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U.S. DEPARTMENT of STATE

Algeria**International Religious Freedom Report 2004**

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution declares Islam to be the state religion and prohibits discrimination by providing various individual liberties. Though the Constitution does not specifically prohibit discrimination based on religious belief, the Government generally respects religious freedom in practice; however, there were some restrictions.

There was no change in the status of respect for religious freedom during the period covered by this report. Islam is the only state-sanctioned religion, and the law limits the practice of other faiths, including prohibiting public assembly for purposes of practicing a faith other than Islam. However, the Government follows a de facto policy of tolerance by allowing, in limited instances, the conduct of religious services by registered, non-Muslim faiths in the capital, which are open to the public. The Government continues to require religious organizations to register; non-Islamic proselytizing is illegal; and the importation of religious texts still faces lengthy delays for government approval. Self-proclaimed Muslim terrorists continue to justify their killing of security force members and civilians by referring to interpretations of religious texts; however, the level of violence perpetrated by terrorists continued to decline during the period covered by this report.

The generally amicable relationship among religions in society contributed to religious freedom; however, differences remain within the country's Muslim majority about the interpretation and practice of Islam. A very small number of citizens, such as Ibadi Muslims who live in the desert town of Ghardaia, practice non-mainstream forms of Islam or practice other religions, but there is minimal societal discrimination against them.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has a total land area of 6,406,880 square miles, and its population is approximately 33 million. More than 99 percent of the population is Sunni Muslim. Official data on the number of non-Muslim residents is not available; however, practitioners report it to be below 5,000. Many citizens who practice non-Muslim faiths fled the country due to violent acts of terrorism committed by Islamic extremists throughout the 1990s; as a result, the number of Christians and Jews in the country is significantly lower than the estimated total before 1992. According to leaders of the Christian churches, Methodists and evangelists account for the largest numbers of non-Muslims, followed by Roman Catholics and Seventh-day Adventists. It is estimated that there are approximately 3,000 evangelists (mostly in the Kabylie region) and approximately 300 Catholics. The Jewish population is virtually nonexistent. There are no reliable figures on the numbers of atheists in the country, and very few persons identify themselves as such.

For security reasons, due mainly to the civil conflict, Christians concentrated in the large cities of Algiers, Constantine, and Oran in the mid-1990s. Recently, Evangelical proselytizing has increased the size of the Christian community in the eastern, Berber region of Kabylie. The number of "house churches," where members meet secretly in the homes of fellow members for fear of exposure or because they cannot finance the construction of a church, has increased in the region.

Only one missionary group operates in the country on a full-time basis. Other evangelical

groups travel to and from the country, but they are not established. While Christians do not proselytize actively, they report that conversions take place without government sanction or interference.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution declares Islam to be the state religion and prohibits discrimination by providing various individual liberties. Although the Constitution does not specifically prohibit discrimination based on religious belief, the Government generally respects religious freedom in practice; however, there were some restrictions. There are no specific laws in place to provide effective remedies for the violation of freedom of religion; however, other statutes protecting individual civil liberties may provide such protection. The law limits the practice of non-Islamic faiths by requiring organized religions to register with the Government, prohibiting proselytizing, and controlling the importation of religious materials; however, the Government follows a *de facto* policy of tolerance by allowing, in limited instances, the conduct of religious services by non-Muslim faiths in the capital, which were open to the public.

The Government recognizes the Islamic holy days of 'Eid Al-Adha, 'Eid Al-Fitr, Awal Mohareem, Achoura, and Mawlid Nabbaoui as national holidays.

Restrictions on Religious Freedom

The Government requires organized religions to submit and obtain official recognition prior to conducting any religious activities. To date the Protestant, Roman Catholic, and Seventh-day Adventist churches are the only non-Islamic faiths authorized to operate in the country. Members of other churches are forced to operate without government permission and secretly practice their faith in their homes, or like the Methodists, register as a part of the Protestant Church of Algeria. According to the Ministry of Religious Affairs, the Ministry of the Interior is responsible for determining the punishment against a nonrecognized association. However, the Government follows a *de facto* policy of tolerance by not interfering in the internal affairs of non-Islamic faiths, whether they are one of the officially recognized churches or a "house church."

