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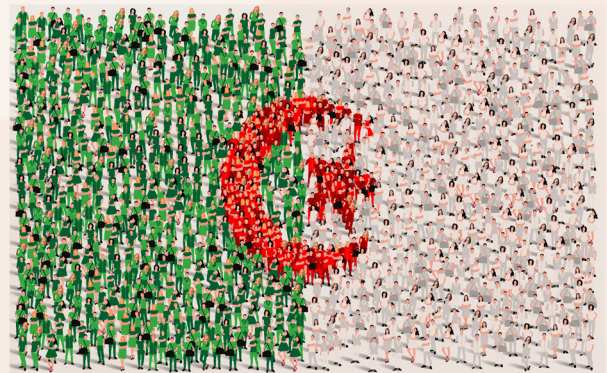
# Civic Space Monitor

National Reports on Civic Space 2023



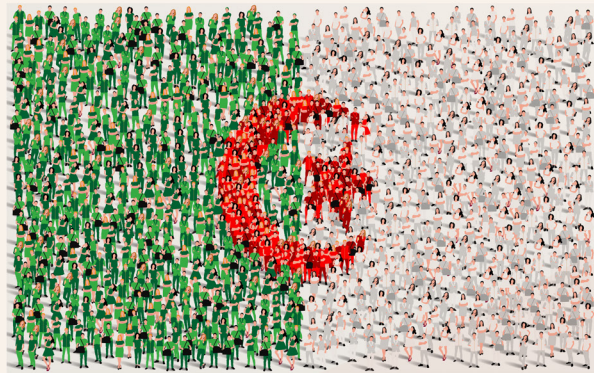
## Algeria

New Legislation and Old Mechanisms  
Take Over All Ambitions for Change



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August 2023

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# Introduction

From 2021 to mid-2023, Algeria has experienced the impact of the repercussions of the popular movement. While it sent shockwaves through the foundations of the ruling system, the movement has not thus far succeeded in paving the way for a democratic transformation. The regime successfully exploited the coronavirus pandemic to suppress popular demonstrations and abort all civil society initiatives and political elites that supported the demands of the popular uprising that began in February 2019 to oppose a fifth term of office for the late President Abdelaziz Bouteflika, and later transformed into a popular movement that demanded comprehensive changes to the existing system of governance.<sup>1</sup>

On the other hand, regional and international events have cast a shadow on the internal situation, mainly since the Algerian government often uses such events as a way of instilling fear and intimidation to reject any change, as happened with the war in Ukraine, the military coup and subsequent fighting in Sudan, the media and diplomatic war with Morocco, as well as other notable events.

For all these reasons, one can only fully grasp what has been happening in Algeria from 2021 until today by connecting the dots between these events. From an economic standpoint, the negative prospects of a looming economic collapse due to the dependency of the Algerian economy on the oil and gas market, which all serious international institutions and economic observers had predicted, turned out not to be correct. Instead, Algeria benefited from the oil and gas prices boom due to the war in Ukraine,<sup>2</sup> succeeding to a certain extent in maintaining a balance in its coffers, even temporarily.

Socially speaking, the high demand for Algerian gas and the increase in prices following the Russian invasion of Ukraine led to the continuation of government support for many social services that had been slated for cuts before the war, but it

also gave the government political justifications to heighten its repression of political activists and end all protests against the government while practicing its propaganda, such as the claim of an international conspiracy against Algeria because of its position on the Palestine question versus its lack of support for the Western position on the Russian-Ukrainian war. This paved the way for an increase in organized propaganda campaigns against all activists and associations supporting the popular movement, accusing them of being mere puppets driven by the US, Israel, and the West.<sup>3</sup>

In light of the increase in oil rents, Algerian President Abdelmadjid Tebboune announced raising the wages of public sector workers and raising pensions and approved a monthly unemployment grant that would benefit nearly two million unemployed people, according to statements made by the Minister of Labor and Social Affairs<sup>4</sup>. These decisions were all reminiscent of the Bouteflika model based on redistributing oil revenues in exchange for social appeasement.

However, despite the importance of these benefits for many sectors of society, especially those living in difficult circumstances due to high inflation rates, low purchasing power, and the decline in value of the Algerian Dinar, these decisions could actually worsen the state of the Algerian economy linked to oil rent. This economic model is in need of structural reform that may have overarching social, political, and security costs, but that are needed to protect the Algerian economy from the violent shockwaves it could experience should the energy markets one-day collapse.

On a regional level, the year 2021 witnessed an escalation in the media and diplomacy war between Algeria and Morocco over several issues, most notably that of Western Sahara, Morocco's normalization of relations with Israel, and Algeria sparring a cyber-war against Morocco, accusing its neighbor of encouraging the popular movement in Algeria to foment political destabilization.

This situation culminated in Algeria severing its diplomatic relations with Morocco in August 2021 due to what Algeria called the Kingdom's "hostile actions."<sup>5</sup>

The tensions in Algerian-Moroccan relations are being used in both countries as a way to suppress political and social protests, with accusations of treason campaigns being thrown reciprocally from both sides against civil society and independent political groups.

With regards to internal politics, the parliamentary elections held in June were the first of their kind since the beginning of the popular movement and the installment of Abdelmadjid Tebboune to the Presidency. Although the authorities marketed the elections as a magic wand that would end Algeria's structural crises and as an opportunity for the movement to infiltrate elected institutions, they witnessed low voter turnout and did not, therefore, succeed in replacing the existing political class in Algeria.

