



The International Classification of the National Human Rights Council in Algeria Between Reality and Aspiration

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Abstract:

The National Human Rights Council represents the national institution entrusted with the protection of human rights in Algeria and serves as the mirror reflecting Algeria's international image. Like national human rights institutions in various countries worldwide, it is subject to periodic international monitoring focused on the extent of its compliance with a set of predetermined international standards expressed in the Paris Principles relating to the Status of National Human Rights Institutions. Following this evaluation, it is classified as either Class A, Class B, or Class C. The National Human Rights Council in Algeria is currently classified as Class B.

This study is presented as a proposal to elevate the National Human Rights Council to Class A status by addressing the following research question: *Why is the National Human Rights Council classified as Class B, and how can its classification be improved?*

This problematic is addressed through an analytical methodology by: defining the framework of the National Human Rights Council; clarifying Algeria's efforts to advance the National Human Rights Council toward Class A classification; analyzing the criticisms directed at Algeria in the latest report by the Global Alliance of National Human Rights Institutions and clarifying how to address them in a practical, justified, and institutionalized manner; and identifying the advantages that Class A classification would provide to Algeria.

Keywords: National Human Rights Council; Human Rights in Algeria; International Coordinating Committee; Global Alliance of National Human Rights Institutions.



Introduction:

Any effort undertaken by the state, regardless of its nature, fundamentally aims—directly or indirectly—to achieve internal and external stability and to realize security in all its dimensions, particularly legal security and the consequent social and economic security and sustainable development. This can only be achieved by creating a balance that enhances the state's position and imposes its national sovereignty while complying with United Nations standards (Fassbender, 2024).

A state aspiring to achieve this must first be capable of protecting the rights and freedoms of its people in a manner that honors it as a member of the international community.

It is internationally established that states suffering from internal deterioration in human rights are necessarily states suffering from unequal international relations, particularly at the economic level. International reservations regarding human rights are used as weapons against them whenever they attempt to move forward.

Based on efforts that have continued for decades, a comprehensive system for the protection of human rights has emerged, combining the domestic application of legal texts and compliance with international recommendations through national institutions entrusted with the protection of human rights(Reif, 2000).

These institutions are established by governments and are subject to carefully controlled international standards known as the Paris Principles, under the supervision of internal and external United Nations mechanisms, primarily the Global Alliance of National Human Rights Institutions and the Sub-Committee on Accreditation(Balarabe, 2022).

This oversight is embodied in calibrating the extent to which a national human rights institution in a given state applies the Paris Principles, and it is accordingly classified as either Class A or Class B.

The former signifies that the institution is in full compliance with the Paris Principles, while the latter indicates that the institution is in partial compliance(Langtry & Lyer, 2021).

The national human rights institution in Algeria is represented by the National Human Rights Council, which is currently classified as B.

Concerning Algeria, this study is presented as a proposal to elevate the National Human Rights Council to Class A status by addressing the following research question:



Why is the National Human Rights Council classified as Class B, and how can its classification be improved?

This problematic is addressed through an analytical methodology by:

- Defining the framework of the National Human Rights Council.
- Clarifying Algeria's efforts to advance the National Human Rights Council toward Class A classification.
- Analyzing the criticisms directed at Algeria in the latest report by the Global Alliance of National Human Rights Institutions and clarifying how to address them in a practical, justified, and institutionalized manner.
- Identifying the advantages that Class A classification of the National Human Rights Council would provide to Algeria.

1. Algeria's Efforts in Developing the Classification of the National Human Rights Council:

1.1. Defining the National Human Rights Council:

The National Human Rights Council is not the product of an idea, moment, or circumstantial hypothesis, but rather the result of a set of domestic and international data and circumstances (the UN's Human Rights Council is an excellent illustration)(Milewicz, & Goodin, 2018) that made Algeria one of the pioneering states in adopting a governmental institution to oversee the protection of human rights in 1992, at a date prior to the existence of the Paris Principles themselves.

