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***The electoral framework of Algeria should be adjusted in order to fully respect Art.25 ICCPR.***

Algeria has over the last years improved the framework for elections, however there are a number of key areas which should be adjusted in order to guarantee the respect of all obligations under art.25 ICCPR and related political rights. Past elections have been marked by boycotts of many parties and low turn-out rates. Transparent elections are one measure to bring larger parts of the population into the political process.

The state of emergency, introduced in 1992, is still significantly restricting the exercise of political rights which are essential for a full enjoyment of art.25, as has been pointed out by the Human Rights Committee in its concluding observations on the second state report by Algeria (Observations finales du Comité en réaction au Deuxième rapport périodique de l'Algérie: CCPR/C/79/Add. 95).

It also seems that the legal framework for the recognition of political parties contradicts the spirit of art.25 as outlined by the Human Rights Committee and art.22, because the organic law of March 1997 restricts the registration of parties on the basis of two non-objective criteria<sup>1</sup>: “values and fundamental tenets of the national identity” and “national unity” (translation by DRI). It is also forbidden for parties to campaign on a “religious basis”, which is an unspecific formula and difficult to interpret in a context where the constitution stipulates that Islam is the religion of the state. A more precise formula should ensure that distinctions are made between impermissible extremist political platforms which are inconsistent with the values of the Covenant and permissible moderate political platforms that may be inspired by religious considerations, while being respectful to the values of the Covenant.

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<sup>1</sup> The constitution foresees the right to establish political parties, with restrictions foreseen in art.42 as follows: «*Ce droit ne peut toutefois être invoqué pour attenter aux libertés fondamentales, aux valeurs et aux composantes fondamentales de l'identité nationale, à l'unité nationale, à la sécurité et à l'intégrité du territoire national, à l'indépendance du pays et à la souveraineté du peuple ainsi qu'au caractère démocratique et républicain de l'Etat* ». It is forbidden to establish a party or to undertake partisan campaigning « *sur une base religieuse, linguistique, raciale, de sexe, corporatiste ou régionale* ».

The issue of recognition and functioning of political parties was already raised as a concern by the Human Rights Committee in its concluding observations in the second report on Algeria.

On strictly electoral matters, a number of legal aspects do not seem to be in line with art.25 as interpreted by the Human Rights Committee in its general comments on art.25:

Although the independence of the election administration is foreseen in art.3 of the election law, the practical tasks of organising elections, which rests with the Ministry of the Interior and the territorial administration, provides only reduced guarantees for an independent control of the process, because the election commissions (*commissions de surveillance*) established in the last elections only have limited powers vis-à-vis the election administration. It seems therefore that the organisation of elections in Algeria does not offer sufficient guarantees for an independent election commission, as required by the Human Right Committee's general comment (nr.12).

There are no legal provisions on independent election observation by national or international non-partisan organisations, despite the Human Rights Committee's insistence on the need for independent scrutiny of election processes (General Comment, p. 20)

Finally, in the framework for Presidential elections, there is no remedy against the rejection of a candidature by the Constitutional Council, which also ruled in 2004, that it does not need to explain its decisions in this field. There is thus no effective remedy, as required under art.2 ICCPR.

*Democracy Reporting International has analysed the legal and administrative framework of Algeria in the context of a regional programme of assessing electoral frameworks. The report on Algeria is available in French, Arabic and English (summary) on: : [http://www.democracy-reporting.org/frameworks\\_algeria.html](http://www.democracy-reporting.org/frameworks_algeria.html)*