

Introduction

Algeria is party to the International Covenant on Civil and Political Rights (ICCPR), which protects the freedoms of religion or belief, of assembly and of association. It 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. In November 2020, a constitutional amendment drafted by a committee of experts handpicked by the government was approved in a referendum characterised by a historically low turnout. Article 51 of the revised constitution states that freedom of conscience and freedom of opinion are “inviolable”, guaranteeing freedom of worship without discrimination, and ensuring state protection of places of worship.

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 established government committees required to enforce this law. The 2006 law effectively criminalises aspects of the freedoms of association and of religion or belief – specifically with regard to the latter, the right to adopt a religion or belief of one’s choice and the freedom to manifest one’s religion in community with others. It also has negative implications for religious minorities who seek to propagate their faith peaceably.

Regulation of places of worship

Ordinance 06-03 of 2006 states that all places of non-Muslim worship must be authorised by the National Commission for Non-Muslim Worship. The Commission’s mandate includes regulation of churches; however, it does not function in practice. Applications for permission to use buildings as churches or to build new churches are never considered because the Commission does not actually meet. 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 closure.

Since 2006, no church affiliated with L’Eglise Protestante d’Algerie (EPA, the Algerian Protestant Church), the umbrella organisation of Protestant churches in Algeria, has received permission to use premises as places of worship, and an application submitted in 2014 for a new church building remains outstanding.

Further legislation introduced in 2012 mandated the re-registration of associations, provided they are able to meet strict conditions. Despite meeting these

requirements and applying in 2013, the EPA continues to be denied official legal status. The authorities have failed even to acknowledge receipt of the application. Twenty EPA-affiliated churches have been ordered to close since January 2018.

Pressure has increased significantly since late 2017, with reports of government inspectors demanding to see permits authorising non-Muslim worship in addition to checking compliance with building and safety regulations. 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 southern Algeria. Eight churches were forced to close in 2019 alone.

Anti-proselytism laws

Article 11:1 of Ordinance 06-03 criminalises religious speech or writing that is deemed to incite, coerce or ‘seduce’ a Muslim to convert to another religion (or ‘shake a Muslim’s faith’). It also punishes any religious activity that is not regulated by the state, with sentences of up to five years’ imprisonment and fines of up to one million Algerian dinars (approximately GBP 6,400). 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.

Importation of materials

Christians also face severe difficulties in importing Christian literature and other materials, due to unwarranted delays and restrictions. In order to import books and other materials, import licences must be obtained following 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 few licences granted.

Risk of persecution

The Rome Statute defines the crime of persecution as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.” As well as violating Algeria’s constitutional and international obligations, and despite having been propagated by a government that has sought to promote reconciliation following a devastating civil war, Ordinance 06-03 alienates sectors of the population by facilitating the harassment of non-Muslim citizens.

If the problems created by Ordinance 06-03 are not addressed and the increasing denigration of the Christian

community in national media and threats against Christians and their leaders continue unchecked, the situation of freedom of religion or belief will undoubtedly continue to deteriorate, and could eventually lead to the emergence of persecution as defined in the Rome Statute.

Recent developments

Church closures

On 23 January 2020 the House of Hope Evangelical Church in Ayoun Turk, Oran city in western Algeria received a closure order from the Administrative Court in Oran.

While the coronavirus pandemic resulted in the temporary closure of every religious institution in the country, Protestant churches have since been prevented from re-opening whilst mosques and Catholic churches have been permitted to do so.

Increase in blasphemy cases

On 21 January 2021 Hamid Soudad was sentenced to five years in prison, the maximum sentence, for blasphemy. Two other Christians were also charged with blasphemy and sentenced to six months and three years respectively.

Recommendations

To the government of Algeria:

- 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.
- 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.
- Return to the EPA the historic church buildings to which it has a legal claim, and process and confirm the EPA's re-registration application without delay.
- Clarify what constitutes proscribed activity under Articles 11:1 and 11:2 of Ordinance 06-03.
- Acquit, drop charges or otherwise withdraw all legal cases against Christians brought under Articles 11:1 and 11:2 of Ordinance 06-03.
- Ensure that the responsible Commission responds promptly to applications for import licences for Christian materials, and that such applications are not subject to undue delays or hindrances.

- Ensure that law enforcement and judicial authorities cease the harassment and intimidation of Christians.
- 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.