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Plenary sitting

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B8-0423/2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the imprisonment of human and workers' rights activists in Algeria
(2015/2665(RSP))

Alexander Graf Lambsdorff, Fredrick Federley, Hilde Vautmans, Maite Pagazaurtundúa Ruiz, Izaskun Bilbao Barandica, Pavel Telička, Beatriz Becerra Basterrechea, Marietje Schaake, Louis Michel, Urmas Paet, José Inácio Faria, Marielle de Sarnez, Nathalie Griesbeck, Frédérique Ries, Antanas Guoga, Johannes Cornelis van Baalen, Petras Auštrevičius, Gérard Deprez, Ivan Jakovčić, Petr Ježek, Ramon Tremosa i Balcells, Jozo Radoš
on behalf of the ALDE Group

**European Parliament resolution on the imprisonment of human and workers' rights activists in Algeria
(2015/2665(RSP))**

The European Parliament,

- having regard to its previous resolutions on Algeria, in particular those of 9 June 2005 concerning freedom of the press in Algeria and of 10 October 2002 on the conclusion of an association agreement with Algeria,
- having regard to the statement of the European Union following the eighth meeting of the EU-Algeria Association Council of 13 May 2014,
- having regard to the Joint Communication of 15 May 2012 from the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on 'Delivering on a new European Neighbourhood Policy' (JOIN(2012)0014),
- having regard to the Commission's 2013 European Neighbourhood Policy (ENP) Memo on Algeria of March 2014,
- having regard to the declaration of the European Council on the Southern Neighborhood of June 2011,
- having regard to the statement by the UN High Commissioner for Human Rights, Navi Pillay, during her visit to Algeria in September 2012,
- having regard to the EU-Algeria Association Agreement that entered into force on 1st September 2005,
- having regard to Article 2 of the above-mentioned Association Agreement which stipulates that respect for democratic principles and fundamental human rights is to inspire the domestic and international policies of the parties to it and shall constitute an essential element of that Agreement,
- having regard to the constitution of Algeria, adopted by referendum on 28 November 1996, and in particular Articles 34-36, 39, 41, 43,
- having regard to the final report of 5 August 2012 released by the EU Election Observation Mission to the parliamentary elections in Algeria,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights to which Algeria is a party,
- having regard to the Universal Declaration of Human Rights of 1948,

- A. whereas human rights defenders, including labour rights activists, especially in the Southern regions of Algeria, in the past four years and with renewed intensity since the beginning of 2015, have been regularly threatened, verbally abused, and subject to ill-treatments and judicial harassment in a context of escalating economic, social and environmental protests;
- B. whereas on 28 January 2015 in the town of Laghouat, eight labour rights activists, members of National Committee for the Defence of the Rights of the Unemployed (Comité National pour la Défense des Droits des Chômeurs, CNDDC), were arrested on apparently politically motivated charges and then condemned to one year in prison with a 6-month suspended sentence and a fine each of 5,000 Algerian dinars last March for “*unauthorized/ illegal gathering*” and “*exercising pressure on the decisions of magistrates*”. The sentence was confirmed in appeal on 25 March 2015;
- C. whereas Mohamed Rag, another well-known labour rights activist in the town of Laghouat, who has been in prison since 22 January 2015, was sentenced to 18 months in prison and a fine of 20,000 Algerian dinars for “assaulting a security force agent in the exercise of his duties”, an incident which confirms the growing tendency to sanction human rights activities. The sentence was confirmed in appeal on 18 March 2015;
- D. whereas it has been reported that on 11 March 2015, the day of their appeal hearing, an unusually high number of police officers were deployed, thereby preventing the public and the witnesses for the defence to enter the courtroom, which constitutes a violation of the rights of the defence and the right to a fair trial, and that outside the courtroom the police arrested then released thereafter close to 50 peaceful demonstrators who were expressing their solidarity with the nine prisoners;
- E. whereas although the state of emergency has been lifted in February 2011 in response to the wave of pro-democracy mass protests, restrictions in law and practice on peaceful assemblies have remained in place, in particular a decree dated 18 June 2001 still prohibits public demonstrations in the city of Algiers and the law n° 91-19 of 2 December 1991 on public meetings and demonstrations that submits any public event to prior authorization;
- F. whereas those taking part in unauthorized demonstrations can be prosecuted and risk prison sentences ranging from two months to five years, according to Articles 99 and 100 of the Algerian Penal Code; whereas peaceful protests are often forcibly dispersed by police, sometimes violently, and peaceful protesters may be arrested in advance of demonstrations to prevent them from taking place;
- G. Whereas in 2014 the Algerian government introduced pro-democratic constitutional revisions and promised further reforms on human rights and fundamental freedoms; whereas the implementation of those reforms has been unsatisfactory so far;
- H. whereas in March 2015 two other labor rights activists, Abdelhamid Brahimi and Ferhat Missa, members of the CNDDC in the town of El Oued, have been arrested and charged for instigating a gathering after being finally acquitted and, in addition, Rachid Aouine, human rights activist, was sentenced by the El Oued Court of Appeal on 15 April 2015, to four months in prison and a fine of 20,000 Algerians dinars for “*inciting to an unarmed gathering*” after he posted an ironic comment on Facebook urging the police to stand up for their rights instead of repressing the demonstrators; whereas Youssef Sultani, member of the CNDDC, has been facing a

trial for “inciting a gathering” for participating to the peaceful gathering in solidarity with Rachid Aouine and his family members on 3 March 2015;

