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Algeria

International Religious Freedom Report 2006

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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. 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. Religious practices that conflict with the Government's interpretation of Shari'a are prohibited.

The status of respect for religious freedom declined during the reporting period. The Government increased requirements for the registration of religious organizations; increased punishments for foreigners who proselytize Muslims; and made regulations on the importation of non-Islamic religious texts more stringent. On March 20, 2006, Parliament adopted into law Ordinance 06-03 dealing with the conditions and regulations of religions other than Islam; the law was scheduled to be implemented beginning in September 2006. The ordinance confines non-Muslim worship to specific buildings approved by the state, imposes penalties for proselytizing, and treats these as criminal rather than civil offenses. President Bouteflika requested both the High Islamic Council and the Ministry of Religious Affairs to assist in refining the details of the ordinance; however, the law was passed without prior consultation with affected Christian religious groups and without any meaningful debate in Parliament. Out of a total of 533 parliamentarians in both chambers, only one Senator voted against the measure.

The generally amicable relationship among religious groups in society contributed to religious freedom; however, differences within the country's Muslim majority about the interpretation and practice of Islam caused some discord. Islamist terrorists continued to justify their killing of security force members and civilians by referring to interpretations of religious texts. The level of violence perpetrated by terrorists increased slightly during the reporting period due to terrorist reaction to the Government's Charter for Peace and National Reconciliation which was introduced as a measure to bring closure to the terrorist violence that killed nearly one hundred thousand citizens during the 1990s.

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 thirty-three million. More than 99 percent of the population is Sunni Muslim. There was a small community of Ibadi Muslims in Ghardaia. Official data on the number of non-Muslim residents is not available; however, practitioners reported it to be below five thousand. The vast majority of Christians and Jews fled the country following independence from France in 1962. Many of those who remained left in the 1990s due to violent acts of terrorism committed by Islamic extremists. As a result, the number of Christians and Jews in the country was significantly lower than the estimated total before 1992. According to Christian community leaders, Methodists and members of other Protestant denominations accounted for the largest numbers of non-Muslims, followed by Roman Catholics and Seventh-day Adventists. It was estimated that there were three thousand members of evangelical churches (mostly in the Kabylie region) and approximately three-hundred Catholics. A significant proportion of the country's Christian residents were students and illegal immigrants from sub-Saharan Africa en route to Europe; their numbers were difficult to estimate accurately.

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 has 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, has reportedly increased in the region. Reporting suggests that citizens themselves, not foreigners, make up the majority of those actively proselytizing in Kabylie.

Only one missionary group operated in the country on a full-time basis. Other evangelical groups traveled to and from the country, but they 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 was closed. A number of Jews of local origin living abroad have visited the country in the past two years. A group visited Oran in 2004, and their visit was well received by local authorities. In May 2005 another group of 130 visited Tlemcen for the first time in more than forty years and met with former Algerian President Ahmed Ben Bella.

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. 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.

During the reporting period, 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. On March 20, 2006, Parliament approved a controversial new law, Ordinance 06-03, which regulates non-Muslim worship and was scheduled to be implemented beginning in September 2006. The first four articles of the ordinance reiterate that the state religion is Islam and guarantee the freedom to exercise religious worship in the framework of the constitution, the laws and regulations in force, public order, good moral standards, and the fundamental rights and liberties "of third parties." It also guarantees tolerance and respect "between various religions" and forbids the use of religious affiliation as a basis for discrimination against any individual or group. The ordinance confines non-Muslim worship to church buildings approved by the state, imposes penalties for proselytizing, and treats these as criminal rather than civil offenses. This law was passed without prior consultation with affected religious groups and, as a presidential decree, was subject to no debate or meaningful vote in Parliament.

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

The new law, Ordinance 06-03, which comprises three main sections and seventeen articles, restricts the exercise of religions other than Islam. Nonetheless, it conditionally affirms the freedom to exercise religious worship and prohibits discrimination based on religious affiliation. The Government intends to implement the law beginning in September 2006.

Articles 5 through 9 stipulate that all structures intended for the exercise of religious worship must be registered by the state, and any modification of a structure to allow religious worship is subject to prior approval of the yet to be created National Commission for the Exercise of Religious Worship. Additionally, worship may only take place in structures exclusively intended and approved for that purpose. This gives the Government the power to regulate the locations of all non-Muslim worship and monitor participation. Effectively, the Government can now shut down informal Christian religious services that take place in private homes or in secluded outdoor settings.

Article 10 stipulates that the punishment for proselytizing is one to three years in jail and a maximum fine of 500 thousand Algerian dinars (DA) (\$ 6,900) for lay individuals and three to five years of jail time and maximum 1 million DA (\$13,800) if the person is a religious leader. Article 11 lays out a maximum of five years in jail and a 500 thousand DA 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. Contrary to previous practice, foreigners found guilty of the above offenses will serve their punishment and then be deported.

