

FREEDOM OF RELIGION OR BELIEF

ALGERIA

Name: People's Democratic Republic of Algeria

Population: 40,610,000






Total area: 2,381,741 sq km

Life Expectancy at birth: 76 years¹

Gross National Income Per Capita: \$15,000²

Official Religion(s) or Church(es): Islam (official, 98.50%), agnostic (1.25%) Christianity (0.17%), other (0.07%).³

World Happiness Index: 84 out of 156⁴

	Freedom to change/Keep Religion or Belief	Freedom of expression/ Blasphemy/ Defamation	Freedom of association	Freedom of worship assembly	Freedom to share beliefs/ Proselytism
ALGERIA					

Death penalty  Imprisonment  Fine  & Restrictions: R

CONSTITUTIONAL & LEGAL FRAMEWORK

Algeria is a presidential republic, operating with a dual legal system of French civil law and Islamic law.⁵ Laws are drafted and voted upon within a bicameral Parliament, consisting of the Council of the Nation (upper house) and the National People's Assembly (lower house). In addition, there is a Constitutional Council which ensures the implementation of the constitution and its amendments.

¹ "Country Profile – Algeria". The World Bank. 2016.

http://databank.worldbank.org/data/views/reports/reportwidget.aspx?Report_Name=CountryProfile&Id=b450fd57&tbar=y&dd=y&inf=n&zm=n&country=DZA. Accessed 4 June 2018.

² CIA World Fact Book. "Algeria". Central Intelligence Agency. 16 May 2018.

<https://www.cia.gov/library/publications/the-world-factbook/geos/ag.html>. Accessed 29 May 2018;

³ "Algeria". The Association of Religion Data Archives.

http://www.thearda.com/internationalData/countries/Country_4_1.asp. Accessed 29 May 2018.

⁴ J.F. Helliwell, R. Layard and J.D. Sachs. "World Happiness Report 2018". 2018.

https://s3.amazonaws.com/happiness-report/2019/WHR19_Ch2A_Appendix1.pdf Accessed 29 May 2020.

⁵ CIA World Fact Book. "Algeria". Central Intelligence Agency. 16 May 2018.

<https://www.cia.gov/library/publications/the-world-factbook/geos/ag.html>. Accessed 29 May 2018.

The following are the main laws or legal instruments used to regulate the freedom of religion or belief:

- Constitution (1989 with revisions to 2016)
- Penal Code (promulgated by Order No. 66-156 of 18 Safar 1386 corresponding to June 8, 1966)
- Law on Information (Law 12-05 of 2012)
- Law on Associations (Law 12-06 of 2012)
- Presidential Order Number 12 of 1 March 2006
- Ordinance on the Conditions and Rules of Practice of Faiths other than Islam (Ordinance 06-03 of 2006)
- Law no. 91-19 of 1991 on public meetings and demonstrations

The judiciary is made up of province-level (called *wilaya*) courts and a Supreme Court consisting of 150 judges, broken down by division: civil and commercial, social security and labour, criminal, and administrative.⁶ Sharia courts are not included in Algeria's judicial system, although there is a High Islamic Council that serves as a consultative body on "matters relating to Islam."⁷

Ordinance 06-03 on the Conditions and Rules of Practice of Faiths other than Islam states that the free practice of religions other than Islam is allowed, provided they remain in accordance with the constitution and other relevant laws. It also requires compliance with national morality and public and national safety. Ideas or faiths deemed contrary to those principles are not legally protected by this Ordinance. Additionally, it bans any unregistered religious activity or group, including the use of any facilities to carry out meetings or worship. Lastly, it seeks to protect Islam from any activities of other groups deemed to infringe upon the Muslim faith, including proselytism.⁸

The regulation of religion is managed by several bodies within the Algerian government. Registration for religious groups is required by the government. The justifications provided for denials of applications are vague, including potential risks to national identity, security and morality, as well as the economy.⁹ In effect, this allows arbitrary denial of registration, thus rendering all activities and gatherings of those unregistered religious groups illegal.