The Government appoints imams to mosques and by law is allowed to provide general guidance and to pre-screen and approve sermons before they are delivered publicly. In practice the Government generally reviews sermons after the fact. The Government's right of review has not been exercised among non-Islamic faiths. The Government also monitors activities in mosques for possible security-related offenses, bars the use of mosques as public meeting places outside of regular prayer hours, and convokes imams to the Ministry of Religious Affairs for "disciplinary action" when warranted.

On February 20, the imam of the Emir Abdelkader Mosque in Constantine attacked the independent press during the Friday sermon broadcasted on state television and radio. The imam said that cartoons by Ali Dilem of the French-language daily *La Liberté* undermined the sanctities of Islam, called him a collaborator with the enemies of Islam, and urged Muslims to boycott the newspaper. Similar content was heard during the sermons in Batna, Khenchela, Guelma, and Algiers. Because the Government can pre-screen the content of sermons, most observers viewed the verbal attack as an election year ploy sanctioned by the Government to discredit the independent press and as an inappropriate use of the mosque to further political objectives. Prime Minister Ahmed Ouyahia called the sermon "a regrettable event."

Amendments to the Penal Code in 2001 established strict punishments, including fines and prison sentences, for anyone other than a government-designated imam who preaches in a mosque. Harsher punishments were established for any person, including government-designated imams, if such persons act "against the noble nature of the mosque" or act in a manner "likely to offend public cohesion." The amendments do not specify what actions would constitute such acts.

The Ministry of Religious Affairs provides some financial support to mosques and, during the period covered by this report, sought to expand its control over the training of imams through a government-run Islamic educational institute. This institute would ensure that all imams are of

the highest educational caliber and present messages in line with government guidelines in place to stem Islamic fanaticism. At the end of the period covered by this report, no school actually had been established.

The law prohibits public assembly for purposes of practicing a faith other than Islam. Roman Catholic churches, however, including a cathedral in Algiers (the seat of the Archbishop), conduct services without government interference, as does a Protestant church. Since 1994, the size of the Jewish community has diminished until it is virtually nonexistent due to fears of terrorist violence, and the synagogue in Algiers has been abandoned. There are only a few small churches and other places of worship; non-Muslims usually congregate in private homes for religious services. Conversions from Islam to other religions are rare. Islamic law (Shari'a), as interpreted in the country, does not recognize conversion from Islam to any other religion; however, conversion is not illegal under civil law. Due to safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely (see Section III). Christians report that conversions to Christianity take place without government sanction or interference.

Non-Islamic proselytizing is illegal. Missionary groups are permitted to conduct humanitarian activities without government interference as long as they are discreet and do not proselytize.

The Ministry of Religious Affairs, Ministry of Foreign Affairs, Ministry of Interior, and Ministry of Commerce all must approve the importation of non-Islamic literature. Often, lengthy delays of 5 to 6 months are experienced in obtaining such approval. Arabic and Tamazight translations of non-Islamic texts are increasingly available, but the Government periodically has enforced restrictions on their importation. Individuals may bring personal copies of non-Islamic texts, such as the Bible, into the country. Occasionally, such works are sold in local bookstores in Algiers, and in general non-Islamic religious texts no longer are difficult to find. Non-Islamic religious music and video selections also are available. The government-owned radio stations provided broadcast time to a Protestant radio broadcast for Christmas and Easter. The Government prohibits the dissemination of any literature that portrays violence as a legitimate precept of Islam.

According to the Ministry of Religious Affairs, female employees of the Government are allowed to wear the headscarf or crosses but forbidden from wearing the full veil, or "abayah." The Constitution prohibits non-Muslims from running for the presidency. Non-Muslims may hold other public offices and work within the Government; however, it is reported that they experience difficulties in achieving promotion to higher status.

The Ministries of Education and Religious Affairs strictly require, regulate, and fund the study of Islam in public schools. Private primary and secondary schools operate in the country; however, the Government did not extend recognition to these institutions during the period covered by this report, and, therefore, private school students must register as independent students within the public school system to take national baccalaureate examinations.

The Ministry of Religious Affairs provides some financial support to mosques and pays the salary of imams. Mosque construction is funded through private contributions of local believers. Following the May 2003 earthquake, the Government assisted the reconstruction efforts of some Christian churches.