The National Observatory for Human Rights was established, followed by the National Consultative Commission for the Promotion and Protection of Human Rights (Aouatef, 2006, p.15), and then the National Human Rights Council (Aouatef, 2006, p. 22), which is the governmental national institution entrusted with the protection and promotion of human rights. It was constitutionalized in the 2016 constitutional amendment, and its status was further strengthened by the 2020 constitutional amendment (Presidential Decree 20-442, 2020).

It is an advisory body attached to the President of the Republic, enjoying legal personality and administrative and financial independence. Its importance is evident from the tasks assigned to it, as it undertakes:

- Monitoring, early warning, and evaluation in the field of human rights;



- Initiating awareness-raising, information, and communication activities in the field of human rights;
- Examining violations that it observes or that are brought to its attention;
- Providing advice to Parliament and the Government in the field of human rights;
- Submitting an annual report to the President of the Republic;
- Active participation and influence in preparing the reports that Algeria is obligated to submit periodically to United Nations mechanisms and bodies and regional organizations in implementation of its international obligations.

The National Human Rights Council is distinguished as the national institution entrusted with the protection and promotion of human rights in Algeria in the narrow legal sense—that is, it embodies the type of protection carried out by the state represented by the executive authority alone, separate from the judicial and legislative branches of government, and apart from the efforts made by non-governmental human rights organizations in Algeria, thus the human rights commissions in Africa come in varying forms when it comes to their founding legislation and their mandates(Tsegaye, p.48).

It is a highly important institution, to the extent that it serves as a mirror reflecting the state's domestic and international efforts and its intention to advance human rights. It has a direct impact on the state's domestic and international standing and serves as a safety valve in the relationship between the governing authority and the governed—the people.

2.2. Algeria's Efforts to Advance the National Human Rights Council Toward Class A Classification:

In pursuit of the international endeavor to establish a stable system for human rights, the United Nations seeks to expand the establishment of human rights institutions, strengthen them, coordinate among them, and guide them toward maximizing their impact(Almakky, 2023).

Therefore, specialized mechanisms have been created to oversee this, represented by the General Assembly of the United Nations as the supreme deliberative body; the Office of the High Commissioner for Human Rights as the executive body; the Sub-Committee on Accreditation, which is responsible for reviewing and analyzing accreditation applications submitted by states regarding national human rights institutions; the Funding Committee; and finally, the International Coordinating Committee of National Institutions for the Promotion



and Protection of Human Rights (ICC), which changed its name to the Global Alliance of National Human Rights Institutions (GANHRI).

This is the final authority responsible for determining classification based on a file containing all the reports submitted by the state within the framework of the Universal Periodic Review and the recommendations of the Sub-Committee on Accreditation focused on the extent of compliance with carefully defined and controlled standards called the Paris Principles relating to the Status of National Human Rights Institutions (Marx, 2022).

States wishing to benefit from these institutions commit to observing and respecting them (Aouatef, 2012, pp.247-267) and are subject to international evaluation and classification periodically every five years, as will be clarified below.

The Paris Principles (Resolution of the UNCHR N°.46-1992, 1992) consist of a set of controls that frame the status of national human rights institutions, and Algeria has ratified them.

These principles outline the broad guidelines that ensure the effectiveness of the national institution and its achievement of desired objectives, and include standards relating to (Mambo, 2008):

- Competencies and responsibilities.
- Composition and guarantees of independence and pluralism.
- Methods of operation.

Algeria has made considerable efforts toward the full embodiment of the Paris Principles since they were approved, in a gradual manner, particularly with regard to:

- Strengthening the establishment mechanism: After the National Observatory for Human Rights was established by a regulatory text—Presidential Decree 92-77—it was replaced by a new body, the National Consultative Commission for the Promotion and Protection of Human Rights, which was also established by a regulatory text—Presidential Decree 01-71.
- Algeria then rectified this with respect to the Paris Principles by moving toward regulating it through a legislative text—Order N°.09-04—whereby the National Human Rights Council replaced the National Consultative Commission for the Promotion and Protection of Human Rights and is now governed by Law 16-13, after the constitutional founder intervened through the 2016 constitutional amendment by constitutionalizing



it—that is, adopting its establishment through a constitutional text—and confirmed this in 2020 in the latest constitutional amendment.

