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2011 Report on International Religious Freedom - Algeria

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution provides for religious freedom, but other laws, policies, and practices have a restrictive effect on religious freedom. The government did not demonstrate a trend towards either improvement of or deterioration in respect for and protection of the right to religious freedom. Article 2 of the constitution declares Islam the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. Other laws and regulations provide non-Muslims the freedom to practice their religion as long as it is in keeping with public order, morality, and respect for the rights and basic freedoms of others. However, non-Muslim groups have long experienced difficulty when attempting to register with the government. Proselytizing is a criminal offense and carries a punishment of one to three years in jail, but implementation has been irregular. Depending on the severity of the infraction (e.g., selling Bibles as opposed to actively proselytizing), one-time fines against Christians can range from 500 dinars (\$6.95) to 500,000 dinars (\$6,957). Government officials emphasized the dominant role of Islam in society. Christian groups cited lengthy delays in receiving, and outright denials for, visas for their personnel to work in Algeria as a major concern. However, some Christian groups indicated that the visa situation has improved compared to previous years.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Although society generally tolerated foreigners and citizens who practiced religions other than Islam, some local converts to Christianity kept a low profile due to concern for their personal safety and potential legal and social problems. Extremists harassed and threatened the personal security of some converts to Christianity. Violent extremists continued to refer to interpretations of religious texts to justify their killing of security force members and civilians. Muslim religious and political leaders publicly criticized acts of violence committed in the name of Islam.

The U.S. embassy remains active in speaking out against religious discrimination. Embassy officials, including the ambassador, met with government officials to discuss religious freedom concerns, specifically questioning the difficulties Christian groups face in registering their organizations or receiving visas for Algeria. The embassy – along with the Algerian Muslim Scouts – sponsored an interfaith dialogue essay writing contest for

high school students. Embassy officers also emphasized the importance of religious tolerance in speeches.

Section I. Religious Demography

More than 99 percent of the population is Sunni Muslim. A small community of Ibadi Muslims resides in the province of Ghardaia. Unofficial estimates of the number of Christian and Jewish citizens varied between 30,000 and 70,000, with Christians making up the overwhelming majority. This figure also includes expatriates living in the country. The vast majority of Christians and Jews fled the country following independence from France in 1962. In the 1990s, many of the remaining Christians and Jews emigrated due to acts of terrorism against them by violent extremists. Since 1994 the Jewish community has diminished to less than 2,000 members due to widespread violence in the 1990s that targeted all communities. Some religious leaders estimated that there were likely only a few hundred Jews remaining in the country. For security reasons, due mainly to the civil conflict, Christians concentrated in the cities of Algiers, Annaba, and Oran in the mid-1990s. According to Christian community leaders, evangelical Christians, including Seventh-day Adventists, accounted for the largest number of Christians. Most evangelicals lived in the Kabylie region. Next in size were the Methodists and members of other Protestant denominations, followed by Roman Catholics. In addition to the expatriate community, a significant proportion of Christian foreign residents, whose numbers were difficult to estimate, were students and illegal immigrants from sub-Saharan Africa seeking to reach Europe. One religious leader estimated that there were between 1,000 and 1,500 Egyptian Coptic Christians living in the country. There were no standardized statistics on the number of religious conversions; however, according to the minister of religious affairs, 150 foreigners converted to Islam and 50 citizens converted to Christianity during the year.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Article 36 of the constitution provides for religious freedom, but other laws, policies, and practices have a restrictive effect on religious freedom. The law provides for freedom of belief and opinion and permits citizens to establish institutions whose aims include the protection of fundamental liberties of the citizen. The constitution declares Islam the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. Ordinance 06-03 provides for the freedom of non-Muslims to practice religious rites, on condition that the exercise thereof is in keeping with the ordinance, the constitution, and other laws and regulations, and that public order, morality, and the rights and basic freedoms of others are respected. In practice ordinance 06-03 and the penal code enabled the government to shut any informal religious service that took place in private homes or in secluded outdoor settings, and this mainly applied to non-Muslims.

Non-Muslim groups have experienced difficulty when attempting to register with the government. Ordinance 06-03, enforced since February 2008, limits the practice of non-Muslim religions, restricts public assembly for the purpose of worship, and calls for the creation of a national commission to regulate the registration process for non-Muslim religious groups. Government officials asserted that ordinance 06-03 is designed to apply to non-Muslims the same constraints that the penal code imposes on Muslims.

