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UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

FACTSHEET

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LAW AND RELIGION IN ALGERIA

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Introduction

Algerian law regulates the manifestation of religion or belief through several legal mechanisms, including the Algerian penal code and Ordinance 06-03 on the regulation of non-Muslim organizations. Some of these provisions, including laws against blasphemy and proselytization, are inconsistent with international legal protections for freedom of religion or belief. In recent years, the Algerian government has increasingly enforced these laws, imprisoning individuals on blasphemy and proselytization charges. It has also interpreted other legal precepts in ways that infringe on Algerians' rights to worship.

This factsheet summarizes the intersection of law, religion, and politics in recent Algerian history and highlights the aspects of Algerian laws that pose risks to Algerians' rights to freedom of religion or belief. It also proposes several policy options the United States government can pursue to help reduce legal repression of Algerians' rights to freedom of religion or belief.

Law, Religion, and Politics in Algeria

Algeria is geographically the largest country in Africa, bordering the Mediterranean Sea to the north and extending well into the Sahara Desert to the south. Throughout its history, Algeria has oscillated between being governed by local entities and by colonizing authorities, including regimes governed by Roman, Spanish, Ottoman, and French authorities at various points through its history.

Islam arrived in Algeria in the seventh century and rapidly spread across the country and the broader region. Today, an *estimated 99 percent* of Algerians identify as Sunni Muslim. The remaining 1 percent (roughly 440,000 people) consist of individuals identifying as Christian, Jewish, Ahmadi Muslim, Shi'a Muslim, and Ibadi Muslim.

During French colonial rule, French law *discriminated* against Muslims, including prohibiting them from holding public meetings, carrying firearms, or leaving their homes or villages without permission. Colonial authorities confiscated the land of Islamic charitable trusts used for agriculture, triggering significant *famine* that killed hundreds of thousands of people. They also sowed harsh suspicion of Islamic schools, *collapsing* the country's education infrastructure and literacy rates. Independence movements *often* incorporated colonial mistreatment of Muslims into recruitment narratives and drew inspiration from Islamic leaders.



Algeria won its independence from French colonial authorities through a brutal civil war that lasted from 1954 to 1962. The post-independence government viewed strong religiosity as a threat to state control and placed [significant restrictions](#) on the spread of religious ideas. To date, the Algerian government continues to regulate Islam rigorously. Only authorized imams trained by the state may lead prayers in mosques, the Ministry of Religious Affairs regulates the importation of all Qurans and other religious texts, and Muslim women are prohibited from marrying non-Muslim men.

Following independence, religious minorities faced a slew of abuses and repressive policies in Algeria. The Nationality Code passed in 1963 deprived non-Muslims of Algerian citizenship, and the majority of the country's estimated 140,000 Jewish residents [fled](#) repressive policies to France, Israel, and elsewhere. Baha'i activities were [banned](#) in 1969.

State officials also [acted](#) to keep conservative Muslims with views they considered extreme from amassing political power, canceling elections in 1991 in which the conservative Islamist party the Islamic Salvation Front (FIS) appeared poised to take control of parliament. Further, state officials banned the party and effectively established military control over the government. This triggered civil conflict in which both Islamist rebels and Algerian soldiers allegedly committed violent atrocities against civilians. FIS' policy platform included, among other things, reforms that would have placed further restrictions on religious expression and enforced a particular interpretation of Islam.

In this way, the post-independence Algerian government demonstrates a complicated relationship with religious freedom. While often placing restrictions on religious practice, the government's response to the FIS may have worked to protect, albeit extra-constitutionally, certain religious freedom rights that would have been under attack with a FIS-led government. This tension highlights the political nature of legal mechanisms governing religious practice and expression in Algeria — a context that has manifested in several severe violations of Algerians' rights to freedom of religion or belief in recent years.

Laws Restricting the Manifestation of Religion

The [Algerian Constitution](#) considers the right to opinion “inviolable” and also protects the right to worship if it is exercised in accordance with the law. Algeria ratified the [International Convention on Civil and Political Rights](#) (ICCPR) in 1989.