All applications for registration pass through the office of the Ministry of the Interior (MOI) to whom they are required to provide extensive internal information. This includes the personal information of the group's founding members and information about their good standing within

⁶ CIA World Fact Book. "Algeria". Central Intelligence Agency. 16 May 2018.

<https://www.cia.gov/library/publications/the-world-factbook/geos/ag.html>. Accessed 29 May 2018.

⁷ "Algeria, State Institutions." European Institute for Research on Mediterranean and Euro-Arab Cooperation. <http://www.institut-medea.be/en/countries/algeria/algeria-state-institutions/>. Accessed 29 May 2018.

⁸ "Non-Muslim minorities in Algeria: Submission of HRWF Int'l to the EEAS consultation of NGOs". Human Rights Without Borders. 2016. <http://hrwf.eu/wp-content/uploads/2016/09/0914-Algeria.pdf>. Accessed 29 May 2018.

⁹ UN Committee on the Elimination of Racial Discrimination. "Consideration of reports submitted by States parties under article 9 of the Convention: Fifteenth to nineteenth periodic reports of States parties due in 2009 – Algeria". Refworld. 15 October 2012. <http://www.refworld.org/country,,CERD,,DZA,,51ed28894,0.html>. Accessed 29 May 2018.

society. In order to qualify as a national association, these founding members must reside in at least one quarter of the country's 48 wilayas.

While all associations require the MOI's approval, religious associations require additional approval from the Ministry of Religious Affairs and Endowments (MRA). The specific requirements for this approval are not explicitly stated, though it is possible to appeal denials from the MRA through regular judicial processes. Within the framework of the MRA is the National Commission for Non-Muslim Religious Groups, which handles registration and issues specific to non-Muslim communities and groups.

Finally, as part of its mandate to oversee a variety of human rights concerns in Algeria, the National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH) does regularly monitor religious freedom issues. The CNCPPDH allows for reporting and recourse for religion-related violations.

Constitutional articles¹⁰ regulating freedom of religion and belief are as follows:

- **Article 2:** Islam is the religion of the State.
- **Article 10:** Prohibition of practices “contrary to Islamic morals and the values of the November Revolution”.
- **Article 32:** All citizens are equal before the law.
- **Article 42:** Freedom of creed and opinion is inviolable.
- **Article 48:** Freedom of expression, association and meeting are guaranteed to the citizen.
- **Article 49:** The right to peaceful assembly is guaranteed within the framework of the law, which sets forth how it is to be exercised.
- **Article 50 (bis 2):** Freedom of printed and audio-visual press and through the media networks shall be guaranteed and may not be restricted by any form of prior control.
 - Unrestricted publication of information, ideas, pictures and opinions shall be guaranteed within the framework of the law with the respect of the nation's principles and religious, ethical and cultural values.
- **Article 53:** The right to create associations is guaranteed by law. The State encourages the development of associative movement.
- **Article 195:** The basis for the High Islamic Council.
- **Article 198:** The basis for the Human Rights Council.

In March of 2006, President Bouteflika of Algeria signed a Presidential Order Concerning Religion, which modified constitutional articles and proposed amendments:

- **Article 2:** The Algerian State, of which the religion is Islam, guarantees the free exercise of religious worship in the framework of respect of the dispositions of the Constitution, of the present ruling, of the laws and regulations in force, of the public order, of good moral standards and of the fundamental rights and liberties of third parties.

¹⁰ Government of Algeria. “Constitution of the People’s Democratic Republic of Algeria, 1989 (reinst. 1996, rev. 2016)”. Constitute Project. 2016. https://www.constituteproject.org/constitution/Algeria_2016?lang=en. Accessed 29 May 2018.

- **Article 3:** Associations of religious practice other than Muslim enjoy the protection of the State.
- **Article 4:** It is forbidden to use religious affiliation as the basis for discrimination towards any person or group of persons.¹¹

Several articles within the Penal code relate to religious issues. Article 144 bis. criminalises any insults or perceived slander against the Prophet, messengers of God or Islam.

