**Traduction Statement**

**Statement of H.E. Abderrachid Tabi,**

**Minister of Justice**

**Head of the Algerian Delegation**

**Fourth Periodic Review ,**

**Universal Periodic review**

**Geneva, 11 November 2022**

Mr President,

Excellencies,

Ladies and Gentlemen,

May you allow me At the outset to extend my sincere thanks to the President of the Human Rights Council and the office of the High Commissionner as well as the même era of the Troika Eritrea, Pakistan and Brazil and to all the participating countries in this meeting today.

And before that, May you allow me to confirm that this session was held in parallel to 2 important national events we as Algerians get pride of and they are : the celebration of my country’s 60th Independence Anniversary and the the 68th Anniversary for the War of Freedom on 1st November 1954 which is considered to be the revolution for the Human principles and Higher Values from which the Algerian People got inspired for the most important Human rights with at its top the Right for Life and the Right for Freedom and the right to live in Peace.

And I can only reiterate our deep respect to all the countries of the world who renewed their trust to my country on the occasion of the elections held last October in the General Assembly of the United Nations that allowed with a vast majority to elect ALGERIA as a new member in the Human Rights Council for the mandate 2023-2025.

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Mr President,

It is my honour and privilege to present, on behalf of the ALGERIAN government, and along with the accompanying delegation the Fourth Periodic Review for ALGERIA during the 41 session of the Working Group on the Universal Periodic Review for the council.

This report, that was prepared by a multidisciplinary working group that was constituted for this purpose and which interacted with various segments of the civil society in accordance with the guidelines of your honoured council aims, aims at reflecting an honest picture of the achievements realised since the submission of our third report on May 8th, 2017, through the implementation and follow-up on the  accepted recommendations and shedding light on the challenges and obstacles that hinder the full implementation of human rights in Algeria.

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 This self-assessment also leads us, in light of this mechanism, to strengthen what is effective and correct what can be modified, especially through the exchange of expertise and the sharing of best practices with each other in the field of promoting and protecting human rights. And the Algerian delegation will remain at your disposal during this examination, measuring expectations and sometimes dissatisfaction, and will speak to you frankly about the dynamic framework for the promotion and protection of human rights in Algeria.

Mr president,

Since submitting its third report, my country has witnessed many events, the most prominent of which was undoubtedly the popular citizenship movement on February 22, 2019 known as the “Hirak” /i.e. movement/, which was an outstanding civil test through the peaceful nature of its demonstration, the intense mobilization of its components, and its inspiration that transcended partisan rivalries, and associative sensitivities to a large extent, personal selfishness."

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3/ The latter also formed a starting point for a collective awareness that allowed the restoration of public space and the restoration of the political scene of the Algerian citizen through his capable confronting many long-standing abuses at the time, and this gift was truly as well an additional landmark   On the path of the courageous Algerian people and a renewed opportunity for him to reconfirm his adherence to the values of the Declaration of November 1, 1954, and to the fundamentals of the Algerian state.

And within the framework of due diligence, broad national consultations were launched within the framework of a modern vision centered on transferring the demands of the movement « Hirak » within the republican institutions, bringing about gradual change from within and preserving the continuity of the state, its territorial integrity and stability, especially in light of the regional and international challenges posed during that period.

These consultations, which were enriched by the contributions of political actors, the trade union movement, employers, trade unions, the academic community, opinion makers, national figures and all people of good will, embodied a strong approach that excluded and distanced itself from the political adventure for a transitional period without specific deadlines or prospects clearly defined, preferring the path of legalizing institutions by enabling citizens to express their desires, through the start of an electoral process, on December 12, 2019, which resulted in the election of Mr. Abdelmadjid Tebboune - as President of the Republic.

Starting from this mandate, the elected president, in accordance with his commitments made during the electoral campaign, opened huge national reform workshops, including the draft constitution, which was submitted to the people, and the latter approved it in the referendum of the 1st of November 2020.

