Mechanisms for protecting human rights in Algerian law: between political and institutional mechanisms in light of the 2020 constitutional amendment



Zinelabidine lattar

University center of barika Zinelabidine.lattar@cu-barika.dz

laboratory of Governance Laboratory for Sustainable Local Development

Received date: 22/04/2026 Accepted date: 22/05/2026 Publication date: 01/07/2026

Abstract:

This study aims to analyze the mechanisms for protecting human rights in Algerian law in light of the 2020 constitutional amendment. It relies on the descriptive analytical approach to examine political (parliament, parties) and institutional (National Council for Human Rights, Constitutional Court) mechanisms. The problem of the research is to determine the effectiveness of these mechanisms in guaranteeing fundamental rights and freedoms. The study concludes that Algeria has established an integrated protection system reinforced by the promotion of oversight bodies to independent constitutional authorities. However, full effectiveness depends on actual independence and political will. It recommends strengthening the financial and administrative independence of national bodies and activating parliamentary oversight to ensure effective protection consistent with international standards.

***Keywords**: Protection mechanisms; human rights; Algerian law; Constitutional Amendment 2020; Constitutional Court; National Council for Human Rights.*

*** Corresponding author: zinelabidine lattar , zinelabidine.lattar@cu-barika.dz**

introduction

Respecting and protecting human rights is a fundamental pillar in building a state of law and democratic institutions, an obligation imposed by both international conventions and national constitutions. Algeria has followed this path, working to institutionalize the protection of fundamental rights and freedoms, moving from an abstract constitutional text to effective implementation mechanisms on the ground, as part of its efforts to achieve social justice and guarantee citizen dignity.

Studying the mechanisms for protecting human rights in Algeria is of particular importance in light of the constitutional amendment of 2020, which represented a qualitative shift by promoting several oversight bodies to the status of "independent constitutional authorities". The topic also touches on the essence of the relationship between the citizen and the authority, and evaluates the effectiveness of the legal and political tools available to guarantee rights and prevent violations, especially in light of regional and international transformations that impose new standards of good governance.

This research aims to identify the national mechanisms available to protect human rights in Algeria, analyze their legal nature and functions, and evaluate their effectiveness in light of international standards, while addressing the practical issues hindering the implementation of these mechanisms on the ground.

Based on this, the problem of the study arises, which can be formulated in the following question: What national preventive mechanisms has Algeria monitored to protect human rights, and to what extent are they effective in ensuring the effective protection of these fundamental rights and freedoms?

To answer this problem, we relied on the descriptive analytical approach, by describing the legal and constitutional texts regulating these mechanisms, analyzing the nature of their work and powers, while relying on the jurisprudential approach to the concept of protection mechanisms and distinguishing between them and theoretical guarantees.

To achieve the desired goal, we decided to divide the study into two main axes:

The first axis: the concept of human rights protection mechanisms

The second axis: Mechanisms for protecting human rights in Algeria

The first axis: the concept of human rights protection mechanisms

It is not enough for international and national constitutions and laws to enshrine human rights and fundamental freedoms. Rather, practical tools must be in place to ensure the effectiveness of these texts and their transition from theory

to practice. Here, the importance of "protection mechanisms" emerges as a necessary link between human rights recognition and ensuring its implementation.

First: Defining mechanisms for protecting human rights and distinguishing them from guarantees

The definitions provided by Arab constitutional jurists were not as precise as required in their definition of terms related to human rights mechanisms and their control. All definitions were vague, and confused the concept of guarantees with the concept of mechanisms.

Professor Ahmed Al-Rashidi defined it as:The means of legal, moral and material pressure he resorts to to compel states to respect human rights, whether within the territory of each state or within the framework of its mutual relations" (Ahmed Al-Rashidi. human rights 2003, P 175) He believed that it is divided into national governmental mechanisms (constitutional courts, specialized bodies such as a ministry concerned with human rights, and an external department concerned with the diplomatic protection system), and non-governmental mechanisms (such as civil society associations and independent associations to defend human rights).

This definition is criticized for confusing procedural mechanisms such as reports, complaints and recommendations with institutional mechanisms, both governmental and non-governmental.

