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## AI – Amnesty International

### Algeria 2020

The authorities continued to detain and prosecute peaceful protesters, journalists, activists and citizens for exercising their rights to peaceful assembly and expression relating to the mass protest movement known as Hirak. Legislative changes imposed further restrictions on freedoms of expression and association, by imposing heavy criminal sanctions for spreading “fake news” and for receiving certain types of foreign funds. A new Constitution was adopted, which improved protection for women but imposed undue restrictions on rights and freedoms by making the exercise of freedom of speech conditional on religious and cultural values. The authorities prevented Christian churches from operating and harassed members of the Ahmadiyya religious community. They also proceeded with mass and arbitrary expulsions of migrants. Discrimination against women in law and practice continued, as did gender-based violence and femicide. Consensual same-sex sexual relations remained criminalized and several arrests were made. The right to form trade unions remained restricted.

#### Background

The peaceful protest movement Hirak, which began in 2019 calling for radical political change in Algeria, continued early in the year, with protests halting in March due to COVID-19 restriction measures.

The country went into a national lockdown in response to COVID-19 from 4 April until June, when measures were eased. In December, the National Syndicate of Liberal Doctors reported that at least 139 health workers had died as a result of COVID-19.

In April, Parliament adopted the Preventing and Combating Discrimination and Hate Speech Law, which includes a penalty of up to 10 years’ imprisonment for those who breach it. However, the Law failed to refer to discrimination based on religion, sexuality or gender identity.

In November, a new Constitution was adopted by referendum that saw a very low turnout due to controversy over the process. The Constitution improved language on women’s rights and social and economic rights, but maintained the death penalty and fell short of international standards on freedoms of expression, assembly and judicial independence.

#### Freedoms of expression and assembly

Hirak protests continued until March when protesters decided to suspend protests to prevent the spread of COVID-19. In January 2020, the authorities released more than 70 protesters, but at least 93 people, including journalists as well as civil society and political activists, remained in detention for online posts or for participating in Hirak at the end of the year, according to the National Committee for the Liberation of Detainees.

The authorities used COVID-19 as a justification to increase the arrests of activists, journalists and bloggers for online speech critical of the authorities, prosecuting many of them under Penal Code provisions.

The authorities took advantage of the international focus on the COVID-19 pandemic to pass amendments to the Penal Code that criminalize the spread of “fake news”, punishable by up to three years in prison.<sup>1</sup>

In March, an appeals court in the capital, Algiers, sentenced Karim Tabbou, head of the unrecognized opposition political party Democratic and Social Union, to one year in prison and a fine for videos published on Facebook in which he criticized the army’s role in politics. He was released on parole on 2 July after nine months of detention.

On 15 April, the authorities admitted blocking two online independent media outlets, Maghreb Emergent and Radio M, pending legal proceedings against their Director for defamation of the President. As of December, both sites remained blocked.

On 21 June, a court in Chéraga, a suburb of Algiers, sentenced Amira Bouraoui, a doctor and activist, to one year in prison for online posts that criticized the President, before provisionally releasing her pending appeal.<sup>2</sup> On 8 November, another court in Algiers sentenced her to three years in prison in her absence for an online post she published about the Prophet Muhammed.

In August, prominent journalist Khaled Drareni was sentenced, on appeal, to two years in prison for “incitement to unarmed gathering” and “harming the integrity of the national territory” for his independent reporting on Hirak. A court in Algiers also sentenced activists Samir Benlarbi and Slimane Hamitouche to a year in prison, eight months of which were suspended, for their online publications and participation in the protests.<sup>3</sup>

On 8 October, over 20 people were arrested in the north-western city of Oran during a protest organized by women’s rights groups to denounce the prevalence of gender-based violence and the rape and murder of a 19-year-old woman. All those arrested were released later that day without charge.

Also in October, 42 peaceful demonstrators were arrested in Algiers while commemorating the 1988 youth protests. Thirty-three, including at least five women, were provisionally released, and nine were imprisoned in El Harrach prison, in a suburb of Algiers, before eventually being released.

In November, a first instance court in the north-western city of Relizane, sentenced political activist Abdallah Benaoum to one year in prison for Facebook posts he published criticizing the authorities and opposing the holding of presidential elections.

### Freedom of association

A Penal Code provision introduced in April provided for up to 14 years’ imprisonment for members of associations who receive foreign funding to carry out activities deemed detrimental to state security and the “fundamental interests of Algeria”. This vague language could lead to the limitation of legitimate activities of associations disliked by the authorities.

The authorities kept many associations, including Amnesty International Algeria, in legal limbo by failing to respond to registration applications submitted in line with the highly restrictive Associations Law.