Article 18 of the ICCPR affords all individuals the right to manifest their religion or belief through worship, practice, observance, and teaching, including independently or in community with others, as well as in public or in private. Several domestic laws in Algeria threaten this right as protected under the ICCPR, including laws criminalizing blasphemy and proselytization and laws governing worship. The enforcement of these laws against religious minorities and dissenters, which has increased in recent years, constitutes a severe violation of international religious freedom as defined under international law.

Blasphemy Laws

Article 144 of the [Algerian penal code](#) criminalizes blasphemy. Any individual who “offends the Prophet ... and the messengers of God or disparages the dogma or precepts of Islam, whether it be through writing, artwork, speaking, or any other medium” may be subject to three-to-five years in prison and/or a fine of between 50,000 and 100,000 Algerian dinars (roughly 350–710 USD).

The enforcement of blasphemy laws [violates](#) Algerians’ rights to manifest their religion or belief in public through observance, practice, or teaching, as protected under the ICCPR. Imprisoning individuals charged with or convicted of blasphemy constitutes a particularly severe religious freedom violation as identified in the [International Religious Freedom Act \(IRFA\)](#) because it denies an individual the right to liberty on the basis of this manifestation of their religion or belief.

In recent years, the Algerian government has brought [blasphemy charges](#) against several individuals, including Christians, Muslims, and freethinkers. In January 2021, a court sentenced [Hamid Soudad](#), a Christian, to five years in prison for “insulting the prophet of Islam” by sharing a caricature of the Prophet on social media. In February 2021, a court convicted [Said Djabelkhir](#), a scholar and free thought leader, of blasphemy for “offending the precepts of Islam” and sentenced him to three years in prison. In April 2021, authorities sentenced opposition activist [Walid Kechida](#) to three years in prison for insulting President Abdelmadjid Tebboune and “offending the precepts” of Islam in internet memes. In October 2021, a court in Adrar sentenced two Ahmadiyya Muslims to two years in prison for “defamation of religion and the denigration of the common rituals of Islam,” according to advocates. Local [media reports](#) indicate that at least one unnamed individual has been arrested on charges of blasphemy in 2022.

Anti-Proselytization Laws

In 2006, the Algerian government issued [Ordinance 06-03](#), which regulates non-Muslim religious organizations and activities. While this ordinance works to protect the rights of non-Muslim individuals to worship in community with one another and in public, it also places unwarranted restrictions on non-Muslims’ rights to manifest their religion publicly through teaching, as protected under Article 18 of the ICCPR.

Article 11 of Ordinance 06-03 criminalizes proselytization. Anyone who “incites, constrains, or utilizes means of seduction intending to convert a Muslim to another religion; or uses to this end establishments of teaching, education, health, of a social and or cultural character, training institutes, or any other establishment, or any other financial means,” is subjected to three-to-five years in prison and a fine of 500,000–1 million Algerian dinar (roughly 3,500–7,100 USD). Anyone who “makes, stores, or distributes printed documents or audiovisual footage or by any other medium or means which aim to shake the faith of a Muslim” is subject to the same penalties.

As is the case with blasphemy laws, imprisoning individuals charged with proselytization constitutes a particularly severe religious freedom violation as identified in IRFA because it denies individuals the right to liberty on the basis of their manifestation of their religion or belief through teaching in public or in private, as protected under Article 18 of the ICCPR. In February 2020 a court in Oran sentenced pastor and bookshop owner [Rachid Mohamed Seighir](#) and his bookshop assistant Mouh Hamimi to two years in prison and a 500,000-dinar (approximately 3,500 USD) fine for proselytization. Police brought charges against Seighir and Hamimi for “printing, storing, or distributing materials that can ‘shake’ the faith of a Muslim” after raiding the bookshop in 2017. Following appeal, the court reduced the sentence to one year in prison and a fine of 200,000 dinars (approximately 1,400 USD) in June 2021.