As for Dr. Khader, he did not address the formulation of a specific definition of the concept of mechanisms, but rather contented himself with discussing their topic and classifications within Chapter Five of Section Two, under the name "Institutions for Defending Public Freedoms and Human Rights". He focused his attention largely on the efforts of the United Nations, the Vienna Declaration and Programme of Action of 1993, and the four Geneva Conventions of 1949, not to mention international institutions concerned with defending human rights (such as Amnesty International, the International Criminal Court, and the International Federation for Human Rights Linkages), as well as regional bodies (such as the European, American, and African Commission on Human Rights). Accordingly, we note the lack of a clear and specific definition of the term mechanisms (Khader Khader. entrance to Freedoms General and human rights, 2008, P181-233) This has led to confusion between legal instruments such as agreements and declarations, and mechanisms of all kinds, both procedural and institutional. Another section was devoted to national non-governmental mechanisms (such as associations, civil society organizations, professional unions, and human rights organizations).

Dr. Zanati is similar to his predecessors in his book "Mechanisms for the International Protection of Human Rights," where he did not clarify the meaning of protection mechanisms, and merely referred to what he called the "institutional framework," meaning the set of international bodies entrusted with ensuring

respect for and implementation of international human rights texts(Essam M'hamed Ahmed Zanati. Protection law Rights man in frame Nations, 2001, P P19-20).

In addition to all the definitions provided by previous jurists, there are other jurists who viewed protection as a system of procedures, without providing a comprehensive definition of the meaning of mechanisms, confining them to administrative, judicial, legislative, and trade union protection, which does not provide a clear vision of the mechanisms, whether at the institutional or procedural level(Professors Law. Human Rights, 2008, ¨P 229).

In summary, it is clear that most definitions of protection mechanisms, whether at the international or national level, do not achieve the desired purpose. Although they do mention them, they often confuse them with guarantees. Accordingly, we conclude from all of them that what is meant by human rights protection mechanisms is: the set of procedures and devices available at the national and international levels to protect human rights and fundamental freedoms.

Procedural mechanisms typically manifest themselves in the totality of procedures resorted to by national and international authorities and are highlighted through the system of reports of all kinds and the procedures for submitting them, recommendations, complaints, individual communications, diplomatic oversight and protection, and some other procedures. Institutional mechanisms include those bodies and institutions responsible for protecting and promoting human rights at the national and international levels. These institutions may take the form of institutions for the defense and protection of human rights, such as committees, specialized agencies, and governmental and non-governmental organizations. In particular, national protection mechanisms are mainly represented by official and unofficial bodies and institutions, which differ from one national system to another and the procedures they adopt to carry out their work and activities(Nadia Khalafah, 2009, P36).

In line with the constitutional amendment approved by Algeria in 2020, it can be said that the constitutional legislator attempted to address part of this theoretical and practical vacuum by elevating several bodies to the status of independent constitutional authorities, thus supporting national institutional mechanisms for the protection of human rights. The Constitutional Court, which replaced the Constitutional Council, the Independent National Electoral Authority, the Supreme Authority for Transparency, Prevention and Combating Corruption, and the Accounting Council all today constitute a solid foundation for the official institutional mechanisms enshrined in the amended Algerian Constitution.

Second: Classifications of human rights departments

The recognition of internationally protected human rights was not a temporary event, but rather the result of a gradual historical process spanning successive eras and generations, resulting in a diversity of classifications based on different angles and adopted visions. This diversity has sparked widespread academic and professional debate about the nature of classification, its criteria, and its connection to jurisprudential and political perceptions.

In essence, classification is a descriptive process that matures as rights develop, and is subject to arrangements of a political, economic and ideological nature enshrined by the legislator, such as classifying rights into "basic" and "non-basic" based on international conventions and jurisprudential jurisprudence. Against this background, we review below the most prominent human rights classifications and sections.

1- Economic and social rights: concept and positive nature

Economic, social and cultural rights are, in essence, those rights that entitle individuals to obtain basic services from the state as their custodial political group. Historically, these rights were viewed as second-class compared to civil and political rights, as they were considered merely guidelines for the state's work in the economic and social fields (Qasim Lamia1. Guarantees Application Rights Economic Social and cultural2004, P1).