On June 12, 2021, Algeria witnessed the first legislative elections during the era of President Tebboune to renew the representatives of the National People's Assembly (Parliament's lower chamber). The regime had previously marketed them as a magic wand to fix Algeria's structural crises, and an opportunity for the movement to infiltrate elected institutions. The shocking irony, however, is that most of the elections previously organized by the regime had only served to deepen the crisis of legitimacy inherent in Algeria's ruling system<sup>6</sup> because they repeatedly failed to respect the purpose behind organizing elections: punishing unsuccessful officials and renewing the political class via democratic means. In the case of Algeria, elections are used as a means of ensuring "authoritarian flexibility," which allows the regime to renew the façade of its political institutions without the need to radically reconsider the mechanisms that orchestrate their work.

Local elections were also held on November 27,

2021, resulting yet again in low voter turnout (36.55% in municipal elections and 34.76% in state elections), reflecting a continuation of the decision of a significant portion of the Algerian population to boycott elections, despite the slightly higher participation rate in comparison to the preceding parliamentary elections. These were elections that had never experienced any political shifts prior to the advent of the popular movement.<sup>7</sup>

The failure of the project to rebuild political institutions and give them an acceptable degree of popular legitimacy has thus prevailed until today. It is a failure that would further push the deep societal calls expressed by the popular movement, such as its denouncing the army's negative role within politics and its demand that the regime renegotiate its social contract, first drawn up in 1962 alongside Algeria's newfound independence.



# New Legislation Related to Civic Space

Official political discourse in Algeria has called for the adaptation of new legislation in line with the Constitution of November 2020, paving the way for the preparation of many new draft laws on a range of topics. What we are concerned with in this context are the laws relating to civic space, the most important of which are listed as follows:

- a. Presidential Decree n° 08-21, dated June 8, 2021, amended the definition of terrorism to include any act aimed at “gaining power or... changing the system of government by unconstitutional means” (Penal Code, Article 87 bis).
- b. Draft laws on print and digital media and audio-visual journalism in the year 2023.
- c. Law on the rights related to forming or joining trade unions, dated April 25, 2023.
- d. Draft amendment to the Associations Law of 2012.
- e. Law of May 5, 2022, establishing the installation of the High Authority for Transparency, Prevention and Fight against Corruption.
- f. Presidential Decree n° 21-139 dated 29 *Shaaban* 8<sup>th</sup> month of the Islamic calendar 1442, (corresponding to April 12, 2021), relating to the National Observatory for Civil Society.
- g. Presidential decree defining the tasks of the Supreme Youth Council issued on October 27, 2021.

The above pieces of legislation were all marketed by official narratives as belonging to a framework aimed at extending democratic practices and “the participation of civil society and youth in building a new Algeria.” What is the content of this legislation? Is it true that it has deepened democratic practice and civil society participation? Did it contribute to deepening civil, political, and press freedoms?

To answer these questions, we will review the most important aspects of the aforementioned laws, their implications in reality, and the criticisms of political and civilian actors and journalists:

## a. Presidential Decree n° 08-21 of June 8, 2021, which amended the definition of terrorism to include any act aimed at “gaining power or ... changing the system of government by unconstitutional means” (Penal Code, Article 87 bis).

This amendment to the Penal Code can be considered one of the most important laws that has and continues to be used to restrict civil and political freedoms, including the freedom of assembly, the freedom to protest and organize, the freedom of expression, the freedom of the press, and others. The law has been amended numerous times both prior to and following amendments made to the Constitution.

President Abdelmadjid Tebboune hastily signed, one day prior to the legislative elections, on June 9, 2021, a presidential ordinance<sup>8</sup> which amends and supplements Ordinance n° 66-156 of June 8, 1996, and further amends Algeria’s Penal Code. Article 87 bis is the most dangerous of these amendments, for it has a real impact on the lives and freedoms of people. For the first time, it classifies terrorism as a hypothetical and imaginary act in violation of all international conventions rather than a physical criminal act intending to intimidate and sow terror. The article even gives security apparatuses and various other executive bodies, rather than the judiciary, the power to assess and label acts as crimes of terrorism, and the power to classify organizations and individuals as terrorists, even if merely for security purposes.

The presidential ordinance for the amendment to Article 87 bis 13 broadens the definition of terrorism and establishes a national list of terrorist persons and entities. It states that “Any act that targets the security of the State, national unity, the stability of institutions and their ability to function normally on any matter<sup>9</sup>, shall be considered an act of terrorism or treason” and anyone “seeking to gain power or change the system of government by any means other than through the constitution, and to harm territorial integrity by any means, or incites to do so, shall be classified as either a “terrorist individual” or a “terrorist organization” by the Committee for the Classification of Terrorist Persons and Entities.

According to Article 87 bis 14, registration on the list stipulated in Article 87 bis 13 of this law results in banning the activity of the person or entity concerned and seizing and/or freezing their assets and all capital derived from their properties.<sup>10</sup>

Many lawyers and jurists have confirmed that this amendment is being used as a tool to criminalize political activity, suppress freedom of opinion and expression, and further suppress the popular movement, all in contravention of the International Covenant on Civil and Political and Rights (ICCPR), which Algeria has ratified.

The latest amendment to the Penal Code followed a number of previous amendments, the most important of which came into force on April 29, 2020, and comprises restrictions on freedom of opinion and expression as well as several provisions that conflict with international standards regarding freedom of expression and association, especially Articles 19 and 22 of the ICCPR.

