



Contribution for the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association's Country Visit to Algeria (September 16-26, 2023)

August 25, 2023

Since the end of the pro-democracy Hirak protest movement (2019-2021), the Algerian authorities have intensified their repression of peaceful dissent. They have targeted independent civil society organizations, political opposition parties, activists, human rights defenders, and journalists; and introduced restrictive legislative reforms aiming at crushing any form of organized contestation. This concerted effort on the part of the authorities has driven a growing number of activists and organizations to carry on their activities in exile.

One of the founding acts of the escalation of state repression was the [dubious labelling](#), in May 2021, by the High Security Council, headed by President Abdelmadjid Tebboune, of two political opposition movements – Rachad and the Movement for the Self-Determination of the Kabylie region (MAK) - as “terrorist organizations”. Rachad, founded in 2007, [claims](#) to “rely on non-violence and peacefulness in any political or social change.” The MAK, founded in 2001, describes itself as a movement seeking autonomy from Algiers as a prelude to founding an independent state in the eastern Kabylie region “through peaceful means.”

On June 8, 2021, Tebboune amended the penal code by decree to [broaden](#) the already overly broad definition of terrorism, making it easier to charge peaceful government critics and civil society activists with terrorism.

- Restrictive Legal Framework:

Although the [2020 Algerian constitution](#) guarantees the right to freedoms of association, assembly, union rights and the right to protest, the fundamental law itself sets limits to certain rights and laws governing civil society organizations and protests further hamper freedoms:

- The [Law on Associations of 2012 \(Law 12-06\)](#) is regularly used by the authorities to interfere with the work of associations. Despite [article 53](#) of the constitution stating that the right to create an association "may be exercised by simple declaration," law 12-06 [requires](#)

associations obtain a registration receipt from the authorities before they can legally operate (art. 8). It also requires prior authorization to work with foreign organizations (art. 23) or receive foreign funding (art. 30). Besides, the legislation relies on overly broad and vague provisions that do not conform with international standards on freedom of association. In particular, the law states the objectives of an association “must fit within the general interest and not be contrary to the national foundations and values or the public order and good morals” (art. 2). The government has shown interest in amending this law – a [draft law](#) criticized by civil society has been under discussion since 2022 – in recent years, but this interest has not materialized yet.

- On March 7, a new [Law on Unions \(law 23-02\)](#) was adopted. The [General Union of Algerian Workers](#) (Union générale des travailleurs algériens, UGTA), Algeria’s largest -and formerly only- labor union, as well as independent unions have denounced the fact that they were not consulted for input on this new legislation. The law, which replaced the [1990 Union Law](#) (Law 90-14) that introduced union pluralism in Algeria, severely encroaches on the civic freedoms of union members. It forbids unions from having any ties with political parties and bans unionists from having a political career (art. 12, 13, 14 and 15). Using vague language, the new legislation also conditions the right to strike, which is guaranteed by [article 70](#) of the Algerian constitution, on “not harming the principles of the continuity of public service, the protection of people’s and property’s security” (art. 88), which authorities can interpret in a way to restrict the right. Besides, the law establishes that only “representative unions” - defined as unions that represent at least 25% of the workers (formerly 20%) in their work sector and geographical area – can partake in negotiations with the authorities on labor policies or to settle collective disputes. This provision de facto marginalizes Algeria’s more than 65 independent unions, which played a [significant role](#) in the Hirak through the National Confederation of Independent Unions.
- Authorities also use the [Law on Political Parties of 2012 \(Law 12-04\)](#) to muzzle the opposition. The legislation, which imposes restrictions on the creation (including prior authorization, art. 16) and administration (intricate requirements) of political parties, also provides for intrusive government oversight and, and enables their arbitrary “suspension” (art. 66 and 67) and dissolution. It provides that political parties are to respect “fundamental values and components of the national identity,” “national unity” and “security” (art. 8) and other vague notions, some of which can also be found in [article 57](#) of the constitution, which guarantees albeit limits the right to create political parties.
- Although [article 53](#) of the constitution only provides for a prior notice regime, [1991 Law on Gatherings and Public Events \(Law 91-19\)](#) makes it a crime to hold or participate in public gatherings not authorized (art. 23) by the Interior Ministry, which rarely approves gatherings

critical of the government. Since 2019, authorities have repeatedly used the accusation of "participation in an [unauthorized] unarmed gathering" to arrest demonstrators and supporters of the Hirak.