This problem becomes clear when resources are scarce, which constitutes an obstacle to their immediate and full implementation (M'hamed Youssef Alwan. M'hamed Khalil Al-Morsi. Law International human rights . 2007, P13) These rights include: the individual's right to work and appropriate conditions, the right to trade unions and protection against unemployment, equal pay, as well as the right to an adequate standard of living, adequate health conditions, family protection, education, participation in cultural life, and benefit from scientific progress.

Economic and social rights are linked to the concepts of equality and social justice, and socialist thinkers have highlighted their value by talking about economic democracy. The constitutions of some countries have contributed to the consecration of this generation of rights.

The Charter of Fundamental Rights of the European Union (2000) also strengthened its position by balancing it with the first generation, raising it from the status of "demands" in classical liberalism to binding "rights" in neoliberalism, especially at the European level.

2- Civil and political rights between basic freedoms and negative nature

In contrast, civil and political rights are defined as "personal rights of individuals," and include: the right to life, security and personal integrity, freedom from torture or cruel treatment, freedom from slavery, freedom from arrest except in accordance with the law, freedom of movement and residence, equality before the judiciary, the right to defence, participation in public life directly or through representatives, and the right to vote and to stand for election.

Legal experts classify these rights as part of the "first generation" of human rights, which are identical to the concept of "freedom," as they are the basic rights that humanity has struggled to achieve throughout its history.

These rights dominated documents of the eighteenth and nineteenth centuries, such as the Virginia Declaration (1776), whose protection was limited to freedom of the press and free elections. It was stipulated in the United Nations Charter, followed by the Universal Declaration of Human Rights, then the International Covenant on Civil and Political Rights. These rights are characterized by their "negative" nature, as they assume that the state refrains from intervening to ensure respect for them, in line with the concept of the "guardian state", whose role is limited to protecting freedoms and not infringing on them(Qadri Abd Al Aziz. Rights man in Law International and relationships International 2008, P19).

3- Third generation rights - contemporary innovation and international guarantees

The term "third generation" of human rights refers to human rights groups that have emerged as a result of the necessities and developments of contemporary life, which were not previously known. Therefore, early international documents did not mention it. For example, the Universal Declaration of Human Rights did not address the right to the environment, as pollution problems were not prominent at that time. However, environmental threats since the mid-twentieth century, such as global disasters, have highlighted the importance of preserving the environment as a right that belongs to every human being (Khalafah Nadia , P55).

Some jurists proposed the idea of the third generation in 1977, proposing new rights to commemorate the thirtieth anniversary of the Universal Declaration of Human Rights and the second centenary of the French Revolution. These rights included: the right to peace, solidarity, development, a healthy environment, and the common heritage of humanity.

However, some jurists objected to it due to the lack of clarity regarding its subject, its beneficiaries, and its obligors, considering it merely "dreams" that cannot be legally translated (Khalafah Nadia.P 55).

The right to the common heritage of mankind is enshrined in the Third United Nations Treaty on the Law of the Sea, whose subject is the wealth of the seabed and ocean floor outside the exclusive economic zone (The Zone & The EEZ), and its addressees are persons of international law, and its beneficiary is the international authority established under the treaty for the benefit of the human community.

The second axis: Mechanisms for protecting human rights in Algeria

First: Political mechanisms

The principle of implementing human rights and freedoms can only be protected and guaranteed within a democratic framework. Legislating and issuing these rights is the task of Parliament, which plays a key role in democratizing political life. Political parties play a key role in legislating and monitoring the executive branch, in an integrated process aimed at preserving human rights in all their dimensions. As for political parties, the law considers them a complementary element in the advancement of human rights.

1- Parliament

The political mechanisms revolve around Parliament, which takes on a democratic dimension and a place for the institutional expression of the Algerian state and the embodiment of the will of the people, as it is an elected body that represents society with all its spectrums. It is responsible for embodying the will of society and adapting and updating society's laws according to its changing needs and circumstances. Indeed, Parliament is the body charged with monitoring the work of the government and holding it fully accountable, including what the Algerian legislator explicitly stipulated in the 2020 constitutional amendment that Parliament has sovereignty in preparing the law and voting on it(Article 114 from The decree Presidential No 20-442 historian in 12/30/2020, Related Basdar Amendment Constitutional. Al-Masadiq Ali in Referendum Awal November year 2020, J R. El Adah 82, Al Masriya dated 12/30/2020) He is even charged with monitoring the government (Article 115 from Amendment Constitutional 2020) Parliament must remain loyal to the people's trust and remain enthusiastic about their aspirations, the most important of which is the promotion and protection of human rights and freedom(Article 116 from Amendment Constitutional 2020).

