

Stages of human rights development in the Algerian constitutions

مراحل تطور حقوق الانسان في الدساتير الجزائرية



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Date of transmission: 27/10/2024 date of acceptance: 03/11/2024 date of publication: 01/12/2024

Abstract:

Human rights and fundamental freedoms have occupied a significant place in the successive Algerian constitutions, aligning with developments on the international level. However, there are fundamental differences between the constitutions from the single-party era, which were largely influenced by the state's socialist orientation and its ideological impact on human rights and fundamental freedoms, and those from the pluralistic era, which witnessed openness in the political, economic, and social fields. This openness has had a corresponding effect on the subject of rights and freedoms.

Keywords:

Human rights; Algerian constitutions; socialist orientation; fundamental freedoms; single-party system.

المخلص:

لقد احتلت حقوق الانسان والحريات الاساسية مكانه هامة في الدساتير الجزائرية المتعاقبة، وتوافقت مع التطورات الحاصلة على المستوى الدولي، مع اختلافات جوهرية بين دساتير مرحلة الأحادية الحزبية التي طغى عليها التوجه الاشتراكي للدولة، وما أحدثه من تأثير إيديولوجي على موضوع حقوق الانسان والحريات الاساسية، ودساتير مرحلة التعددية التي عرفت انفتاحا في الميادين السياسية والاقتصادية والاجتماعية، وما ينتج عن ذلك من أثر على موضوع الحقوق والحريات.

الكلمات المفتاحية:

حقوق الانسان، الدساتير الجزائرية، التوجه الاشتراكي، الحريات الأساسية، الأحادية الحزبية.

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Introduction:

Human rights are fundamental pillars in the establishment of a modern, just, and free society. Ensuring the respect and protection of these rights underpins legitimate governance in contemporary states, supporting the creation of a world characterized by liberty, safety, and stability. In today's global landscape, adherence to human rights has evolved into a central obligation for states, serving as a criterion by which the international community assesses the legitimacy of governance. Accordingly, it is essential to uphold and fulfill commitments to human rights, including those enshrined in international agreements such as the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and the UNESCO Convention Against Discrimination in Education.

Constitutions have emerged as defining features of modern states, crafted to mirror the political ideologies and guiding philosophies of those in power. These documents embody each state's particular stance on rights and freedoms. Around the world, various declarations, constitutions, and legislative frameworks articulate a wide range of fundamental rights and freedoms. Among the foremost are civil and political rights, which safeguard individuals from state overreach, allowing for the exercise of personal freedoms within the bounds of the law.

By contrast, economic and social rights call for an active role from the state. Rather than merely refraining from interference, the state must take positive steps to ensure the provision of essential services such as healthcare, education, and social security. The prominence of these rights expanded notably after World War II, as the concept of freedom evolved to encompass human dignity and fostered advancements in social and economic well-being.

A constitution, therefore, is widely understood as a foundational document that establishes a framework of principles regulating state powers, outlining the rights of both citizens and public officials, and setting guidelines for interactions between different branches of government. In this regard, a constitution holds the highest legal authority within a state. Since achieving independence, Algeria has sought to develop constitutional texts that not only acknowledge human rights but also define measures for their protection. Algeria's constitutional

journey began with the adoption of the 1963 Constitution, just a year after independence, and continued with the 1976 Constitution, which aimed to embody the socialist aspirations of the time. This was followed by the 1989 Constitution, crafted after the political events of October 1988, as well as the 1996 Constitution, with further amendments introduced in 2008, 2016, and most recently in 2020, the current guiding document.

This study seeks to answer the question: **To what degree have Algerian constitutions enshrined essential provisions concerning human rights?**

To examine this question, the study is divided into two main sections: the first part investigates human rights within Algerian constitutions during the socialist era, while the second explores human rights after Algeria's transition toward a more liberal orientation.

