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Algeria

International Religious Freedom Report 2005

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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 respected religious freedom in practice; however, there were some restrictions.

There was no change in the status of respect for religious freedom during the reporting period. 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 registered, non-Muslim faiths, in limited instances, to conduct public religious services. The Government continued to require religious organizations to register; non-Islamic proselytizing is a deportable offense for foreigners, and the importation of religious texts still faces lengthy delays for government approval.

Self-proclaimed Muslim terrorists continued 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 reporting year.

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.

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 an area of 6,406,880 square miles, and its population is approximately 33 million. More than 99 percent of the population is Sunni Muslim. There is a small community of Ibadi Muslims in Ghardaia. 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 Christian community leaders, Methodists and members of other Protestant denominations 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 members of the Evangelical Church (mostly in the Kabylie region) and approximately 300 Catholics. A large number of the country's Christians are illegal immigrants from sub-Saharan Africa en route to Europe, making it difficult to estimate accurately their numbers.

For security reasons, due mainly to the civil conflict, Christians concentrated in the large cities of Algiers, Annaba, 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 reportedly 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.

There is no active Jewish community left, although a small number of Jews continue to live in Algiers. The Algiers synagogue has been closed since the mid-1990s due to fears of terrorist attack. The President of the Algerian Jewish community lives in France, but he was invited by President Bouteflika to participate in the Algerian Revolution Day festivities in November. A number of Jews of Algerian origin living abroad have visited the country in the past 2 years, including a group that visited Oran in 2004 and that was well received by local authorities. French Jews of Algerian origin have been actively involved in ongoing French-Algerian official discussions on how to maintain French cemeteries in the country, an issue of some sensitivity in both countries.

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 protect against 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 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, which were open to the public. While there are no laws against proselytizing by citizens, proselytizing is a deportable offense for noncitizens.

The Government recognizes the Islamic holy days of Eid al-Adha, Eid al-Fitr, Awal Moharem, Ashura, 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. 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 Methodists and Presbyterians, 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. 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." Although the Minister of Religious Affairs has publicly welcomed Christians to practice their faith in Algeria, he has also stated that the Government cannot tolerate churches that behave like sects. He has particularly criticized the Evangelical Church as distorting the image of Islam and called the church "dangerous."

In 2005, the Government decided to take full control of curriculum for students at Islamic institutions which develop religious cadres. The Government also 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 with 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.

In February 2004, the imam of the Emir Abdelkader Mosque in Constantine attacked the independent press during the Friday sermon broadcast on state television and radio. The imam stated 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, in February 2005, created an Educational Commission within the Ministry of Religious Affairs. The commission is composed of 28 members in charge of developing an educational system for the learning of the Qur'an. The commission is supposed to set the rules for hiring teachers for the Qur'anic schools and madrassahs, and ensure that all imams are of the highest educational caliber, and present messages in line with government guidelines in place to stem Islamic fanaticism.

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 to virtual nonexistence due to fears of terrorist violence, and the synagogue in Algiers has been closed. 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, delays of 5 to 6 months are experienced in obtaining such approval, and there have been difficulties once these books have reached Customs. 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. In general, non-Islamic religious texts no longer are difficult to find, and there are two stores which sell Bibles in several different languages located at the Protestant and Roman Catholic places of worship. Non-Islamic religious music and video selections also are available. The government-owned radio stations provided broadcast time for 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 "niqab." 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 religious primary and secondary schools operate in the country; however, the Government did not extend recognition to these institutions during the reporting year, and, therefore, private school students must register as independent students within the public school system to take national baccalaureate examinations. In May, the Ministry of National Education required private schools to submit their educational programs for approval. The Government has given official authorization to only 22 of 200 private schools so far. This measure was widely directed toward insuring that schools supported by Saudi Arabia were conforming to Government standards of religious teaching.

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. According to the Ministry of Religious Affairs, there are nine Christian religious workers funded by the Government.

Some aspects of the law and many traditional social practices discriminate against women. The Family Code, adopted in 1984 and amended in 2005, is based in large part on Shari'a law and treats women as minors under the legal guardianship of a husband or male relative. Under the Code, Muslim women are prevented from marrying non-Muslims, although this regulation was not always enforced. The Code does not restrict Muslim men from marrying non-Muslim women, but it prohibits men from marrying a woman of a non-monotheistic faith. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion. Custody of the children normally is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. Under the 2005 Family Code amendments, women no longer need the consent of a male guardian (tuteur) to marry, merely the presence of a chaperone (wali), of her choosing, at the wedding. This change signaled a major step for women, as the role of a tuteur--usually a woman's father or another male relative--is to conclude the marriage on the woman's behalf, while a wali acts as a protector who is present while the woman concludes the marriage herself.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives; however, he must obtain the consent of the current spouse, the intended new spouse, and a judge. Furthermore, a woman has the right to a no-polygyny clause in the prenuptial agreement. Polygyny rarely occurs in practice, accounting for only 1 percent of marriages.

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 publications and broadcasts is rare; however, anti-Semitic articles appear occasionally in the independent press, especially Arabic-language papers with an Islamic outlook. The Arabic-language newspapers El Bilad and Ech-Chorouk El-Youmi published articles expressing negative views about a visit to Tlemcen by Algerian-born French Jews, quoting a history professor who refused to meet with the visiting delegation. In El Khabar there was an inflammatory article about Algerian Jews demanding compensation for properties they left after 1962, when the French occupation of the country, generally supported by the Jewish community, ended. More frequent are articles criticizing the policies of the Israeli Government and leadership. There is no hate crime legislation.

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 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. While estimates vary, approximately 100,000 to 150,000 civilians, terrorists, and security forces have been killed during the past 13 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 reporting period. 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.

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. In 2005, a Protestant minister who was a highly respected longtime resident was stabbed outside his house in Algiers in what is widely believed to be a religiously motivated attack. The High Islamic Council was quick to condemn the attack. On April 8, in a show of religious harmony, there was an overflow number of both Christian and Muslim attendees at a memorial Catholic Mass at Notre Dame d'Afrique Basilica honoring Pope John Paul II.

In honor of World AIDS Day, on December 5, 2004, an imam in one of the mosques of Algiers, with the blessing and encouragement of the Government, included a sermon requesting that Muslims protect themselves against the lethal disease of AIDS. On the following day the Islamic-leaning Arabic press berated the imam for "encouraging debauchery," but the Government supported the imam and the sermon.

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 Deputy Minister for Religious Affairs and moderate Islamic political parties. Embassy officials, and also a U.S. Senator, established a dialogue on religious freedom with the High Islamic Council. The Ambassador underscored the need for religious tolerance in several speeches and by funding two cultural restoration projects with religious significance for both Christians and Muslims. Embassy officials also promoted religious freedom in speeches to university students by describing the high level of tolerance that all faiths, including Islam, enjoy in the United States. The Embassy maintained contact with three Islamic political parties (Movement for Peaceful Society, El Islah, and former members of the defunct group Ennahda) and met with the Wafa Party, which 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 treated fairly by the Ministry of Religious Affairs may have their concerns heard by this commission.

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