Amended Article 95 bis of Law n° 06-20 stipulates that “Anyone who receives money, a gift, or any form of benefit, by any means, whether from a country or an institution, a public or private entity, a natural or juridical person, whether from in or outside the country, with the intention of carrying out or inciting acts that could undermine the security of the State, the stability of its institutions and their

normal functioning, national unity, territorial integrity, the basic interests of the country, or public security and order, shall receive a prison sentence of between five to seven years and a fine of between 500,000 to 700,000 Algerian dinars. The penalty would be doubled if the funds are received within the framework of an association, a group, or an organization, regardless of its form or name.”

Article 144 of the same amendment also included the following: “Anyone who insults a judge, an employee, a public officer, a commander, or a member of the public authorities through language, gestures, threats, by sending or delivering anything to them, or by non-public writing or drawing...” can be punished with imprisonment for a period ranging from six months to three years, rather than between two months to two years, while insulting an imam Muslim religious leader can be punished with up to three years in prison.”<sup>11</sup>

This amendment led the United Nations Human Rights Committee to reaffirm that simply insulting public figures through forms of expression is not sufficient to justify punishment. It also stressed that the crime of “insult” lacks legal clarity, and the amendment thus undermines freedom of expression.

On the other hand, amended Article 196 bis of the Penal Code in Law n° 06-20 states that, “Anyone who publicly publishes or promotes any false or malicious news or information with the intention of harming public security or public order shall be punished with imprisonment for a period of between one to three years and a fine ranging between 100,000 to 200,000 dinars. The penalty shall be doubled in the event of a recurrence.”<sup>12</sup>

Notably, the law lacks a clear and precise definition of “false information,” which allows the government and its executive agencies to use their discretionary authority to suppress critical content or withhold certain information from the public.

This amendment to the Penal Code led to the judicial prosecutions of civil society activists and

political elites, the harassment of activists, and the repression of freedom of opinion, expression, and the press. The situation made the United Nations High Commissioner for Human Rights, Michelle Bachelet, call on 8 March, 2022, during the 49<sup>th</sup> session of the Human Rights Council, through its annual report and an oral update by the High Commissioner for Human Rights on the activities of her office and the recent developments in the field of human rights, for the Algerian government to change course and take all necessary steps to guarantee the rights of its people to freedom of expression, association, and peaceful assembly.<sup>13</sup>

In statements made from Geneva during the 49<sup>th</sup> session of the Human Rights Council, Bachelet said on the human rights situation in Algeria: “I am concerned about the increasing restrictions imposed on basic freedoms, including the increase in arrests and detention of human rights defenders, members of civil society, and political opponents.”

This comes after reports submitted to the United Nations Human Rights Council by many human rights non-governmental organizations about what they see as a deterioration of the human rights situation in Algeria and the continuation of human rights violations at the hands of the Algerian government.

## **b. Draft Laws on Media, Print, Digital and Audio-Visual Journalism for the Year 2023**

### **Establishing the executive branch’s complete dominance over the media sector.**

At the beginning of 2023, the executive branch announced three draft laws on the printed and digital press, a draft law on traditional media and one on audio-visual media.

Although details of the draft laws are currently awaiting approval by the two chambers of Parliament, it is expected that these laws - as per

the Constitution where the freedom of the press is implied through provisions for the freedom of thought, opinion, and expression - should consecrate freedom of the media as a fundamental human right. As a member of the international community, Algeria adopted relevant international texts such as the Universal Declaration of Human Rights (1948) and two international treaties on political, economic, social, and cultural rights (1966) and the Optional Protocol attached to it.

However, when we return to the most important articles of these draft laws, we find a desire of the various executive and judicial bodies to control the press and its various pillars.

The Organic Law 12-05 for the media which was approved by both chambers of Parliament in March and April 2023<sup>14</sup>, included 55 articles stipulating financial penalties of up to 14,000 euros for anyone who receives funding or aid from a “foreign party,” making it mandatory to prove all sources of funding for the media and the communication sector.

The same draft law also stipulates that obtaining “accreditation” is mandatory to work legally in Algeria for foreign media outlets. Also, it requires journalists to declare their sources before the judiciary.

The draft law also stipulates a fine of up to one million dinars (approximately 7,000 euros) “for every person who works for a media outlet subject to foreign laws without first obtaining accreditation.”

The three draft laws included the establishment of new bodies designed to regulate the press sector: one for the print and digital press, an independent national authority intended to regulate all audio-visual media, and a higher council intended to oversee the ethics and standards of the press sector.

The authority that regulates the press and all audio-visual activities is composed equally of journalists and members of the administration. The President of the Republic appoints half of its members,



including its President, while the rest are elected by the country's journalists. The draft organic law on information also proposes the creation of a High Council of Ethics and Professional Conduct for the journalism profession, with half of its members being directly appointed by the President of the Republic, while journalists and publishers appoint the remaining six, raising concerns among many observers their political independence in light of the executive branch's desire to control the media.

### **c. Law on the Right to Form or Join Trade Unions<sup>15</sup> of April 25, 2023**

The law relating to the right to form or join trade unions was published in Issue n° 29 of the Official Gazette of the Republic of Algeria on April 25, 2023.

Article 12 of the law stipulates that trade unions are prohibited from connecting structurally and functionally with political parties, and cannot obtain financial support or other privileges from parties without risking penalisation or suspension. It is also prohibited to have tenure in a leadership body while simultaneously managing a trade union and exercising legal responsibility or leading a political party.<sup>16</sup> Article 13 of the law also prohibits any founders, members, and leaders of unions from declaring their support for political parties and politicians, stressing the need for the laws and statutes of organizations to include the separation between trade union work and political activity and independence from any association or political lobby group.