First Topic: Human Rights in Algerian Constitutions During The Socialist Orientation

The first requirement: The 1963 Constitution: A Foundation for Algeria's Independence

The 1963 Constitution marked Algeria's first formal constitution following its independence. Its primary goal was to lay out a clear vision for the country's direction across various sectors, aligned with the era's developments. This constitution adopted a framework reflecting the socialist principles embraced by the single-party rule. It was crafted by the National Constituent Assembly, which was established on September 20, 1962, and presided over by Farhat Abbas. After a year of work, the assembly presented the draft constitution for a public referendum on September 8, 1963. The final document included a preamble and 78 articles¹.

Within this constitution, around fifteen articles specifically affirmed the human rights and fundamental freedoms of citizens across political, economic, social, and cultural spheres. These provisions mirrored the style of contemporary Western constitutions. Socialism was emphasized in the preamble as the core philosophy of the state, with the declaration that "The people ensure the political stability of the country, a vital necessity for the socialist tasks facing the Republic."

In Article 21, the constitution guaranteed the right of asylum to "anyone fighting for freedom," showcasing Algeria's commitment to supporting those opposing oppression, inspired by its own prolonged struggle for independence.

¹- Ouyahia Eifa, 2002, The Algerian Constitutional System, without a publishing house, Algeria, p. 69.

Article 11 ¹underscored Algeria's adherence to the 1948 Universal Declaration of Human Rights, emphasizing its dedication to align with international bodies promoting human rights. This commitment is evident in the statement: "The Republic aligns with the Universal Declaration of Human Rights and commits to any international organization that meets the aspirations of the Algerian people, who are convinced of the necessity of international cooperation²."

A deeper analysis of the 1963 Constitution highlights a significant emphasis on human rights, especially within the second section titled "Fundamental Rights." Consolidated across 11 articles (Articles 12 to 22), these rights include various provisions aimed at protecting individual freedoms. Article 10, for instance, stresses that power belongs to the people and calls for resisting any forms of exploitation. It ensures the right to work, access to education, defense of freedoms, and respect for human dignity³, while also condemning discrimination—particularly of racial or religious nature—and explicitly denouncing any form of torture or mistreatment.

The constitution ensured a range of civil and political rights, including economic and social entitlements, emphasizing equality in duties and privileges. Individual rights were regarded as inherent, predating the state's existence, with the state's role being to protect these rights through its authority. Similar to many nations, Algeria's 1963 Constitution incorporated both civil and political rights alongside economic, social, and cultural rights.

A key right protected by the Algerian constitution was freedom of opinion, allowing individuals to hold personal beliefs without state interference. Article 4 solidified this principle. As a democratic state founded on values of dignity and independence, Algeria renounced any form of oppression or violations of sovereignty. In Article 10, freedom and dignity were upheld as intrinsic rights, with the provision that these values should remain uncompromised. Given Algeria's experience with colonial injustices, provisions in Articles 10 to 12 safeguarded equality and denounced acts of torture and racial or religious discrimination. Justice was a central element in the constitution, as Article 15 stated that no individual shall be detained unlawfully. Article 13 extended voting

¹- Hamdouche Riad, 2008/2009, Lectures in Human Rights, Faculty of Law -University of Constantine, Algeria, p. 1.

²- The Algerian Constitution of 1963 issued on 08/09/1963.

³- Chattab Kamal, 2004 , Human Rights in Algeria between the Constitutional Truth and the Missing Reality 1989.2003, Master Thesis, Institute of Political Science -University of Algiers, Algeria, p. 07.

rights to Algerians aged 19 and above, while Article 19 guaranteed freedoms related to the press, association, and assembly¹.

In addition to civil rights, the 1963 Constitution recognized economic, social, and cultural rights, such as the right to work, allowing citizens to pursue livelihoods in harmony with Islamic principles. Each Algerian was assured the right to work without obstacles, and the constitution mandated education for all residents of Algeria. These entitlements were embedded within Articles 10 to 18. The privacy of one's residence was also protected, extending even to temporary accommodations, like hotel rooms, to uphold personal privacy. Accordingly, Article 14 established confidentiality for correspondence and the sanctity of the home. Altogether, these provisions affirmed each Algerian's right to live a dignified life within their homeland, as articulated in Article 16. Additionally, the right to family was ensured under Article 17, and the right to organize and strike was protected within legal limits by Article 20².

