Immigration and Refugee Board of Canada

Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR’s Refworld website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the Knowledge and Information Management Unit.

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Algeria: Situation of Christians, including the treatment of Christians by society and by the authorities; availability of state protection; the fire at Tafat church; whether there were convictions for proselytism (2010 - July 2013)

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1. Overview

Islam is the state religion of Algeria (Algeria 2006, Art. 2; Jeune Afrique 30 Mar. 2010), where the majority of the population is Muslim (Freedom House 2012). The law does not prohibit conversion from Islam to Christianity (Open Doors International Nov. 2011; Jeune Afrique 30 Mar. 2010).

Estimates on the number of Christians in Algeria vary: 10,000 (DNA 23 May 2011); 20,000 to 25,000 (Portes ouvertes France 3 Apr. 2013); between 30,000 and 70,000 (US 20 May 2013, 2); and 100,000 (Jeune Afrique 30 Mar. 2010). Evangelical Protestants form the largest group in Algeria (ibid.; US 20 May 2013, 2). Jeune Afrique indicated that the Pentecostal chapter is the most pervasive in the country, particularly in Tizi-Ouzou [in Kabylie] (30 Mar. 2010). Similarly, other sources indicate that the Evangelicals are concentrated in the Kabylie region (US 20 May 2013, 2; Afrik.com 21 Nov. 2012). According to the Bishop of Constantine, there are supposedly less than 200 Catholics in the country (ibid.). However, Portes ouvertes France, an organization founded in 1976 and partner of Open Doors International, which supports Christian communities [translation] "that lack religious freedom" in more than 60 countries (Portes ouvertes France 2012, 3), reports that there are 5,000 Catholics in Algeria (ibid. 3 Apr. 2013).

According to the US Department of State, for a very long time, the Roman Catholic Church was the only non-Muslim religious group officially recognized by the state (20 May 2013, 6). Since summer 2011, the Protestant church of Algeria (Église protestante d’Algérie, EPA) has also been officially recognized (Open Doors International Nov. 2011; CNA 9 Aug. 2011).

2. Legislation

According to Article 36 of the Constitution of Algeria, [translation] "freedom of conscience and opinion are inviolable" (1996). Ordinance 06-03 of 2006, which sets out [translation] "the conditions and rules for religious worship other than Islam" reads as follows:

[translation]

Art. 5 - Assignment of a building for religious worship is subject to prior approval by the national commission for non-Muslim religions, under Article 9 of this ordinance.
All activity contrary to the nature and purposes for which places of religious worship were intended are prohibited.

Buildings for religious worship are subject to a census by the state that provides protection.

Art. 6 - Religious services are organized by religious fellowships whose creation, approval and operation are subject to the provisions of this ordinance and the applicable legislation.

Art. 7 - Religious services take place exclusively in buildings for this purpose; they are open to the public and identifiable from the outside.

Art. 8 - Religious services take place in buildings; they are public and subject to prior approval.

The terms and conditions of this article shall be determined by regulation.

Art. 9 - There shall be established at the Ministry of Religious Affairs and Waqf [goods given to benefit a charitable or public interest organization], a national commission for non-Muslim religions that is specifically responsible for ensuring the free exercise of religion;

- Support its business and worship-related concerns;
- Provide notice prior to the approval of religious associations.

Membership in this committee and its operating procedures are established by regulation.

... Art. 10 - Any person who, in places of worship, incites—whether by oral, written or disseminated speech or by any other audio-visual means—resistance to the enforcement of the law or to government decisions, or who incites a portion of the population to rebellion shall be punished by a term of imprisonment of one (1) to three (3) years and a fine of 250,000 DA to 500,000 DA [1 dinar (DA) = about $0.01 CAN (XE 17 July 2013)], without prejudice to more serious penalties that could be imposed for consequences resulting from the incitement.

The penalty is a term of imprisonment of three (3) to five (5) years and a fine of 500,000 DA to 1,000,000 DA if the culprit is a religious leader.

Art. 11 - Without prejudice to more serious penalties, any person who commits the following shall be punished by a term of imprisonment of two (2) to five (5) years and a fine of 500,000 DA to 1,000,000 DA:

1. incites, coerces or uses means to persuade a Muslim to convert to another religion, or uses educational, health, social, cultural, or training institutions, or any other institution or financial means toward this purpose;
2. produces, stores or distributes printed documents or films, or any other medium or means, to shake the faith of a Muslim.

... Art. 13 - Any person who commits the following shall be punished by a term of imprisonment of one (1) to three (3) years and a fine of 100,000 DA to 300,000 DA:

1. practises a religion contrary to the provisions of Articles 5 and 7 of this Ordinance;
2. organizes a religious event contrary to the provisions of Article 8 of this Ordinance;
3. preaches inside buildings for religious worship without being designated, licensed or registered by the competent, duly authorized religious leader of the denomination in the country or by the competent Algerian authorities. (Algeria 2006)

Amnesty International (AI) considers that "many provisions of Ordinance 06-03 are vaguely worded and could undermine the right of every person to freedom of religion" (6 Aug. 2010). According to Open Doors International, the Ordinance allows the government to stop [translation] "all informal religious services in private homes or isolated outdoor settings" (Nov. 2011). However, the US Department of State reports that the government does not always apply the rule that prohibits the production, storage and distribution of documents for proselytizing purposes (20 May 2013, 5).