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 And the amended constitution also reaffirmed the republican character of the Algerian state, legitimizing institutions through elections, establishing the principle of peaceful transfer of power, and dedicating the "Hirak" as a constitutional reference.

The constitution also reminded in its preamble the history of the Algerian nation, which is rooted in the depth of history for thousands of years, and its tri-dimensional identity, which is Islam, Arabism and Amazigh, and reaffirming the unity of the Algerian people and its destiny and its adherence to the implementation of the policy of peace and national reconciliation, to heal the wounds of the national tragedy that has exposed this nation earlier to risk.

The amended constitution was also consistent with deepening the participation of citizens in managing civil affairs, raising awareness and moralizing public life, and combating corruption in all its manifestations and institutionally, especially through the establishment of the supreme authority for transparency and the prevention and control of corruption. It also stipulated restricting the presidential and parliamentary mandate, transforming the Constitutional Council into a constitutional court with enhanced powers that ensure in particular the compliance of laws with the Constitution and playing a key role in electoral processes, and strengthening the competence and independence of the Independent National Electoral Commission and the National Council for Human Rights. In addition to raising the representation of the number of elected judges and expanding it to the trade union organization, the constitution of the council witnessed its constitutionalization as well.

The constitutional text also stresses the imperative of equal opportunities, equality and justice between the sexes, as well as increasing the share of youth in electoral lists, as the latter was enacted under a memebershib law that also enhances the separation of funds and the exercise of public functions within the framework of strict control over funding before and during electoral processes.

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5/The constitution also allocated, for the first time, a special place to civil society, through the consideration of the resulting activation of the principles of participatory democracy and citizenship, and as a force of suggestion capable of helping public authorities to better rationalize their choices regarding policies or decisions concerning public affairs.

Civil society is considered a social capital that helps to consolidate the state’s systemic stability thanks to local supervision through its constituent institutions and organizations, and for being a reliable partner in eliminating many societal ills, such as combating terrorism and violent extremism, as well as its greater participation in the implementation of comprehensive local and sustainable development. The constitutional amendment has also remarkably expanded the rights and freedoms related to civil society institutions, especially freedom of opinion, media, assembly, the right to unionize, the right to strike, the establishment of civil associations and political parties, and it reduced the restrictions contained in previous constitutions. This promising participation of civil society is consistent with the constitution of the National Observatory of Civil Society and the Supreme Youth Council, which herald a new Algeria based on the principles of inclusion, citizen participation, and the promotion of the values of justice and social democracy.

My country has also worked to harmonize its national human rights legislation with the requirements of its constitution and international obligations, especially the law relating to the protection of natural persons in the processing of personal data, the law related to health, the law specifying the conditions and procedures related to unconstitutionality, the law on criminal procedures and the penal code and the law relating to the exercise of trade union rights. A new electoral system has also been adopted that organizes the elections and ensures complete control over the electoral process by an independent authority at all stages in a manner that guarantees its transparency, integrity and equality of candidates.

Within this context, Algeria continues to review, in particular the law on preventing and combating trafficking in persons, and the law on the protection and advancement of persons with disabilities.

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6/ As for institutional mechanisms, the constitution has assigned a key position to the National Council for Human Rights, which has the task of monitoring, evaluating and providing early warning regarding respect for human rights. This institution also studies any possible case of human rights violation that is noticed or presented to it, and takes any appropriate action with the aim of accountability and reparation.

Mr president,

The new constitution also guarantees many freedoms, especially opinion, expression, press, assembly, peaceful demonstration, as well as association as essential components of human rights. It is also a way for the marginalized and the voiceless to participate in the public debate, draw attention to their claims, demands and expectations, and make their opinions and messages heard.

The exercise of these freedoms, in addition to being an indicator of the health status of democratic societies, contributes to the possibility of measuring the mobility and degree of awareness and society's interaction on its important societal issues, in addition to being a framework for peacefully directing citizens' expectations and demands on these issues.