Collective rights also held a central place in the 1963 Constitution, such as national independence and the people's right to wield power. Article 10 outlined these values: "One of the fundamental objectives of the Democratic People's Republic of Algeria is the preservation of national independence, territorial integrity, and national unity, as well as the exercise of power by the people, led by farmers, workers, and revolutionary intellectuals³."

Algeria's commitment to global peace, seen as a universal right, was also highlighted in Article 10 under the term "World peace." Article 22 enshrined these collective rights, stating: "No one may use the aforementioned rights and freedoms to undermine the independence of the nation, national territorial integrity, national unity, the institutions of the Republic, the socialist aspirations of the people, or the principle of the unity of the National Liberation Front."

The second requirement: The 1976 Constitution: A New Socialist Framework for Algeria

Following the brief application of the 1963 Constitution, Algeria underwent significant constitutional restructuring. On July 10, 1965, the Revolutionary Council issued a decree that dissolved previous governmental structures and initiated a new institutional organization, often referred to as a "mini-constitution." This decree was intended to set up institutions capable of

¹ - Hamdouche Riad, *ibid.* p. 2.

² - Boukra Idriss, 2005, the development of constitutional institutions in Algeria since independence through official charters and texts, Office of University Publications, Algeria. p. 49.

³ - The Algerian Constitution of 1963 issued on 08/09/1963.

ensuring state functionality. Algeria continued to operate within this framework until the adoption of the 1976 Constitution, which established a foundational structure for the country's political system¹.

The 1976 Constitution was deeply influenced by the ideals of Algeria's socialist revolution, embedding a political and ideological framework that emphasized socialism as a guiding principle. This constitution focused primarily on second-generation human rights, such as those related to economic, social, and cultural dimensions, while limiting certain civil and political liberties to align with the prevailing single-party governance².

Chapter Two of the 1976 Constitution, dedicated to socialism, comprised Articles 10 to 24, presenting socialism as a continuation of the goals of the November Revolution. These principles were previously articulated in the 1976 Charter, which supported similar socialist ideals. Among key articles, Article 73 stipulated: "The law determines the conditions under which fundamental rights and freedoms can be revoked for anyone exploiting them to undermine the constitution, major national interests, national unity, the internal and external security of the state, or the socialist revolution." Overall, the constitution dedicated more than 33 articles to safeguarding human rights and fundamental freedoms³.

Article 39 underscored these rights, guaranteeing that all citizens are entitled to equal rights and responsibilities without discrimination. Article 40 emphasized legal equality in all situations and Article 42 provided Algerian women with access to political, economic, and cultural rights as enshrined in the constitution.

The constitution also addressed citizenship rights, with Article 43 affirming the right to nationality and Article 44 guaranteeing citizens' eligibility for public office. Article 45 ensured legal due process, while Article 46 maintained the presumption of innocence until proven guilty. Additionally, Article 47 offered recourse for individuals who suffered harm.

Individual rights protection was further supported under Article 48, with Article 49 safeguarding privacy and ensuring the confidentiality of correspondence and personal communications. Article 51 prohibited arbitrary detention except under lawful circumstances, while Article 52 limited pre-trial

¹- Chattab Kamal, *ibid.* p. 40.

²- Noureddine Chachoua, 2006/2007, Political and Civil Rights and their Protection in Algeria, Master Thesis, Faculty of Law - Tlemcen University, Algeria., p. 20.

³- Hamdouche Riad, *ibid.* p. 4.

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detention to a maximum of 48 hours, granting detainees the right to a medical examination upon request¹.

Article 53 defended freedom of belief and opinion, while Article 57 acknowledged the right to form associations. The right to freedom of movement within Algeria was established in Article 58, and citizens were granted the right to leave the country, participate in voting, and stand for office if they met the legal criteria. Article 60 provided for the right to organize labor unions².

Refugees and foreign residents were also afforded protection under the 1976 Constitution. Article 68, for example, stated: "Every foreigner legally residing in the national territory enjoys the protections accorded to individuals under the law, taking into account the traditions of hospitality of the Algerian people." Article 69 prohibited extradition unless done in accordance with legal standards for criminal extradition, while Article 70 protected the rights of political refugees granted asylum from forced expulsion. Article 71 assured Algerian citizens of physical and moral security and provided penalties for abuse of power³.