The law requires religious groups to register their organizations with the government prior to conducting any religious activity. The Roman Catholic Church traditionally has been the only officially recognized non-Muslim religious group in the country. In July 2009 the government accredited the first official Jewish organization. The Anglican, Seventh-day Adventist, and other Protestant churches have registration requests that have been pending with the government for up to five years, but reported no government interference in holding their religious services. During the year, the Ministry of Interior (MOI) officially recognized the Algerian Protestant Church (EPA) but only after the fallout from a controversy in which a provincial governor ordered the closure of seven churches.

The National Commission for Non-Muslim Religious Groups regulates the registration process. The ordinance requires organized religious groups to register with the

government, controls the importation of religious texts, and orders fines and punishments for individuals who proselytize Muslims.

Both houses of parliament passed a new law on associations in late December that requires the MOI to provide a receipt and timely response when associations attempt to register.

The National Commission for Non-Muslim Religious Groups, which is the governmental entity responsible for regulating the registration process for non-Muslim religious groups, reportedly approved one request for accreditation by non-Muslim religious associations on July 1, 2009, for the representation of the Jewish community. The government also allowed for the reopening of 25 synagogues. None of the synagogues is in use and the "reopening" stands as a technical permission that is not being implemented. According to the Ministry of Religious Affairs (MRA), the National Commission for Non-Muslim Religious Groups has received 14 applications for accreditation from various Protestant denominations. Members of the non-Muslim religious community alleged that the number was higher. Christian citizens who converted from Islam reportedly constituted the vast majority of the groups who sought legal registration.

Executive decree 07-158, which came into effect in early 2009, gives greater precision to ordinance 06-03 by specifying the composition of the National Commission for Non-Muslim Religious Groups and the regulations that govern it. It establishes that the minister of religious affairs and waqf (religious endowments) presides over the commission, which is composed of senior representatives of the Ministries of National Defense, Interior, Foreign Affairs, the Presidency, the national police, the national gendarmerie, and the governmental National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH). Those who believe they are not being treated fairly by the MRA (both individuals and groups) may address their concerns to the CNCPPDH, but in practice, this avenue of recourse is hardly ever used.

Ordinance 06-03 outlines enforceable restrictions, which stipulate that all structures intended for the exercise of non-Muslim worship must be registered with the state. The ordinance also requires that any modification of structures for non-Muslim worship must have prior government approval and that such worship may take place only in structures exclusively intended and approved for that purpose. Officially non-Muslim worship must take place only in a structure intended for such worship; however, examples existed where this was not enforced.

Executive decree 07-135 gives greater precision to ordinance 06-03 by 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 special religious events must be submitted to the wali (governor) at least five days before the event and that the event must occur in buildings accessible to the public. Requests must include information on three principal organizers of the event, its purpose, the number of attendees anticipated, a schedule of events, and its planned location. The organizers also must obtain a permit indicating this information and present it to authorities upon request. Under the decree, the wali can request that the organizers move the place of observance of an event, or deny permission for it to take place if it is deemed a danger to public order. No events were denied during the year.

The MOI has the sole authority to grant association rights to religious or nonreligious groups. Difficulties faced by religious groups in obtaining legal status were similar to those faced by nonreligious civil society groups, nongovernmental organizations (NGOs), and others, whose petitions to the MOI generally were met with silence rather than documented refusal. A new law passed by both houses of parliament in December 2011 has measures in place to streamline the registration process, but the law had not been fully implemented by year's end.

Many Christian citizens continued to meet in unofficial "house churches," which were often homes or businesses of church members. Some of these groups met openly, while others secretly held worship services in homes.

The constitution prohibits non-Muslims from running for the presidency. Non-Muslims may hold other public offices and work within the government; however, there was

considerable anecdotal evidence from churches that non-Muslims were not promoted to senior posts. As a result many non-Muslims hid their religious affiliation.

Some aspects of the law and many traditional social practices discriminate against women. The family code, which draws on Sharia (Islamic law), treats women as minors under the legal guardianship of a husband or male relative, regardless of the woman's age. In practice, restrictions against travel, jobs, and education for women are not enforced uniformly. Under the code, Muslim women are prevented from marrying non-Muslim men unless the man converts to Islam, although this regulation was not always enforced. The code does not prohibit Muslim men from marrying non-Muslim women, but it prohibits men from marrying a woman of a non-monotheistic religious group. Under the law, children born to a Muslim father are considered 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 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 tuteur (guardian) to marry.

Non-Muslim religious minorities may also suffer in inheritance claims when a Muslim family member lays claim to the same inheritance.

The MRA provided financial support to mosques and paid the salaries of imams. Imams are hired and trained by the state, and observances of Muslim services, with the exception of daily prayers, can be performed only in state-sanctioned mosques.

