Algeria

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

The constitution and other laws and policies protect religious freedom and permit 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. 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. The law prohibits efforts to proselytize Muslims, but this was not always enforced. 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 government generally respected religious freedom in law, but there were restrictions in practice. There was no change in the status of respect for religious freedom by the government during the reporting period. Police arrested some Muslims who did not observe the daylight fasting during the Islamic holy month of Ramadan. Although a government official claimed that the National Commission for Non-Muslim Religious Services established an administrative means for non-Muslim religious groups to register with the government as required by law, the U.S. government was not able to confirm that claim. Government officials also publicly criticized evangelism and emphasized the dominant role of Islam in society. The government reportedly did not approve requests for registration by non-Muslim religious associations, including Christian groups that attempted to comply with ordinance 06-03, which 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. The government stated that applications to register associations have been deferred since 2008 pending a revision of the 1973 law on associations, but by year's end there had been no action to review these applications.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Although society generally tolerated foreigners and citizens who practice religions other than Islam, some local converts to Christianity kept a low profile out of 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. government discusses religious freedom with the government as part of its overall policy to promote human rights. The U.S. government discussed religious freedom with representatives of religious groups and members of civil society.

Section I. Religious Demography

The country has an area of 919,595 square miles and a population of 34.8 million. 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 12,000 and 50,000, with Christians making up the overwhelming majority. 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 by violent extremists against them. 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. 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 there were between 1,000 and 1,500 Egyptian Christians living in the country.

During the reporting period, there were fewer press reports that Christian proselytizing had resulted in significant numbers of Muslims in the Kabylie region converting to Christianity. There were no standardized statistics on the number of religious conversions. Reporting from media, nongovernmental organization (NGOs), and churches suggested that citizens, not foreigners, were the majority of those actively proselytizing in Kabylie.

Since 1994 the Jewish community has diminished to less than 2,000 members due to fears of terrorist violence. The Jewish community was not active, and the synagogues remained closed or unused. While the government allowed for the reopening of 25 synagogues around the country, none is in use.

In Algiers, church services were attended primarily by members of the expatriate and diplomatic community, foreign resident Westerners, sub-Saharan African migrants, and a few local Christians.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards **http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm**.

Policies restricted freedom of religion. 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. The ordinance regulates non-Muslim religious practice by regulating non-Muslim worship and stipulating fines against attempting to convert Muslims to another religion. Proselytizing is a criminal offense

and carries a punishment of one to three years in jail. 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 Algerian dinars ($6.95) to 500,000 Algerian dinars ($6,957). The prohibition against efforts to proselytize Muslims was not always enforced.

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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.

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. The National Commission for Non-Muslim Religious Services 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.

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.

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, but in practice , restrictions against travel, jobs, and education for women are not uniformly enforced. Under the code, Muslim women are prevented from marrying non-Muslim men, 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 Ministry of Religious Affairs 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 Algerian 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 pre-approved sermon topics prior to Friday prayers. In practice each wilaya (province) and daira (county) employed religious officials to review sermon content.

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 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 reporting period.

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 reporting period the government's right of review was not exercised with non-Islamic religious groups. The government also monitored activities in mosques for possible security-related offenses and prohibited the use of mosques as public meeting places outside of regular prayer hours.

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.

The Ministry of Interior (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, NGOs, and others, whose petitions to the MOI were generally met with silence rather than documented refusal. While the newly appointed minister of the interior pledged in June 2010 to reconsider applications of associations, the required legislative action had not been scheduled by the end of the reporting period.

Because the government has not registered any new churches since ordinance 06-03 entered into force in February 2008, 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.

Many representatives of churches and some human rights organizations reported that the government had not provided the administrative means to process and approve requests to register non-Muslim religious groups under the ordinance. The National Commission for Non-Muslim Religious Services, 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, the National Commission has 12 or 13 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 Services 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). Individuals and groups who believe they are not being treated fairly by the Ministry of Religious Affairs may address their concerns to the CNCPPDH, but in practice, this avenue of recourse is hardly ever used.

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 Algerian dinars ($6,957) for violations by lay individuals and three to five years' imprisonment and a maximum fine of 1 million Algerian dinars ($13,914) for violations by religious leaders. The law stipulates a maximum of five years in jail and a 500,000 Algerian 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. During the reporting period, no new cases against proselytizing could be confirmed.

According to the Ministry of Religious Affairs, female employees of the government are allowed to wear the hijab (women's headscarf) or crosses, but discouraged from wearing the niqab (Islamic veil that covers the face).

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 two 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 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 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. There were 118 private schools (primary and secondary); however, the government has not accredited all of these institutions pending a review of their educational programs as required by the Ministry of National Education. The review has been pending for approximately three years; however, most of the schools have gained government accreditation. 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.

Restrictions on Religious Freedom

The government generally enforced legal and policy restrictions on religious freedom selectively.