- Expanding the scope of representation and membership in accordance with the Paris Principles: This ensures pluralistic representation and the required independence for members of the National Human Rights Council.

The Algerian state's efforts in this area are clear and truly deserve recognition, but this has been hampered to date, perhaps due to the criticisms contained in international reports by the bodies responsible for classification, which may adversely affect our country (Khellaf & Karchi, 2020, pp. 443-456).

3. Ways to Improve the Classification of the National Human Rights Council and the Advantages Granted by Class A Classification:

3.1. International Criticisms Directed at Algeria in the Latest Report by the Global Alliance of National Human Rights Institutions and How to Address Them:

The Global Alliance of National Human Rights Institutions relied on the Sub-Committee on Accreditation report issued in May 2018, which recommended classifying it as “B” for two consecutive times—one in 2018 and the second in 2023.

The classification process is a periodic process every five (5) years pursuant to a comprehensive report by the Global Alliance of National Human Rights Institutions issued in the latest 2023 evaluation, based on the Universal Periodic Review of Algeria and the Sub-Committee on Accreditation report based on the extent of compliance with the Paris Principles (Ali & Chahrazed, 2020, pp. 150-167).

Before delving into the subject, we note that the Sub-Committee on Accreditation did not prepare a new report concerning Algeria, as the National Human Rights Council has retained Class B classification since 2018.

Rather, the Global Alliance of National Human Rights Institutions relied on the same report twice consecutively without being subject to re-evaluation during the accreditation sessions that were prepared in preparation for the Sub-Committee on Accreditation report, and without taking into account the legislative efforts aimed at improving classification that Algeria has implemented since the 2020 constitutional amendment and the texts arising from it, which were included in the Universal Periodic Review.



The final report of the “2020 review,” conducted based on UN General Assembly Resolution 68-268 titled “Strengthening and enhancing the effective functioning of the human rights treaty body system” (2014), reiterated “the integral role that civil society, national human rights institutions and academic platforms play in the engagement with the treaty bodies”(Takata, 2024).

The following presents the criticisms directed at Algeria and the recommendations provided by the Alliance, followed by our justified and institutionalized proposal regarding each point:

1- Criticism Concerning Selection and Appointment:

The Sub-Committee on Accreditation criticized the National Human Rights Council on the grounds that “the selection process is not sufficiently broad and transparent”, and considered the “selection committee adopted for choosing members of the National Council to be a narrow committee”, and based on this, presented the following proposals:

- 1- Advertising vacant positions
- 2- Establishing criteria for evaluating the merit of candidates
- 3- Broadening participation in the nomination, screening, selection, and appointment process
- 4- Evaluating candidates based on specific objective criteria available to the public
- 5- Selecting members in their individual capacity and not based on the organizations they represent”.

Our proposal in this regard is clarified as follows:

The representative categories of the National Human Rights Council consist of fourteen (14) categories that embody the Paris Principles in terms of achieving diversity in representation, in accordance with the provisions of Article 10 of the aforementioned Law 16-13.

Among the fourteen categories, only four (4) categories are selected by a selection committee defined in Article 11 of the same law, due to the specificity of the four categories that are chosen from a broad base, whereas the criticism was directed as if this committee selects all members.

This committee consists of: the President of the Supreme Court as chairman, the President of the Council of State, the President of the Court of Audit, and the President of the National Economic and Social Council.

The four categories are limited to: representatives of associations, representatives of unions, academics, and international experts. Accordingly, the discussion of each category is as follows:



- **Representatives of national associations active in the field of human rights:** Ten (10) representatives, half of whom are women, are selected from among the nominations submitted by the relevant associations based on correspondence they receive from the National Human Rights Council whenever necessary.
- **Representatives of unions and national and professional organizations:** Eight (8) members, half of whom are women, are selected from among the nominations submitted by the relevant organizations based on correspondence from the National Human Rights Council whenever necessary.

The selection mechanism does not contradict the Paris Principles but rather embodies them to a large extent, despite the unjustified criticism of it, even though the same method is adopted in other countries with Class A classification.