The new law caused concern in many Western capitals. The European Union chiefs of mission in the country met to discuss it in May 2006 and announced their intention to present a special report to the European Union with their analysis and outline of suggested actions. One particular area of concern is that Ordinance 06-03 contains vague wording that renders it susceptible to arbitrary interpretations and applications.

Local Christian leaders expressed concern over the new law, especially over not being consulted or warned prior to public release of the decree. They also collectively worried about its future impact on their religious activities. Although enforcement of the law was delayed until September 2006, Christian leaders have already seen a slight increase in monitoring of their religious work. In April 2006 a public library, sponsored by a Christian group, noted Government officials reviewing their inventory of books for "inappropriate" religious content. Local newspapers have displayed a new tendency to include pictures of the Notre Dame d'Afrique Basilica or Monsignor Tessier, the leader of the Catholic community in Algiers, with articles discussing evangelization. Often these articles report on conversions to Christianity in the Kabylie region, although they lack any connection to Notre Dame d'Afrique or Monsignor Tessier.

Ordinance 06-03 marks a step backward for religious freedom; however, it will take some time to determine the actual impact of the law.

In April 2006 President Bouteflika, in his remarks during a visit to the province of Constantine, stated that democracy does not mean citizens should "not react to the Christianization of our children."

On March 20, 2005 border authorities allegedly refused entrance to an American citizen, apparently on grounds of his religious convictions. Two citizens who met him at the airport were also allegedly placed in detention. The U.S. embassy was not able to verify their release. The American citizen in question was originally expelled in 1970 on charges of evangelism and previously resided in the country for ten years. The Government did not respond to the U.S. embassy's

inquiries about the alleged incident.

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. In February 2005 the ministry created an Educational Commission under its auspices. The commission is composed of twenty-eight members who are in charge of developing an educational system for the teaching of the Qur'an. The commission is responsible for setting the 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 and pre-screen and approve sermons before they are delivered publicly during Friday prayers. In practice the Government generally reviews sermons after the fact. 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, 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". In September 2005 eight imams in the *wilaya* (state) of Annaba received administrative sanctions from the Ministry of Religious Affairs due to the imams' refusal to conduct a "prayer of the absent" in commemoration of the country's two diplomats who were kidnapped and later killed in Baghdad.

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 activities. The Protestant, Catholic, 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 church. Only a few small churches exist; 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. 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 five to six months are incurred before obtaining such approval, and there have been further delays once these books reached 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 concerns that Government delays on 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. In May 2005 an American citizen and his wife were deported for reportedly importing Bibles into the country and proselytizing Muslims. 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, the Government did not extend recognition to these institutions during the reporting year. Consequently, private school students had to register as independent students within the public school system to take national baccalaureate examinations. In May 2005 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 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 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 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 non-monotheistic 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 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-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 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 have earned. Females under eighteen 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 papers with an Islamic outlook. More frequent were articles criticizing policies of the Israeli Government and leadership. Articles referring to Israel or Israelis in several non-government papers, including *El Khabar*, were accompanied by unrelated photos and cartoons of Orthodox Jews with beards and sidelocks, a form of anti-Semitic stereotyping. 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 later offshoot, the Salafist Group for Preaching and Combat, against the Government. While estimates vary, approximately 100 thousand to 150 thousand civilians, terrorists, and security forces have been killed during the past fourteen 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, including seven Trappist monks killed by Islamist terrorists in 1996. Extremists continued attacks against both the Government and moderate Muslim and secular civilians, with the level of violence slightly increasing 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 Abuses and Discrimination

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

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.

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. However, a majority of the population subscribes to Islamic precepts of tolerance in religious beliefs. Moderate Muslim religious and political leaders have publicly criticized 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 have been a religiously motivated attack. The High Islamic Council was quick to condemn the attack. On April 8, 2005, in a show of religious harmony, a large number of both Christians and Muslims attended a memorial Catholic Mass at Notre Dame d'Afrique Basilica honoring Pope John Paul II.

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.

Embassy officials met with the Ministry for Religious Affairs, including the ambassador's April 2006 meeting with the minister

of religious affairs during which he raised concerns over the new legislation restricting non-Muslim worship. The deputy chief of mission met with the head of the Council of the Ulema, an independent body of Islamic religious scholars. Embassy officials and a U.S. senator established a dialogue on religious freedom with the High Islamic Council.

The embassy underscored the need for religious tolerance in several speeches given by the ambassador 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 voice their concerns to this commission.

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