The government maintained ordinance 06-03.

Christian leaders reported that the government did not register their organizations and places of worship despite efforts to comply with the ordinance. Many 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 bureaucracy 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 Ministry of Religious Affairs circulated written instructions during the reporting period to member agencies of the National Commission on Non-Muslim Religions 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 Protestant churches reported that their applications for registration remained pending, in some cases for more than four years. Some said the Ministry of Religious Affairs 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 reporting period, church groups reported that approximately 22 churches continued to hold services despite being officially closed due to lack of government recognition.

On December 12 a judge near Tizi Ouzou gave three Christians suspended sentences of two months on charges of "opening a place of worship without the permission of the National Commission for Non-Muslim Religious Services" in January 2010. A fourth Christian received a three month suspended sentence and a 10,000 Algerian dinars ($1,391) fine for illegally harboring a foreigner. Minister of Religious Affairs Bouabdallah Ghlamallah told the press that the same rules applied to the Islamic community.

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. Their applications were generally not answered rather than officially denied. The Ministry of Religious Affairs 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 Ministry of Religious Affairs.

On November 8 a criminal court in Bejaia acquitted eight Muslim youth whom police caught eating and drinking during daylight hours of August 31 during the Islamic holy month of Ramadan and charged with violating the precepts of Islam by not fasting during Ramadan. On September 3 Farouk Ksentini, the president of the Algerian government's human rights body the National Consultative Commission for the Promotion and Protection of Human Rights, told the press that no law exists to punish those who do not fast during Ramadan. On December 4 Minister of Religious Affairs Bouabdallah Ghlamallah told the national radio station that choosing whether to fast during Ramadan is a personal decision and everyone is free to make their own choice. However, he said those who do not fast must respect those who do by refraining from eating in public places.

On October 5 a criminal court in Tizi Ouzou acquitted two young men for eating during the daylight hours of August 12, which occurred during Ramadan. The men were charged with "denigrating and disrespecting the precepts of Islam."

Christian leaders representing several groups reported that they have been unable to import Bibles and other printed religious materials since 2005.

Abuses of Religious Freedom

There were reports of abuses of religious freedom in the country.

The case against Habiba Kouider was postponed indefinitely as were all the notable 2008 cases. Kouider, a convert to Christianity, was charged in March 2008 with "practicing a non-Muslim religion without a permit." Kouider was traveling by bus when police questioned her and found her to be carrying Bibles and other religious materials. Authorities previously postponed Kouider's trial on December 2008.

In October 2008 a court in Ain al-Turck, near Oran, acquitted Youssef Ourahmane, Rachid Seghir, and another convert to Christianity on charges of blasphemy. In February 2008 the three men faced charges under ordinance 06-03 for "blaspheming the name of the Prophet (Muhammad) and Islam."

In July 2008 a court in Tissemsilt gave Christian converts Rachid Seghir and Djammal Dahmani six-month suspended prison sentences and fines of 100,000 Algerian dinars ($1,391) each on charges of proselytizing and illegally practicing a non-Muslim faith. These were reduced sentences handed down when the defendants appeared in court following their conviction in absentia in November 2007 to two years in prison and fines of 500,000 Algerian dinars ($6,957) each on the same charges. By the end of the reporting period, they had not served time in prison for this sentence.

In June 2008 Rachid Seghir was convicted of the same offense in a separate trial in Tiaret. Seghir received a six-month suspended prison sentence and a fine of 200,000 Algerian dinars ($2,782) on charges of evangelism. The courts in Tiaret and Djilfa charged five other Christian converts, Jillali Saidi, Abdelhak Rabih, Chaaban Baikel, Mohamed Khan, and Abdelkader Hori, on the same grounds. Saidi, Rabih, and Baikel received two-month suspended prison sentences and fines of 100,000 Algerian dinars ($1,391) each; Khan and Hori were acquitted.

There were no reports of religious detainees or prisoners in the country.

Improvement and Positive Developments in Respect for Religious Freedom

On December 13 a government official attended a ceremony at the Roman Catholic church "Notre Dame d'Afrique" in Algiers, marking the culmination of a three-year renovation project. The government provided 51 million Algerian dinars ($710,000) contribution to the renovation. Minister of Religious Affairs Bouabdallah Ghlamallah attended along with local and national political leaders.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Society generally tolerated foreigners who practice religions other than Islam. Although some local converts to Christianity kept a low profile out of 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 discusses 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 reporting period, as well as with Christian groups. Embassy officials also met with religious leaders of Muslim and Christian communities.

Embassy officials further underscored the need for religious tolerance by funding two ongoing cultural restoration projects with religious significance for both Christians and Muslims. 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 three Islamist political parties (Movement for a Peaceful Society, Movement for National Reform, and Islamic Renaissance Movement). Muslim scholars, members of Islamist political parties, and Muslim scouts were regularly nominated for and participated in the International Visitor Leadership Program.

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