FREEDOM TO HAVE, RETAIN OR CHANGE RELIGION

Apostasy is not a criminal offence, and conversion is not illegal under civil law. However, various laws intend to protect Muslims from evangelising influences and Christian converts are often targets of blasphemy charges for instances where they explained their beliefs.

The Ahmadi population has faced particularly focused repression on account of their religious convictions. Despite a total population of just 2,000 individuals in Algeria, 266 were charged with religiously-based offences between June 2016 and January 2018.¹² These arrests are justified due to the classification of the Ahmadi beliefs as heretical, or through connecting the community with alleged Israeli conspiracies.¹³ They have been charged under Article 144 of the Penal Code, relating to insults against the Prophet, his messengers or Islam, with punishments of **between three and five year prison terms and fines of up to 100,000 dinars (€740)**.¹⁴

In Algeria's 2017 Universal Period Review at the UN, all recommendations relating to freedom of religion were generally accepted, whereas any recommendations relating to the free worship of the Ahmadi community were ignored.¹⁵ This demonstrates that the international community recognises the issues facing the Ahmadi community, as well as Algeria's unwillingness to put an end to the targeting of that religious community.

As is the case in other Muslim-majority North African countries, Algeria regulates inter-religious marriages. It is illegal for a Muslim woman to be married to a non-Muslim man. In this case, there must either be a divorce, or the husband must also convert to Islam. No such restriction exists for a non-Muslim woman wed to a Muslim man, but she is socially required to uphold Islamic

¹¹ Kendal, Elizabeth (trans.). "Algeria: Text of Presidential Order Concerning Religion". World Evangelical Alliance. 2006. <http://worldea.org/news/431/Algeria-Text-of-Presidential-Order-Concerning-Religion>. Accessed 29 May 2018.

¹² "Algeria: New Trials Shake Ahmadi Minority." Human Rights Watch. 22 January 2018. <https://www.hrw.org/news/2018/01/22/algeria-new-trials-shake-ahmadi-minority>. Accessed 29 May 2018.

¹³ "Algeria's Ahmadis forced to worship behind closed doors". News24. 25 August 2017. <https://www.news24.com/Africa/News/algerias-ahmadis-forced-to-worship-behind-closed-doors-20170825>. Accessed 29 May 2018.

¹⁴ "Algeria: Stop Persecuting a Religious Minority". Human Rights Watch. 4 September 2017. <https://www.hrw.org/news/2017/09/04/algeria-stop-persecuting-religious-minority>. Accessed 29 May 2018.

¹⁵ Universal Periodic Review Working Group. "Algeria: Third review, Session 27". UN Office for the High Commissioner on Human Rights. 22 September 2017. https://www.upr-info.org/sites/default/files/document/algeria/session_27_-_may_2017/response_to_recommendations_algeria_2017.pdf. Accessed 29 May 2018.

standards within the household. This same legal preference for Muslims extends to disputes over inheritances, where Muslim applicants win most cases over non-Muslim applicants.¹⁶

RESTRICTIONS TO FREEDOM OF EXPRESSION RELATED TO RELIGIOUS ISSUES & BLASPHEMY

Algeria has passed several laws or decrees since 2006 that limit freedom of expression on religious issues.

Ordinance 06-03 of 2006 has been used to prosecute the freedom of speech of Christians under the false charges of proselytism, which this ordinance bans.¹⁷ The possession of religious materials, particularly in large amounts, is subject to suspicion and arrest under the assumption that it is to be used to convert Muslims. Punishments for such offences are **finances of up to one million dinars (€7,400) and five years in prison.**¹⁸

The Law on Information (Laws 12-05 of 2012), passed in January of 2012, creates mechanisms that control the dissemination of information by organisations and that are under the authority of the government or other governmental offices. This official monitoring and filtering of information means that communication from religious organisations not accepted by the government, such as the Ahmadis or some Protestant Christian groups, can be restricted legally.¹⁹

Furthermore, while the previous iteration of the 1990 Information Code specifically bans speech deemed to be damaging to the Prophet, his messengers and Islam, the new Information Code deems unacceptable any speech that is against: “national identity, the cultural values of society, national sovereignty and national unity, as well as the requirements of national security, national defence, public order, and the country’s economic interests, among others.”²⁰ This broad definition allows for a high degree of government autonomy in limiting freedom of speech.