Moreover, the base for candidacy to represent these two categories is a broad base considering the category they represent, as it is not reasonable to advertise vacant positions because membership in the National Human Rights Council is not a position in the legal sense, nor can selection be made individually apart from a category to be represented.

Therefore, the proposal of the Sub-Committee on Accreditation cannot apply to the two categories in paragraphs 3 and 4—namely, representatives of national associations and unions and national professional organizations.

However, the problem arises with respect to the selection of academics and experts, as membership in the National Human Rights Council includes: two academics with relevant specialization and two experts with international and regional human rights bodies.

The Algerian legislator did not specify the selection mechanism, which exposed it to criticism on the grounds of lack of transparency.

Here we propose **generalizing the selection mechanism to embody the content of Articles 10 and 11 of the aforementioned Law 16-13**, such that in the first case, nomination is made from among university professors specializing in human rights by higher education institutions for selection by the selection committee, instead of the term “*academics*”, to facilitate the nomination, screening, and selection processes.

In the second case, selection would be made from a list comprising Algerian experts with international and regional bodies who have expressed their desire to run for membership in the National Human Rights Council based on correspondence sent to them by the Council and with



the assistance of the relevant authorities—the Ministry of Foreign Affairs—whenever necessary.

2- Criticism Concerning Political Representatives:

The report mentioned above sharply criticized political representatives on the National Human Rights Council, as “representatives of the authority on the National Human Rights Council enjoy powers similar to those enjoyed by other members, particularly the right to vote, and there is no provision for incompatibility between parliamentary representation and the presidency of the National Human Rights Council, with emphasis on embodying the principle of the Council's independence in decision-making away from political interference”.

Here we propose **amending Article 10 of the aforementioned Law 16-13** by granting parliamentary representatives the right to attend and contribute without deliberative vote, and providing for incompatibility between parliamentary representation and the presidency of the Council or membership in its decision-making bodies and structures.

Article 10 bis would be added with the following wording: “The members mentioned in paragraph 2 of Article 10 above do not have a deliberative vote and cannot run for the presidency of the Council or membership in its bureau”.

This would achieve greater independence for the Council as a whole and distance representatives of the authority from decision-making structures, thus avoiding criticisms in embodiment of the Paris Principles.

3- Criticisms Under the Heading of Serious Concerns:

The aforementioned report presented “the existence of cases of torture, enforced disappearance, and expulsion of migrants...”

It also emphasized “criticism of the statements made by the President of the National Human Rights Council that international reports are erroneous and unfounded...”

The report considered the National Council's response unconvincing... and that it is limited to monitoring and reporting without adopting strict follow-up on the implementation of recommendations and protection of affected groups.

Here we propose **clarifying Algeria's continuous efforts and sincere intention to combat anything that would undermine human rights within its periodic reports**, particularly taking administrative measures and enacting legal texts and ensuring their presentation on the



occasion of the Universal Periodic Review. We also propose **avoiding sharpness in official statements by the National Human Rights Council.**

4- Criticism Concerning Lack of Engagement with the International Human Rights System:

The report indicates that “the National Human Rights Council should participate in preparing reports, not preparing them on behalf of the Government, and the Council should not participate in a government delegation during the Universal Periodic Review or any international review when there are rights to participate as a national institution”, which are usually available.

“If the state chooses to include the National Human Rights Council in an officially delegated delegation, this must be declared and its activity clearly distinguished”.

The report also sharply criticized the lack of engagement with United Nations bodies, particularly the Office of the High Commissioner for Human Rights, the Global Alliance of National Human Rights Institutions, the Network of African National Human Rights Institutions, international and national intergovernmental organizations, and the international community. Avoiding such criticism is generally achievable.

Perhaps the reason Algeria is considered non-engaged is that it does not have the right to participate and hold membership in the Global Alliance for Human Rights due to not obtaining Class A classification.

5- Criticisms Related to Removal:

Removal here refers to cases of termination of the duties of a member of the National Human Rights Council, including cases that the Sub-Committee on Accreditation noted as affecting independence and job security and thus public confidence. These cases, according to Article 17 of Law 16-13, are:

- Unlawful absence from three consecutive General Assembly meetings
- Conviction of a felony or intentional misdemeanor
- Engaging in serious and repeated acts and behaviors inconsistent with obligations as a member of the National Human Rights Council

Termination of duties occurs based on a decision taken by the General Assembly of the National Council by absolute majority.