3. Treatment of Christians

Various sources report that Christians in Algeria are victims of "persecution" (DNA 23 May 2011; Portes ouvertes France 30 Apr. 2013) and "discrimination" (DNA 23 May 2011; World Watch Monitor 30 May 2011). According to Portes ouvertes France, [translation] "the persecution faced every day by Christians in Algeria may take various forms: physical and verbal violence, smear campaigns in the media orchestrated by Islamist
3.1 Treatment of Christians by Authorities

Amnesty International reported in 2010 that "the authorities have consistently refused to register Protestant churches, forcing Protestant communities ... to worship in places not approved by the state, thereby risking prosecution under the law" (6 Aug. 2010). Similarly, in 2011, Freedom House indicated that the local authorities "often" refuse to register Christian groups and that many non-authorized churches were forced to close their doors (2011). The US Department of State points out that the difficulties experienced by religious groups in obtaining legal status are identical to those faced by non-religious groups in civil society (20 May 2013, 6).

In 2011, the Governor of Bejaïa ordered the closure of all churches in the Algerian prefecture (AI 3 June 2011; Open Doors International Nov. 2011; Freedom House 2012). The Dernières nouvelles d’Algérie (DNA) news site reports that, according to the President of the Protestant Church of Algeria (EPA), the authorities threatened to "use law enforcement" to force churches to comply with the order (23 May 2011). According to Amnesty International, the order was subsequently rescinded by the Ministry of Interior (2012).

In December 2011, the Minister of Religious Affairs and Waqf allegedly stated that Muslims and people belonging to other faiths were equal (TSA 2 Dec. 2011). He allegedly denied that Algerian Christians are subjected to "any restrictions" (ibid., 1 Dec. 2011). According to Open Doors International, the government is "strictly monitoring" the activities of the churches (Nov. 2011).

3.2 Notable Incidents

In 2010, four Christians were charged in the Kabylie region for practising their religion without authorization (AI 6 Aug. 2010; Le Figaro 21 Sept. 2010). According to Amnesty International, their church had not been registered because the authorities had refused to register any new church belonging to the EPA (6 Aug. 2010). These Christians were allegedly sentenced to imprisonment with conditions (MJIC [2011]; DNA 12 Dec. 2010).

Also in 2010, two Christian converts were charged for having eaten during the Ramadan fast (AI 2011; Le Figaro 21 Sept. 2010; Freedom House 2011). Freedom House reports that they had been charged with a three-year prison sentence for "having insulted Islam" (ibid.). The two converts were subsequently cleared (ibid.; AI 2011). The Dernières nouvelles d’Algérie site states that 10 people who were arrested for eating during Ramadan were cleared in November 2010 (12 Dec. 2010).

In May 2011, a Christian was sentenced to imprisonment for five years and a fine (AI 3 June 2011; World Watch Monitor 30 May 2011). The accused gave a CD on Christianity to a neighbour, who allegedly accused him of insulting the Prophet (ibid.; US 20 May 2013, 6). Sources report that no evidence was submitted during the trial (ibid.; World Watch Monitor 30 May 2011). World Watch Monitor indicates that the accuser—the sole witness—was not present (ibid.). The US Department of State reports that the appeal hearing was postponed several times in 2012 (20 May 2013, 6).
In 2012, a Christian accused of attempting to convert a Muslim to Christianity was sentenced to imprisonment for one year (Portes ouvertes France 6 Feb. 2013; US 20 May 2013, 6) and a fine of 50,000 dinars (US 20 May 2013, 6; Le Temps d'Algérie 13 Feb. 2013). In February 2013, the Béchar tribunal overturned the prison sentence, although it doubled the amount of the fine (ibid.).

3.3 Attacks Against Churches, Including Tafat

Jeune Afrique reports that [translation] "the chapels regularly face attacks such as the one in Tafat on December 26, 2009" (30 Mar. 2010). According to Tout sur l’Algérie (TSA), a daily electronic Algerian news service whose team consists of about ten journalists based in Algeria and in France (n.d.), worshippers in Tafat are [translation] "regularly prevented from worship" (10 Jan. 2010). An Afrik.com article states that Tafat, [translation] "an informal Christian fellowship that brings together almost 120 worshippers in Tizi Ouzou ...was regularly subjected to attacks", although the situation has been [translation] "relatively calm" since 2010 (21 Nov. 2012).

In January 2010, the Protestant Church of Tafat in Tizi-Ouzou was burned down (TSA 10 Jan. 2010; DDK 11 Jan. 2010). Tout sur l’Algérie reports that, according to the church minister, about 20 people prevented worshippers from gaining access to the church in the morning and returned in the evening to set the building on fire (TSA 10 Jan. 2010). The minister allegedly accused the authorities of [translation] "failing to act" because [translation] "there was no follow-up to several complaints filed earlier" (ibid.). Amnesty International also reports that no investigation was initiated (6 Aug. 2010).

According to TSA, Molotov cocktails were launched at the Tafat church in November 2011 (29 Nov. 2011). The same source reports that a church was attacked by two individuals in the city of Ouargla in February 2012 (TSA 3 Feb. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References


Additional Sources Consulted

**Internet sites, including:** Algérie-Focus; Christianisme aujourd'hui; collectif SOS Liberté; Doors Open Canada; L'Expression; Fédération internationale des ligues des droits de l'homme; Fédération protestante de France; Government of Algeria; International Christian Concern; Minority Rights Group International; L'observatoire de la christianophobie; Refworld; Slate Afrique; Le Soir d'Algérie; United Nations – Office of the High Commissioner for Human Rights.

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