The law contains a punitive component of a 100 to 200 thousand dinar (650 to 1,300 euro) fine for anyone holding a political party's leadership position and managing a trade union. The text is strict regarding financing, prohibiting receiving donations and gifts from any foreign or national organizations or entities except following the approval of the relevant administrative authorities. The punishment for the receipt of such gifts is imprisonment from six

months to a year combined with a fine of 100 to 200 thousand dinars.<sup>17</sup>

It is worth noting that the new law requires a representation ratio of trade unions equal to at least 30 percent of the total number of workers and employees. In comparison, the current law stipulates 20 percent. In the event of engaging in activities other than those stipulated in the Associations Law and the Basic Law of Trade Union Organizations, the organization's activities may be suspended for a maximum period of two years through judicial review before the administrative judiciary.

This law received widespread criticism from independent trade unions in all sectors, due to what they considered to be a restriction on union practice and a threat to all trade union freedoms. A demonstration was organized on the 1st of May, 2023, in which trade unions demanded the immediate withdrawal of the law.<sup>18</sup>

In response, the government said that the law intended to regulate the right to unionize and to separate politics from union work. Therefore, the Ministry of Labour, Employment and Social Security sent a letter in which it asked trade unions to conform their basic laws to the provisions of the new law and send it to the Ministry of Labour, Employment and Social Security Directorate for Labor Relations to study and express an opinion, within a period of six months from the date of publication of the law in the Official Gazette, that is, during the period extending from May 2, 2023 to November 2, 2023.<sup>19</sup>

### **d. Draft Amendment to the Associations Law of 2012**

During its third and fourth universal periodic review before the Human Rights Council<sup>20</sup>, Algeria agreed to repeal the 2012 Law n° 06-12 on associations. On March 3, 2022, the Algerian government announced the drafting of a new law to replace the old one, but the provisions include real restrictions on the establishment, registration, and financing of associations. It also grants broad discretion to

the government in the process of establishing and dissolving associations.<sup>21</sup>

Chapter Eight of the new draft Law on Associations expanded the restrictions imposed on this freedom compared to Chapter Two of the current Law 06-12 with regard to the activity of associations, using broad and vague terminology. Chapter eight of the new draft law stipulates that “associations shall exercise activity within the framework of respect for the national constants, principles, and values stipulated by the Constitution, including national and regional unity, national identity, the symbols of the State and its institutions, national security and defense, public order, morals, the safety of people and property, the rights and freedoms of others, and the right to privacy.”<sup>22</sup>

As for the licensing system with regards to establishing associations, chapter two of the new draft Law for Associations, entitled “Advertising and Registration Procedures,” addresses most of the provisions contained in Law n° 06-12. Despite the improvement in establishment deadlines, the declaratory system is contradictory and still contains the licensing system found in Law n° 06-12, with Chapter 16 of the draft stating that “once the declaration is issued, the association can carry out its activities.” While Chapter 14 states that “the formation of the association is subject to the founding declaration and the obligation to obtain a receipt.” This refers to the same situation that existed under Law 06-12, where associations in Algeria can only be formed legally after receiving consent from the government. However, practice has shown that many associations, despite complying with the law, never receive such permission.<sup>23</sup>

The draft law also extended existing control over the foreign funding of associations, with Chapters 47 and 48 imposing the condition of needing permission from the relevant authorities to accept donations and gifts from foreign entities, associations, or foreign non-governmental organizations. This is considered a violation of one of the guarantees of the right to form associations. According to the

report by the Special Rapporteur on the rights to freedom of peaceful assembly and association, access to domestic and foreign funding is “an integral part of the right to freedom of association.” It is also contrary to the Human Rights Council Resolution 22/6, which calls on states to ensure that “human rights activities are not criminalized or discredited on the basis of their source of funding.”

The draft law also restricted the presence of foreign non-governmental organizations in Algeria by referring in Chapter 88 to the broad restrictions stipulated in Article 8 of the draft law and emphasizing that they are prohibited from “attempting to sow division between different entities in the country or incite members of society against their economic, religious and/or cultural choices.”<sup>24</sup> This uses yet further vague legal jargon, leaving significant discretion to the Algerian authorities and therefore limiting the ability of NGOs to establish their presence in the country.

As for dissolving and freezing associations, a slight change was made concerning the time limit for freezing, reducing it from six months (in Law 06-12) to 60 days in the new draft law. However, the reasons for dissolving and the mention of the discretionary authority present in Law 06-12 were still included in the new draft law, as well as restrictions that conflict with international standards, such as the prohibition of concluding partnership agreements with foreign and international associations and dealing with non-governmental organizations without prior approval from the relevant authority. Also, membership of foreign associations without prior approval from the Ministry of Interior and the prohibition of accepting donations or gifts from foreign parties are all requirements of the new law.

The draft law also stipulates criminal penalties in Chapter 96, stating: “Any person who heads an association that is not registered, unaccredited, or unauthorized to operate, or continues to work within an association that is subject to freezing, suspension, or dissolution, shall be punished by imprisonment for a period ranging from three to six

months and receive a fine ranging between 100,000 to 300,000 dinars.” This is contrary to the Guidelines of the Freedom of Association and Assembly in Africa which state that “States shall not impose criminal sanctions in the context of laws governing not-for-profit associations. All criminal sanctions shall be specified within the penal code and not elsewhere. Civil society shall not be governed by provisions of criminal law different from the generally applicable provisions of the penal code.”