 Within this framework, the aforementioned Constitution approved new provisions that guarantee the freedom to form civil associations and activate their role and grant them greater independence to become a parallel entity serving public affairs, by simplifying the procedures for their formation by simple declaration, in addition to the freedom of establishment of newspapers and publishing, freedom of assembly and peaceful demonstrations.

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7/ Within this context, workshops were launched to adapt relevant laws, as well as drafting a new law on freedom of assembly and peaceful demonstration, inspired by best practices and the requirements of international human rights law.

Mr president,

Freedom of opinion and expression should not be a tool for sabotage or a vector to spread violence or hate speech that threatens the social fabric of countries. The technological and informational digital revolution is as much as the added value it has provided to humanity in order to enhance digital interconnectedness and support freedom of opinion, expression and communication as much as it still poses tremendous challenges as it became sometimes a source of false information along with what it represents of threats to the stability of democratic institutions, state economies and human rights

especially in light of the recent health crisis and the accompanying rumors, in many cases posed a threat to the mental, psychological and physical health of citizens. In addition, there are many current violations that affect freedom of expression, such as violating privacy or confidentiality of correspondence, especially towards government or elected officials. This expressive violence which is broadcast by unknown persons or those with monolithic opinions on social networks, does not contribute to enriching democratic values, and its authors lack legitimacy by falsely claiming titles and jobs, or even by presenting themselves as supposed victims.

Mr president,

In Algeria, there is no so-called crime of opinion or press, and no freedom-depriving punishment for media professionals in the exercise of their jobs. The rare cases that were deliberately over-exploited by social networks relate to individuals who have been prosecuted based on common law facts, who have nothing to do with freedom of expression, do not have journalistic status or have national accreditation for a foreign press organisation.

As in any other country, an Algerian judge is obligated by law to receive, investigate and follow up on complaints with strict respect for the right of defense and to ensure a fair trial, in accordance with international standards.

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8/ In this regard, I would like to refer to the Algerian government’s drafting of a basic law related to the media, which will soon be submitted to Parliament for approval. This new text will define the conditions for practicing this noble profession and the rights, obligations and legal guarantees resulting from it, and will carry with it answers to the expectations of the partners and professionals who were consulted It was widely reported during the preparation process, who in turn denounced the impersonation of a journalist by people outside the profession.

The exercise of these rights, in consistency with international law and the constitution, will be subject to specific rules that will prevent potential abuses or attacks on public order, public health, community comfort, or the orderly performance of public services or institutions.

Mr president,

Democracy cannot accommodate behavior that violates the dignity of people, and freedom of opinion and expression, or demonstration, cannot be based on the logic of subversion or calls for rebellion or even secession, or for other purposes and attempts to circumvent the electoral process in order to gain power outside constitutional channels. It is only possible to consolidate democracy within the framework of the necessary transparency, especially with regard to the sources of funding for political actors or associations, and the implementation of the duty of accountability, in accordance with the rules and procedures established by law.

 Mr president,

Terrorism, as a transnational phenomenon, is a serious threat to the organizational models of human societies and poses a threat to the security of states and the stability of societies, and its violent manifestations destroy the values of humanity and the foundations of human rights. This phenomenon is fueled by several forms, such as extremist ideology and the violent rejection of difference.

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9 / In this context, many countries facing the terrorist threat and violent extremism have taken measures to combat them in order to preserve the continuity of the state and respect the freedom of citizens. These measures are based on the reality of the living countries and their extent is proportional to the scale of this phenomenon, its motives, its means, its forms and the severity of its threat. In this context, it is futile to expect a uniform and standard response to this form of crime.

Terrorism exploits the space of freedoms provided by democratic societies in order to take advantage of these opportunities to spread and show intolerance, exclusion of the other and refusal to coexist and live together in peace.

Terrorism develops the ability to survive, return, adapt, evolve and move, disappears where it is effectively combated and spreads wherever conditions are favorable to it.