Article 41 promoted equal opportunities for Algerians across economic, social, and cultural areas, calling for the removal of obstacles that might restrict access to these rights. Additionally, the constitution upheld the sanctity of private residences, permitting searches only with a judicial warrant, as specified in Article 50. Article 54 protected the rights of intellectual, artistic, and scientific creativity, as well as authors' rights.

Article 59 affirmed the right to work, allowing workers freedom within their professional roles, fair income distribution, and equal pay for equal work. Article 61 recognized the right to strike in the private sector, while Article 62 guaranteed safe and healthy working conditions. Furthermore, Article 65 designated the family as a core social unit, extending special protections to mothers. The constitution also enshrined the right to education for all citizens in Article 66 and the right to healthcare, with provisions for free public health services, physical education, and recreational opportunities as outlined in Article 67⁴.

¹- The Algerian Constitution of 1976 issued on 19/11/1976.

²- Soumia Nadjmi, 2013/2014, Public Freedoms between Algerian Constitutions and Islamic Law, Master's Memorandum, Faculty of Law and Political Science -Kasdi Mirbah University - Ouargla, Algeria., p. 10.

³- Chattab Kamal, *ibid*, p. 44.

⁴- The Algerian Constitution of 1976 issued on 19/11/1976.

Regarding collective rights, Article 30 emphasized the importance of a comprehensive national development plan aimed at enhancing economic growth, effectively utilizing productive capacities, raising national income, and ensuring equitable distribution of wealth to improve Algerians' standard of living. Article 33 also highlighted the state's duty to address the material and moral needs of its citizens, including the promotion of dignity and security.

The Second Topic: Human rights in the Algerian constitutions after the transformation

The first requirement: The 1989 Constitution

The 1989 Constitution marked a crucial juncture in Algeria's political and legal evolution. It signified Algeria's departure from a socialist system centered on collective interests, transitioning toward a framework that sought to balance individual and collective rights. In response to Algeria's shifting social dynamics and pressing need for reform, this constitution was promptly drafted and finalized on February 23, 1989¹.

This new constitutional framework introduced distinct principles, significantly diverging from previous ones. Most notably, Algeria shifted from its prior socialist ideology toward a capitalist economic system with greater political liberalization, including the endorsement of political pluralism through the abolition of the single-party system. Article 40 captures this shift by affirming, "The right to establish associations with a political character is recognized." Unlike previous constitutions, the 1989 document is often categorized as a "legal constitution" rather than a "programmatic" one, dedicating an entire chapter to the rights and freedoms of Algerian citizens in about 38 articles (Articles 28 to 66) within Chapter Four of Part One².

Article 7 underscores that sovereignty resides with the people, who exercise their authority through constitutionally defined institutions and express their will through both referenda and elected representatives. Article 10 guarantees the right of citizens to choose their representatives freely, bounded only by constitutional and electoral regulations. Additionally, the constitution condemns any abuse of power, with Article 28 emphasizing equality for all Algerians and prohibiting discrimination based on opinion, ethnicity, or religion³.

¹- Malika Khachmoun, 2012, Reading in Human Rights in the Algerian Constitutions, Maarif Journal of Legal and Economic Sciences, Barika University Center, Volume 7, Issue 13, p. 21.

²- Hamdouche Riad, *ibid*, p. 6.

³-Ouyahia Al-Eifa, *op. Cit.*, P. 124.

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Article 29 ensures citizens' right to nationality, while Article 37 underscores the sanctity of human life. Furthermore, Articles 33 and 34 reinforce the state's commitment to upholding human rights and freedoms, particularly in matters of physical and moral integrity, both domestically and abroad. The presumption of innocence, as guaranteed by Article 42, protects citizens from arbitrary detention, further regulated in Article 44. Article 45 limits pre-trial detention to 48 hours, allowing detainees contact with their families and access to medical examinations if needed, while Article 46 grants compensation rights for those detained unlawfully.

