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Report of the Working Group on the Universal Periodic Review*

Algeria

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



1. The Government of Algeria wishes to thank the States members and observers of the Human Rights Council for the interest they have shown in the report submitted during the fourth cycle of the universal periodic review.
2. Algeria welcomes the interactive discussion, which allowed it to highlight the progress it has made in promoting and protecting human rights since the presentation of its third national report in 2017 and to answer questions raised before and during the discussion.
3. Almost all of the recommendations made in 2017 have been accepted. In this regard, the Government of Algeria has been able to achieve concrete results, which are outlined in its fourth national report. However, Algeria continues to face challenges at the regional and international level, particularly those posed by the coronavirus disease (COVID-19) pandemic.
4. The 290 recommendations addressed to Algeria were examined by the cross-sectoral group responsible for the preparation of and follow-up to the national report. It was found that many of the recommendations overlap or have already been dealt with during the interactive discussion.
5. Consequently, Algeria has decided to respond by taking the following action on the recommendations below.

I. Accepted recommendations

6. 22, 26, 27, 29, 30, 32, 33, 34, 35, 36, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 59, 79, 81, 82, 84, 85, 87, 88, 89, 90, 91, 96, 97, 98, 99, 100, 102, 104, 105, 108, 109, 112, 117, 121, 123, 130, 131, 133, 137, 138, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 174, 175, 176, 177, 178, 180, 182, 184, 186, 187, 188, 189, 190, 191, 192, 193, 195, 196, 198, 199, 200, 201, 202, 203, 204, 205, 206, 208, 209, 210, 211, 212, 213, 214, 215, 216, 223, 224, 227, 229, 230, 231, 235, 236, 238, 240, 241, 242, 243, 244, 248, 251, 252, 253, 255, 256, 257, 258, 260, 262, 263, 266, 267, 268, 269, 271, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289.

II. Recommendations accepted and considered to be already implemented

7. **Recommendation 25:** Algeria cooperates with all treaty bodies and with the mechanisms of the Human Rights Council. It has extended invitations to three Special Rapporteurs.¹
8. **Recommendation 37:** The drafting of laws takes into account ratified treaties. This principle is observed by virtue of the fact that ratified treaties prevail over national laws. The Constitutional Court can invalidate laws if they do not comply with the ratified treaties.
9. **Recommendation 57:** See the information provided in response to recommendation 40.
10. **Recommendations 60 and 194:** The State's social policy provides the same opportunities and benefits to all citizens.²
11. **Recommendation 61:** A legal framework governs aspects related to hate speech. This framework was consolidated through the adoption of Act No. 20-05 of 28 April 2020 on Preventing and Combating Discrimination and Hate Speech, which provided for the establishment of the National Observatory for Monitoring Acts of Discrimination and Hate Speech under the aegis of the Office of the President.
12. **Recommendations 72, 75, 93:** No one may be arrested unless there is evidence of involvement in a crime or offence punishable by deprivation of liberty. The rights of persons in detention are guaranteed by law. The public prosecutor is responsible for monitoring the legality of measures taken as regards police custody, in particular through unannounced visits.

13. **Recommendations 76, 77:** The Constitution and laws guarantee the right to life and physical integrity of persons. Thus, article 263 bis, second paragraph, of the Criminal Code severely punishes any official who practises, incites or orders the practice of torture in order to obtain confessions and information or for any other reason. The sentence can be up to 20 years' imprisonment.

14. **Recommendations 83, 86:** Article 87 bis of the Criminal Code is consistent with Security Council resolutions 1566 (2004), 1617 (2005) and 2368 (2017), which listed terrorist acts as those committed by Al-Qaeda, the Taliban and Islamic State in Iraq and the Levant, considering that such acts are "under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature", which leaves it to the discretion of States to characterize terrorist acts according to their motive.

15. **Recommendation 94:** In accordance with the provisions of articles 123 to 125 bis, paragraph 2, of the Criminal Code, pretrial detention is an exceptional measure subject to the discretionary power of the judge and is subject to appeal.

16. **Recommendation 95:** Independence of the judiciary has been established in the Constitution and the Organic Act on the High Council of the Judiciary has been amended. It is composed of a majority of judges and is responsible for managing the careers of judges without interference from the executive. In order to further strengthen the independence of the judiciary, the revision of the status of the judiciary is under way in order to protect judges against any constraints.

17. **Recommendations 103, 107, 113, 114, 115, 116, 132, 111, 118, 119, 120, 134, 136, 139:** The exercise of freedom of expression, opinion, assembly and religion is enshrined in the Constitution. The law makes it an offence to undermine respect for the rights or reputations of others, or for the protection of national security, public order, or public health or morals, in accordance with article 19 of the International Covenant on Civil and Political Rights. Penalties for infringements on the work of journalists are limited to monetary penalties.

18. **Recommendations 58, 125, 126, 127, 140:** The Constitution guarantees freedom of opinion and worship, which is exercised in accordance with the law. The freedom to practise religions other than Islam is governed by Ordinance No. 06-03 of 28 February 2006, which lays down the conditions and rules for non-Muslim religious worship and includes the same provisions applicable to the practice of the Islamic religion.

