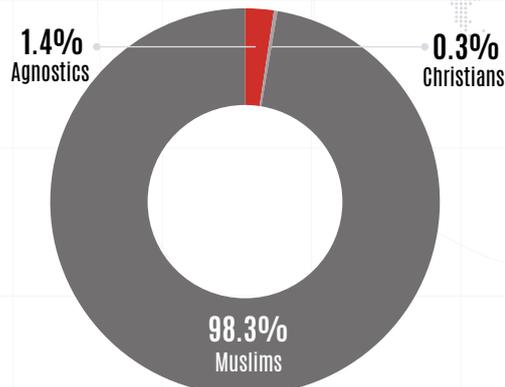




# ALGERIA

## RELIGIONS



## LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The majority of the people of Algeria are Sunni Muslims.<sup>1</sup> Fewer than 200 indigenous Jews are left.<sup>2</sup> There are also Catholic and Protestant communities in the country. Officially, almost all Christians are foreigners with many coming from Sub-Saharan Africa. The number of Muslims who have converted to Christianity is small, estimated to be between 50,000 and 100,000; a majority of them have joined Evangelical communities, especially in the Kabyle region.<sup>3</sup>

In November 2020, Algerians adopted a new constitution,<sup>4</sup> but less than one in four eligible voters cast their ballot.<sup>5</sup> Its Preamble describes Islam as a fundamental component of the country's identity. Article 2 stipulates that "Islam shall be the religion of the state." Article 10 prohibits state institutions from "infringing the Islamic morals". Article 91 specifies that only a Muslim can become president. Algerian law does not consider apostasy a criminal offence.<sup>6</sup>

Algerian authorities allow religious organisations to engage in humanitarian work, but proselytising by non-Muslims can lead to a fine and up to five years in prison.<sup>7</sup> Pursuant to Ordinance 06-03 (Article 11, 1), this includes

anyone "who incites, constrains, or utilizes means of seduction tending to convert a Muslim to another religion; or by using to this end establishments of teaching, education, health, social, culture, training [...] or any financial means."<sup>8</sup>

The decree not only forbids attempts to convert a Muslim to another religion but also to even "shake the faith of a Muslim", although it does not ban conversion as such. Under Article 11 (2) of the ordinance, people can be fined up to one million dinars and sentenced to five years in prison for printing, storing or distributing materials intended to convert Muslims.<sup>9</sup> Consequently, Christian books and manuals are rare in the country, and Christians do not feel free to carry Christian literature with them.

All religious groups have to register with the Ministry of Interior before conducting any activities and their members can only meet at state-approved locations. Non-Muslims are obliged to apply for a special permit in order to use a building for religious purposes. However, the national committee tasked with assigning such locations "has never met, and therefore has never issued a single license."<sup>10</sup> For this reason, no buildings have been legally granted for use as churches.<sup>11</sup> Government rules for churches are very restrictive,<sup>12</sup> and administrative procedures are used

to close churches and intimidate non-Sunni Muslims while claiming that such actions are not persecution, merely penalising “non-conformity with the laws.”<sup>13</sup>

Offences related to religion are regulated by Article 144 (2) of the Penal Code of Algeria,<sup>14</sup> which provides that any individual who insults the Prophet Mohammed or denigrates the creed or prophets of Islam through writing, drawing, declaration, or any other means, will receive three to five years in prison, and/or be subject to a fine of between 50,000 and 100,000 Algerian dinars (US\$450 and US\$900).<sup>15</sup>

Matters of family law are regulated by Shari’a. Under Algeria’s Family Code,<sup>16</sup> a Muslim man can marry a non-Muslim woman if she belongs to a monotheistic faith. Muslim women cannot marry non-Muslim men unless the man converts to Islam (Article 30).<sup>17</sup> Children born to a Muslim father are considered Muslim without regard to the mother’s faith.

In February 2019, social and political discontent sparked the Hirak (smiles) movement. President Abdelaziz Bouteflika eventually resigned in April 2019. Different members of his entourage, including his brother Saïd, were arrested. Elections were held in December 2019, with a very low turnout (40 percent), and Abdelmadjid Tebboune was elected president.<sup>18</sup> A new government was formed a few weeks later, but most of the ministers are from the previous administration.