The 1989 Constitution also secures fundamental political rights, such as the right to vote and eligibility for political office for those meeting legal requirements. Articles 47 and 48 reinforce equal access to public office, supporting the principles of merit and equity¹. Key freedoms, including freedom of religion, opinion, and expression, are protected under Articles 35 and 39, which ensure citizens' right to discuss political, economic, social, and cultural issues freely². Article 36 promotes "freedom of intellectual, artistic, and scientific creativity," with protections for authors' rights under law.

The constitution similarly safeguards the sanctity of the home³, with Article 38 restricting unwarranted searches. Property rights are protected under Article 49, while the right to inheritance and the administration of charitable endowments are also upheld. Education is guaranteed as a fundamental right, with Article 50 providing for free and compulsory schooling, alongside equal access to vocational training. Article 51 ensures access to healthcare, aiming to support a healthy society. Article 56 states that "The family is protected by the state and society," emphasizing a commitment to citizens' well-being and living standards⁴.

The second requirement: The 1996 Constitution

The Algerian Constitution of November 28, 1996, reinforced the rule of law and expanded on reforms initiated in the late 1980s, particularly the shift toward a multi-party system and a liberalized economy. Article 37 states, "Freedom of trade and industry is guaranteed and exercised within the framework of the law," signifying Algeria's move toward a market-driven

¹Malika Khachmoun, *ibid*, p. 22.

²- Bokra Idris, *ibid*, p. 19.

³- Nadji Abdel Nour, Moumen Awatef, 2014, *The Reality of Human Rights in Algerian Constitutions Before and After Democratic Transitions -A Comparative Study*, Academia Journal, University of Chlef, Volume 01, Issue 02, p. 55.

⁴- The Algerian Constitution of 1989 issued on 23/02/1989.

economy that extended beyond the 1989 Constitution's recognition of private property rights.

Unlike the 1989 Constitution, which acknowledged the right to form political associations, the 1996 Constitution formally endorsed the creation of political parties through Article 42. This demonstrates the legislative commitment to establishing a democratic environment characterized by pluralism and power rotation¹.

The preamble of the revised 1996 Constitution asserts that it is "primarily the fundamental law that safeguards individual and collective rights and freedoms upholds the principle of free choice by the people, regulates the exercise of power, and ensures legal protection and oversight of public authorities within a society governed by the rule of law."

Additionally, the 1996 Constitution incorporates the guiding principles of the United Nations Charter, the Universal Declaration of Human Rights of 1948, and the International Covenants of 1966. This commitment is formalized in Article 28, which proclaims that "Algeria shall strive to promote international cooperation and cultivate friendly relations between nations on the basis of equality, mutual interest, and non-interference in internal affairs, adhering to the principles and purposes of the United Nations Charter."

Chapter Four dedicates approximately 31 articles to the protection of citizens' rights and freedoms². Article 29 guarantees equality before the law, prohibiting discrimination based on birth, race, gender, opinion, or other social distinctions. Article 30 protects the right to nationality in line with nationality laws, and Article 31 reinforces equal rights and duties while affirming human dignity. Article 33 further supports the right to self-defense, individually or through associations, within the boundaries of fundamental rights, and Article 34 upholds dignity, echoing protections of basic freedoms and rights.

The 1996 Constitution also prohibits physical and moral abuse, as established in Article 34, which mandates legal accountability for rights violations. Article 36 guarantees freedom of belief and opinion, while Article 39 emphasizes protection of personal privacy and reputation. The constitution enshrines freedom of expression in Article 41, and recognizes the rights to form associations and assemble in Article 43, while Article 42 legally acknowledges the formation of political parties under defined conditions.

¹- Mabrouk Abdel Nour, 2020, Human Rights and Public Freedoms in Successive Algerian Constitutions, *Al-Resalah Journal for Humanitarian Studies and Research*, Volume 5, Issue 3, p. 92.

²- Hamdouche Riad, *ibid*, p. 8.