It also sometimes uses the “human rights” front as a cover, by exploiting legal, political, media and sometimes union frameworks, especially by relying on social networks and by exploiting their tools, to stigmatize diversity and discrimination against groups of society and fuel hate propaganda against institutions and call for civil disobedience and secession.

Therefore, combating these threats is a challenge that countries face individually and collectively. In this regard, the international community has mobilized its efforts to criminalize terrorism, prevent extremism conducive to it, suppress its financing, as well as combat its manifestations in all its manifestations in accordance with the provisions of the law and in full respect for human rights.

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10/ Therefore, Algeria considers that the fight against terrorism is a battle to defend the values of democracy and human rights and not to undermine them, and for this reason our country has engaged in this dynamic and responded to this demand, considering itself as part of this commitment, especially by adapting its legal framework to combat terrorism in line with international human rights standards, and for To guarantee to his people the protection and protection that they are entitled to expect from him, in the face of any form of chaos or insecurity.

Mr president,

Algeria continues its commitment for gender equality and women's empowerment at all levels. In this context, the 2020 Constitution reaffirmed equality and non-discrimination between men and women, and the government included as a priority axis in its action plan to promote the economic inclusion of women and enhance their independence, especially in rural and remote areas.

The Algerian authorities also work on encouraging women to hold positions of responsibility and decision-making and to occupy important positions in the state hierarchy, in public bodies and administrations, and at the level of institutions, some of which are close to being at equal statistics. In this context, Algerian women occupy several high-level  positions as minister or ambassador and other highly ranked positions. Algeria strives to prevent all forms of violence against women, and to provide victims of abused women with guarantees and automatic and free legal aid, as the case may be.

With regard to trade union freedoms, which is another constitutional right guaranteed by law, the latter allowed 160 trade unions and employers' organizations to assert their rights, especially by holding 21 tripartite meetings since its establishment and 14 bilateral meetings, which enabled the union, employers and the government to agree on Consensual formulas to maintain employment, enhance social protection and improve competitiveness, thus promoting national social dialogue.

With regard to freedom of worship and religion, which are guaranteed by the Constitution, it is exercised within the framework of the law and without any discrimination. The state guarantees its protection from any political or ideological influence, pursuant to Article 51 of the Constitution.

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With regard to prisons, the Algerian state has made great efforts to improve conditions of detention and efforts are continuing to improve and provide health and psychological care for prisoners, as well as intensifying programs for the reintegration of prisoners, and the United Nations Office on Drugs and Crime and the International Committee of the Red Cross testify to this situation and the The work done during the various visits they made to these centers.

And in order to improve the conditions of warming, the state is working to build new institutions that have all modern facilities, as 21 new institutions have been received during the last four years, and 13 old institutions that do not respond to modern standards in taking care of prisoners have been closed.

In a related context, a presidential pardon was taken for the benefit of more than 119,000 detainees, of whom more than 58,000 prisoners were immediately released.

Mr president,

Algeria allocates a third of its income to solidarity spending and social transfers with the aim of promoting economic, social and cultural rights. Although it has faced in several periods a sharp decline in its income due to the drop in fuel prices, it has continued to maintain this level of commitment that promotes equal access for all citizens to their economic, social and cultural rights, especially education, health and social services, and subsidizing energy, water, transportation and products prices basic food.

During the COVID-19 health crisis that affected my country, like the rest of the world, the Algerian government established assistance and support systems for citizens, families, artisans and businesses to enable them to contain the effects of the pandemic.

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12/ The promotion of the right to health, education, and access to social security for all segments of society has been affirmed in the constitution and part of the relevant existing legislation has been reviewed. The same applies to the protection of all vulnerable groups, especially those with special needs and the elderly, who benefit from special measures to promote their social inclusion. From this perspective, equal rights, opportunities, participation and citizenship for persons with disabilities are guaranteed by the Constitution.