Some aspects of Shari'a, as interpreted and applied in the country, discriminate against women. The 1984 Family Code, which is based in large part on Shari'a, treats women as minors under the legal guardianship of a husband or male relative. For example, a woman must obtain her father's approval to marry. While there are no limitations on or burdens of legal proof required of men seeking divorce, the Family Code limits a woman's ability to gain a divorce for reasons other than seven codified provisions. Divorce can be granted to wives whose husbands are impotent, abusive, adulterers, or convicted criminals, and can be granted in instances where the husband has been absent from the family for more than a year, refrained from sexual relations for more than four months, or committed an "immoral infraction" such as pedophilia. In rare instances, a woman can seek divorce through "purchasing" her freedom from her husband through a practice known as "khlouay." In keeping with Islamic law, husbands generally keep the right to the family's home in the case of divorce. Custody of the children normally is awarded to the mother, but she may not enroll them in a school or take them out of the country without the father's authorization. Only males are able to confer citizenship on their children. Muslim women

are prohibited from marrying non-Muslims. However, Muslim men however may marry non-Muslim women.

Women also suffer from discrimination in inheritance claims; in accordance with Shari'a, women are entitled to a smaller portion of a deceased husband's estate than are his male children or brothers. Non-Muslim religious minorities also may suffer in inheritance claims when a Muslim family member also lays claim to the same inheritance. Women may take out business loans and are the sole custodians of their dowries; however, in practice women do not always have exclusive control over assets they bring to a marriage or income they earn themselves. Females under 18 years of age may not travel abroad without the permission of a legal male guardian.

Anti-Semitism in state-owned and independent media publications and broadcasts is extremely rare.

There were no reports of religious prisoners or detainees.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Terrorist Organizations

The country's decade-long civil conflict has pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group and its later offshoot, the Salafist Group for Preaching and Combat, against moderate Muslims. Approximately 100,000 to 150,000 civilians, terrorists, and security forces have been killed during the past 12 years. Radical Islamic extremists have issued public threats against all "infidels" in the country, both foreigners and citizens, and have killed both Muslims and non-Muslims, including missionaries. Extremists continued attacks against both the Government and moderate Muslim and secular civilians; however, the level of violence perpetrated by these terrorists continued to decline during the period covered by this report. As a rule, the majority of the country's terrorist groups do not differentiate between religious and political killings.

Section III. Societal Attitudes

The generally amicable relationship among religions in society contributed to religious freedom; however, differences remain within the country's Muslim majority about the interpretation and practice of Islam. A very small number of citizens, such as Ibadi Muslims living in the desert town of Ghardaia, practice nonmainstream forms of Islam or practice other religions, but there is minimal societal discrimination against them.

In general society tolerates noncitizens who practice faiths other than Islam; however, citizens who renounce Islam generally are ostracized by their families and shunned by their neighbors. The Government generally does not become involved in such disputes. Converts also expose themselves to the risk of attack by radical extremists.

The majority of cases of harassment and security threats against non-Muslims come from radical Islamists who are determined to rid the country of those who do not share their extremist interpretation of Islam (see Section II). However, a majority of the population subscribes to Islamic precepts of tolerance in religious beliefs. Moderate Islamist religious and political leaders have criticized publicly acts of violence committed in the name of Islam.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

The U.S. Embassy maintained contact with religious leaders in the non-Muslim community, who expressed concerns that radical Islamists and government delays on the importation of religious

materials were impediments to practicing their faith. Embassy officials also met with members of the Muslim community, including the leader of the High Islamic Council, the Deputy Minister for Religious Affairs, and moderate Islamic political parties. Embassy officials promoted religious freedom in speeches with university students by describing the high level of tolerance that all faiths, including Islam, enjoy in the United States. The Embassy maintained frequent contact with three Islamic political parties (Movement for Peaceful Society, El Islah, and Ennahda) and met with the Wafa Party, whose legal status remains unrecognized by the Government.

The Embassy maintained frequent contact with the National Consultative Commission for the Protection and Promotion of Human Rights, a quasi-governmental human rights organization established by the Government in 2001 in response to international and domestic pressure to improve its human rights record. Individuals and groups who believe they are not being received fairly by the Ministry of Religious Affairs may have their concerns heard by this commission.

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