

**UNIVERSAL PERIODIC REVIEW (UPR) STAKEHOLDER
SUBMISSIONS**

MINORITY RIGHTS GROUP INTERNATIONAL

Submission to the United Nations Universal Periodic Review of

ALGERIA

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Minority Rights Group International (MRG) is an international non-governmental organisation working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG works with over 150 organisations in nearly 50 countries. MRG has consultative status with the United Nations Economic and Social Council, observer status with the African Commission on Human and Peoples' Rights and is a civil society organisation registered with the Organization of American States.



Contact:

Glenn Payot, glenn.payot@minorityrights.org
54 Commercial Street,
London E1 6LT
United Kingdom
Tel: +44 (0)20 7422 4200
Fax: +44 (0)20 7422 4201
Web: www.minorityrights.org

I. Background Information and Focus of Submission

1. Civil society in Algeria has been evolving in a particularly restrictive and complex political context for years. February 2019 witnessed the birth of the '*Hirak*' ('movement' in Arabic) initially calling for the removal of President Abdelaziz Bouteflika, then seeking a fifth term in office after two decades in power. Following his resignation in April 2019, peaceful mass popular protests continued throughout Algeria to push for a more fundamental transformation of the country's power structures and institutions. In December 2019 Abdelmadjid Tebboune was elected President in a twice-delayed election characterised by a 60% abstention rate.¹
2. Since taking office President Tebboune has undertaken several political and legislative reforms, including the adoption of a new Constitution in November 2020, albeit in a controversial popular referendum marked by a historically low voter turnout of 24%.² However, repression against peaceful *Hirak* activists, Human Rights Defenders (HRDs), journalists, bloggers and political opponents has only increased, while laws were passed that violate fundamental rights, particularly targeting minority groups.
3. The present submission therefore addresses key human rights issues and violations in relation to the rights to freedom of expression, association and peaceful assembly; freedom of religion or belief; equality and non-discrimination. It also includes MRG's recommendations on how states should encourage the government of Algeria to address these issues.

II. Previous UPR Cycle's Recommendations

4. Algeria received 229 recommendations during the third cycle of its UPR in May 2017. It accepted 177 and noted 52.³

III. Rights to Freedom of Expression, Association and Peaceful Assembly

Legislative Developments

5. Law n° 20-05 of 28 April 2020 on the Prevention and Fight against Discrimination and Hate Speech,⁴ which President Tebboune presented as “a response to attempts to fragment the Algerian society, especially through the use of social networks,”⁵ is considered a direct reaction to the *Hirak* protests that continued online during Covid-19 restrictions.⁶ The law carries a sentence of up to 10 years’ imprisonment for anyone accused of authoring or supporting hate speech, online or offline, “likely to undermine security or public order”.⁷ MRG, alongside others, considers this law vaguely worded, affording authorities broad discretionary powers to repress peaceful expression of dissent.⁸
6. Law n° 20-06 of 28 April 2020,⁹ introduces two articles into the Penal Code. Article 196-bis criminalises the dissemination of false information “likely to undermine security or public order”. Vaguely worded, this provision can be broadly interpreted to violate freedom of expression.¹⁰ Article 95-bis foresees up to seven years’ imprisonment and a fine for any individual or organisation receiving funds from abroad with the objective of carrying out “actions likely to undermine the security of the State, the stability of its institutions, national unity, territorial integrity, the fundamental interests of Algeria or public security and order”.¹¹
7. The Congrès Mondial Amazigh (CMA) stated that article 95-bis is “very dangerous because it can be used to prevent Amazigh from receiving contributions from the diaspora”,¹² thereby resulting in stifling Amazigh activism in practice. Many civil society organisations are similarly concerned that these vaguely worded national security-related provisions are being (ab)used by Algerian authorities to increasingly crackdown on freedom of expression, association and peaceful assembly, and to prosecute people who express dissenting opinions, especially Amazigh and peaceful *Hirak* activists.¹³
8. In that regard, activists of the Movement for the Self-Determination of Kabylia (MAK)¹⁴— an organisation promoting the independence of Kabylia through peaceful

means, but labelled terrorist entity by Algerian authorities in May 2021¹⁵— regularly face arbitrary arrests and harassment by the police.¹⁶ Many have reported being subjected to administrative discrimination¹⁷ and loss of employment, while some had their passports confiscated by the Ministry of the Interior.¹⁸