The penal code states that only government-authorized imams can lead prayer in mosques and establishes strict punishments, including fines of up to 200,000 dinars (\$2,782) and prison sentences of one to three years, for anyone other than a government-designated imam who preaches in a mosque. Harsher punishments exist 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 law does not specify what actions would constitute such acts. The government legally may prescreen and approve sermons before they are delivered publicly during Friday prayers, but more often it provides preapproved sermon topics prior to Friday prayers. In practice each wilaya (province) and daïra (county) employed religious officials to review sermon content.

If an imam's sermon is suspected by a ministry inspector of being inappropriate, he can be summoned to a "scientific council" composed of Islamic law scholars and other imams who will assess the correctness of the sermon. An imam can be relieved of duty if summoned multiple times. During the year, the government's right of review was not exercised with non-Islamic religious groups. The government also monitors activities in mosques for possible security-related offenses and prohibits the use of mosques as public meeting places outside of regular prayer hours.

Conversion is not illegal under civil law, and apostasy is not a criminal offense. The government permitted missionary groups to conduct humanitarian activities as long as they did not proselytize.

Under ordinance 06-03, proselytizing is a criminal offense and carries a punishment of one to three years in jail and a maximum fine of 500,000 dinars (\$6,957) for violations by lay individuals, and three to five years' imprisonment and a maximum fine of 1 million dinars (\$13,914) for violations by religious leaders. The law stipulates a maximum of five years in jail and a 500,000 dinars (\$6,957) 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, but this was not always enforced. Reporting from media, NGOs, and churches suggested that citizens, not foreigners, were the majority of those actively proselytizing in Kabylie. During the year, no new cases against proselytizing could be confirmed.

According to the MRA, female employees of the government are allowed to wear the hijab (women's headscarf), crosses, and the niqab (Islamic veil that covers the face).

However, some female government employees are discouraged from wearing head and face coverings that present complications in the performance of their official duties such as with police officers and hospital employees.

The Ministries of Religious Affairs, Foreign Affairs, Interior, and Commerce must approve the importation of non-Islamic religious writings. Often, delays of five to six months occurred before obtaining approval, and there have been further delays when books reached customs. The government periodically restricted the importation of Arabic and Tamazight (Berber) translations of non-Islamic religious texts. The government stated that its purpose was to ensure that the number of texts imported was proportional to the estimated number of adherents of religious groups.

Citizens and foreigners may legally bring personal copies of non-Islamic religious texts, such as the Bible, into the country. Non-Islamic religious texts, music, and video cassettes were available, and stores in the capital sold Bibles in several languages, including Arabic, French, and Tamazight (Berber). Government-owned radio stations continued to broadcast Christmas and Easter services in French. The government prohibited the dissemination of any literature that portrayed violence as a legitimate precept of Islam.

The government and private contributions of local believers funded mosque construction. The MRA educational commission is composed of 28 members who are in charge of developing the educational system for teaching the Qur'an. The commission was responsible for establishing policies for hiring teachers at the Qur'anic schools and ensuring that all imams are well qualified and follow governmental guidelines aimed at stemming Islamic extremism.

The Ministries of National Education and Religious Affairs strictly required, regulated, and funded the study of Islam in public schools, but in the past many private schools did not include Islamic studies in their curriculum.

In 2009 the Ministry of National Education required private schools to bring their curriculum in line with national standards. Approximately 150 private schools teaching at the primary and secondary levels were required to revise their curriculum or risk being closed. The schools had approximately two years to comply. Most schools adapted their curriculum to meet national standards and were accredited. There are no known examples of schools voluntarily closing because of differences over religious curriculum or of a school that was forcibly closed, although the Ministry of National Education continued to review curriculum at year's end. The government stated that the purpose of this measure is to ensure that all private schools followed the national curriculum endorsed by the government, including teaching about Islam, and that Arabic is the primary language of instruction. Consequently, some private school students must register as independent students within the public school system to take national baccalaureate examinations.

The government observes the following religious holidays as national holidays: the Birth of the Prophet Muhammad, Eid al-Fitr, Eid al-Adha, Awal Moharem, and Ashura.

Government Practices

There were reports of abuses of religious freedom. There were no reports of religious detainees or prisoners in the country. The government did not demonstrate a trend towards either improvement of or deterioration in respect for and protection of the right to religious freedom.

The government maintained ordinance 06-03, which regulates non-Muslim religious practice by regulating non-Muslim worship and stipulating fines against attempting to convert Muslims to another religion.