19. **Recommendation 162:** A bill on preventing and combating trafficking in persons, which is currently being finalized, provides for the reparation of harm done to victims and for their health care, psychological support and social welfare, establishes measures for the prevention of trafficking in persons and increases the penalties for related offences.

20. **Recommendations 172, 185:** The right to health is enshrined in the Constitution. Free health care is guaranteed by law. The Health Act of 2018 requires reporting of violence against women.

21. **Recommendation 207:** The State mobilizes all its resources to carry out this process, making efforts to improve the criteria for access each year. It supports all efforts to implement the right of persons with disabilities to live independently and be integrated in society.

22. The action taken by the State to incorporate the rights of children with disabilities into national policies and strategies is based on continuous assessment of their needs and expectations, to prevent precariousness and exclusion. Act No. 15-12 of 15 July 2015, the Child Protection Act, combines social and judicial protection for children with learning difficulties or in danger.

23. The education of children with disabilities is provided in special education establishments run by the Ministry of National Solidarity, the Family and Women and in special classes in establishments run by the Ministry of National Education. Specialized education and teaching are provided through teaching aids and methods appropriate to each type of impairment (motor, mental, visual and hearing). See the response to recommendation 263.

24. **Recommendation 197:** Algeria conducts human rights training and awareness programmes for all relevant public officials and public servants.
25. **Recommendation 219:** The principles of equality between women and men and non-discrimination are enshrined in the Constitution. A number of advances have been made in every domain, whether political, economic or social. Algeria remains committed and determined to reinforce and carry on with the advances made.
26. **Recommendations 218, 228, 237, 245, 246, 247, 249, 250, 254:** The Constitution guarantees the protection of women against all forms of violence in all places and circumstances, in the public space and the professional and private spheres. Vulnerable women and victims of violence may seek assistance from mechanisms established for this purpose.
27. **Recommendations 259, 261:** All legal provisions set the minimum legal age for recruitment into the armed forces at 18.³
28. **Recommendations 265, 270, 272, 273:** The bill on the protection and promotion of persons with disabilities is in the final stages of adoption.
29. **Recommendation 264:** The Criminal Code criminalizes all physical violence according to the provisions of articles 264–272 and 442.

III. Recommendations partially accepted

30. **Recommendation 5:** This recommendation obviously contains two distinct themes, as it refers to two separate international conventions. The ratification process of the International Convention for the Protection of All Persons from Enforced Disappearance is under way **and therefore this part of recommendation 5 is noted**. However, Algeria is already working towards the full integration of the Convention on the Rights of Persons with Disabilities into its national legislation **and accepts this part of the recommendation**.
31. **Recommendation 28:** “and remove the restrictions on international funding for and cooperation with Algerian civil society organizations included in Law 12-06”. Noted. The rest accepted.
32. Article 53 of the 2020 Constitution guarantees the right to establish associations by simple declaration. The terms and conditions for the creation of associations will be determined by the future law on associations. **There are no “restrictions on the international funding for Algerian civil society organizations” but there are preventive measures, particularly against money-laundering and the financing of terrorism.**
33. **Recommendation 122:** “including by decriminalizing defamation”. Noted. The rest accepted.
34. Under the 2020 Constitution, freedom of opinion is inviolable (art. 51) and freedom of the print, broadcast and electronic media is guaranteed (art. 54). In this respect, the future law on information will constitute implementation of these provisions of the Constitution in practice. Nevertheless, “freedom of the press may not be used to violate the dignity, freedoms and rights of others” (art. 54, second para.). **Thus Algeria is not prepared to decriminalize defamation.**
35. **Recommendation 217:** “promoting the withdrawal of the reservations made to the Convention on the Elimination of All Forms of Discrimination against Women”. Noted. The rest accepted.
36. Algeria undertakes to implement the provisions of this Convention by excluding the provisions that are contrary to the applicable family law, taking into account article 37 of the Constitution, which has enshrined the principle of gender equality. **For this reason, Algeria is not currently prepared to withdraw its reservations.**

IV. Recommendations noted

37. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 31, 38, 39, 40, 41, 42, 43, 44, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 78, 80, 92, 101, 106, 110, 124, 128, 129, 135, 141, 142, 143, 144, 145, 179, 181, 183, 220, 221, 222, 225, 226, 232, 233, 234, 239, 290.⁴

38. These recommendations did not enjoy the support of Algeria. While some recommendations are in contradiction with the Constitution or contrary to the values and rules that unite Algerian society, others are so because of their peremptory, accusatory or even misleading formulation.

Notes

¹ Le Rapporteur spécial sur les droits à la liberté de réunion pacifique et à la liberté d'association est attendu en Algérie en 2023, sachant que le Chef de Section MENA du HCDH a effectué une visite du 25 novembre au 1^{er} décembre 2022.

² Art 10 loi n°08-04 du 23 janvier 2008.

³ Loi n°14-06 du 09 août 2014; Décret présidentiel n°08-134 du 06 mai 2008, Ordonnance n°06-02 du 28 février 2006.

⁴ Recommandation 135 : L'incrimination de certains actes répond aux exigences de l'ordre public, de la sécurité de l'État et de la spécificité civilisationnelle de la société algérienne ;
Recommandations 3, 39, 41, 42, 43 : l'Algérie n'entend pas abroger les dispositions de l'article 338 du Code pénal, car il repose sur les valeurs et principes de la société algérienne.