



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

23 October 2017

Excellency,

I have been following the third cycle of the UPR review of Algeria and welcome your constructive engagement and that of your Government during the 27<sup>th</sup> session of the UPR Working Group in early May 2017.

As the final outcome report on the review of Algeria was recently adopted by the Human Rights Council at its 36<sup>th</sup> session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation on Algeria and the summary of stakeholders' submissions on Algeria – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered Algeria's presentation and responses, the recommendations and statements made by 101 countries, and the action taken by Algeria to implement the recommendations it accepted during the second UPR cycle. The areas cover a range of issues and are set out in full in the annex to this letter.

I would like to highlight two issues that were raised during the review of Algeria and which I am particularly encouraged by: the 2016 constitutional reform which includes guarantees for freedoms of opinion and expression, association, assembly and peaceful demonstration and has led to the establishment of the National Human Rights Council; and amendments to the Criminal Code criminalizing domestic violence and sexual harassment, among others.

I encourage Algeria to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate Algeria's preparations for the fourth cycle of the UPR in 2022. The development of the national human rights action plan should include consultations with all stakeholders, in particular the NHRI and civil society organisations, and, where necessary, the support of international organisations, including OHCHR and other United Nations entities, under the leadership of the UN Resident Coordinator.

I also encourage Algeria to strengthen its national mechanisms for comprehensive follow up and reporting in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to Algeria the use of the practical guide that my Office released in 2016 on this topic and which is available at: [http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

H.E. Mr. Ramtane Lamamra  
Minister of Foreign Affairs and  
International Cooperation,  
Algeria



Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. I encourage Algeria to submit a mid-term report for the third cycle by September 2019.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Algeria to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein  
High Commissioner for Human Rights



## **Annex**

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Considering to extend a standing invitation to special procedure mandate holders and accepting the proposed visits of several special procedures mandate holders, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association;
- Ratifying the outstanding core human rights treaties, including the International Convention for the Protection of All Persons from Enforced Disappearance.

### **National human rights framework**

- Continuing to bring national legislation into line with the new constitution and with the provisions of international human rights instruments and expediting the implementation of new constitutional provisions;
- Ensuring that the National Human Rights Council is fully compliant with the Paris Principles and continuing strengthening its work.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and Non-Discrimination*

- Redoubling efforts to combat the persistence of racist stereotypes and hate speech against the Amazigh, asylum seekers, refugees and sub-Saharan Africans;
- Combating discrimination based on religion, gender, national or ethnic origin, and sexual orientation;
- Taking steps to decriminalise same-sex activities between consenting adults and combating hate speech and incitement to hatred targeting the LGBT community.

##### *Development, the environment, and business and human rights*

- Continuing to promote sustainable economic and social development, gradually improving the living standards of the population and strengthening development efforts in the most disadvantaged regions.

#### **B. Civil and political rights**

##### *Right to life, liberty and security of person*

- Continuing to commute death sentences and to apply the de facto moratorium on the application of the death penalty and taking steps towards its abolition;



- Thoroughly and impartially investigating all reports of extrajudicial or arbitrary executions and excessive use of force by security forces.

*Administration of justice, including impunity, and the rule of law*

- Stepping up efforts to end impunity, in particular regarding enforced disappearances, and to guarantee the right to truth and justice.

*Fundamental freedoms and the right to participate in public and political life*

- Guaranteeing the right to freedom of thought, conscience and religion and protecting religious minorities from persecution;
- Guaranteeing the effective exercise of the right to freedom of association, peaceful assembly and expression, and decriminalize defamation;
- Ensuring that human rights defenders, journalists and other activists are able to carry out their activities without undue restrictions and protecting them from intimidation, harassment and persecution.

*Prohibition of all forms of slavery*

- Stepping up efforts to enforce the anti-trafficking law and implementing the national strategy for the fight against trafficking in persons, and ensuring that protection and assistance are offered to child victims of trafficking.

**C. Economic, Social and Cultural Rights**

- Increasing efforts to promote and guarantee the realization of economic, social and cultural rights.

*Right to work and to just and favourable conditions of work*

- Devoting more efforts to address the high level of unemployment among women and youth.

*Right to health*

- Pursuing efforts towards the realisation of the right to health, including by reducing regional disparities, increasing efforts to reduce maternal and neonatal mortality, and adopting a public policy for sexual and reproductive health rights.

*Right to education*

- Continuing efforts to guarantee access to quality education for all, particularly in remote areas, and taking appropriate measures to ensuring quality in education and combating school dropout.

**D. Rights of specific persons or groups**

*Women*



- Taking steps to amend provisions in the Penal Code and Family Code that discriminate against women;
- Continuing to further combat violence against women, including through the adoption of a comprehensive law to combat gender-based violence, the effective implementation of the law criminalizing domestic violence, and ensuring effective protection and remedies to victims.

#### *Children*

- Ensuring the protection of children from all forms of violence and abuse;
- Guaranteeing the systematic registration of all children born in the country.

#### *Persons with disabilities*

- Continuing efforts to implement the Convention on the Rights of Persons with Disabilities, move away from a medical model, address social stigma, fears and misconceptions surrounding children with disabilities and guarantee equal opportunities in access to education by children with disabilities.

#### *Minorities and indigenous peoples*

- Stepping up efforts to recognize the cultural demands of the Berber or Amazigh.

#### *Migrants, refugees, and asylum seekers*

- Adopting a comprehensive legal framework and efficient administrative institutions for the protection of refugees, asylum seekers and stateless persons;
- Granting and recognizing refugee status and issuing national documentation to all persons within the mandate of the United Nations High Commissioner for Refugees;
- Taking steps towards decriminalisation of irregular migration and protecting migrants from violence and collective expulsions.