The Penal Code (promulgated by Order No. 66-156 of 1966) has several articles targeting speech deemed religiously offensive. Article 144 bis. criminalises any insults or perceived slanders against the Prophet, messengers of God or Islam. Punishments range between **three and five years in prison and a fine of between 50,000 and 100,000 Algerian dinars** (between €423 and €847). Articles 298 and 298 bis. of the Criminal Code of Algeria address issues of offences against

¹⁶ Universal Periodic Review Working Group. “Algeria: Third review, Session 27”. UN Office for the High Commissioner on Human Rights. 22 September 2017. https://www.upr-info.org/sites/default/files/document/algeria/session_27_-_may_2017/response_to_recommendations_algeria_2017.pdf. Accessed 29 May 2018.

¹⁷ “Non-Muslim minorities in Algeria: Submission of HRWF Int’l to the EEAS consultation of NGOs”. Human Rights Without Borders. 2016. <http://hrwf.eu/wp-content/uploads/2016/09/0914-Algeria.pdf>. Accessed 29 May 2018.

¹⁸ J.A. Seymour. “Church closures spur fear of crackdown in Algeria”. Christian Headlines. 12 January 2018. <https://www.christianheadlines.com/blog/church-closures-spur-fear-of-crackdown-in-algeria.html>. Accessed 29 May 2018.

¹⁹ “Civic Freedom Monitor: Algeria”. International Center for Not-for-Profit Law. 1 December 2017. <http://www.icnl.org/research/monitor/algeria.html>. Accessed 29 May 2018.

²⁰ “Algeria: Events of 2017”. Human Rights Watch. 2018. <https://www.hrw.org/world-report/2018/country-chapters/algeria>. Accessed 29 May 2018.

particular ethnic, philosophical or religious groups. Punishments range **between a month and a year in prison and fines between 10,000 and 100,000 Algerian dinars** (approximately €73 to €730) for defamation cases and **between five days and six months in prison and 5,000 to 50,000 dinars** (approximately €37 to €366) for insult cases.²¹

However, there are also restrictions on Muslim teachings. They are regulated through the approval of imams and the corresponding prohibition against unregistered imams administering sermons in mosques. Violations of this regulation are punished in the Penal Code with fines of between **100,000 and 200,000 Algerian dinars (€737 to €1,474) and prison sentences of one to three years.**

FREEDOM OF ASSOCIATION

There are several departments that regulate associations in Algeria, accompanied by strict laws and procedures that have been used by the government to discriminate against non-Muslim organisations and individuals. As mentioned above, the Ministry of the Interior (MOI) and the Ministry of Religious Affairs and Endowments (MRA) are the primary bodies regulating the activities of religious associations.

The 2006 Ordinance on non-Muslim religious groups (Ordinance 06-03) provides for the freedom of practice for registered religious groups, within the limits of the law. However, it also bans outright the practice of religions or religious groups that are not registered, and gives the Ministries of Religious Affairs, Foreign Affairs, Interior and Commerce dominion in approving both religious groups and disseminated materials. Consequently, disapproval from these departments has resulted in the effective strangling of many of the activities of smaller religious communities.²²

The Law on Associations (Law No. 12-06 of 2012) was intended to provide greater regulation of groups, including religious groups, and for disseminated information. It includes the following:^{23,24}

- **Article 10:** The government has up to three months to negate the registration of any association, including those whose rejection is dismissed under court appeal.
- **Article 11:** No activities are permitted by unregistered associations, although they are deemed to be legal if no response is received from the government within three months of its application.
- **Article 19:** All information related to the operations of associations, including records of general meetings, must be submitted to the government under pain of fines and other

²¹ Government of Algeria. “Code Pénal (promulgué par l’Ordonnance n° 66-156 du 18 Safar 1386 correspondant au 8 juin 1966)”. WIPO Intellectual Property Laws and Treaties Database. 1971.

http://www.wipo.int/wipolex/en/text.jsp?file_id=228301. Accessed 29 May 2018.

