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U.S. DEPARTMENT of STATE

Algeria

International Religious Freedom Report 2007

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The Constitution declares Islam to be the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. The Constitution does not provide explicitly for religious freedom; however, it provides that the people set up institutions whose aims include the protection of fundamental liberties of the citizen. Ordinance 06-03, which delimits the conditions and rules concerning the exercise of religious rites for non-Muslims, provides for the freedom to practice religious rites, on condition that the exercise thereof is in keeping with the ordinance, the Constitution, other laws and regulations, and that public order, morality, and the rights and basic freedoms of others are respected. The law limits the practice of faiths other than Islam, including prohibiting public assembly for the purpose of their practice. However, the Government allows registered non-Muslim religious groups, in limited instances, to conduct public religious services in preapproved locations. Religious practices that conflict with the Government's interpretation of Shari'a (Islamic law) are prohibited.

There was no change in the status of respect for religious freedom by the Government during the period covered by this report. In 2006 the Government confined non-Muslim worship to specific buildings approved by the state, increased requirements for the registration of religious organizations; increased punishments for anyone who proselytizes Muslims; and made regulations on the importation of non-Islamic religious texts more stringent through the adoption of Ordinance 06-03. Since it took effect in September 2006, there have been no reports of its enforcement. In May and June, 2007, the Government issued executive decrees providing greater specificity to Articles Eight and Nine of the Ordinance, and which functioned as implementing legislation.

Differences within the Muslim majority about the interpretation and practice of Islam caused some discord among religious groups. Islamist terrorists continued to justify their killing of security force members and civilians by referring to interpretations of religious texts. Terrorist violence based on religious extremism increased after the terrorist organization Salafist Group for Preaching and Combat (GSPC) was recognized by al-Qa'ida in September 2006 and changed its name in February 2007 to al-Qa'ida in the Islamic Maghreb (AQIM).

Differences that remain within the country's Muslim majority about the interpretation and practice of Islam caused some discord among religious groups.

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 919,595 square miles and a population of 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 citizens is not available; however, practitioners reported it to be less than five thousand. The vast majority of Christians and Jews fled the country following independence from France in 1962. Many of those who remained emigrated in the 1990s due to violent acts of terrorism committed by Islamic extremists. 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. There are three thousand members of evangelical churches (mostly in the Kabylie region) and three hundred Catholics. A significant proportion of the country's Christian alien residents are students and illegal immigrants from sub-Saharan Africa seeking to reach Europe; their numbers are difficult to estimate.

For security reasons, due mainly to the civil conflict, Christians concentrated in the large cities of Algiers, Annaba, and Oran in the mid-1990s. During the period covered by this report, evangelical proselytizing led to increases in 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, reportedly increased in the region. Reporting suggests that citizens themselves, not foreigners, make up the majority of those actively proselytizing in Kabylie.

One missionary group operated in the country on a full-time basis. Other evangelistic groups visited the country but are not established. While most Christians did not proselytize actively, they reported that conversions took place.

There was no active Jewish community, although a very small number of Jews continue to live in Algiers. Since 1994 the size of the Jewish community has diminished to virtual nonexistence due to fears of terrorist violence, and the synagogue in Algiers remained closed.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution declares Islam to be the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. The Constitution does not provide explicitly for religious freedom; however, it provides that the people set up institutions whose aims include the protection of fundamental liberties of the citizen. The Constitution prohibits non-Muslims from running for the presidency. Ordinance 06-03 of 2006, which delimits the conditions and rules concerning the practice of religious rites for non-Muslims, provides for the freedom to practice religious rites, on condition that the exercise thereof is in keeping with the ordinance, the Constitution, other laws and regulations, and that public order, morality, and the rights and basic freedoms of others are respected. The law limits the practice of faiths other than Islam, including by prohibiting public assembly for the purpose of their practice, requiring organized religious groups to register with the Government, and controlling the importation of Christian religious materials. However, the Government allows registered non-Muslim religious groups, in limited instances, to conduct public religious services.

In 2006 the Government increased requirements for religious organizations to register, increased punishments for individuals who proselytize Muslims, and made regulations on the importation of religious texts more stringent through passage of Ordinance 06-03. During the reporting period, there were no reports of enforcement of the law's sections covering proselytizing. No foreign visitors are known to have been implicated in, arrested, or imprisoned for proselytism since the ordinance was put into effect in September 2006.

Ordinance 06-03 also confines non-Muslim worship to specific buildings approved by the state and announced the creation of a national commission to regulate the registration process. In May 2007 the Government issued Executive Decree 07-135, which gave greater precision to Article 8 of the Ordinance, specifying the manner and conditions under which religious services of non-Muslims may take place. The decree specifies that a request for permission to observe non-Muslim religious rites has to be submitted to the wali (governor equivalent) at least 5 days before the event and take place in buildings accessible to the public. Included in a request should be information on three principal organizers of the event, its purpose, the number of attendees anticipated, a schedule of events, and its planned location. A permit indicating this information must also be obtained by the organizers and presented to authorities upon request. Under the decree, the wali can request the organizers move the place of observance or can disapprove an event completely if it is deemed a danger to public order.