It can be said that the draft Associations Law does not even comply with the provisions of the Algerian Constitution, not to mention its conflict with international standards regarding the freedom of assembly and association.

### **e. Law of May 5, 2022, on the Organization of the High Authority for Transparency, Prevention and Fight against Corruption**

This law was issued on May 5, 2022, and determines the organization, formation, and authority of the Supreme Authority for Transparency, Prevention, and Combating of Corruption. “The law stipulates that the Authority shall be composed of twelve members: three chosen by the President of the Republic, three judges, one from the Supreme Court, one from the Council of State, one from the Accounting Council, three chosen by the President of the National Assembly, the President of the National People’s Assembly, the Prime Minister or the Head of Government, and three from civil society chosen by the Head of the National Observatory for Civil Society.”<sup>25</sup>

The formation of this committee is part of Algeria's international commitment to combating corruption

### **f. Presidential Decree n° 21-139 dated 29 Shaaban 8<sup>th</sup> month of the Islamic calendar 1442, (corresponding to April 12, 2021), relating to the National Observatory for Civil Society**

This presidential decree determined the formation of the National Observatory for Civil Society, its tasks, organization, and functioning. It is an “advisory body to the President of the Republic.”<sup>26</sup>

According to the decree, the National Observatory for Civil Society is responsible for “contributing to the promotion of national values, democratic practice, and citizenship, and participating with other institutions in achieving national development goals. It provides opinions, recommendations, and suggestions related to the status of civil society and its concerns, and mechanisms for enhancing its role in public life.” It is also responsible for “monitoring irregularities which prevent the effective participation of civil society in public life, notifying the relevant authorities respectively, carrying out work that promotes the activity of civil society, studying ways to involve and develop the community’s contribution to various programmes and activities related to civil society at the national level, integrating civil society into the national development system, developing press and media communication, providing opinions, recommendations, and suggestions in the field of promoting the participation of civil society in developing and implementing public policies at all levels according to a participatory democratic approach, evaluating civil society’s performance according to the needs and available capabilities of society, proposing a general vision for its role in sustainable national development, and participating in all actions initiated by bodies and

public institutions related to civil society activity.”<sup>27</sup>

The National Observatory for Civil Society consists of 50 members appointed in accordance with the decision of 27 December, 2021, (corresponding to 22 *Jumada al-Awwal*, 1443),<sup>28</sup> which includes the nominal list of members of the National Observatory for Civil Society for a single term. What is notable about this formation appointed by the President of the Republic is that most of its members hail either from associations close to the executive branch or from loyal political parties.<sup>29</sup>

### **g. Presidential decree Defining the Tasks of the Supreme Youth Council issued on October 27, 2021**

Presidential Decree n° 21-416, dated 20 *Rabi' al-Awwal*, 1443, (corresponding to October 27, 2021), defines the main tasks, composition, organization, and functioning of the Supreme Youth Council.<sup>30</sup> According to this legal text, the council's duties are as follows:

- Provide opinions, recommendations, and suggestions on issues related to the needs of youth and their economic, social, cultural, and sportive aspirations.
- Contribute to the promotion of national values, national conscience, sense of civic duty, and social solidarity among young people.
- Participate in designing a national youth plan, as well as public policies, strategies, programmes, and agencies related to young people.
- Encourage the spirit of citizenship, volunteerism, and youth commitment to society, and their participation in public and political life, and involve them in all forms of development.

This legal text also specifies the composition of the Council, which is characterized by gender parity and consists of 348 members who exercise their term

for a non-renewable period of four years, and are distributed as follows:

232 members are elected from the provinces and states through municipal and state youth seminars, 34 members represent youth organizations and associations and are appointed by the Minister of Youth and Sports, 16 members represent Algerian youth residing abroad and are appointed by the Minister of Foreign Affairs, 16 members represent students and student organizations and are appointed by the Minister of Higher Education, ten members represent trainees, apprentices, and students of vocational training, appointed by the Minister of Vocational Training, ten members represent associations of youth with disabilities, appointed by the Minister for National Solidarity, and ten members appointed by the President of the Republic on the basis of their competence and experience in fields concerning the youth population.<sup>31</sup>

The presidency of the Supreme Youth Council belongs to a person appointed by the President of the Republic, assisted by 4 deputies elected from among the members of the General Assembly for a non-renewable term of one year, while respecting the principle of parity. It is notable that the composition of the Council, set up on June 20, 2022, by the President of the Republic, is made up of members the majority of whom are close to the circles of power, loyal parties, and various executive agencies.



# The Status of Civil Society and Social Movements: A Strategy with Three Tracks and One Goal: Maintaining the Status Quo

The government's strategy to deal with civil society from 2021 to mid-June 2023 can be summarized down to three main tracks:

- The First Track: working to harness the judicial, security, media, and political agencies to confront and imprison activists of the popular movement and all forms of civil and political organizations, associations, and parties that support the popular movement.
- The Second Track: an approach that works to accompany some associations that move within the orbit of power, and is based on supporting the plan of President Abdelmadjid Tebboune. This track is in its infancy stage, and its results and directions have yet to become clear.
- The Third Track: creating structures to govern civil society within an official framework, which first emerged with the formation of the National Observatory for Civil Society and the Supreme Council for Youth as institutions stipulated in the 2020 Constitution.