²² “Non-Muslim minorities in Algeria: Submission of HRWF Int’l to the EEAS consultation of NGOs”. Human Rights Without Borders. 2016. <http://hrwf.eu/wp-content/uploads/2016/09/0914-Algeria.pdf>. Accessed 29 May 2018.

²³ “Civic Freedom Monitor: Algeria”. International Center for Not-for-Profit Law. 1 December 2017.

<http://www.icnl.org/research/monitor/algeria.html>. Accessed 29 May 2018.

²⁴ “Memorandum: Assessment of Law 12-06 of 12 January 2012 on Associations”. Euro-Mediterranean Human Rights Network. 14 February 2012. <http://www.refworld.org/docid/51500d682.html>. Accessed 29 May 2018.

restrictions on activities.

- **Article 30:** Severely restricts the ability of associations to receive donations or other sources of funding, especially from foreign sources. Grants and funding are largely restricted to ministerial or other government sources.
- **Article 39:** Vague criteria on the suspension or dissolution of associations, including potential interference with national sovereignty or internal affairs.

FREEDOM OF WORSHIP AND ASSEMBLY

Access to places of worship is increasingly restricted for all religious groups apart from the Sunni Muslim community. All worship at unauthorised sites or by unauthorised groups is strictly banned, and new authorisation by the government has been non-existent in recent years. Thus, this right is seriously restricted for non-Muslims in Algeria.

All public activities, including worship, require authorisation from the relevant government ministry at least eight days in advance, as per *Law No. 91-19 of 1991 on Governing Public Meetings and Demonstrations*.

This law states that, “[a]nyone found responsible for participating in the organisation of an unauthorised demonstration will get either a **prison sentence ranging from three months to a year, a fine between 3,000 and 15,000 dinars [€22-€110], or both.**”²⁵ By including considerations of public peace and national identity, such demonstrations or organisations rarely gain prior authorisation, which in effect makes this a ban.

Currently, it is very rare for religious communities to gain such authorisation, making their activities effectively illegal.²⁶ The criteria for such rejections are left vague by referencing national values, identity, morals and public peace. The final authorisation is left in the hands of the Ministry of the Interior. In practice, there is little justification required for rejection.

The approval for buildings as places of worship is similarly restricted. Ordinance 06-03 regulating the activities of non-Muslims prohibits the use of any unregistered place of worship. This registration process is deferred to various government Ministries who have made this process particularly difficult, with a very low rate of success since the Ordinance entered into effect.²⁷ Therefore, despite ostensible acknowledgement of other religions’ right to freedom of practice, non-Muslim groups can gain neither authorisation for new places of worship nor the use of other spaces to conduct their activities. The punishments for using an unregistered place of worship are set by Article 13 of Ordinance 06-03 as a fine of between **100,000 and 300,000 dinars (€740-**

²⁵ *Ibid.*

²⁶ Amnesty International. “Amnesty International Submission for the UN Universal Periodic Review – Algeria”. UN Universal Periodic Review Working Group. May 2017. https://www.upr-info.org/sites/default/files/document/algeria/session_27_-_may_2017/ai_upr27_dza_e_main.pdf. Accessed 29 May 2018.

²⁷ “Arrests of Christians and restrictions against churches in Algeria”. Evangelical Focus. 5 March 2018. http://evangelicalfocus.com/world/3314/Arrests_of_Christians_and_restrictions_against_churches_in_Algeria. Accessed 29 May 2018.