From this perspective, the role of Parliament is presented as one of the primary mechanisms for protecting human rights, playing a role that advances in this protection over other local and international mechanisms, through its status as a constitutional political institution.

The election of parliamentarians by the people, and the submission of Parliament to an organic law regulating its work, in addition to defining its areas of

competence in the constitutional document (Article 139 W 140 from Amendment Constitutional 2020) All of this provides Parliament with broad independence from the ruling authority, and constitutes a corresponding weight for the government.

The method of selecting members of Parliament allows parliamentarians to evade their connection to the government, which embodies the sovereignty of the people and the expression of their will, which lies in presenting citizens' concerns, expressing their will, legislating according to their requirements, and expressing and protecting their rights .

In the context of discussing the recent constitutional review, we should note the legislative balance within the legislative institution, through the creation of the National Assembly, its function, and the impact this body has had on the relationship between it and the executive institution-(Idris Boubaker. Review Constitutional in Algeria Been stability And change., 2001,p 41).

By referring to reading the provisions of the Constitution, it is concluded and shown that the establishment of the National Assembly aims to achieve:

- Improving representation within the legislative institution, by representing local groups (through elected officials).
- Avoid marginalizing some competencies through appointment by the President of the Republic.
- Achieving balance between institutions, by removing the monopoly on legislative work from the National People's Assembly, and completing the legislative process in the best possible way (through competencies).
- Expanding the authority to notify the President of the National Assembly of the Constitutional Court.
- Therefore, for Parliament to be an ideal tool for translating popular concerns, it must have key features that raise it to the level of the ambitions and trust that society has placed in it, and it must work to:
- Improving the way it performs, and ensuring that it is the truest representation of its voters, by communicating with them and being accountable to them.
- To be an open space for the nation, through various media.
- To be representative of all segments of society.
- To achieve this role in order to meet the needs of the citizen, it can only be achieved with the presence of a force that supports it other than the force of law. Accordingly, it is not possible to imagine a parliament without real political parties, not formal ones. In other words, there are no alternatives or political options for these parties.

2- Political parties

A political party is a political organization that brings together citizens who share the same ideas and come together to develop a common political project that seeks to achieve political power through peaceful and democratic means (Article 3 from Law Organic No 12-04 The historian in 12/01/2012, Related In parties political. J R. El Adah 02, Al Masriya dated 15 01/2012).

From a legal perspective, political parties are considered a supporting force for human rights mechanisms. Organic Law No. 12-04 on political parties requires the presence of a human rights protection clause in their statutes, and explicitly includes their internal organizations and programs on the basis of respect for individual and collective rights and freedoms, as it: According to the provisions of the Constitution, it is not permissible to establish a political party on contradictory objectives: For basic freedoms" (Alrticle 8 from Law 12-04 Related In parties political).

The debate has become about whether political parties can be considered part of civil society organizations in the context of seeking to protect their rights. What this debate means is that one of the political goals of parties is to reach power or participate in it. Parties may overcome civil society to achieve and ensure their continued rule.

But to preserve and protect human rights within the state, political parties remain in the best corridor to achieve this necessity, as political parties have an important role in affirming the opposition and the possibility of peaceful change of rulers, and not tyranny, or monopoly of power (Nadia Ben Ahmed. concept Parties political Algerian And its impact Ali El Power, 2014, p 316) They are informal rules that represent the cornerstone and thus contribute to shaping the will of the nation. They are also a fundamental pillar on which democratic systems are based Individuals alone cannot achieve the goals of society, especially protecting their basic rights and freedom, except by coordinating efforts, unity and solidarity among themselves. This solidarity cannot become effective unless efforts are united within the framework of a political party.

Its function is also evident in oversight and accountability, as it monitors the actions of the government, which affects the authority and prevents it from transgressions and corruption. In addition, it selects leaders to be elected by the people. When the party comes to power, it works to implement its goals, including protecting human rights outlined in its program, which leads to greater stability in the country.