## The First Track:

**Working to harness the judicial, security, media, and political agencies to confront and imprison activists of the popular movement and all forms of civil and political organizations, associations, and parties that support the popular movement.<sup>32</sup>**

It limits the security of associations and parties that supported the popular movement, while organizing propaganda, treason, and media and political disinformation campaigns against them.

The examples and details of this trend are beyond the remit and space of this report. However, significant indicators can nonetheless be given, such as the banning of all civil and political activities, dissolving some political parties that support the popular movement, and pushing towards dissolving and reducing the number of associations under various pretexts, the most prominent of which is non-compliance with the 2012 Associations Law.

On February 23, 2023, for example, the Algerian Administrative Court (Council of State) permanently dissolved the RAJ Association in response to a complaint submitted to it by the Ministry of Interior and Local Communities on charges based primarily on the activities of the General Assembly during the movement.

The Ministry of Interior referred to Raj's supposed connection with "political parties," "relations with foreign associations (Tunisian and French)," and "its activities considered to be in violation of its statute."

On June 29, 2022, the Algerian League for the Defence of Human Rights, an association legally accredited since 1989, was dissolved on the pretext that it had not notified the relevant authorities of some administrative procedures (as per Articles 18 and 19), as well as for carrying out activities other than those stipulated in its internal laws. The association was accused of "issuing inflammatory statements on social media platforms accusing the authorities of suppressing demonstrations," "inciting protest movements," and "defending minorities



and trying to internationalize them through various international bodies and organizations.”<sup>33</sup>

The authorities also closed the headquarters of the SOS Bab El Oued Association, a well-known cultural association located in Algiers, after raiding it and seizing its technical and other equipment. Its president, Nasser Moghnin, was also arrested and imprisoned by the Algerian judiciary on charges related to the activities of the association.<sup>34</sup>

The humanitarian organization Caritas also announced the cessation of all its activities as of October 1, 2022, at the request of the Algerian authorities. Caritas confirmed that the order issued by the Algerian authorities to stop its activities had been communicated to it without providing official and detailed reasons for this action to the bishops of the Catholic Church in Algeria, despite the fact that its activities are for the Algerian Diocesan Association, which is “an association under Algerian law approved internationally.” However, the authorities accuse it of being a non-governmental organization that does not comply with national law. The Vatican News Agency strongly condemned this arbitrary closure of a Christian charity in Algeria.<sup>35</sup>

These are just some examples of various forms of repression, prevention, and incitement against activists, civil society groups, and political activists.

## The Second Track:

**An approach that works to accompany some associations that move within the orbit of power and is based on supporting the plan of President Abdelmadjid Tebboune. This track is in its infancy stage, and its results and directions have yet to become clear.**

This involves provincial officials (governors) working to support and encourage associations that follow the logic of the authorities by providing them with financial and material support according to a plan. However, some observers see this as seeking to use it as a front within the framework of marketing a political discourse abroad that calls for encouraging civil society in Algeria.

The overwhelming majority of the associations that received such support represented tools of support for the authority of former President Abdelaziz Bouteflika, and are known to be a mechanism of containment and clientelism, just as they are known for their support of all the authority’s projects.<sup>36</sup> Many observers believe that this support may be related to an attempt to activate these associations to carry out campaigns in support of the second presidential term of President Abdelmadjid Tebboune if and when decision-making circles in Algeria agree to support his candidacy in the upcoming presidential elections scheduled for the end of autumn 2024.

## The Third Track:

**Creating structures to govern civil society within an official framework, which first emerged with the formation of the National Observatory for Civil Society and the Supreme Council for Youth as institutions stipulated in the 2020 Constitution.**

This track was established at the end of 2021, when the so-called National Observatory for Civil Society was installed on December 29 by President Abdelmadjid Tebboune, who directed the members of this advisory body to contribute to the promotion of citizenship, democratic practice, and national values, at both a local and national level.

This observatory consists of 50 members appointed per the decision of December 27, 2021, (corresponding to *Jumada al-Awwal* 22, 1443), which includes the nominal list of members of the National Observatory for Civil Society for a single term.

What is notable about this formation appointed by the President of the Republic is that most its members hail from associations close to the executive branch or from loyalist parties, and that, in only a short space of time, two consecutive presidents of the observatory had taken over.<sup>37</sup> The current president was a two-term Member of Parliament on behalf of the National Democratic Rally – one of the ruling parties – and is known for his support for all consecutive terms in power of President Abdelaziz Bouteflika, leading many observers to question whether his appointment as Head of the Observatory stemmed from the need to encourage associations to support the nomination of Abdelmadjid Tebboune for a second term. On the other hand, the Supreme Youth Council was installed as another advisory body on June 22, 2022.

## **Civil Society and the Path to Power: Absence of Strategies, Weakness of Tools and Capabilities, and Lack of Margins for Maneuver:**

The paths adopted by the government are met with a large vacuum on the part of the remaining independent associations, namely: the absence of strategies, weak capabilities and tools, and lack of margins for maneuver. The remaining independent associations at both the national and local level, despite their small number, do not have a strategy to confront the security challenges imposed by the government, which has expanded its administrative and security control of associations. Moreover, the associations themselves do not have the human resources, material capabilities, and tools to liberate themselves from past ways of thinking. The popular movement is characterized by reaction and advocacy strategies instead of adopting capacity-building strategies and supporting institutional construction by developing their human resources and material skills and tools. What deepens this situation is the strategy of suppression, prevention, and betrayal adopted by decision-making bodies against every association that criticizes, even faintly, the government's policies towards civil society.