€2,220) and between one and three years in prison.²⁸

The regulation of the teachings of the Muslim community is ensured through a ban on unregistered imams teaching in mosques, punishable with **fines between 100,000 and 200,000 Algerian dinars (€737 to €1,474) and prison sentences of one to three years.** Furthermore, all mosques or other places of worship are subject to fairly strict licensing procedures, particularly following the Arab Spring uprising of 2011.²⁹

FREEDOM TO SHARE BELIEFS/ PROSELYTISM

Proselytising is illegal in Algeria. Article 11 of Ordinance 06-03 of 2006 on the regulation of non-Muslims reads as follows:

Without prejudice of more serious penalties, the punishment is imprisonment from **two years to five years and a fine from 500,000 dinars (€3,700) to 1,000,000 dinars (€7,400)** for whomever:

1 - incites, constrains or utilizes means of seduction tending to convert a Muslim to another religion, or by using to this end establishments for teaching, for education, for health, of a social or cultural nature, or training institutions, or any other establishment, or any financial means,

2 - makes, stores, or distributes printed documents or audio-visual productions or by any other aid or means, which has as its goal to shake the faith of a Muslim.

There is no corresponding prohibition against the proselytising activities of Muslims.

The possession or use of materials, both printed and audio-visual, that might be used with the intent of proselytism is banned by the Ordinance. This law has been used to prosecute Christians for carrying personal articles of their faith, such as copies of sermons for their own use and Bibles.³⁰ Therefore, accusations of proselytism are used to restrict the ability of communities to practice their faith well beyond its stated purpose.

In 2012, the new Law on Information (No. 12-05) came into effect, giving the government control over all disseminated information related to religious associations by requiring prior authorisation from relevant media regulatory bodies. The framework provided for the restriction of such information is vague, as in other laws: national sovereignty, security and identity, and the economy. The current interpretation of proselytism as a threat to the Muslim foundation of the

²⁸ Kendal, Elizabeth (trans.). "Algeria: Text of Presidential Order Concerning Religion". WEA. 2006. <http://worldia.org/news/431/Algeria-Text-of-Presidential-Order-Concerning-Religion>. Accessed 29 May 2018.

²⁹ D. Ghanem-Yazbeck. "State-owned Islam in Algeria faces stiff competition. 13 March 2018. <https://carnegie-mec.org/2018/03/13/state-owned-islam-in-algeria-faces-stiff-competition-pub-75770>. Accessed 29 May 2018.

³⁰ J.A. Seymour. "Church closures spur fear of crackdown in Algeria". Christian Headlines. 12 January 2018. <https://www.christianheadlines.com/blog/church-closures-spur-fear-of-crackdown-in-algeria.html>. Accessed 29 May 2018.

state effectively makes any speech which might be construed as such illegal.³¹

RECOMMENDATIONS

In view of the above, *Human Rights Without Frontiers* (HRWF) recommends the following:

- Ensure that the protections of the right to freedom of thought, conscience, and religion meet the international law standards enshrined in Article 18 of the ICCPR;
- Repeal Law No. 91-19 of 1991 on Governing Public Meetings and Demonstrations which requires official authorisation for all public activities, including worship, at least eight days in advance;
- Repeal Article 13 of Ordinance 06-03 which criminalises the use of an unregistered place of worship;
- Repeal Law No. 91-19 on Governing Public Meetings and Demonstrations which criminalises the participation in the organisation of an unauthorised demonstration;
- Repeal Article 11 of Law 03/2006 and allow people of all faiths to share their faith with other people;
- Allow a non-Muslim man to marry a Muslim woman and a non-Muslim woman to marry a Muslim man without being obliged to convert to Islam, and allow their children to choose their religion;
- Amend the legislation concerning insults against Islam and/or the Prophet into a law against hate speech and hate crimes in line with international standards;
- Abolish the sentences to prison terms and fines imposed on the basis of the aforementioned laws and ordinances;
- Grant equal rights to Ahmadis and all other minority religious groups.

Concrete cases of violations of freedom of religion or belief in 2018-2020 can be found in HRWF Database of News per year and per country at <https://hrwf.eu/newsletters/forb/>

A specific paper about Ahmadis in Algeria and some other countries can be found at <https://hrwf.eu/forb/our-advocacy-papers/>

³¹ “Civic Freedom Monitor: Algeria”. International Center for Not-for-Profit Law. <http://www.icnl.org/research/monitor/algeria.html>. Accessed 29 May 2018.