- I. whereas a new law on associations n°12-06 that imposes further restrictions on Non-Governmental Organizations and civil society groups’ activities on their creation, functioning, registration process and on their access to foreign funding, has entered into force in January 2012; whereas this new law criminalizes freedom of association by subjecting members of unregistered, suspended or dissolved associations to six months’ imprisonment and a heavy fine;
 - J. whereas although the law n° 90-14 of 2 June 1990 on the conditions for exercising trade-union rights allows workers to form unions by notifying the authorities in writing, without seeking permission, authorities have refused in several cases to issue a receipt, without which the union cannot legally represent workers;
 - K. Whereas Algeria, under examination for its application of International Labour Organization (ILO) Convention 87 in June 2014, has been scrutinized by ILO experts in several of their reports for violating workers’ rights to strike and to form unions of their own choosing;
 - L. whereas in the ENP MEMO on Algeria published in March 2014, the European Commission expressed concerns over lack of judicial independence and deterioration of the situation with respect to the freedom of association, assembly and the freedom of expression in Algeria;
 - M. whereas negotiations on the Action Plan between the EU and Algeria in the framework of the ENP started in 2012;
 - N. whereas Algeria is member of the Human Rights Council of the United Nations since January 2014;
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- 1. Condemns the arrest and detention of peaceful activists Rachid Aouine, Mohamed Rag, Khencha Belkacem, Brahimi Belelmi, Mazouzi Benallal, Azzouzi Boubakeur, Korini Belkacem, Bekouider Faouzi, Bensarkha Tahar and Djaballah Abdelkader, as their detention appears to be based on activities fully permissible according to Algerian law and in line with the international Human Rights instruments, which Algeria has ratified; calls for their immediate and unconditional release as well as the withdrawal of all charges against them;
 - 2. Urges the Algerian authorities to put an end to all forms of harassment and intimidation against labour rights activists and human rights defenders, including at the judicial level, in compliance with the provisions of the United Nations Declaration on Human Rights Defenders;
 - 3. Calls on the Algerian authorities to guarantee the right to a fair trial and ensure a minimum guarantee for the rights of the defence for all detainees, including human rights defenders and labour rights activists, in compliance with article 14(3) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Algeria;
 - 4. Recalls that Algeria is bound by Article 2 of the Association Agreement, which stipulates that respect for the democratic principles and fundamental human rights is an essential element of this Agreement, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Rights and therefore

has an obligation to respect universal human rights, including freedom of assembly and association;

5. Expresses grave concern at the ongoing restrictions of fundamental rights, notably freedom of expression, freedom of association and freedom of assembly in Algeria and urges Algerian authorities to put an end to the crackdown on peaceful public protests as well as to arbitrary arrests and judicial harassment against all those exercising their right to peaceful assembly;
6. Recalls the recommendation by the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the Algerian government to revoke the 18 June 2001 decree banning peaceful protests and all forms of public demonstrations in Algiers and to establish a system of simple notification rather than prior authorization for public demonstrations,
7. Calls on the Algerian authorities to repeal Law 12-06 on associations and to engage in a genuine dialogue with civil society organisations in order to elaborate a new law that is in conformity with international human rights standards and the Algerian Constitution;
8. Calls on the Algerian authorities to allow new trade unions to register legally and to comply with the conventions implemented by the ILO ratified by Algeria, particularly the convention (No. 87) on freedom of Association and protection of union rights and the convention on Right to Organise and Collective Bargaining Convention ILO (No. 98);
9. Urges the Government of Algeria to invite and fully cooperate with the UN special procedures in compliance with Algeria voluntary pledges made at the occasion to its candidacy to the UN Human Rights Council; reaffirms that allowing UN human rights experts and international human rights non-governmental organisations to visit Algeria would signal a genuine commitment that the Algerian authorities will seriously engage with the UN Human Rights Council;
10. Calls on the EU High Representative and EU Member States to ensure that there is a clear and principled EU policy vis-à-vis Algeria that addresses the ongoing serious human rights violations, in line with the EU Strategic Framework on Human Rights; regrets the fact that the EU-Algeria human rights dialogue has made no substantial progress as regards the human rights situation in the country; calls on the European External Action Service (EEAS) to set up clear benchmarks and indicators to monitor EU objectives and assess progress in the field of human rights, impunity, freedom of association, assembly, and expression, rule of law and the situation of human rights defenders in Algeria;
11. Calls upon the Algerian authorities and the EEAS to ensure that the future EU-Algeria Action Plan includes a strong chapter related to human rights, which expresses a firm political will to jointly advance de jure and de facto the promotion and protection of human rights in line with the Algerian Constitution and the international human rights treaties and the African regional human rights instruments to which Algeria is a party; specific human rights objectives should be adopted in the EU Algeria Action Plan, combined with a schedule for reforms to be undertaken by Algeria in the short term, and with involving independent civil society in a constructive manner; and indicators for an objective and regular assessment of the human rights situation in Algeria should be defined;

12. Calls on the EEAS and EU Member States to monitor closely all trials and judicial proceedings against human rights defenders and labour rights activists through the presence of representatives of the EU delegation and embassies of EU Member States in Algiers and to report on the matter to the European Parliament;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the EU Delegation in Algiers, the Government of Algeria, the UN Secretary-General and the UN Human Rights Council.