- Dismantling of Algeria's civil society and undermining of the freedom of association:

On February 23, the State Council – Algeria's highest administrative jurisdiction - confirmed the dissolution of the **Youth Action Rally association (Rassemblement Action Jeunesse, known as RAJ)**, which had first been decided in October 2021 by the Algiers administrative court, on the grounds that the RAJ allegedly violated the law on associations. Created in 1992, RAJ was devoted to engaging youth in civic life across the country and since 2019, hosted activities and pro-democracy conversations linked to the Hirak movement. Since that year, 13 RAJ members have faced prosecution for their peaceful activism; 10 served prison sentences. Three members are still in judiciary proceedings, including RAJ's president, Abdelouahab Fersaoui, who was himself jailed for seven months in 2019-2020 and convicted of "inciting violence" and "undermining the integrity of the territory."

On June 29, 2022, the administrative court of Algiers [dissolved](#) the **Algerian League for the Defense of Human (LADDH)**, Algeria's oldest independent human rights group. The LADDH said it had been unaware of the judicial proceedings and the dissolution order until January 2023. Founded in 1985 and officially registered in 1989, the League continuously played a leading role in advocating for human rights and democracy. Since 2019, it took a prominent role in denouncing the [crackdown on the Hirak](#) protest movement. Twelve members of the League served prison terms - including Kamel Eddine Fekhar, who [died](#) while on hunger strike in prison on May 28, 2019 - and six are still facing prosecution (including on trumped-up terrorism-related charges) as of August 2023, while others are under travel bans. Both RAJ and the LAADH were accused of **violating Law 12-06**.

Besides these flagship NGOs, the authorities have also been cracking down on smaller organizations albeit with strong local outreach:

- Caritas, a charity organization of the Catholic Church, which had been providing various social services and cultural activities in Algiers since 1962, [announced](#) its closure in Algeria on September 25, 2022, after the authorities criticized it for providing medical assistance and services to migrants, according to [press reports](#).
- In May 2022, the governor of Oran [requested](#) the dissolution of **Santé Sidi Houari (SDH)**, a 32-year-old organization dedicated to the rehabilitation of Oran's cultural heritage and offering professional trainings, for receiving foreign funds. On September 1, 2022, the offices of the NGO were [sealed](#) by the authorities and SDH had to stop its activities for

several months. However, Oran's administrative court [rejected](#) the governor's request in December 2022.

- In Algiers, **SOS Bab El-Oued** cultural association in Algiers suspended its activities after security forces raided its office and confiscated equipment in April 2021. The president of this well-known local association, which was founded in 2003, Nacer Meghnine, was also [sentenced](#) to a year's imprisonment for "harming the national interest" and "inciting an unarmed gathering", in connection with the association's activities and the participation of its members in the Hirak movement.

- Hindering of political pluralism:

In February 23, the State Council also suspended the **Democratic and Social Movement (MDS) opposition party's** activities and closed its headquarters in Algiers, under Law 12-04. Since that law does not specify the maximum duration of suspensions, this could amount to a permanent suspension of a left-wing party that hosted activists' meetings during the Hirak. MDS's spokesman and 2019-presidential-candidate Fethi Ghares had been [sentenced](#) to two years' imprisonment in January 2021 for "insulting state institutions," "undermining the person of the President of the Republic" and "distributing publications to the public that could harm the national interest and national unity," due to his public expression of critical opinions. He was [released](#) in March 2022.

In January 2022, the State Council [suspended](#) and shut down the headquarters of the **Socialist Workers' Party (PST)**, for allegedly failing to hold its annual congress as required in its by-laws and Law 12-04. The State Council rejected a request by the Interior ministry to suspend the activities of the **Union for Change and Progress (UCP)**, - another opposition party, for presumed **non-compliance with Law 12-04's intrusive provisions**. However, the UCP's fate remains unclear, given that the State Council [has yet to rule](#) on a petition by the Interior ministry seeking to dissolve it.

In October 2022, the **Culture and Democracy Rally** (Rassemblement pour la Culture et la Démocratie, RCD), another historic opposition party, was [banned](#) from holding its summer university in October 2022 and its [national congress](#) less than three months later. On January 6, 2022, the RCD had received a notice from the Interior Ministry accusing it of organizing "activities outside the objectives stipulated in its by-laws", breaching Law No. 12-04. This notice came after a meeting on December 24, 2021, at RCD headquarters in Algiers that several activists attended to call for the creation of a front against repression and for freedoms.

It is important to note that all the aforementioned parties supported the Hirak and joined a [democratic alliance](#) that sought to unite the opposition and foster a political alternative after President Abdelaziz Bouteflika's resignation in April 2019.