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Article 44 guarantees Algerians the right to civil and political rights, including residency, mobility within Algeria, and re-entry rights. Article 45 upholds the presumption of innocence, with Article 46 ensuring no one shall be penalized except under enacted law. Article 47 prohibits arbitrary detention, while Article 48 sets a 48-hour limit for pre-trial detention, with provisions for family contact and compensation for unlawful detention under Article 49. Article 50 ensures the right to vote, and Article 51 emphasizes equal employment access in public service, contingent upon legal eligibility¹.

The 1996 Constitution also guarantees citizens' rights to engage in trade and industry, protects intellectual and creative freedoms under Article 37, and enforces the sanctity of the home in Article 40. Private property rights, including inheritance, are protected under Article 52. Education, considered fundamental, is free and compulsory under Article 53, while Article 54 ensures healthcare services. Additionally, Article 55 protects labor rights, including unionization and the right to strike, with Article 57 detailing exceptions for national security roles. The constitution further safeguards family rights and mandates dignified living conditions for vulnerable groups as per Articles 58 and 59².

The Third requirement: Amendments in 2008, 2016 and 2020

First section: Amendment of 2008

The 2008 constitutional amendment primarily sought to promote equality among citizens by reinforcing the political rights of women. Article 31 bis stipulates, "The state shall work to enhance women's political rights by increasing their representation in elected councils." This amendment underscores the critical role Algerian women played in the liberation struggle and their ongoing contributions to nation-building following independence.

Additionally, this amendment highlighted the importance of preserving Algeria's national history for future generations. As stated in Article 62, "The state shall promote the documentation of history and ensure it is taught to younger generations³."

Second Section: 2016 Amendment

The 2016 constitutional amendment introduced further emphasis on rights and freedoms, establishing a chapter titled "General Principles Governing Algerian Society." This chapter outlines multiple "guarantees of rights," reinforcing the

¹- The Algerian Constitution of 1996 issued on 28/11/1996.

²- Soumia Nadjmi, *ibid*, p. 29.

³- Mabrouk Abdel Nour, *ibid*, p. 93.

notion that human rights are embedded throughout the constitution, including its preamble¹, rather than confined to a specific chapter.

This amendment also bolstered protections for citizens' privacy, ensuring the confidentiality of personal correspondence and communications. Furthermore, Article 40 was expanded to address "cruel, inhumane, or degrading treatment," broadening the scope of human rights protections.

New rights were also introduced, such as "academic freedom" and "freedom of scientific research," enshrined in Article 44, along with protections for peaceful assembly and press freedom without prior censorship, as detailed in Article 50². The amendment extended additional protections for family and child rights, added economic rights like freedom of investment and consumer protection, and emphasized the role of parliamentary opposition in fostering a balanced political system³.

Third Section: 2020 Amendment

The 2020 constitutional amendment significantly advanced various political, economic, social, and religious rights and freedoms. It established a comprehensive chapter titled "Basic Rights and Public Freedoms," detailing principles that reinforce the rule of law, ensure political representation, support power rotation, promote citizen participation, and address corruption.

This amendment came in response to the popular movement that began on February 22, 2019, which spurred Algeria's leadership to initiate widespread reforms beginning with constitutional revisions. Approved by public referendum on November 1, 2020, these changes were formalized under Presidential Decree No. 20-442, issued on December 1, 2020, and published in Official Gazette No. 82 on December 30, 2020.

Recognizing this movement officially, the new preamble affirms: "The people express their will to embody their aspirations in this constitution through profound social and political transformations to build a new Algeria, peacefully demanded by the authentic popular movement that began on February 22, 2019." This addition served as a formal acknowledgment of the movement's goals.

¹- Abassa Taher, Aissaoui Sofian, 2016, Rights and Freedoms in the New Constitutional Amendment 2016 Dedication to the Principle of Good Governance, Journal of Human Rights and Public Freedoms, Abdel Hamid Bin Badis University - Mostaganem, Volume 1, No. 1, p. 27.

²- Constitutional Amendment of 2016 No. 16/01 dated 06/03/2016.

³- Mabrouk Abdel Nour, *ibid*, p. 97.