Second: Institutional mechanisms

The institutional mechanisms revolve around the National Advisory Committee for the Protection of the Right to Promote Human Rights, which arose after institutional experiences known to Algeria in the field of human rights, while the

second mechanism lies in the Constitutional Council, which is considered a necessary official institution that puts an end to the extremism of the parliamentary majority in monitoring the constitutionality of laws.

1- National Council for Human Rights

It is a public body established in accordance with Law No. 16-13(law No 16-13 historian in 3 November 2016, Determines Formation Al-B national Council human rights man And qualities Set Members thereof And the rules Related Organized by And his biography. J R. El Adah 65 For the year 2016) It has legal personality, administrative and financial independence, and represents one of the state agencies, and is placed with the President of the Republic as an advisory body (article 211 from Amendment Constitutional 2020) As a guarantor of the Constitution, as a protector of human rights, citizens and their fundamental freedoms, and the Constitution, it accordingly works to promote and protect human rights, and they are subject to the management accounting system with regard to their management expenses (Materials 1, 2, W3 from Law No 16-13).

The President of the Republic appoints the members of the Council by presidential decree for a period of 4 years, subject to renewal They enjoy all the guarantees that enable them to perform their duties with complete independence, integrity and impartiality (Article 14 from Law No 16-13).

The Council's tasks are embodied in ensuring the promotion of human rights, and it is charged in particular with the following: (Article 4 from Law 16-13 Determines Formation Al-B national Council Rights man And qualities Set Members thereof And the rules Related Organized by And his biography).

-Submitting opinions, recommendations, proposals and reports to the Government, or to Parliament, on any issue related to human rights at the national and international levels, on its own initiative or at their request.

-Studying draft legislative and regulatory texts, providing comments thereon, and evaluating existing texts in light of basic human rights principles.

-Submitting proposals regarding ratification and/or accession to international human rights instruments.

-Contribute to the preparation of reports that Algeria submits periodically to United Nations mechanisms and regional institutions in implementation of its international obligations.

-Evaluating the implementation of observations and recommendations issued by United Nations bodies and committees and regional bodies and mechanisms in the field of human rights.

-Contributing to the promotion and dissemination of human rights culture through continuous training, organizing national, regional, and international forums, conducting research and studies, and undertaking all relevant awareness-raising and media activities related to human rights.

-Proposing any measure that would promote education, upbringing and research in the field of human rights in school, university, social and professional circles, and contributing to its implementation

The Council is entrusted with quasi-judicial tasks in the field of human rights protection, which are as follows: (Article 5 from Law 16-13)

-Early warning at the borders of situations of tension and crises that may result in human rights violations, and carrying out the necessary preventive efforts in coordination with the competent authorities.

-Monitoring and investigating human rights violations and reporting them to the relevant authorities, along with his opinion and suggestions.

-Receive complaints regarding any violation of human rights, study them, and refer them to the relevant administrative authorities, accompanied by the necessary recommendations and, when necessary, to the competent judicial authorities.

-Guiding complainants and informing them of the outcome of their complaints, visiting places of detention and arrest for consideration, and child protection centers Social structures and hospital institutions, particularly those designated for the accommodation of persons with special needs, and reception centres for foreigners in an irregular situation.

-To carry out, within the framework of his mission, any mediation to improve relations between the public administration and the citizen."

2- The Constitutional Court

Since the drafting of its first constitution in 1963, the Algerian constitutional system has assigned the task of monitoring the constitutionality of laws to an independent body, characterized by a hybrid nature that combines a political nature in terms of its composition, which reflects the balances of power, and a judicial nature in terms of its technical legal powers, and this body has been known as the "Constitutional Council". This model has witnessed gradual development and a change in the organic composition and powers granted from one constitution to another, reflecting the constitutional legislator's efforts to strengthen the rule of law and ensure the supremacy of the constitution, while attempting to keep pace with the political and social transformations that the country has undergone throughout its various historical stages (Ruqaya Ben Arbia. Hana Arur. Censorship Constitutional in Zil The court Constitutional Algerian, 2022, p77).

Then came the most prominent development with the provision for the organization of the "Constitutional Court" pursuant to the 2020 Constitutional Amendment (Amendment Constitutional 2020)The legislator included it in Chapter Four under the title "Supervision Institutions"(Article 185 from Amendment Constitutional 2020) To appear as a constitutional institution charged with oversight, unlike the previous Constitutional Council, which played an advisory role for the President of the Republic in some cases.