9. Furthermore, Amnesty International notes that while the Government had since June 2019 “limited prosecutions to those carrying the Amazigh flag during demonstrations”,¹⁹ arbitrary arrests and detentions have however significantly increased since *Hirak*’s public protests resumed in-person in early 2021, particularly targeting thousands of peaceful Amazigh activists.²⁰
10. On 24 August 2021, Kamira Nait Sid, Co-President of the Congrès Mondial Amazigh, was abducted from her home by security forces and held incommunicado for three days. Criminal charges brought against her include “membership in a terrorist organisation” and “undermining national unity and state security” under Article 87-bis of the Penal Code,²¹ which provides for penalties ranging from 10 years to life imprisonment and the death penalty.²² To this day, Mrs Nait Sid remains arbitrarily detained.²³
11. Finally, in February 2022, HRW reported that “at least 280 activists, many of them associated with *Hirak*”,²⁴ are currently detained by Algerian authorities, facing or convicted on the basis of arbitrary charges, in violation of fundamental fair trial rights guaranteed under several international instruments to which Algeria is a party, including article 14 of the ICCPR.²⁵
12. **Hence, recalling General Comment No.37 on the right of peaceful assembly by the UN Human Rights Committee, in particular paragraphs 9, 25 and 30, MRG urges reviewing states to recommend to Algeria to :**
 - **Immediately and unconditionally release Mrs Kamira Nait Sid and all other Amazigh rights activists arbitrarily detained for the sole peaceful exercise of their rights to freedom of expression, association and peaceful assembly; to further drop all charges against them, and cease any form of intimidation or discrimination;**
 - **Repeal legislation used to prosecute people who exercise their rights to freedom of expression, association and peaceful assembly, with a view to**

bringing Algeria's legislative framework in line with its international obligations, notably under Article 21 of the ICCPR.

IV. Right to Freedom of Religion or Belief

13. In its third UPR, Algeria accepted three recommendations urging the State to guarantee religious minorities the full enjoyment of their right to freedom of religion or belief.²⁶ However, MRG deplores that the State-inflicted harassment of several religious minorities, primarily Ahmadi Muslims — a minority branch of Islam— and Christians, continues unabated, in blatant violation of Article 51 of Algeria's Constitution of 2020,²⁷ which provides that freedom of opinion and worship is guaranteed for all.

Ahmadis

14. In its 2021 annual report, The International Work Group for Indigenous Affairs (IWGIA) reported that on 15 December 2020 “thirty-one people of the ‘Ahmadiyya’ faith were summoned to appear before the court in Tizi-Wezzu, Kabylia”.²⁸ Charges brought against them included “distribution of leaflets with the aim of undermining the national interest”, under Article 96 of the Penal Code,²⁹ “occupation of a building to hold a religious service secretly without authorisation”, and the “collection of funds and donations without authorisation”,³⁰ in application of articles 5, 7, 12 and 13 of Ordinance No. 06-03 issued on 28 February 2006, which sets out the conditions and rules for the exercise of religions other than Islam.³¹
15. Furthermore, Amnesty International reported that in January 2020 “the Prosecutor's Office in Constantine interrogated seven Ahmadis and confiscated their passports after interviewing them in relation to their religious beliefs and practices, then prosecuting them for forming an illegal association”.³² While later acquitted, the authorities reportedly did not return their passports.³³
16. MRG therefore expresses great concern over Ordinance 06-03, whose provisions have commonly been used by the government to unwarrantedly discriminate against non-Muslims. Additionally, several provisions of the Algerian Penal Code, in particular

Article 144-bis 2 — which punishes with up to five years’ imprisonment and/or a fine whoever “offends the Prophet and God’s messengers, denigrates the dogma or precepts of Islam by whatever means”³⁴ — have been used to criminalise Ahmadi Muslims, considered to practice “a version of Islam different from the officially recognised dogma,”³⁵ Sunni Islam.

17. **Recalling a statement issued by three UN Special Rapporteurs on 13 July 2021 concerning the persecution of Ahmadi Muslims worldwide,³⁶ MRG urges reviewing States to recommend to Algeria to:**

- **Suspend and revise Ordinance 06-03 from 2006 to bring it in line with Algeria’s international human rights obligations, in particular article 18 and article 27 of the ICCPR, and repeal all blasphemy laws and policies, in particular articles 144-bis 2, 160 and 160-ter of the Penal Code.**

