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Imprisonment of human and workers' right activists in Algeria

Greens/EFA motion for resolution

*Tabled by **Barbara Lochbihler, Davor Škrlec, Ernest Urtasun, Alyn Smith, Heidi Hautala, Judith Sargentini** on behalf of the Greens/EFA group*

The European Parliament,

- having regard to its previous resolutions on Algeria, in particular of 9 June 2005 concerning freedom of the press in Algeria,
- having regard to the statement of the European Union following the 8th 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 on 'Delivering on a new European Neighbourhood Policy',
- having regard to the EU-Algeria Association Agreement that entered into force on 1st September 2005 and notably its Article 2,
- having regard to the EU-Algeria Memorandum of Understanding on energy signed in 2013,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the Universal Declaration of Human Rights of 1948,
- 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 Periodic Review of Algeria in 2012 and the recommendations that Algeria accepted during the review,
- having regard to the International Labour Organisation (ILO) Convention n. 87 of 1978 on the Freedom of Association and Protection of the Right to Organise and n. 98 of 1949 on the Right to

Organise and Collective Bargaining Convention,

- having regard to Rule 135 of its Rules of Procedures,

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-treatment and judicial harassment in a context 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 20,000 Algerian dinars for “assaulting a security force agent in the exercise of his duties”; whereas his sentence was confirmed upon appeal on 15 April 2015,

C. whereas on 28 January 2015 in the town of Laghouat, eight other activists from the CNDDC - Khencha Belkacem, Brahim Belemi, 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 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”;

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, in 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 other CNDDC activists, including Mr Rachid Aouine, Abdelhamid Brahim, Youssef Sultani, Ferhat Missa have also faced arrests and judicial proceedings in relation to their peaceful protest activities and which have been denounced by civil society organisations as politically motivated;

F. whereas although the state of emergency was lifted in February 2011, 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;

G. whereas according to Articles 99 and 100 of the Algerian Penal Code, those taking part in unauthorized demonstrations can be prosecuted and risk prison sentences ranging from two months to five years; whereas peaceful protests, including recently against fracking in southern Algeria, have been forcibly dispersed by police, sometimes violently, and peaceful protesters may be arrested in advance of demonstrations to prevent them from taking place;

H. whereas the new law on associations n°12-06 that entered into force in January 2012 imposes restrictions on Non-Governmental Organizations and civil society groups' activities on their creation, functioning, registration process and on their access to foreign funding; whereas this law criminalizes freedom of association by subjecting members of unregistered, suspended or dissolved associations to six months' imprisonment and a heavy fine;

I. 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;

J. 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;

K. whereas in the ENP Memo on Algeria published in March 2014, the European Commission expressed concerns over the lack of judicial independence and deterioration of the situation with respect to the freedom of association, assembly and the freedom of expression in Algeria;

L. whereas negotiations on the Action Plan between the EU and Algeria in the framework of the ENP started in 2012;

M. whereas Algeria is a member of the Human Rights Council of the United Nations since January 2014;

1. Calls for the immediate and unconditional release of Algerian labour rights activists Rachid Aouine, Mohamed Rag, Khencha Belkacem, Brahim Belemli, Mazouzi Benallal, Azzouzi Boubakeur, Korini Belkacem, Bekouider Faouzi, Bensarkha Tahar and Djaballah Abdelkader; considers their arrest and sentencing as only aiming at sanctioning their legitimate and peaceful human rights activities and calls for 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, in compliance with the provisions of the United Nations Declaration on Human Rights Defenders;

3. Is concerned by the abuse of the judiciary as a tool to stifle dissent in the country; urges the Algerian authorities to strictly uphold the independence of the judiciary and to effectively guarantee the right to a fair trial, in line with the Constitution and international standards;

4. Denounces the repressive response of the Algerian authorities to the anti-fracking protests in southern Algeria; expresses its solidarity with these protestors and shares their concern about the dramatic consequences of shale gas exploitation for public health and the environment, notably for the scarce water reserves in the region; calls on the authorities to abandon shale gas exploration;

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 the Algerian authorities to put an end to restrictions on peaceful public protests as well as to arbitrary arrests and judicial harassment against all those exercising their right to peaceful assembly;

6. Calls on the Algerian government to heed the requests of local civil society groups to revoke the 18 June 2001 decree banning peaceful protests and all forms of public demonstrations in Algiers and to modify Law 12-06 on associations in conformity with applicable international human rights standards, as well as to engage in a genuine dialogue with civil society organisations on these issues;

7. Calls on the Algerian authorities to allow new trade unions to register legally and to comply with the ILO conventions 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);

8. Urges the Government of Algeria, as a member of the UN Human Rights Council, to invite and fully

cooperate with the UN special procedures; calls on Algeria to allow international human rights non-governmental organisations to visit Algeria; calls on Algeria to actively cooperate with the African Union human rights mechanisms, notably the Special Rapporteur on Human Rights Defenders;

9. 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 human rights violations, especially in the context of an intensifying engagement on energy and counter-terrorism; recalls in this context the Article 2 of the EU-Algeria Association Agreement, which stipulates that respect for the democratic principles and fundamental human rights is an essential element of this Agreement,

10. Deplores the absence of representatives from the EU Delegation at the well-publicised trials of the activists of Laghouat and of a public statement after the rulings;

11. Regrets the lack of public reaction by the EU High Representative for Foreign Affairs and the EU Member States to worrisome human rights developments in Algeria, which falls short of the EU's commitments, notably under the EU Guidelines on Human Rights Defenders;

12. Expects the EU, notably the HR/VP and the EU Delegation in Algiers, to step up its public response to acts against human rights defenders and other voices of dissent, to support those at risk or in detention, to monitor their trials in a comprehensive manner, and to report on the matter to Parliament; calls on the EEAS to organise regular meetings at the EU Delegation in Algiers with independent human rights organisations;

13. Calls on the Council, the Commission and the EEAS to strictly apply the 'more for more' principle and its mirror "less for less" principle in its engagement with Algeria, notably in the field of cooperation assistance; calls on the EU to enhance its support to genuine civil society groups and independent media; calls on the Commission to clarify the nature and scope of its large-scale cooperation in the field of judiciary reform;

14. 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, including indicators for an objective and regular assessment of the human rights situation in Algeria;

15. 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 Government of Algeria, the UN Secretary-General and the UN Human Rights Council.

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