

Algeria: Freedom of religion or belief

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Introduction

In September 2006 Algeria adopted a law entitled ‘Conditions and Rules for the Exercise of Religious Worship other than Islam’ known as Ordinance 06-03 of 2006. In May 2007 two presidential decrees were issued, establishing the government committees required to enforce this law. The 2006 law effectively criminalises the internationally recognised freedoms of association and of religion or belief – specifically, the right to adopt a religion or belief of one’s choice and the freedom to manifest one’s religion. It also has negative implications for religious minorities who seek to propagate their faith peaceably.

During 2006 and 2007 CSW expressed concerns that the law could be misused to suppress the rights of the country’s Christian minority, which makes up less than 1% of the population. Unfortunately, these reservations have been proven correct. Since then several Christian leaders have been accused of proselytism and blasphemy under this law, and have been threatened with imprisonment and monetary fines. In addition, local authorities have closed at least 35 churches since 2006.

Algeria is party to the International Covenant on Civil and Political Rights (ICCPR), which protects the freedoms of religion or belief, assembly and association. Algeria has also adopted the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which reaffirms the right of an individual to choose their faith and manifest it alone or with others, both in public and in private. The country’s own constitution protects freedom of worship under Article 42.

Regulation of places of worship

Ordinance 06-03 of 2006 provides that all places of non-Muslim worship must be authorised by the National Commission for Non-Muslim Worship. However, because the Commission does not actually meet, applications for permission to use buildings as churches, and to build new churches, are never considered. The National Commission for Non-Muslim Religious Groups’ mandate includes regulation of churches; however, it does not function in practice. Consequently, churches are unable to obtain formal approval for any matters requiring the Commission’s authorisation. Churches are therefore compelled to operate on an unofficial basis, and thus are vulnerable to interference and closure.

Since 2006, no church affiliated with L’Eglise Protestante d’Algerie (EPA, The Algerian Protestant Church) has received permission to use premises as places of worship, and an application submitted in 2014 for a new church building remains outstanding. Also pending is a request submitted in 2011 for the return of three historic church buildings to which the EPA has a legal claim, and which it wishes to restore for Christian worship.

To maintain transparency, church leaders inform municipal authorities when rented properties are to be used as places of worship, noting that these churches are members of the EPA, the umbrella organisation of all Protestant churches in Algeria, which was granted official recognition in 1974. Such approaches have been challenged by governorate authorities in 2008, 2011 and 2016.

Pressures increased significantly from late 2017, as government inspectors checking compliance with building and safety regulations also demanded to see permits authorising non-Muslim worship. This has resulted in a wave of church closure orders in the Kabylie region in the east, inhabited by the indigenous Berber population, and in the south of Algeria. Three churches have been closed so far, and a court case is ongoing against a church in Ait Bouadou. In March 2018 building permission for a multi-purpose centre in Boudjima was withdrawn, and the governorate ordered that construction be stopped.

EPA re-registration

New legislation governing associations came into force in 2012, requiring re-registration of associations in accordance with new provisions, which included a requirement that national associations have a presence in a minimum of 12 governorates. Meeting these requirements, the EPA applied for re-registration in 2013. To date, however, no response has been received, and the authorities have failed even to acknowledge receipt of the EPA application. With the application still pending, the EPA technically lacks official legal status.

Individual member churches of the EPA are under pressure to operate independently of the EPA. Some churches have been advised by governorate authorities to bypass the EPA and to apply directly to governorates for permits. Church leaders have not resorted to individual applications, agreeing at an EPA meeting of 7 March 2018 that applications should only be made through the EPA as the legal representative body.

Anti-proselytism laws

Vague anti-proselytising laws are being used arbitrarily and without due process to restrict lawful Christian activity and to intimidate Christians, including recently through the reviving of historic cases.

Ordinance 06-03 of 2006 (Article 11-1) criminalises religious speech or writing that is deemed to incite, coerce or ‘seduce’

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a Muslim to convert to another religion (or ‘shake a Muslim’s faith’). It also makes punishable any religious activity that is not regulated by the state. It carries punishments of up to five years’ imprisonment and fines of up to one million Algerian dinars. In addition, Article 11-2 proscribes the printing, storing, or distributing of materials intended to convert or to ‘shake a Muslim’s faith’.

Several Algerian Christians have been harassed, interrogated or arrested under these provisions in recent years. Church leaders note with concern that in recent months a number of cases dating back several years have been revived, indicating a renewed campaign against Christians. On 1 March 2018 a Christian was informed that he had been convicted, in absentia, of illegal importation of Christian materials and given the maximum sentence of six months in prison and a fine of DZD20,000 (approximately GBP129). His ‘offence’ dated back to April 2016 when he returned to Algeria from a visit abroad with a few Christian books and gift items with Christian inscriptions (crucifixes, keyrings etc) in his possession. At the time he was briefly detained by customs officials and subjected to lengthy police interrogation. He is currently appealing the verdict.

In January 2018 a pastor was sentenced to two years’ imprisonment for sharing printed materials with Muslims, in a case dating back to 2015. (The sentence was altered, on appeal, to a three-month suspended prison sentence and a fine of DZD100,000 (approximately GBP645)). In November 2017 three Christians were searched by police in Chlef, and arrested and interrogated when found to be in possession of Bibles. They may face charges of proselytism.

Importation of materials

Christians face severe restrictions on importing Christian literature and other materials, due to unwarranted delays and restrictions.

For Christians to import books and other materials, import licences must be obtained with the approval of a Commission comprising representatives of the Ministries of Religious Affairs, Foreign Affairs, Interior, and Commerce. Church leaders note that applications to this Commission are routinely subject to delay, blockage and mismanagement, with only a small number of licences granted in the last three years.

Recommendations

- Urge the government of Algeria to ensure that the Commission for Non-Muslim Worship functions efficiently and fairly, that pending applications from churches are considered urgently, and that responses to future applications are made within the designated 60-day period.
- Urge the government of Algeria to withdraw all warnings, closure orders and court cases against churches, and grant permission to all EPA-affiliated churches to continue to use rented premises as places of worship.
- Encourage the government of Algeria to return to the EPA the historic church buildings to which it has a legal claim.
- Encourage the government of Algeria to process the EPA’s re-registration application without delay, accept this application and provide official documentation to confirm the EPA’s registration as the representative association of all Protestant churches in Algeria.
- Urge the government of Algeria to clarify what constitutes proscribed activity under Articles 11-1 and 11-2 of Ordinance 06-03.
- Urge the government of Algeria to acquit, drop charges or otherwise withdraw all legal cases against Christians brought under Articles 11-1 and 11-2 of Ordinance 06-03.
- Encourage the government of Algeria to ensure that law enforcement and judicial authorities cease the harassment and intimidation of Christians.
- Encourage the government of Algeria to ensure that the responsible Commission responds promptly to applications for import licences for Christian materials, and that such applications are not subjected to unjust hindrances.

As Christians, we stand with everyone facing injustice because of their religion or belief.