Christians

18. Ordinance 06-03 similarly restricts the free exercise of Christian worship in Algeria. Indeed, it forbids any religious activity of a non-Islamic religious group if it is not registered and recognised by the Ministry of the Interior and the National Commission of Religious Organisations, the latter operating under the auspices of the Ministry of Religious Affairs.³⁷ Additionally, the Ordinance forbids “the use of a place of worship if it is not registered”.³⁸
19. Yet, in 2016, Human Rights Without Frontiers Int’l (HRWF) noted that “[g]enerally, all requests to register non-Muslim associations are [indefinitely] deferred”;³⁹ an obstruction that persists today, as per a statement of the World Evangelical Alliance (WEA) submitted in August 2021 for the HRC 48th session, reporting that no license has been issued by the National Commission of Religious Organisations since its creation in 2006.⁴⁰
20. In its 2020 annual report, IWGIA indicated that the Algerian authorities had closed down “around a dozen Christian churches in Kabylia since July 2019”⁴¹ for lack of a license,⁴² and that the police had “violently removed”⁴³ Amazigh worshippers inside.

21. Finally, multiple reports indicate that members of the Christian community are subjected to arbitrary arrests and detention, notably on the basis of Algeria's blasphemy laws.⁴⁴ For instance, Mr Hamid Soudad, a 42-year old Christian, converted from Islam, is considered to have "offended the Prophet" under Article 144-bis 2 of the Penal Code, on account of a Facebook post he shared in 2018.⁴⁵ His five-year maximum prison sentence was upheld by the Oran City Court of Justice on 22 March 2021. HRWF reported in September 2021 that Mr Soudad is "waiting to have his case heard at the Supreme Court which could take two to three years",⁴⁶ during which he will remain arbitrarily detained.
22. Similarly, in December 2020, two Kabyl Christians, Mr Abdelghani Mammeri and Mr Mebrouk Bouakaz, were respectively sentenced to six months and three years' imprisonment and heavy fines for "offending the Prophet and showing disrespect to [Islamic] religious principles."⁴⁷
23. **MRG therefore urges reviewing states to recommend to Algeria to:**
- **Repeal all blasphemy laws, in particular article 144-bis 2, 160 and 160-ter of the Penal Code, and immediately and unconditionally release all those arbitrarily arrested or imprisoned under these provisions, further dropping all charges against them.**
 - **Review the composition of the National Commission of Religious Organisations to guarantee meaningful and equal representation of all minority religious groups.**
 - **Repeal the current system requiring prior authorisation from the State for any religious activity or use of a place of worship, and, pending abolition of the system, take interim measures to ensure that the National Commission of Religious Organisations urgently considers pending registration applications from churches and other non-Muslim religious organisations, guaranteeing that responses to future applications be provided within the designated 60-day period.⁴⁸**

V. Right to Equality and Non-Discrimination

24. In its third UPR, Algeria accepted three recommendations specifically addressing racial discrimination,⁴⁹ respectively encouraging the State to “[i]ncorporate a definition of racial discrimination into its legislation and a prohibition of racial discrimination into the Criminal Code”,⁵⁰ to “[r]edouble its efforts to combat the persistence of acts of racial discrimination”,⁵¹ and to “[c]ombat the persistence of racist stereotypes and hate speech against the Amazigh [...]”.⁵²
25. Article 37 of the Algerian Constitution of 2020 guarantees the principle of equality among all Algerian citizens, prohibiting any discrimination on the grounds of “birth, race, gender, opinion or any other personal or social condition or situation”.⁵³ Article 295-bis of the Penal Code punishes with up to three years’ imprisonment “anyone who publicly incites hatred or discrimination against a person or a group of people because of their racial or ethnic affiliation [...]”, while article 298-bis of the Penal Code makes it a punishable offense with up to six months’ imprisonment to “insult one or more persons belonging to an ethnic group or a particular religion”. Finally, Law n°20-05 on the Prevention and Fight Against Discrimination and Hate Speech adopted in April 2020, provides a definition of discrimination under article 2, which includes race and ethnic origin as prohibited grounds for discrimination.⁵⁴
26. These provisions raise several critical issues inasmuch as they 1) do not prohibit discrimination based on religion or belief, sexual orientation or gender identity;⁵⁵ 2) tend to be (ab)used by the Government to unduly restrict free speech as previously mentioned, and thus, 3) fail to appropriately and systematically address acts of discrimination, allowing rights violations of several segments of Algerian society to persist.

Tamazight Speakers

27. Tamazight speakers in Algeria represent between 17% to 45-55% of the total population,⁵⁶ taking into account bi/trilingual speakers. Kabylia is the most populous Tamazight-speaking region in the country.

