestine"<sup>14</sup> people, a derogatory term that fuels prejudice against foreigners. In December 2014 and in the spring of 2015, operations aimed at arresting and deporting individuals were conducted in the major cities of the north as part of an agreement between Algeria and Niger aimed at repatriating 3,000 illegal immigrants to Niger. In Oran, the operation conducted under the aegis of Algeria's Red Crescent was characterised by unprecedented police brutality: a night-time raid, doors of houses smashed in, men and women torn from their beds, racial profiling leading to arrests. According to information obtained by EuroMed Rights, around 6,000 individuals were detained and then deported to Niger since December 2014, twice the number initially announced by the authorities of both countries.

The absence of mechanisms of protection and the legal framework criminalising illegal entry, stay and exit make the situation of migrant and refugee communities extremely precarious. The EU should refrain from entering into any migration cooperation agreements with Algeria which could facilitate repatriation or deportation of migrants or refugees to Algeria. This recommendation was already highlighted by the European Union Agency for Fundamental Rights in a report in 2013<sup>15</sup>.

***EuroMed Rights calls on the EU and its Member States, within the framework of the bilateral relations with Algeria, to relay the following recommendations to the Algerian authorities:***

- *Adopt legislation in compliance with the international Conventions ratified by Algeria, including the Convention on the status of Refugees and the Convention on the protection of migrant workers and their families,*
- *Amend Act 08-11 in particular by abolishing the offense of unauthorised immigration;*
- *Ensure the systematic judicial review of the deprivation of liberty and deportation order prior to any decision, and provide the right to an appeal with suspensive effect of such decisions;*
- *Establish reception centres for asylum seekers and refugees, the application of the principle of non-refusal, and the issue of a residence permit for persons seeking international protection;*
- *Ensure effective access for the HCR, lawyers, interpreters, national and international civil society observers to migrants and refugees throughout the Algerian territory, in particular in border areas, in places of deprivation of liberty and in Sahrawi refugee camps (Tindouf);*
- *Ensure effective access to healthcare for all by guaranteeing the confidentiality of the medical file of all individuals, including foreigners, which the authorities cannot access; ensure effective access*

<sup>14</sup> Rafik Tadjer, "Close to 500 illegal immigrants arrested by the Army in Tamanrasset", *TSA-Algérie.com*, 28 April 2015.

<sup>15</sup> [http://fra.europa.eu/sites/default/files/fundamental-rights-europes-southern-sea-borders-jul-13\\_en.pdf](http://fra.europa.eu/sites/default/files/fundamental-rights-europes-southern-sea-borders-jul-13_en.pdf)

*by foreigners, regardless of their legal situation, to economic and social rights, and in particular the right to education, in accordance with the international covenants ratified by Algeria;*

- *Ensure effective access to complaints mechanisms for all victims of violence, including racially-motivate violence (including by officials) by authorising the filing of a complaint without requiring the provision of a residence permit; provide for a mechanism of effective monitoring and sanctioning of the perpetrators of the violence, including when it is committed by state officials;*
- *Respect the right to leave any country, including your own (Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights): this would involve abolishing the offense of unauthorised emigration, and to grant the right to any person wishing to leave Algeria.*

## **8. Deficient cooperation with the international human rights bodies**

In October 2014, a delegation of the Human Rights Watch NGO obtained visas to enter Algeria provided that it limited itself to presenting a report on the human rights situation in the refugee camps near Tindouf. This official HRW visit to Algeria was the only one authorised since 2005. At the press conference that HRW held in Algeria, its representative publicly asked the Algerian authorities to issue visas to other international NGOs for the purpose of entering Algeria. Amnesty International, the FIDH and EuroMed Rights have been applying to conduct missions in Algeria for over ten years with a view to investigating the human rights situation in the country. The latest official letters sent by these three [international human rights defense NGOs](#) in 2014 have yet to receive a response. Upon its election to the United Nations Human Rights Council in November 2013, [Algeria undertook to cooperate with the international and regional human rights defense organisations](#), but it has yet to fulfil its commitment.

In December 2015, the Spanish NOVACT NGO, which was scheduled to facilitate an internal training session of the Maghreb Coordination of Human Rights Organisations (CMODH) in Algiers was unable to obtain the visa, and the training session was prohibited despite the presence of participants from several countries of the Maghreb.

In addition, although the United Nations Special Rapporteur on the right to Education obtained an invitation to visit Algeria from 27 January to 3 February 2015, other representatives of special procedures of the UN - namely the Special Rapporteur on Torture, that on the right to peaceful assembly and association, that on the protection of human rights in the fight against terrorism and the Working Group on arbitrary detention and that on enforced or involuntary disappearances - were never invited despite repeated requests.

During the last Universal Periodic Review (UPR) in 2012, Algeria had undertaken to implement the recommendations made by the Special Rapporteur on the right to the freedom of opinion and expression following their visit in 2011. Among its recommendations, the Rapporteur urged the Algerian government to "*authorise the members of the international human rights organisations to enter Algeria to conduct their legitimate activities, in the exercise of their right to the freedom of opinion and expression*".

***EuroMed Rights calls on the EU and its Member States, within the framework of the bilateral relations with Algeria, to relay the following recommendations to the Algerian authorities:***

- *Cooperate fully with the Human Rights Council, including with its independent experts, in particular by responding promptly and favourably to their requests for a visit, by issuing and honouring standing invitations to the United Nations experts and working groups on human rights, and by promptly implementing their recommendations;*
- *Promptly issue visas to the representatives of international human rights defense organisation requesting to travel to Algeria.*