### Freedom of religion and belief

The 2006 Decree 06-03 continued to restrict the exercise of religions other than Islam. The Decree stipulates that non-Muslim religious worship can only take place in buildings that have received a licence from the “National Commission for Non-Muslim Religious Groups”, though it is unclear how operational the Commission is. According to the Protestant Church of Algeria, authorities rarely approve their request for licensing, putting their churches at constant risk of closure.

The Ahmadiyya community, who consider themselves as Muslims, continued to face harassment on the basis of their religious beliefs. In January, the Prosecutor’s Office in Constantine interrogated seven Ahmadi and confiscated their passports after interviewing them in relation to their religious beliefs and practices, then prosecuting them for forming an illegal association. At the end of December, the Court of First Instance acquitted them but the authorities did not return their passports.

On 25 November, an appeals court in the eastern city of Khenchela sentenced Amazigh and Hirak activist Yacine Mebarki to one year in prison and a fine of DZD50,000 (around US\$385), for “insulting Islam” in relation to social media posts in which he appeared to criticize a Salafi scholar for calling for jihad.

In December, a judge at a court in Tizi Ouzou sentenced 31 Ahmadi to a two-month suspended prison sentence on accusations of “undermining the integrity of the national territory” under Article 79 of the Penal Code, because of their religious beliefs.

### Rights of refugees, asylum-seekers and migrants

Detentions and mass expulsions of migrants from Algeria to neighbouring Niger and Mali continued throughout the lockdown period, despite closed borders and the health risks related to COVID-19 in removal centres. According to humanitarian organizations in Niger, between January and October, the Algerian authorities expelled over 17,000 migrants to Niger – around 8,900 Nigeriens and 8,100 people of other nationalities. Local NGOs said that Algerian military personnel treated migrants harshly during expulsions, using violence and confiscating their belongings.

Algerian authorities denied detained migrants any possibility to exercise legal recourse, sometimes for months. As of 31 December, at least seven Yemeni asylum-seekers registered with UNHCR, the UN refugee agency, and awaiting approval of their asylum applications, remained in government detention centres in Algiers, at risk of imminent expulsion and deportation to Yemen.

### Women’s rights

The Penal Code and Family Code continued to unlawfully discriminate against women in matters of inheritance, marriage, divorce, child custody and guardianship. The Penal Code’s “forgiveness clause” allows rapists to escape sentencing if they obtain a pardon from their victim, and does not explicitly recognize marital rape as a crime.

The Centre of Information on the Rights of Women and Children reported 39 cases of homicide and intentional assault and battery resulting in the death of women during the COVID-19 lockdown period. The women’s group Femicides Algérie said the true number of cases of violence against women far exceeded the official figures. Women’s rights group Réseau Wassila recorded an increase in calls to their helpline reporting domestic violence perpetrated by family members in May, suggesting this was due to confinement measures.

### Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

The Penal Code continued to criminalize consensual same-sex sexual relations, carrying a prison sentence of between two months and two years and a fine.

In September, police in Constantine arrested 44 people for attending a party that the media falsely described as a “homosexual wedding”. The majority of those arrested were sentenced to one year in prison, while the host and his supposed partner were both sentenced to three years’ imprisonment. The court convicted them of “inciting homosexuality” and “debauchery” under Article 338 of the Penal Code, and of breaking lockdown measures.

### Workers' rights

The Labour Code continued to restrict the right to form trade unions by limiting trade union federations and confederations to single occupational sectors; allowing only Algerian-born people or those who had held Algerian nationality for at least 10 years to create trade union organizations; and imposing restrictions on foreign funding for trade unions.

The authorities continued to deny registration to the independent General Autonomous Confederation for Algerian Workers, which first filed its application in 2013.

### Independence of the judiciary

The new Constitution failed to end the executive’s control over the judiciary and uphold judicial independence.

In February, the Justice Ministry ordered the transfer of prosecutor Mohamed Sid Ahmed Belhadi to El Oued, 600km south of Algiers, two days after he had urged an Algiers court to acquit 16 people arrested for their peaceful participation in Hirk in January. The National Union of Algerian Magistrates described the transfer as “political punishment and retaliation”.

Lawyers organized a national strike on 30 September and 1 October to demand respect for the rights of defence and fair trial.

### Death penalty

The Justice Minister announced on 11 October that a new law to prevent kidnapping would include capital punishment for child abduction resulting in the victim’s death.

Courts continued to hand down death sentences. No executions have been carried out since 1993.

1. [Algeria: End repression against Hirk activists and journalists amid COVID-19 \(Press release, 27 April\)](#)
2. [Algeria: Constitutional reform process undermined by crackdown \(Press release, 25 June\)](#)
3. [Algeria: Authorities pursue crackdown on Hirk, sentencing journalist Khaled Drareni to three years in prison \(Press release, 10 August\)](#)

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