What further deepened this situation was the lack of tools and material capabilities and the absence of all margins for maneuver in light of the treason campaigns against associations by the media and some influential people loyal to the government who live in Algeria and abroad.

Current indicators show that this situation may deepen further in 2024 unless the decision-making

bodies decide to exploit the date of the upcoming presidential elections to adopt a policy of relative openness to civil society in order to convince a part of the public to participate in voting, especially since the government knows better than anyone the level of electoral boycott Algeria has experienced since the start of the popular movement until today. If this happens, some indicators related to building new strategies may be revealed by independent civil society groups to return to the table and increase their strategic activities to move towards a new phase.

## Conclusion: Opportunities, Risks, and Challenges

To conclude this report, how can we analyze the opportunities civil society can seize to become a counter-authority to put pressure and exercise its freedoms in light of the deepening conflicts and the regional and international events that have cast a shadow on the internal situation, especially since the Algerian government often uses these events as a way to cover up local events and intimidate to reject change, which is what happened with the war in Ukraine, the fighting in Sudan, the media and diplomatic war with Morocco, and other events.

Algeria is set to hold presidential elections at the end of 2024, which could lead to conflict within the ruling system between those who support the incumbent president's re-election and those who oppose him. These are conflicts whose indicators have already begun to emerge, according to many researchers of Algerian affairs,<sup>38</sup> who say that if these conflicts were to expand, they could open up avenues for civil society to exploit and create new balances of power that would help implement the demands of the popular movement with regards to personal freedoms, the civic state, and expanding the rule of law.

Such opportunities would, however, come face to face with various legal, security, and judicial risks, just as every political demand for an overhaul in the nature of the regime has been labeled as a direct incitement to unarmed gathering (Penal Code, Article 100), and could even be defined as a practice of terrorism (Article 87 bis of the Penal Code). The denunciation of repression is also included among charges of harming national interest (Penal Code, Article 96), or even "fake news" (Penal Code, Article 196 bis)<sup>39</sup>. Also, any criticism of the President of the Republic or the army could constitute an attack on national unity (Penal Code, Article 79), or even

contempt of statutory bodies (Penal Code, Articles 144 bis and 146).

In addition to all of this, political associations and parties may be subject to suspending or even dissolving their activities for condemning and denouncing repression or exercising their right to protest or boycott the presidential elections scheduled for the autumn of 2024.

This generalized repression, established by laws that have been ratified, or are in the process of being ratified, is considered the greatest challenge facing the civic space. Despite their clear violation of international agreements ratified by Algeria, these legislative and constitutional provisions are consistent with the will to impose authoritarian rule, according to what many researchers specializing in legislation and freedoms say.<sup>40</sup>

In the face of all these risks and challenges that could become more complex in the event of an economic or social collapse were oil prices to drop, the most urgent question remains: Can the leaders of political parties, associations, and activists of the popular movement formulate a strategy to exploit the upcoming presidential elections as an opportunity to carry out advocacy campaigns at a national and international level, with the aim of abolishing all laws that oppress civic space, deprive freedom, and are inconsistent with all international agreements and laws ratified by Algeria? Is it possible to launch a participatory path to find consensuses that lead to consecrating freedoms as a priority in the face of the authority's strategy that only aims to preserve the status quo, whether the core of the regime agrees to hold on to Abdelmadjid Tebboune in the presidency or agrees to change this civil façade without thinking about any change that would affect the system of governance?

# Endnotes

- 1 For a deep understanding of the Algerian popular movement and its goals, refer to this important collective book:  
*Hirak en Algérie .L'invention d'un soulèvement .La Fabrique Éditions ,February ,2020* Under the direction of Omar Benderra, François Gèze ,Rafik Lebdjaoui and Salima Mellah.
- 2 For more details, see the following link: Oil Discoveries... How does Algeria Benefit from its Wealth in Light of the Global Energy Crisis? | Economy | Al Jazeera Net ([aljazeera.net](https://www.aljazeera.net))
- 3 These propaganda campaigns did not stop, and were led by media outlets supported by state funds and by university professors and bloggers living abroad.
- 4 For more details about these decisions, refer to this link: Full details of the Wage Increases Scheduled for 2023 ([ultrasawt.com](https://www.ultrasawt.com))
- 5 To understand some of the dimensions of this crisis, we can refer to the following links:
  - Tensions in Algerian-Moroccan Relations...at the Roots of the Crisis and Dimensions of the Conflict | Opinions | Al Jazeera Net ([aljazeera.net](https://www.aljazeera.net))
  - Algeria and Morocco...Decades of Tense Relations | Politics News | Al Jazeera Net ([aljazeera.net](https://www.aljazeera.net))
  - Relations between Algeria and Morocco :What is the Reason Behind the Decision to” Break “between the Two Countries - ?Arab newspapers - BBC News Arabic
- 6 These legislative elections demonstrated the impossibility of changing the ruling system from within. It is possible to delve deeper into the analysis of the first elections that took place after the popular movement by reviewing this study at the following link: Four Years after the Movement of February 22, 2019 in Algeria: between Judicial Repression and the Strengthening of Tyrannical Rule, Arab Reform Initiative ([arab-reform.net](https://www.arab-reform.net)).
- 7 For more details on the local electoral scene, refer to the article at the following link: Local Elections in Algeria: A Reading of the Positions and Results - Political Street ([politicalstreet.org](https://www.politicalstreet.org))
- 8 See Presidential Order No. 21-08 dated 27 Shawwal 1442, corresponding to June 8, 2021, amending the Penal Code. <https://www.joradp.dz/FTP/jo-arabe/2021/A2021045.pdf>
- 9 See Presidential Order No. 21-08 dated 27 Shawwal 1442, corresponding to June 8, 2021, amending the Penal Code. <https://www.joradp.dz/FTP/jo-arabe/2021/A2021045.pdf>
- 10 In accordance with this article, on Sunday, February 13, 2022, in Issue 11 of the Official Gazette, a decision was issued, dated February 6, 2022, including registration on the National List of Terrorist Persons and Entities, whereby a list of 16 political activists, journalists, bloggers, and influencers residing abroad was drawn up as terrorists, and both the Rashad and Al-Mak movements were designated as terrorist entities. This was done without a judicial decision and without a clear definition of what an act of terrorism constitutes, contradicting Algeria's international obligations and international treaties and agreements on freedom of expression and human rights.
- 11 See the Penal Code at this link: <https://www.joradp.dz/trv/apenal.pdf>
- 12 See the Penal Code at this link: <https://www.joradp.dz/trv/apenal.pdf>
- 13 For more details, see this link <https://shorturl.at/jntPT>
- 14 The National People's Assembly, the lower chamber, ratified the law on March 28, 2023, while the National Assembly, the upper chamber, ratified it in mid-April.
- 15 See the full text of the law at this link:



Law No 23-02 .regarding the exercise of the right to form or join a trade union PDF) elmizaine.com(

16 See the text of this article at this link:

Law No 23-02 .regarding the exercise of the right to form or join a trade union PDF) elmizaine.com(

17 See the text of this article at this link:

Law No 23-02 .regarding the exercise of the right to form or join a trade union PDF) elmizaine.com(

18 On May 1, 2023, independent unions organized a demonstration to protest the law and demand its immediate withdrawal.

19 For more details, see this link:

Nail trimming or Organization ?New conditions for establishing Unions in Algeria Independent Arabia) independentarabia.com(

20 For more details, refer to the organization's report 19 at this link:

Algeria :On the Anniversary of the *Hirak* ,Freedom of Association Remains at Risk - ARTICLE19

21 The report itself.

22 The report itself.

23 This is the case with many associations that do not follow the plans of the government and do not place themselves in the orbit of loyalist parties.

24 From the draft law.

25 See the text of the law at this link:

<https://www.bing.com/search?q2%ه=F&من+الفساد+و+الوقاية+و+الشفافية+و+السلطة+العليا+للتنظيم+يحدّد+22+ماي+5+قانونqs=n&form=QBRE&sp&1=-lq0=&pq2%ه=F&من+الفساد+و+الوقاية+و+الشفافية+و+السلطة+العليا+للتنظيم+يحدّد+22+ماي+5+قانونsc&7-70=sk&cvid9=F9EC8E5E745404EB4D6312FE140B412&ghsh&0=ghacc&0=ghpl=>

26 See the text of the decree at this link: Presidential Decree No. 21-139 regarding the National Observatory for Civil Society PDF (elmizaine.com)

27 See the same link.

28 Names of the Observatory members at this link: Observatory members – National Observatory for Civil Society (onsc.gov.dz)

29 It is enough to read the names and biographies of the majority of the observatory's members to know that many of them are collaborators of the regime.

30 For more details, refer to the official telegram of the Algerian News Agency at this link:

31 It is enough to read most of the members' names to notice the connections of the majority of them to networks of power and loyalist parties.

32 Three political parties were dissolved. For more details, read this link:

Liquidation of the Third Political Party in Algeria :Dissolution of the Socialist Workers 'Party by Judicial Decision) alaraby.co.uk(

33 This solution made many international bodies denounce the decision and call on the Algerian authorities to reverse their decision and the entire campaign of repression affecting civil society. For more details on this issue, read Amnesty International's report at this link:

Algeria :The Decision to Dissolve a Prominent Human Rights Group Should be Reversed - Amnesty International) amnesty.org(

- 34 This association suffered from major security and judicial restrictions, and its president was imprisoned.
- 35 Caritas has been working in Algeria since 1962 and has provided great humanitarian services to the Algerian people, especially in the 1960s, when the community was suffering from poverty, destitution, and the spread of diseases.
- 36 Many of these associations are clientelists of the regime. For more details, read this study at this link: Algerian Civil Society after the Movement: Independence or Greater Submission to Containment and Clientelist Mechanisms? Arab Reform Initiative (arab-reform.net).
- 37 The first president of the Observatory is the current Commander-in-Chief of the Algerian Islamic Scouts, Abdel Karim Hamzaoui. The current president, who was appointed, like his predecessor, by presidential decree, is Nouredine Ben Brahim, who is the former Secretary-General of the Algerian Islamic Scouts and who was a member of Parliament during the years of Abdelaziz Bouteflika's rule for two terms. He is known to defend all of the government's decisions and plans.
- 38 Many specialist researchers and those interested in Algerian affairs believe that the conflicts over the presidential elections scheduled to be held in the autumn of 2024 have already begun and that they will grow in the coming weeks and months. In this regard, you can read this study, which explains the nature of the conflicts and constituencies that make electoral decisions in Algeria, which is the study located at the following link: <https://orientxxi.info/magazine/article6411>
- 39 See the Penal Code at this link: <https://www.joradp.dz/trv/apenal.pdf>
- 40 See the Penal Code at this link: <https://www.joradp.dz/trv/apenal.pdf>