On May 8, the wali (provincial governor) of Bejaia (150 miles east of Algiers) ordered the closure of seven Protestant churches. The wali cited ordinance 06-03, claiming that some Protestant churches held services clandestinely in places like garages. The head of the Algerian Protestant Church denied these claims. After news of the wali's order spread locally and through international NGOs, the order was not enforced, and the churches

never closed. A government investigation found that the seven churches were being operated in private homes not in compliance with fire and building codes, and concluded that Christians were being held to the same standards in operating places of worship as the majority Muslim population. In July – only after the controversy surrounding the closure order – the MOI officially recognized the EPA, making it only the second non-Muslim group to receive state recognition.

On May 25 a court in Oran sentenced Christian convert Abdelkrim Siaghi to five years in prison for proselytizing. Siaghi reportedly offered a neighbor a CD-ROM that contained the testimonial of a Muslim who converted to Christianity. Siaghi's appeal hearing was repeatedly delayed and was not held by year's end.

Other Christian groups that attempted to comply with ordinance 06-03 did not receive official responses or approvals. The government stated that applications to register associations have been deferred since 2008, pending a revision of the 1973 law on associations. Both houses of parliament passed a new law on associations in December, but the law was not enacted until January 2012. Although a government official claimed that the National Commission for Non-Muslim Religious Groups established an administrative means for non-Muslim religious groups to register with the government as required by law, this could not be confirmed.

Other Christian leaders reported that the government did not register their organizations and places of worship despite efforts to comply with the ordinance. Christian groups indicated that they repeatedly attempted to register with the government but were unsuccessful, encountering difficulties in even obtaining accurate information on the registration process from local government bureaucracies ignorant of the process. Some applicants reported that some government administrative officials indicated their unwillingness to process applications, even if an administrative process existed, and often did not receive confirmation of their application's submission. This delay affected the formation of Muslim and non-Muslim associations. The MRA circulated written instructions during the year to member agencies of the National Commission for Non-Muslim Religious Groups, directing its employees to enforce the ordinance fairly and forbidding its "manipulation" in the interest of officials' own beliefs.

Leaders of the Anglican Church, the Seventh-day Adventist Church, and other churches reported that their applications for registration remained pending, in some cases for more than four years. Some said that the MRA offered occasional legal guidance on association laws and noted that complicated bureaucratic rules sometimes required that applications be resubmitted. According to reports, some Christian groups did not attempt to obtain legal status from the government. During the year, church groups reported that approximately 22 churches continued to hold services despite being officially closed due to lack of government recognition.

Church groups stated that the government did not approve visa applications of many religious workers, which generally received no response. Both Catholic and Protestant groups agreed that this has become one of the more significant hindrances to their religious practice, but some did say that the visa situation has improved compared to previous years. Their applications were generally not answered rather than officially denied. Even in cases where visas were granted, the visas were only short-stay tourist visas, rather than the long-term work visas that were requested. The MRA intervened often with the foreign and interior ministries at the request of religious groups. In many cases visas for religious workers were only received with the intervention of the MRA.

Christian groups reported that the government allowed them to import more non-Islamic religious texts than in previous years, although restrictions on such imports are still generally enforced.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Society generally tolerated foreigners who practiced religions other than Islam. Although some local converts to Christianity kept a low profile due to concern for their personal safety and potential legal and social problems, many openly practiced their new religion.

Violent extremists, who seek to rid the country of those who do not share their interpretation of Islam, continued to commit violent acts and posed a significant security threat. Muslim religious and political leaders publicly criticized acts of violence committed in the name of Islam.

Section IV. U.S. Government Policy

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

The ambassador and other embassy officials also met with members of the Muslim Scholars Association and several national scholars of Islamic studies during the year, as well as with Christian groups. Embassy officials also met with religious leaders of Muslim and Christian communities.

Embassy officials, including the ambassador, met with government officials to discuss religious freedom concerns, specifically questioning the difficulties Christian groups face in receiving visas for Algeria. The embassy – along with the Algerian Muslim Scouts – sponsored an interfaith dialogue essay writing contest for high school students. An embassy official also emphasized the importance of religious tolerance in a speech at a Muslim Scouts conference attended by participants from more than 20 European and Middle Eastern countries.

Several Islamic scholars attended an iftar (evening meal during the month of Ramadan) hosted by the ambassador and discussed the need for religious tolerance and diversity. The embassy maintained contact with several Islamist political parties and Islamic political figures as they attempted to form political parties. Muslim scholars, members of Islamist political parties, and Muslim scouts were regularly nominated for and participated in the International Visitor Leadership Program.