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The 2020 amendment further reinforced individual and collective rights, introducing fundamental protections such as the right to life and the right to water. It established a dedicated constitutional guarantee within the Constitutional Court to uphold these rights, thus strengthening constitutional enforcement.

A new preamble paragraph reaffirmed Algeria's commitment to human rights as outlined in the 1948 Universal Declaration of Human Rights and other international agreements ratified by Algeria. Notably, for the first time, the right to life was explicitly included in Algerian constitutional law through Article 38, stating, "The right to life is inherent to all humans, protected by law, and no one shall be deprived of it except as prescribed by law."

Article 40 mandates the state to protect women from violence in all public, professional, and private spheres, while Article 63 guarantees citizens' access to safe drinking water, with measures to conserve water resources for future generations¹.

In terms of protecting foreign nationals, Article 50 affirms that any foreigner legally residing in Algeria has legal protections for their person and property. Extradition is limited to cases governed by ratified international agreements or specific legal provisions, and political refugees are shielded from expulsion or extradition.

To ensure tax equality, Article 82 provides that "All taxpayers are equal in taxation."

Rights and freedoms require not only constitutional recognition but also enforceable protections to ensure their realization:

- **First**, the 2020 amendment established the Constitutional Court as an independent institution charged with overseeing constitutional compliance, as specified in Article 185. Article 195 broadens its jurisdiction, allowing the court to review cases of unconstitutionality upon referral from the Supreme Court or the Council of State when a party claims that legislative or regulatory provisions infringe on their constitutionally guaranteed rights.
- **Second**, binding provisions on rights and freedoms are specified in Article 34, which declares, "The constitutional provisions concerning fundamental rights and public freedoms are binding on all authorities and

¹- Mhidid Hamid, 2020, Human Rights under the Constitution of 2020 and the Guarantees of its Protection, Journal of Law and Political Science - Khenchela University, Volume 9, Number 1, p. 46.

public bodies, and these rights and freedoms may only be restricted by law for reasons related to the preservation of public order and security, national principles, or the protection of other constitutionally guaranteed rights and freedoms."

These restrictions must not infringe on the essential nature of rights and freedoms. To ensure legal stability, the state guarantees that any legislation concerning rights and freedoms will be accessible, clear, and consistent.

Conclusion:

The concept of rights and freedoms has evolved with time, influenced by diverse factors, including political, economic, social, cultural, ideological, and religious contexts. Safeguarding these rights has become a fundamental objective within most legal systems, serving as a primary indicator of the rule of law. When a state not only enshrines these rights but also implements mechanisms to ensure their protection, it strengthens the pillars of justice and legal integrity.

Results:

Since the adoption of its inaugural constitution in 1963, Algeria has worked to codify and uphold the principles of rights and freedoms. Article 10 of the 1963 Constitution declared that one of Algeria's foundational goals is the defense of liberty, the respect for human dignity, and the rejection of all forms of discrimination—particularly racial and religious—while prohibiting torture or any violations of personal integrity.

In addition, Article 11 highlighted Algeria's commitment to the Universal Declaration of Human Rights and its readiness to participate in international organizations aligned with the aspirations of the Algerian people. The 1963 Constitution established various rights and freedoms, such as the right to a dignified life, equitable wealth distribution, confidentiality in communications, and the protection of family, education, and cultural heritage. It further guaranteed press freedom, the right to association, and the right to establish trade unions.

The 1976 Constitution reinforced these foundational rights and freedoms, while also broadening them to include additional protections, such as freedom of belief, freedom of innovation, freedom of movement, and the right to leave the national territory. The 1989 Constitution expanded these rights further, though political and security challenges affected their implementation at the time. The 1996 Constitution, along with subsequent amendments, notably those in 2016, strengthened the notion that fundamental rights and freedoms constitute a

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shared legacy among Algerians. The 2016 amendment introduced new protections, such as the right to a healthy environment and increased attention to marginalized groups. The 2020 amendment extended this progress, dedicating an entire chapter—"Fundamental Rights and Public Freedoms"—comprising 44 articles that span all three generations of human rights. This comprehensive update marks a significant step forward in the establishment and protection of rights and freedoms in Algeria.

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