The Constitutional Court came alongside other oversight bodies that were promoted to become independent constitutional authorities, represented by the Accounting Council, which exercises financial oversight, the Independent National Elections Authority, which exercises oversight over the electoral process and referendum, and the Supreme Authority for Transparency, Prevention and Combating Corruption. All of these authorities have been elevated to the level of constitutional authorities, after having been merely advisory or administrative bodies in the 2016 Constitution. Following the popular ratification of the 2020 Constitutional Amendment, these authorities - including the Constitutional Court- have acquired power and legitimacy derived directly from the original constituent authority, the people (Jamal Ben Salim. P 306).

The Constitutional Court has a set of fundamental and vital tasks within the framework of its protection of human rights, as it is an impenetrable bulwark to protect citizens from the arbitrariness of legislative laws or regulatory decisions that may violate the highest principles of freedom and democracy enshrined in the Constitution. These protective mechanisms can be detailed in the following points:

First, the Court has jurisdiction to decide by binding and final decision on the constitutionality of international treaties, organic and ordinary laws, as well as the internal regulations of the authorities, which ensures that no legal text that conflicts with the fundamental rights guaranteed by the Constitution is enforceable. This role is a prior or subsequent oversight, as the case may be, aimed at purifying the legal system of any impurities that may affect the freedom or dignity of individuals, as court decisions acquire the validity of res judicata and bind all public authorities(article 185 W192 from Amendment Constitutional 2020).

Secondly, the Court plays a crucial role in protecting the political rights of citizens by considering the appeals it receives regarding the provisional results of the presidential and legislative elections, as well as the referendum processes, after which it announces the final results that become an argument for everyone. Its jurisdiction also extended to include the right to adjudicate appeals related to the refusal to run for the presidential elections by the Independent National Elections Authority, which is an important procedural guarantee that protects the citizen's right to run and fair political competition from any administrative arbitrariness (

Article 189 from Amendment Constitutional 2020, And so on look: law Organic Related By system Electoral. 75, year 2021).

Third, the court exercises close oversight over executive production, as it is competent to rule on the claim that legislative or regulatory decrees that the government may issue are unconstitutional. As for the orders issued by the President of the Republic in exceptional cases specified in Article 141 of the 2020 Constitutional Amendment, they are subject to mandatory and prior oversight by the Constitutional Court before they are issued. This distinction creates an integrated system of oversight that combines tribal oversight of orders with subsequent oversight of decrees through payment, which strengthens mechanisms to protect the constitution and human rights from abuses of the executive authority (Ammar Boudiaf. Censorship Ali Constitutional Laws in Legislation Algerian., 2021, p115).

Conclusion

This study analyzed and discussed the mechanisms for protecting human rights in the Algerian legal system, with a focus on the qualitative transformation brought about by the 2020 constitutional amendment. These mechanisms have been divided into two main categories: political mechanisms represented by Parliament and political parties, and institutional mechanisms represented by the National Council for Human Rights and the Constitutional Court, with the aim of assessing their effectiveness in protecting basic freedoms.

In response to the research problem, which questioned the nature and effectiveness of national preventive mechanisms in Algeria, we conclude that Algeria has a theoretically advanced legal and institutional arsenal, especially after the promotion of oversight bodies to independent constitutional authorities. However, the actual effectiveness of these mechanisms still depends on strengthening their financial and administrative independence, and on the availability of the political will to activate constitutional texts on the ground, as there is still a gap between human rights recognition and ensuring its full implementation.

Based on what was presented and analyzed in the research topics, we reached the following results:

1- Algeria adopts a dual protection system that combines political mechanisms (popular oversight) and institutional mechanisms (legal oversight).

2- The 2020 constitutional amendment represented a qualitative leap by upgrading bodies such as the Constitutional Court and the Audit Council to independent constitutional authorities.

3- Parliament remains the primary mechanism for legislation and oversight, but its effectiveness depends on the degree of political pluralism and the independence of parliamentary committees.

4- The National Council for Human Rights has broad quasi-judicial powers, but its advisory nature limits the binding nature of its recommendations.

5- The Constitutional Court introduced the "dismissal of unconstitutionality" mechanism, which is an essential procedural guarantee for protecting the rights of litigants.

6- National mechanisms face practical challenges related to financial and human independence, which affects the speed and effectiveness of intervention in cases of violation.