We believe this is an optimal method for terminating duties in the first and second cases, but regarding the third case, the Algerian legislator did not clarify the nature of these acts and behaviors and left the matter open, which can indeed affect the job security of a member of the National Human Rights Council.

In this regard, we suggest *determining the acts and behaviors in terms of their nature and scope*—for example, acts and behaviors that would violate the Council's internal regulations and limiting them to during the performance of duties as a Council member, or requiring the existence of a complaint or follow-up report.

6- Criticisms Concerning Term Duration:

The Sub-Committee on Accreditation criticized the National Human Rights Council's limitation to specifying the term as 4 years without addressing the possibility of renewal and the number of renewal times.

However, in reality, we find that Article 12 of Law 16-13 stipulated the possibility of renewal and only did not specify the number of times renewal is possible. Therefore, we propose *amending paragraph 1 of Article 12* as follows: “Members of the Council are appointed by presidential decree for a term of four years renewable once...” This is what the report indicated the National Council committed to adopting through its response.

7- Accessibility “Website”:

The current website is criticized for being available only in French, despite the official language being Arabic as well as Amazigh. The report indicated the National Council's commitment to adopting the official language as well through its response.

We note, during the preparation of this study, that the Council's website is under updating, and it would be desirable to give this matter utmost importance because the official website is the interface of transparency.

3.2. The Advantages That Class A Classification of the National Human Rights Council Would Grant to Algeria (Cherabcha, 2025, p.563):

Obtaining Class A accreditation directly results in a set of unlimited and attractive advantages with material and moral dimensions, among the most important of which are:

1- Citizens and civil society enjoy greater trust, security, and pride.



2- Full international recognition of the National Human Rights Council: States with Class

A classification are recognized with the right to participate and directly intervene in sessions, which enables Algeria through it to have the right to actively participate and directly intervene in sessions of the United Nations Human Rights Council through oral or written interventions and to propose topics for discussion. Class A classification makes it a trusted partner in development and human rights programs.

3- Enabling the submission of parallel reports or shadow reports to the committees established under the major human rights conventions—these are complementary clarifying reports that only national human rights institutions with Class A classification are allowed to submit, as they are internationally trusted entities. Their reports and interventions are taken seriously to confirm, establish, improve, and supplement what may be lacking in state reports on which classification is based.

4- The right to attend the annual forum of the Global Alliance of National Human Rights Institutions—a right reserved only for institutions with Class A classification.

5- Priority in financial funding and technical support for training and capacity building from specialized bodies within the framework of international cooperation.

6- Obtaining Class A classification is considered positive evidence during state evaluation through the Universal Periodic Review mechanism.

7- The ability to influence international human rights policies through contributing to policy-building and establishing relationships.

8- Participation in elections for Global Alliance structures—whether at the international or African level.

Conclusion:

Overcoming reservations through implementing the recommendations contained in this project, which is the product of continuous research in the field of national human rights institutions, based on previous comparative studies and emulating successful international experiences in the field of national human rights institutions, will not cost our country Algeria, which strives earnestly through its efforts and sincere intentions in the field of achieving human rights, as it seeks to rise to the ranks of states with Class A classification and to assume African and perhaps global leadership in the field of human rights, as in other fields, and it is worthy of this.



For Arab states seeking to establish or develop their national institutions, the path is clear: draw on comparative studies, emulate successful experiences, adapt to the local context, and fully commit to the Paris Principles. With at least six Arab countries (Egypt, Jordan, Mauritania, Qatar, and Palestine) holding “A” status, there are successful regional models to build upon. Ultimately, national human rights institutions are the “conscience of the nation”, holding governments accountable for their obligations to respect, protect, and fulfill the human rights of everyone living within their borders.

Human rights institutions serve as bridges between the state and civil society, and links between the national level and the international human rights system. With sufficient political will, resources, and commitment to international standards, every country can build a strong and effective national institution that contributes to the protection and promotion of the human rights of all its citizens.

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