The Algerian government has also implemented key aspects of Ordinance 06-03 in a way that discriminates against religious minorities, particularly Evangelical Protestants. Article 12 of Ordinance 06-03 punishes any individual who “collects money or accepts donations without the authorization of the legally empowered authorities” with one-to-three years in prison and a fine of 100,000–300,000 Algerian dinar (roughly 710–2,100 USD). In 2021, Algerian authorities used this clause to prosecute [Foudhil Bahloul](#), a Christian convert who had collected donations with the help of his parish after having lost his job due to his conversion.

Laws Governing Worship

Algerian law places several restrictions on the manifestation of religion or belief through worship. Islamic services [may only take place](#) in state-sanctioned mosques, excluding daily prayers which are permissible anywhere. For Algerians practicing non-Muslim worship, [Ordinance 06-03](#) requires that collective worship take place exclusively in buildings authorized for that function by the National Commission of Non-Muslim Worship. These buildings must be open to the public and identifiable from the outside, and manifestations of religion inside them must be public and in keeping with the purpose for which they have been authorized. Anyone who worships outside the parameters of these restrictions may be subject to one-to-three years imprisonment and a 100,000 dinar (roughly 710 USD) fine.

Discrimination in the enforcement of restrictions governing worship has violated the rights of several religious minorities in Algeria, particularly Evangelical Protestants and Ahmadiyya Muslims. The government has reportedly refused to acknowledge receipt of the Evangelical Protestant Association's (EPA) application for registration and has forced at least 16 EPA churches to close due to their unregistered status. Advocacy groups report that government authorities have pressured EPA member churches to apply for status independently of the EPA, allegedly seeking to weaken the cohesion of the Evangelical Protestant community. In November 2021, authorities charged senior EPA pastor Salaheddine Chalah and four other protestant Christians with practicing unauthorized worship; Pastor Chalah reportedly received [18 months in prison](#) in March 2022 while those charged with him received six-month sentences.

Meanwhile, the Algerian government has [rejected](#) the registration application from the Ahmadiyya Muslim community three times since 2012, asserting that Ahmadiis are not Muslims and should register as a non-Muslim religious group. In October 2020, a court in Constantine handed down [two-year prison sentences](#) to Ahmadiyya Muslims found guilty of assembling without authorization after the community sought to worship together. The majority of the estimated hundreds of court cases that remained pending against Ahmadiyya Muslims in Algeria at the end of 2020 pertained to accusations of [unauthorized gatherings](#) for the purposes of worship.

Conclusion

Since independence in 1962, the Algerian government has significantly regulated Islamic traditions and other forms of religious practice. Given the strong cultural foundation of government regulation of religious activity in Algeria, efforts to address religious freedom violations inherent in the enforcement of existing Algerian laws will be difficult.

In 2021 the U.S. Department of State took an important first step by adding Algeria to its Special Watchlist for engaging in severe religious freedom violations. Following on to this decision, the U.S. government should continue to urge the Algerian government to take steps to decriminalize blasphemy and proselytization and ultimately repeal Article 144 of the penal code and Article 11 of Ordinance 06-03.

This process will necessarily require building civil society buy-in and respect for international religious freedom rights like freedom to peacefully express religious dissent and freedom of collective worship in public and private. In a historical context of religious repression during French colonization and the subsequent importance that political Islam plays in the national identity, this process could be long and arduous. However, examples from other countries in the region show that slow progress toward greater religious freedom is possible with persistent policy efforts.

The imprisonment of Algerians on charges of blasphemy and proselytization and the discriminatory implementation of legal provisions regulating worship constitute violations of the freedom of religion or belief as protected under the ICCPR. The U.S. government should continue to place Algeria on its Special Watchlist for engaging in severe violations of international religious freedom. Additionally, to encourage the Algerian government to avoid repeating the mistakes of the past, the U.S. government should support Algerian authorities in enacting tailored, phased policy reforms to bring Algerian law and practice into compliance with international legal standards.



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

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