



To the attention of:

Ms Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission,

Mr Johannes Hahn, Commissioner for European Neighbourhood Policy and Enlargement Negotiations,
The Ministers of Foreign Affairs of the Member States of the European Union,

Brussels, 24 February 2017

Subject: EU-Algeria Association Council - Key recommendations on human rights

Dear High Representative,
Dear Commissioner,
Dear Ministers,

As the 10th session of the EU-Algeria Association Council is due to take place on 13 March, EuroMed Rights, Amnesty International, the Arab Trade Union Confederation (ATUC), International Federation for Human Rights (FIDH), Front Line Defenders, World Organisation Against Torture (OMCT) and SOLIDAR, call on you to include the promotion and defence of human rights, including equality between women and men, as a primary objective in strengthening relations between the EU and Algeria.

The objective of this ministerial meeting is to formalise the new framework for bilateral relations through the formal adoption of the [Partnership Priorities](#) under the revised European Neighbourhood Policy. Our organisations regret that human rights are nearly absent from these Partnership Priorities and that they do not reflect the recommendations made by civil society organisations as they were being drafted. We regularly alert you to the numerous hurdles encountered by human rights defenders in Algeria, including [acts of harassment and various limitations imposed](#) on their freedom of association and assembly. We regret that respect for human rights is not explicitly mentioned, although these form the basis of the bilateral relations between the EU and Algeria, as provided for in Article 2 of the Association Agreement. The draft Partnership Priorities should be amended so that relations between the EU and Algeria, up until 2020, are in line with European and international human rights commitments.

As opposed to official statements, the constitutional text revised in 2016 does not represent progress towards human rights. On the contrary, it constitutionalises impunity by referring to the principles established in the "Charter for Peace and National Reconciliation", thus definitively rejecting the demands for truth and justice for the victims and their families. Despite tentative advances, like the recognition of the Amazigh language as the second official language in the new Constitution, the refusal by civil servants to register Amazigh forenames continues, as demonstrated by the case of a father of a newly-born in Annaba who could not register the child under the Berber origin first name; Tanila, last January. Furthermore, the new Constitution continues to excessively restrict the freedom of expression by subjugating it to "the respect of religious, moral and cultural values of the (Algerian) Nation", as evidenced by the situation of Slimane Bouhafs, who is currently purging a 3-year prison sentence for "offence" to the Prophet and "denigration" of Islam through Facebook publications. In addition, the decline in purchasing power following the oil price collapse and budgetary cuts foreseen for 2017, the banning of demonstrations in various cities across the country, repression of the autonomous trade union movement through arbitrary terminations, retaliation and threats against militants jeopardise any possibility of genuine social dialogue with the various stakeholders in the country.

In the [EU position ahead of the previous EU-Algeria Association Council meeting](#) of 4 June 2015, the EU regretted "the obstacles imposed on certain national and international organisations in their work in Algeria following the adoption of the new law on associations, as well as certain restrictions on the right of assembly and association". The EU had also encouraged Algeria to "ensure trade unions' freedom and recalled the importance of social dialogue (tripartite and bipartite) as an essential component of dignified work", and to "strengthen its mechanisms for the protection and promotion of Human Rights and to collaborate more closely with international bodies, including the UN Special Rapporteur on the right to peaceful assembly and association, Mr Maina Kiai, the Special Rapporteur on Human Rights and counter-terrorism and with the Special Rapporteur for torture, who have requested official invitations to visit Algeria".

Our organisations note that no real progress has been made by the Algerian authorities on any of these issues. Moreover, acts of judicial harassment of activists and human rights defenders, which had also been denounced by the European Parliament in its [urgent resolution of 30 April 2015](#), are spreading, demonstrating the urgency of a stronger response from the EU and its Member States on the basis of the EU Guidelines on Human Rights Defenders and the UN Declaration on Human Rights Defenders. No visits by the UN Special Rapporteur on Torture or the Working Group on Enforced or Involuntary Disappearances have taken place in Algeria despite their repeated requests. Our organisations have transmitted several official requests for visits over the past two years, but the Algerian authorities have either refused or not replied.

While human rights are almost absent from the Partnership Priorities, issues relating to deportation, migrant readmission, border militarisation and border control are extensively treated. Our organisations denounce the fact that the EU conditions its "external cooperation" to the signing of readmission agreements aimed at expelling migrants more easily to Algeria, a country whose 2009 law criminalises the unauthorised exit of its nationals (with up to five years' imprisonment), and where no legislative and legal instrument have been adopted to guarantee the protection of refugees and asylum seekers. The harshening and the scale of deportation operations carried out by Algeria in December 2016 demonstrate the extent to which the absence of any legal framework for the reception and residence of migrants and refugees is liable to elicit serious violations of human rights.

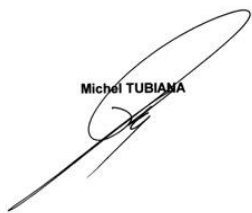
Therefore, ahead of the 10th session of the EU-Algeria Association Council, we urge you to amend the Partnership Priorities so that they represent a real commitment on the part of the EU and its Member States to promoting and protecting human rights in Algeria.

In addition, we reiterate our call for you to urge the Algerian authorities to:

- Ensure in all circumstances that human rights defenders and all actors active in Algeria can fully exercise their rights to freedom of expression, association and peaceful assembly without fear of harassment or interference;
- Repeal Law No. 12-06 on organisations, and draw up a new law on organisations in compliance with the International Covenant on Civil and Political Rights (ICCPR);
- Guarantee the right to form trade unions in compliance with Convention No. 87 of the International Labour Organization regarding freedom of association and the protection of the right to organise, ratified by Algeria, and implement the [recommendations](#) of the ILO Conference Committee on the Application of Standards of June 2015;
- Repeal the decree prohibiting any form of public demonstrations in Algiers since 2001, and introducing a system of simple notification for public demonstrations instead of a prior authorisation system, as already recommended by the [UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#);
- Repeal the clause providing for the cessation of prosecution in case of a pardon by the victim in the law recently passed by parliament regarding certain forms of violence against women;
- Remove all discriminatory provisions against women from the Family Code, in line with the recommendations of UN human rights experts;
- Adopt a legislative framework consistent with international conventions, including the Geneva Convention relating to the Status of Refugees, its Additional Protocol, and the Convention for the Protection of Migrant Workers and Their Families, and repeal Law 08/11 on the entry and stay of foreigners in Algeria, as well as Law 09/06 criminalising exit from the territory without a travel document;
- Cooperate fully with the Human Rights Council, including with its experts or special procedures, including by responding promptly and favourably to their requests for visits, issuing and honouring permanent invitations to experts and United Nations human rights working groups, and by promptly implementing their recommendations;
- Immediately issue visas to representatives of international human rights organisations requesting to travel to Algeria.

We remain at your disposal for any further information. Thank you in advance for your interest in this letter.

Yours faithfully,



Michel Tubiana,
EuroMed Rights President



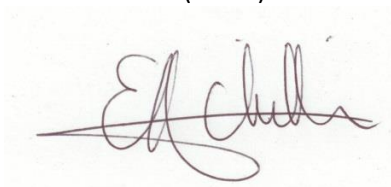
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