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## TEXTS ADOPTED

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### **P8\_TA(2015)0188**

#### **Imprisonment of human and workers' rights activists in Algeria**

##### **European Parliament resolution of 30 April 2015 on the imprisonment of workers and human 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<sup>1</sup> and of 10 October 2002 on the conclusion of an association agreement with Algeria<sup>2</sup>,
- having regard to its resolution of 12 March 2015 on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union's policy on the matter<sup>3</sup>, and to its resolution of 23 October 2013 on 'The European Neighbourhood Policy, working towards a stronger partnership: EP's position on the 2012 progress reports'<sup>4</sup>,
- having regard to the Foreign Affairs Council conclusions of 20 April 2015 on the review of the European Neighbourhood Policy,
- having regard to the statement of the European Union of 13 May 2014 following the eighth meeting of the EU-Algeria Association Council,
- having regard to the Joint Communication of 15 May 2012 of 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 entitled 'Delivering on a new European Neighbourhood Policy' (JOIN(2012)0014),
- having regard to the Commission's 2013 European Neighbourhood Policy (ENP) memo of March 2014 on Algeria,
- having regard to the Declaration of June 2011 of the European Council on the Southern Neighbourhood,

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<sup>1</sup> OJ C 124 E, 25.5.2006, p. 567.

<sup>2</sup> OJ C 279 E, 20.11.2003, p. 115.

<sup>3</sup> Texts adopted, P8\_TA(2015)0076.

<sup>4</sup> Texts adopted, P7\_TA(2013)0446.

- 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, which entered into force on 1 September 2005,
  - having regard to Article 2 of the abovementioned 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 and 43 thereof,
  - 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 International Labour Organisation (ILO) Convention No 87 on Freedom of Association and Protection of the Right to Organise of 1948 and ILO Convention No 98 on the Right to Organise and Collective Bargaining of 1949,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas protests against unemployment have recently taken place in Algeria; whereas the Algerian authorities acknowledge that demonstrators' demands are legitimate; whereas, nonetheless, in the past four years, and with renewed intensity since the beginning of 2015, human rights defenders, including labour rights activists, especially in the southern regions of Algeria, have been threatened, verbally abused and subjected to ill-treatment and judicial harassment against a backdrop of escalating economic, social and environmental protests;
- B. whereas Mohamed Rag, a labour rights activist from the National Committee for the Defence of the Rights of the Unemployed (*Comité National pour la Défense des Droits des Chômeurs*, CNDDC) in the town of Laghouat, was arrested on 22 January 2015 and sentenced to 18 months in prison and a fine of DZD 20 000 for 'assaulting a security force agent in the exercise of his duties', and whereas his sentence was confirmed upon appeal on 18 March 2015;
- C. whereas on 28 January 2015 in the town of Laghouat, eight labour rights activists, members of the CNDDC – Khencha Belkacem, Brahimi Belelmi, Mazouzi Benallal, Azzouzi Boubakeur, Korini Belkacem, Bekouider Faouzi, Bensarkha Tahar and Djaballah Abdelkader – were arrested when they assembled in front of the city court to demand that Mohamed Rag be released; whereas these eight activists were subsequently sentenced last March to one year in prison with a 6-month suspended sentence and a fine of DZD 5 000

each for ‘unauthorised/illegal gathering’ and ‘exercising pressure on the decisions of magistrates’;

- D. whereas, in Laghouat, during the hearing of the abovementioned CNDDC activists, held on 11 March 2015, an unusually high number of police officers were deployed, thereby preventing the public and the witnesses for the defence from entering the courtroom, and whereas outside the courtroom the police arrested and subsequently released almost 50 peaceful demonstrators who were expressing their solidarity with the nine prisoners;
- E. whereas, although the state of emergency was lifted in February 2011 in response to the wave of pro-democracy mass protests, restrictions, in law and in practice, on peaceful assemblies have remained in place, in particular a decree dated 18 June 2001 which continues to prohibit public demonstrations in the city of Algiers, and Law 91-19 of 2 December 1991 on public meetings and demonstrations, which makes any public event subject to prior authorisation; whereas the Interior Ministry rarely authorises public gatherings;
- F. whereas anyone taking part in unauthorised demonstrations can be prosecuted and risks a prison sentence ranging from two months to five years, according to Articles 99 and 100 of the Algerian Penal Code; whereas in January 2014 – the closing date for the registration of new associations – all associations that were not accepted were made illegal; whereas peaceful protests 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 to protect human rights and fundamental freedoms; whereas the implementation of those reforms has so far been unsatisfactory;
- H. whereas in March 2015 four other labour rights activists, Rachid Aouine, Youssef Sultani, Abdelhamid Brahimi and Ferhat Missa, members of the CNDDC in the town of El Oued, were arrested and charged for instigating a gathering; whereas two of them were acquitted, but Rachid Aouine was sentenced and Youssef Sultani is free facing trial;
- I. whereas in January 2012 a new law on associations (12-06) entered into force, which imposes restrictions on non-governmental organisations and civil society groups as regards their creation, functioning, registration and access to foreign funding; whereas it also criminalises members of unregistered, suspended and dissolved associations, who can be subject to six months’ imprisonment and a heavy fine, thereby impeding freedom of association;
- J. whereas, although Law 90-14 of 2 June 1990 on the conditions for exercising trade-union rights allows workers to form unions without seeking permission by notifying the authorities in writing, the authorities have refused in several cases to issue a receipt, without which the union cannot legally represent workers;
- K. whereas Algeria, which is under examination for its application of ILO Convention 87 in June 2014, has been scrutinised by ILO experts in several of their reports for violating workers’ rights to strike and to form unions of their own choosing;
- L. whereas negotiations on the Action Plan between the EU and Algeria in the framework of the ENP started in 2012; whereas, while recognising the interest of both sides in