In June 2007 the Government issued Executive Decree 07-158, which gives greater precision to Article 9 of the Ordinance, specifying the composition of the National Commission for Non-Muslim Religious Services and conditions pursuant to its functioning. It establishes that the Commission is to be presided over by the Minister of Religious Affairs and Awqaf (Religious Endowments), and composed of senior representatives of the Ministers of National Defense, Interior, Foreign Affairs, and National Security, the National Police Headquarters, and the quasi-governmental National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH). Individuals and groups who believe they are not being treated fairly by the Ministry of Religious Affairs may voice their concerns to the CNCPPDH.

The Government recognizes the Islamic holy days of Eid al-Adha, Eid al-Fitr, Awal Moharem, Ashura, and the birth of the Prophet Muhammad as national holidays.

Restrictions on Religious Freedom

Articles 5 through 11 of Ordinance 06-03 outline enforceable restrictions which stipulate that all structures intended for the exercise of religious worship must be registered by the state, any modification of a structure to allow religious worship is subject to prior government approval, and worship may only take place in structures exclusively intended and approved for that purpose. Additionally, proselytizing is made a criminal offense, and the punishment for it is established at 1 to 3 years in jail and a maximum fine of \$7,100 (500 thousand dinars) for lay individuals and 3 to 5 years of jail time and a maximum of \$14,285 (1 million dinars) for religious leaders. The law lays out a maximum of 5 years in jail and a \$7,100 (500 thousand dinars) fine for 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." Anyone who makes, stores, or distributes printed documents, audiovisual materials, or the like with the intent of "shaking the faith" of a Muslim may also be punished in this manner.

In theory, Ordinance 06-03 gives the Government the power to regulate the locations of all non-Muslim worship and monitor participation. Effectively, it enables the Government to shut down informal Christian religious services that take place in private homes or in secluded outdoor settings. Government officials assert that the law is designed to apply to non-Muslims the same constraints as those imposed on Muslims. Imams are hired and trained by the state and observances of Muslim services, with the exception of daily prayers, can only be performed in state-sanctioned mosques. The Government argues that the new requirement that non-Muslim religious services be conducted only in registered facilities puts the treatment of all religions on an equal basis before the law. Although Ordinance 06-03 marked a step backward for religious freedom, there were no reported instances of the law's implementation during the reporting period.

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. The Ministry's Educational Commission is composed of 28 members who are in charge of developing the educational system for teaching the Qur'an. The commission is responsible for setting rules for hiring teachers for the Qur'anic schools and madrassahs, and ensuring that all imams are of the highest educational caliber and teach in line with government guidelines aimed at stemming Islamist extremism.

The Government appoints imams to mosques and, by law, is allowed to provide general guidance on sermon topics. In theory the Government also can prescreen and approve sermons before they are delivered publicly during Friday prayers. In practice each wilaya (state) and daira (county) employs religious officials to review sermon content, generally after the sermons are delivered. All persons, including imams recognized by the Government, are prohibited from speaking during prayers at the mosque in a manner that is "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions." If an imam's sermon is judged to be inappropriate, he can be convoked to a "Scientific Council" composed of Islamic law scholars and other imams who assess the appropriateness of the sermon. An imam can be relieved from duty if convoked multiple times. The Government's right of review has not been exercised with non-Islamic religious groups. The Government also monitors activities in mosques for possible security-related offenses and bars the use of

mosques as public meeting places outside of regular prayer hours.

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, who acts "against the noble nature of the mosque" or acts in a manner "likely to offend public cohesion." The amendments do not specify what actions would constitute such acts.

The Government requires established religious groups to obtain official recognition prior to conducting any religious activity. The Protestant, Catholic, Anglican, and Seventh-day Adventist churches are the only non-Islamic religious groups 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 punishments for unrecognized religious associations found to be meeting without permission.

The law prohibits public assembly for purposes of practicing a faith other than Islam. Catholic churches, however, including a cathedral in Algiers (the seat of the archbishop), conduct services without government interference, as does a Protestant and an Anglican church. Non-Muslim services are primarily attended by members of the diplomatic community, expatriate Western business persons, Sub-Saharan African migrants, and a few national Christians. The majority of Christians generally congregate in private homes for religious services.

Conversions from Islam to other religions are rare. 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. Christians report that conversions to Christianity take place.

The proselytizing of Muslims is illegal. Missionary groups are permitted to conduct humanitarian activities without government interference as long as they are discreet and do not proselytize.