## INCIDENTS AND DEVELOPMENTS

Since November 2017, between 12 and 15 churches (out of about 46 churches in Algeria) affiliated with the Protestant Church of Algeria (Église Protestante d’Algérie, EPA) have reportedly been ordered to close.<sup>19</sup>

In February 2019, a convert to Christianity accused of proselytising saw his acquittal upheld. In April 2019, five other Christians who had been accused of encouraging a Muslim to convert were also acquitted. The Muslim wife of one of them declared that her husband, Ouali, and four other friends “sang a Christian song and talked about Jesus at a lunch.”<sup>20</sup> In the two cases, the wives were Muslim who came under pressure from Muslim relatives to turn against their husbands and leave them. Under Islamic law and Algeria’s Family Code, a Muslim woman cannot live with and be married to a non-Muslim man.

In mid-October 2019, Algerian authorities closed Protes-

tant churches, including Algeria’s largest in Tizi Ouzou.<sup>21</sup> In some cases, the police forcibly evacuated the places of worship in order to close them.<sup>22</sup> At least 17 protesters were arrested for taking part in sit-ins asking for their reopening.

A few days later, some Muslims demonstrated in support of the Christian community. In addition, a group of lawyers went to the police station asking for the detainees to be released, which happened on the same day.<sup>23</sup> Following these demonstrations, the churches in question were reopened.

Christians are not the only religious group subjected to discrimination and persecution. Ibadi Muslims have also been targeted by a repression campaign.<sup>24</sup>

In November 2019, the European Parliament adopted a resolution on the “Situation of freedoms in Algeria”, calling for “an end to violations of the freedom to worship of Christians, Ahmadis and other religious minorities.” The statement “reminds the Algerian Government that Ordinance 06-03 guarantees the free exercise of worship” and “calls on the Algerian authorities to reopen the church buildings concerned.”<sup>25</sup>

At the end of 2019, 286 cases involving ‘Ahmadi Muslims were pending before Algeria’s Supreme Court.<sup>26</sup> Charges mainly refer to “operating an unregistered religious association”, non-authorized fundraising, and praying in undeclared places of worship. In some cases, ‘Ahmadis had their passports and educational diplomas confiscated.<sup>27</sup>

After the outbreak of the coronavirus pandemic, Algerian authorities took measures to stop the spread of COVID-19. Mosques were shut down for five months from mid-March to mid-August.<sup>28</sup> A fatwa was issued stating that it is Haram (religiously forbidden) for COVID-19 patients to perform prayers in mosques.<sup>29</sup> However, the Ministry of Religious Affairs and Wakfs decided that mosques could broadcast daily the Adhan (call to prayers) over mosque loudspeakers for half an hour.<sup>30</sup>

Before the beginning of Ramadan, Algerian politician Nouredine Boukrouh wrote on his Facebook page that because of COVID-19, Muslims should refrain from fasting. “[They] either have to suspend fasting, because a hungry body may be more vulnerable and could end up causing the spread of coronavirus, or to opt for fasting and be at the risk of a wider outbreak of the virus.”<sup>31</sup> Gatherings during Ramadan for Eid al-Adha and Eid El-Fitr were greatly restricted.

In May 2020, some European lawmakers from different political groups submitted a written question on “Attacks on freedom of religion in Algeria”, asking the European Commission whether “this issue [has] been addressed in the framework of EU-Algeria political dialogues?” and “if any changes have been implemented to the Algerian Government’s Ordinance 06-03?”<sup>32</sup>

In July 2020 some media reported that Algerian intelligence and security services were collecting information about teachers’ religious affiliations in Tizi Ouzou province. For some, this was a form of intimidation directed at Christian and atheist teachers.<sup>33</sup>

## PROSPECTS FOR FREEDOM OF RELIGION

Ordinance 06/03 remains a matter of concern because its strict application is moreover to put pressure on religious minorities and close their “non-declared” places of wor-

ship.

For the first time ever the United States Commission on International Religious Freedom (USCIRF)<sup>34</sup> recommended that its 2020 annual report add Algeria to the Special Watch List. According to the Religious Freedom Institute, “The report highlighted the systemic closure of protestant [sic] churches in the country, abuse of blasphemy laws, and restrictions on other minorities including the Ahmadi and Shi’a communities.”<sup>35</sup>

The economic and social repercussions of the COVID-19 pandemic and the measures adopted to contain them may multiply the challenges facing Algeria, and could aggravate the conflict between the Hirak movement and the government. This would lead to renewed pressures on religious minorities and further undermine their freedoms.

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