28. Recognised national language in 2002 under a constitutional amendment, Tamazight was granted the status of official language in 2016, alongside Arabic, by virtue of article 4 of Algeria's Constitution.⁵⁷ This constitutional provision also provides for a range of measures to support the promotion and development of Tamazight "in order to integrate it as an official language in the future".⁵⁸ These notably include the creation of the Algerian Academy of the Amazigh Language, founded in 2017 and supplementing the Haut Commissariat à l'Amazighité (HCA), a government body established in 1995.⁵⁹ As of today, Tamazight remains protected under article 4 and article 234 of the Constitution which together provide that "no constitutional amendment shall undermine Tamazight as a national and official language".⁶⁰
29. Although a long-awaited positive development in the recognition of Amazigh identity by the State, article 4 is not without its flaws. Indeed, it stipulates that Tamazight "shall also be 'a' national and 'an' official language", while article 3 confusingly establishes Arabic as "'the' national and official language", further adding that Arabic shall "remain 'the' official language of the State".⁶¹ As highlighted by the International Commission of Jurists (ICJ), article 4 therefore "falls short of recognizing and addressing the State-sanctioned discrimination against people speaking Tamazight".⁶²
30. Furthermore, defenders of the Amazigh language deplore the Algerian government's failure to provide a clear deadline for the practical implementation of the official status of their language, denouncing "a lack of goodwill",⁶³ and a continued marginalisation and "folklorization" of the Amazigh identity by state institutions.⁶⁴
31. In this regard, while there has been some progress in the rollout of official Tamazight education in several governorates (*wilaya*) since 1995, significant gaps nonetheless remain as the teaching of Tamazight is mostly restricted to Kabylia.⁶⁵ Several factors indeed hamper its generalisation throughout the country: from limited funding allocations, however necessary for the training of Tamazight teachers and the development and acquisition of educational resources, to insufficient language planning, as well as a different level of interest for, and social acceptance of, the language by people in each *wilaya*.⁶⁶
32. Furthermore, under the 2008 Education Act,⁶⁷ Tamazight remains optional, whereas it should enjoy the status of language of instruction, on an equal footing with Arabic.⁶⁸ Reforms of this particular legislation have long been demanded by Amazigh activists

and teachers, who request that the teaching *in* Tamazight be integrated into the national education system in order to give this language its rightful place as the mother tongue of millions of Algerians.⁶⁹

33. **MRG therefore urges reviewing states to recommend to Algeria to:**

- **Ensure that the official status afforded to Tamazight under Algeria's Constitution is practically implemented, notably by guaranteeing instruction *in* Tamazight across all school levels, and on an equal footing with Arabic, and accelerate its use in administration and public services, legislation, courts of justice, and public media.**

Black Algerians

34. Black Algerians, indigenous to southern Algeria, account for an estimated 10% of the country's total population as per a 2009 academic estimate.⁷⁰ However, no official statistics exist.⁷¹ These Algerian citizens suffer from racial discrimination largely considered to be imputable to the state institutionalisation of a "white Arab-Muslim identity only".⁷²

35. Continuously marginalised, Black Algerians suffer from endemic day-to-day racism,⁷³ which includes "fac[ing] incredulity when claiming their national identity in northern Algeria at police roadblocks or airports",⁷⁴ despite presenting their national ID,⁷⁵ or being victims of racial slurs, such as "*kablouche*" (blackie), "*abd*" (slave), "*babay*" (nigger).⁷⁶

36. Black Algerian women appear to be particularly vulnerable to such acts of racial discrimination, as evidenced by the election of Ms. Khadija Benhamou as Miss Algeria, in January 2019. Indeed, the scale and magnitude of the attacks faced by Ms. Benhamou on social media following her nomination, notably claiming that she did not represent the beauty and identity of the country, bears witness to the prevalence of anti-Black racism in Algeria.⁷⁷

37. **MRG therefore urges reviewing States to recommend to Algeria to:**

- **Prioritise the adoption of a comprehensive legal and policy anti-discrimination framework, as well as a national action plan to combat racism, racial discrimination, xenophobia and related intolerance.**
- **Pending approval of such a framework, take interim measures to ensure effective access to justice and adequate remedies for all victims of racial and xenophobic discrimination, guaranteeing prosecution and punishment of all perpetrators of such acts.**

Endnotes

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³ UN Doc A/HRC/36/13/Add.1, Human Rights Council, 'Report of the Working Group on the Universal Periodic Review Algeria: Addendum' (19 September 2017), available at <https://digitallibrary.un.org/record/1319248>; See also UPR Info, Algeria Third Review, Session 27, 'Responses to Recommendations', available at https://www.upr-info.org/sites/default/files/document/algeria/session_27_-_may_2017/response_to_recommendations_algeria_2017.pdf.