The Ministries of Religious Affairs, Foreign Affairs, Interior, and Commerce all must approve the importation of non-Islamic religious writings. Often, delays of 5 to 6 months occur before obtaining such approval, and there have been further delays once books reach customs. Arabic and Tamazight (Berber) translations of non-Islamic texts are increasingly available, but the Government periodically has enforced restrictions on their importation. Religious leaders of the non-Muslim community expressed concern that Government delays of the importation of religious materials were impediments to practicing their faith. Individuals may bring personal copies of non-Islamic texts, such as the Bible, into the country. Non-Islamic religious texts, music, and video cassettes are available, and there are two stores in the capital that sell Bibles in several languages. Government-owned radio stations continued their practice of broadcasting Protestant Christmas and Easter services in French. 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 to wear the full veil (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 advancing through the hierarchy.

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, in 2006 the Government did not extend recognition to these institutions pending a review of their educational programs as required by the Ministry of National Education since 2005. Consequently, private school students had to register as independent students within the public school system to take national baccalaureate examinations. In 2006 the Government accorded official authorization to only 22 of 200 private schools. This measure was widely directed toward ensuring that schools supported by Saudi Arabia conformed to government standards of religious teaching.

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 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 is not always enforced. The code does not prohibit Muslim men from marrying non-Muslim women, but it prohibits them from marrying a woman of a nonmonotheistic faith. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion. In rulings on divorce, 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. The code requires only that a chaperone (wali) of her choosing be present at the wedding. This change signaled a major step for women, as the role of a tuteur--usually a woman's father or other 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-polygamy clause in the prenuptial agreement. Polygamy 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 his male children or brothers. Non-Muslim religious minorities 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 have earned. Females under 18 years of age may not travel abroad without the permission of a legal male guardian.

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.

Anti-Semitism

Anti-Semitism in state-owned publications and broadcasts was rare; however, anti-Semitic articles appeared occasionally in the independent press, especially Arabic-language newspapers with an Islamic outlook. More frequent were articles criticizing policies of the Israeli Government and leadership. One newspaper, El Fadjr, published throughout the reporting period a number of anti-Semitic political cartoons that featured close U.S.-Israeli ties. There is no hate crime legislation.

Persecution by Terrorist Organizations

The country's decade-long civil conflict pitted Islamist terrorists belonging to the Armed Islamic Group and its offshoot, the Salafist Group for Preaching and Combat (GSPC), against the Government. While estimates vary, approximately 100 thousand to 150 thousand civilians, terrorists, and security forces have been killed during the past 15 years. Islamist extremists have issued public threats against all "infidels" in the country, both foreigners and citizens, and have killed both Muslims and non-Muslims. During the reporting period, terrorist violence based on religious extremism increased after the GSPC was recognized by al-Qa'ida in September 2006 and changed its name in February 2007 to al-Qa'ida in the Islamic Maghreb (AQIM). As a rule the majority of the country's terrorist groups do not differentiate between religious and political killings.

The Government takes its commitment to protecting non-Muslims seriously. In April 2007 security forces visited the home and religious center of a group of Christian clergy that were living, and legally operating, in the Kabylie region east of Algiers to recommend they evacuate to Algiers. In the wake of the April 11, 2007 bombing of the building housing the Prime Minister's office, the security forces had learned of a possible threat against the clergy and their center, which prompted their recommendation of a temporary evacuation. The clergy reported that they did not believe this action constituted a form of harassment. In their view, the security forces showed legitimate concern for their safety in the face of potential Islamic fundamental violence being directed towards them.

Section III. Societal Abuses and Discrimination

Differences that remain within the country's Muslim majority about the interpretation and practice of Islam caused some discord among religious groups. 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, and experience minimal societal discrimination.

In general society tolerates foreigners who practice faiths other than Islam; however, citizens who renounce Islam generally are ostracized by their families and shunned by their neighbors. The Government does not usually become involved in such disputes.

Most cases of harassment and security threats against non-Muslims are committed by radical Islamists who are determined to rid the country of those who do not share their extremist interpretation of Islam. Moderate Muslim religious and political leaders publicly criticized acts of violence committed in the name of Islam such as the April 11, 2007 simultaneous bombings of the Prime Minister's office in downtown Algiers and 2 police stations that killed 33 persons and injured hundreds. Despite a law banning public demonstrations, the Government permitted, and government employees attended in large numbers, an antiterrorism rally in the days following the attack.

Section IV. U.S. Government Policy

The U.S. Government actively promotes 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 of the Muslim and non-Muslim communities.

The U.S. Ambassador and other embassy officials met with the Ministry for Religious Affairs. The Ambassador also met with members of the High Islamic Council and several national scholars of Islamic studies throughout the reporting period. Additionally, embassy officials attended seminars on religious tolerance and concepts of Islam particular to the country, often sponsored by the Government and national religious organizations.

The Embassy underscored the need for religious tolerance by funding two ongoing cultural restoration projects with religious significance for both Christians and Muslims. Embassy officials 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. Additionally, the Embassy sponsored an International Visitor Program for five national religious leaders to discuss religious tolerance in the United States. The Embassy maintained contact with three Islamic political parties (Movement for a Peaceful Society, Movement for National Reform, and former members of the defunct group Ennahda).

The Embassy maintained frequent contact with the National Consultative Commission for the Protection and Promotion of Human Rights.

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