With regard to the right to education, my country guarantees this constitutional right, especially through free and compulsory education for all children from the age of 6 years granting education for over 12 million pupils throughout the three elementary sections of education and an aevrage of 2 million university students.

These and other policies put Algeria in first place in the Maghreb and third in Africa in the Human Development Report 2022 issued by the United Nations Development Program, and they particularly mean the efficacy of the new style of governance that is characterized by strictness and transparency, the full exercise of rights and freedoms, financial reform, advancing economic renewal and social policy for a better living framework and comprehensive, its benefits cover , especially to needy and vulnerable groups and low-income citizens

With regard to raising awareness of human rights and fundamental freedoms, Algeria has included this important component in various training programs specifically directed at judges and employees of security services and prison institutions. In addition, national education programs and curricula include concepts related to human rights, especially children's rights.

Mr president,

Algeria believes in pluralism and supports the principle of the universality of human rights. And it rejects any imposition of a single and unified model of social or political organization or a unilateral view of foreign values that does not recognize the philosophical, civilizational, historical, cultural, social and religious peculiarities of states. It also considers that respect for the heavenly religions and their symbols should not be violated under the pretext of freedom of opinion and expression out of respect for peoples' beliefs.

With regard to cooperation with human rights mechanisms, Algeria extended an open invitation to the High Commissioner for Human Rights, and Algeria agreed to materialize the visits of the Head of the Middle East Department

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13/ and North Africa at the Office of the High Commissioner for Human Rights at the end of this November, and its approval in principle to visit the Special Rapporteur on freedom of association and peaceful demonstration, the Special Rapporteur on the situation of human rights defenders, the independent expert on the enjoyment of all human rights by older persons in 2023, as well as the working group on enforced or involuntary disappearances in 2024.

In 2017, the Algerian government launched six special procedures calls to the Council, and let me take this opportunity to renew our invitation to the relevant mandate holders to reflect on their working visits to Algeria.

These initiatives reflect our desire to continue dialogue with the Council and to enable the bodies it created to evaluate the achievements related to the promotion and protection of human rights in Algeria.

In another aspect, the Algerian government continues to deal positively and transparently with regard to all communications it receives from the special procedures, and renews its commitment to positive interaction with them, within the framework of mutual trust and full respect for the code of conduct to avoid any attempt to politicize its work. We also encourage them to exercise greater care to ensure the credibility of the communications submitted to them, the repetition of some of them, their validity and purpose, and we note in this context that some parties continue to abuse this mechanism to achieve political goals not related to human rights. We also call on them to take into consideration the judicial systems and national legislation before issuing any opinion in this regard. We renew our request to publish complaints with states' responses, including in the original language while awaiting translation, in order to ensure a balanced view of the submissions.

Mr president,

Excellencies,

Ladies and Gentlemen,

With regard to the challenges encountered during the implementation of some of the recommendations made during the previous cycle of the UPR for Algeria, we can mention, in particular, the social and economic impact of the Covid-19 pandemic crisis, similar to other countries in the world, as well as the tense security context

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14/ On the Algerian borders and in sub-Saharan Africa, political instability, the spread of terrorism and mercenaries, and transnational organized crime, including drug trafficking, human trafficking, and illegal migration flows, have further worsened the situation in this region.

Algeria devotes significant resources to ensuring, in cooperation with the countries of the region, the process of containing these threats and ensuring stability.

In conclusion, I renew the firm commitment of the Algerian state to work for the promotion and protection of human rights, and all human rights, anywhere in the world, including for the benefit of peoples under colonial or foreign domination, out of a duty of solidarity with the victims and the voiceless.

Thank you for your most appreciated attention.

Reserved parts of the statements for later instances during the dialogue /

I would like as well to thank the countries for their interest to be inscribed on the speakers’s listas well as those who sent written questions before the session : Lieschenshtein, USA, Germany, United Kingdom, Canada, Panama, Belgium, Slovenia, Spain, Angola and Portugal for which my country will provide answers during this dialogue.