⁴ Loi n° 20-05 du 5 Ramadhan 1441 correspondant au 28 avril 2020 relative à la prévention et à la lutte contre la discrimination et le discours de haine, available at <https://www.joradp.dz/FTP/fo-francais/2020/F2020025.pdf>.

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⁷ See article 28, articles 30-35 of Loi n° 20-05 du 5 Ramadhan 1441 correspondant au 28 avril 2020 relative à la prévention et à la lutte contre la discrimination et le discours de haine, available at <https://www.icnl.org/wp-content/uploads/Law20-06Algeria.pdf>.

⁸ Nourredine Bessadi, 'While we all spoke about COVID-19, Algeria passed two worrisome laws in the blink of an eye' (12 May 2020) *Minority Rights Group International*, available at <https://minorityrights.org/2020/05/12/algeria-discrimination-laws/>; See also UN Doc A/HRC/46/57, Human Rights Council, 'Minority issues: Report of the Special Rapporteur on minority issues' (3 March 2021), para 60, available at <https://reliefweb.int/report/world/report-special-rapporteur-minority-issues-ahrc4657>.

⁹ Loi n° 20-06 du 5 Ramadhan 1441 correspondant au 28 avril 2020 modifiant et complétant l'ordonnance n° 66-156 du 8 juin 1966 portant code pénal, available at <https://www.icnl.org/wp-content/uploads/Law20-06Algeria.pdf>.

¹⁰ Nourredine Bessadi, 'While we all spoke about COVID-19, Algeria passed two worrisome laws in the blink of an eye' (12 May 2020) *Minority Rights Group International*, available at <https://minorityrights.org/2020/05/12/algeria-discrimination-laws/>; See also Sonia Lyes, 'Le nouveau Code pénal et la loi contre la haine entrent officiellement en vigueur' (29 April 2020), *Tout Sur L'Algérie (TSA)*, available at <https://www.tsa-algerie.com/le-nouveau-code-penal-et-la-loi-contre-la-haine-entrent-officiellement-en-vigueur/>.

¹¹ See Article 2 of Loi n° 20-06 du 5 Ramadhan 1441 correspondant au 28 avril 2020 modifiant et complétant l'ordonnance n° 66-156 du 8 juin 1966 portant code pénal; See also MENA Rights Group, 'Algeria: Penal code amendments restrict freedoms of expression and association' (2 July 2020), available at <https://menarights.org/en/articles/algeria-penal-code-amendments-restrict-freedoms-expression-and-association>.

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¹⁴ Le MAK, 'Projet pour un État Kabyle P.E.K', available at <https://www.makabylie.org/projet-pour-un-etat-kabyle-p-e-k/>.

¹⁵ Amnesty International, 'Algeria: Stop using bogus terrorism charges to prosecute peaceful activists and journalists' (28 September 2021), available at <https://www.amnesty.org/en/latest/news/2021/09/algeria-stop-using-bogus-terrorism-charges-to-prosecute-peaceful-activists-and-journalists/>; Office Français de Protection des Réfugiés et Apatrides (OFPRA), 'Algérie : le Mouvement pour l'Autodétermination de la Kabylie (MAK) Notamment sa place au sein du mouvement du Hirak et la situation de ses militants' (24 November 2021), p.7, available at https://www.ofpra.gouv.fr/sites/default/files/atoms/files/2111_dza_actualisation_situation_militants_mak_154668_web.pdf; See also Minority Rights Group International, 'Diversity Impact on Vaccine Equity in Algeria' (4 March 2022), p.1, available at <https://minorityrights.org/publications/dive-algeria/>.

¹⁶ Amnesty International, 'Algeria: Stop using bogus terrorism charges to prosecute peaceful activists and journalists' (28 September 2021), available at <https://www.amnesty.org/en/latest/news/2021/09/algeria-stop-using-bogus-terrorism-charges-to-prosecute-peaceful-activists-and-journalists/>; See also Rania Hamdi, 'En Algérie, le pouvoir traque le MAK' (17 September 2021), *Libération*, available at https://www.liberation.fr/international/afrique/en-algerie-le-pouvoir-traque-le-mak-20210917_CPOUO62EYRFQJLFWZ7EU5S277U/.

¹⁷ Meziane Abane, 'Des Algériens interdits de passeport' (31 August 2018) *El Watan*, available at <https://www.elwatan.com/a-la-une/des-algeriens-interdits-de-passeport-31-08-2018>; See also Agence Siwel, 'L'administration coloniale bloque le passeport de plusieurs militants kabyles' (14 October 2017), available at https://www.siwel.info/autorites-coloniales-ont-bloques-passeport-de-plusieurs-militants-kabyles_51229.html.

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