strengthening dialogue and cooperation on security and regional issues, in March 2014 the Commission nevertheless expressed concerns at the lack of judicial independence and the deterioration of the situation with respect to freedom of association, assembly and expression in Algeria;

- M. whereas Algeria has been a member of the Human Rights Council of the United Nations since January 2014;
1. Expresses its concern at the arrest and detention of activists Rachid Aouine, Mohamed Rag, Khencha Belkacem, Brahimi Belemli, Mazouzi Benallal, Azzouzi Boubakeur, Korini Belkacem, Bekouider Faouzi, Bensarkha Tahar and Djaballah Abdelkader, as they are being detained in spite of the fact that their activities are fully permissible under Algerian law and in line with the international human rights instruments which Algeria has ratified;
  2. Recalls that Algeria is bound by Article 2 of the Association Agreement, which stipulates that an essential element thereof is respect for democratic principles and fundamental human rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, and that Algeria therefore has an obligation to respect universal human rights, including freedom of assembly and association;
  3. Considers that harassment and intimidation of labour rights activists and human rights defenders, including at judicial level, is not a practice in accordance with the provisions of the United Nations Declaration on Human Rights Defenders;
  4. Considers that a right to a fair trial and ensuring a minimum guarantee for the rights of the defence for all detainees, including human rights defenders and labour rights activists, is in compliance with Article 14(3) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Algeria;
  5. Calls also on the Algerian authorities to ensure and guarantee the right to freedom of expression, association and peaceful assembly, and to take appropriate steps to ensure the safety and security of civil society activists and human rights defenders and their freedom to pursue their legitimate and peaceful activities;
  6. Recalls the recommendation to the Algerian Government by the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to revoke the decree of 18 June 2001 banning peaceful protests and all forms of public demonstration in Algiers and to establish a system of simple notification rather than prior authorisation 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 frame a new law that is in conformity with international human rights standards and the Algerian Constitution;
  8. Welcomes the fact that since 2012, twelve trade union organisations have received their licences; recalls that administrative manoeuvres must not be designed to withhold legal status from independent unions that attempt to operate outside the existing trade union organisation; calls on the Algerian authorities to allow new trade unions to register legally and to comply with the conventions implemented by the ILO that have been ratified by Algeria, particularly Convention No 87 on Freedom of Association and Protection of the

Right to Organise and Convention No 98 on the Right to Organise and Collective Bargaining;

9. Appreciates that Algeria has ratified most of the international human rights treaties; encourages increased engagement and improved cooperation by the Algerian authorities with the United Nations, in particular the International Labour Organisation and the Office of the High Commissioner for Human Rights; calls on the Algerian authorities to cooperate with UN special procedures, including by inviting special rapporteurs to visit, and to take into consideration their recommendations; also calls on Algeria to actively cooperate with the African Union human rights mechanisms, notably the Special Rapporteur on Human Rights Defenders;
10. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the EU Member States to ensure that there is a clear and principled EU policy vis-à-vis Algeria that includes a human rights dialogue, in line with the EU Strategic Framework on Human Rights and Democracy; calls on the VP/HR and the Member States to ensure that a political, security and human rights dialogue with Algeria is given substance in all three dimensions and calls, therefore, on the European External Action Service (EEAS) to set up clear benchmarks and indicators to monitor EU objectives and assess progress in the fields of human rights, impunity, the freedoms of association, assembly, and expression, the rule of law and the situation of human rights defenders in Algeria;
11. Urges the Algerian authorities, the VP/HR and the EEAS to include a strong chapter on human rights in the future EU-Algeria Action Plan, 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; takes the view that specific human rights objectives should be adopted in the EU Algeria Action Plan, combined with a schedule for reforms to be undertaken by Algeria, with the meaningful involvement of independent civil society; calls for indicators for an objective and regular assessment of the human rights situation in Algeria to be defined;
12. Calls on the EEAS and the 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 the embassies of the Member States in Algiers and to report on the matter to 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 EU Special Representative for Human Rights, 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.