Based on the findings and with the aim of strengthening the protection of human rights in Algeria, we propose the following legal recommendations:

1. Amending the organic law of the National Council for Human Rights and granting the Council's decisions the status of legal obligation before the public administration instead of the current advisory nature.

2. Establishing financial independence and explicitly stipulating in the annual finance law an independent budget for the National Human Rights Council and independent constitutional authorities, independent of the guardianship of the relevant ministry.

3. Activating the Constitutional Court's procedural procedures and issuing an organic law clarifying the practical mechanisms for implementing the "uncircumstitutionality plea" to ensure a speedy resolution of individual appeals.

4. Strengthening the powers of parliamentary committees by granting the Parliament's Rights and Freedoms Committees the authority to summon ministers and effectively hold them accountable regarding human rights violations.

5. Reviewing the organic law on political parties and tightening oversight of party financing to ensure their independence from the executive authority, thus strengthening their role in oversight and protection of rights.

6. Harmonizing domestic legislation by reviewing ordinary laws (Media Law, Associations Law, Penal Code) to ensure their full compatibility with international agreements ratified by Algeria to avoid conflict with the Constitution.

bibliography:

First: Laws

1.Organic Law No. 12-04 of 12/01/2012, relating to political parties, No. 02, issued on 15/01/2012.

2.Law No. 16-13 of November 3, (2016), determining the composition of the National Council for Human Rights, the methods of appointing its members, and the rules relating to its organization and functioning, JR, No. 65 of 2016.
3.Presidential Decree No. 20-442 dated 12/30/2020, relating to the issuance of the constitutional amendment, approved in the referendum of November 1, 2020, JR, No. 82, issued on 12/30/2020.

Second: books

1.Ahmed Al-Rashidi, (2003) Human Rights, A Comparative Study in Theory and Practice, Al-Shorouk International Library, Cairo University,
2.Khader Khader, (2008), Introduction to Public Freedoms and Human Rights, Modern Book Foundation, Lebanon,.
3.Al-Shafi'i Muhammad al-Bashir, (2007), Human Rights Law: Its National and International Sources and Applications, Maaref Facility, Alexandria.
4.Essam Mohamed Ahmed Zanati, (2001), Protecting Human Rights Law within the Framework of the United Nations, Dar Al Nahda Al Arabiya , Cairo.
5.Ammar Boudiaf, (2021) ,Oversight of the Constitutionality of Laws in Algerian Legislation, Dar Houma, Algeria .
6.Qadri Abdel Aziz (2008), Human Rights in International Law and International Relations (Contents and Verses), 6th edition, Dar Houma, Algeria.
7.Zahari Bouzid (2004), Parliament and the Process of Promoting Human Rights in Algeria, Arab Thought Magazine, Issue 6.
8.Muhammad Yusuf Alwan, Muhammad Khalil Al-Morsi, (2007) , International Human Rights Law, Protected Rights, Part 2, 1st edition, House of Culture, Publishing and Distribution, Jordan.
9.An elite group of law professors (2008), human rights, their types and methods of protection in local and international laws, Modern Arab Office, Alexandria.

PhD thesis

1.Nadia Khalafah, (2009) Mechanisms for Protecting Human Rights in the Algerian Legal System – Study of Some Political Rights - PhD Thesis in Legal Sciences, Specialization in Constitutional Law, Faculty of Law, University of Batna.

Master's thesis

1.Qasim Lamia(2003), Guarantees for the Implementation of Economic, Social and Cultural Rights, Master's Thesis in Constitutional Law, University of Setif.

Articles

1.Idriss Boubacar, (2001) Constitutional Review in Algeria: Between Stability and Change, Adara Magazine, Issue 11.
2.Jaghri Amira(2017), National Executive Mechanisms for the Protection of Human Rights, Journal of Humanities, Volume A, Issue 48 .
3.Jamal Ben Salem, (2021) The transition from the Constitutional Council to the Constitutional Court in Algeria: "A change in form or substance," Journal of the Department of Legal and Political Research and Studies, Volume 5, Issue 2.
4.Nadia Ben Ahmed, (2014) The Concept of Algerian Political Parties and Their Impact on Power, Al-Baheth Journal of Academic Studies, Volume 1, Issue 3 .