

Legal framework

Algeria is party to the International Covenant on Civil and Political Rights (ICCPR), which protects the freedoms of religion or belief, assembly, and 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. The law effectively criminalises aspects of the freedoms of association and of religion or belief, including 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. In May 2007 two presidential decrees established government committees required to enforce this law.

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. Although the Commission’s mandate includes regulation of churches, 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 compelled to operate on an unofficial basis, and 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-one 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.

Anti-proselytism and blasphemy 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 (‘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). Article 11:2 proscribes the printing, storing or distributing of materials intended to convert or to ‘shake a Muslim’s faith.’

Article 144:2 of the Algerian Penal Code criminalises blasphemy, stating that those who offend the Prophet Mohammed or any other Islamic prophets should be “sentenced to 3-5 years imprisonment and fined 50,000 DZD to 100,000 DZD, or one of these two penalties. Criminal proceedings are initiated by the public authorities.” In addition, Article 160:1 of the code states that “any damage or desecration of the Holy Book is punishable by 5 to 10 years in prison.”

Several Algerian Christians have been harassed, interrogated or arrested under these provisions in recent years. 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.

On 25 August 2021 Algerian Christian convert Sulieman Buhafss was arrested by Tunisian secret police and subsequently repatriated and handed over to the Algerian authorities. He had fled to Tunisia after spending 20 months in prison in Algeria for converting to Christianity, proselytising, and defaming Islam.

Another recent case highlights the problematic nature of Ordinance 06-03. In December 2021 a court of appeal upheld a sentence against Christian convert Foudhil Bahloul, who had received a six-month prison term and a fine of 100,000 Algerian DZD (approximately GBP £530) in July 2021 for receiving an “unauthorized donation.”

Mr Bahloul was initially arrested along with three friends in Ain Defla on 17 April 2021. Christian materials were confiscated during a subsequent search of his home, allegedly conducted without a warrant, and during a 2 June court hearing he was charged with “collecting donations or accepting gifts without a license from the authorized departments” after accepting assistance from a friend in the form of a 200 Euro bank transfer while he was unemployed. Additional charges proffered during a court hearing on 30 June 2021 based on Ordinance 06-03 of 2006 of distributing Bibles, printing brochures to distribute to Muslims remain pending.

Following Mr Bahloul’s conversion, in 2017 his father’s family had destroyed his business and ostracised him, while

his wife divorced him and was granted sole custody of their two daughters. In a separate ruling, a local judge upheld a one-year prison sentence he had received earlier for failing to meet an alimony payment on the due date, even though it was paid later.

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.

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.
- Reform Articles 11:1 and 11:2 of Ordinance 06-03, and Articles 144:2 and 160:1 of the Algerian Penal Code to ensure that all provisions are in line with international norms and standards on freedom of religion or belief.
- Acquit, drop charges or otherwise withdraw all legal cases against individuals brought under Articles 11:1 and 11:2 of Ordinance 06-03, or Articles 144:2 and 160:1 of the Algerian Penal Code.
- Issue a standing invitation to all UN Special Procedures, ensuring they have unhindered access to all areas of the country and that members of civil society, including religion or belief minorities, can freely meet with them without reprisal.

To the United Nations and Member States:

- Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on Algeria, acknowledging the vulnerabilities and violations faced by religious or belief communities.

- Urge Algeria to revise any regulations and legislation pertaining to religion or belief which do not align with international standards as set out in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), and to do so in consultation with religious or belief communities, including minority groups, as well as consulting legal experts.
- Ensure that the situation of freedom of religion or belief in Algeria is consistently raised in public and in private, including during high-level visits and other bilateral exchanges, as well as during regular sessions of the UN Human Rights Council and General Assembly sessions.

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