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Algeria

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

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The constitution 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. 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 it was not always enforced. Government officials asserted that the ordinance is designed to apply to non-Muslims the same constraints that the penal code imposes on Muslims.

The status of respect for religious freedom by the government improved marginally during the reporting period. The government's National Commission for Non-Muslim Religious Services did not establish an administrative means for non-Muslim religious groups to register with the government as required by law. Government officials also publicly criticized evangelism and emphasized the dominant role of Islam in society. However, there were some positive changes in the government's treatment of religious minorities. The government ceased prosecutions of members of minority religious groups; paid increasing attention to Christian groups' concerns, including organizing a symposium on religious worship; officially recognized the first official representative of the Jewish community in the country; and allowed for the reopening of 25 synagogues. However, the government reportedly did not approve any other requests for registration by non-Muslim religious associations, including Christian groups that attempted to comply with ordinance 06-03. There is no administrative means to implement the ordinance yet established. The government stated that applications to register associations have been deferred since 2008 pending a revision of the 1973 law on associations.

Although society generally tolerates 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. Radical Muslims harassed and threatened the personal security of some converts to Christianity. Islamist terrorists 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. Press reports concerning clashes between Maliki and Ibadi Muslim groups in Beriane suggested that sectarian differences contributed to the violence. Christian leaders also noted there was a decrease in press stories over conversions to Christianity.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. Specifically, officials from the embassy and the State Department raised concerns with the government regarding its lack of progress in registering non-Muslim religious organizations and the difficulty encountered by religious workers seeking visas. The U.S. government also 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 36 million. More than 99 percent of the population is Sunni Muslim. There is a small community of Ibadi Muslims in the province of Ghardaia. Unofficial estimates of the number of Christian and Jewish citizens varied between 12,000 and 50,000. 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 committed by Muslim extremists. 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 figure 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, 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 are in use.

In Algiers, church services were attended primarily by members of the 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

The constitution 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. Depending on the severity of the infraction (e.g., selling Bibles as opposed to actively proselytizing), one-time fines against Christians can range from \$6.80 (500 dinars) to \$6,802 (500,000 dinars). The prohibition against efforts to proselytize Muslims was not always enforced.

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 that non-Muslims were not promoted to senior posts. As a result many non-Muslims hid their religious affiliation.

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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 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.

Government officials asserted that ordinance 06-03 is designed to apply to non-Muslims the same constraints that the penal code imposes on 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.

However, Christian leaders claimed to have improved relations with the government during the reporting period. Several church leaders reported receiving help from the Ministry of Religious Affairs to complete and file applications to register non-Muslim religious groups under the ordinance correctly. Nevertheless, 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 Awqaf (religious endowments) presides over the commission, which is composed of senior representatives of the Ministries of National Defense, Interior, Foreign Affairs, National Security, 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.

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 \$6,800 (500,000 dinars) for violations by lay individuals and three to five years' imprisonment and a maximum fine of \$13,600 (one million dinars) for violations by religious leaders. The law stipulates a maximum of five years in jail and a \$6,800 (500,000 dinars) fine for anyone who "incites, constrains, or utilizes means of seduction tending to convert a Muslim to another religion; or by using to this end establishments of teaching, education, health, social, culture, training...or any financial means." Anyone who makes, stores, or distributes printed documents, audiovisual materials, or the like with the intent of "shaking the faith" of a Muslim may also be punished in this manner, but this was not always enforced. During the reporting period, no new cases against proselytizing could be confirmed.

Some aspects of the law and many traditional social practices discriminate against women. The family code, which draws on Shari'a (Islamic law), 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 was not always enforced. The code does not prohibit Muslim men from marrying non-Muslim women, but it prohibits them from marrying a woman of a nonmonotheistic religious group. Under the 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 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.

The family code also affirms the Islamic practice of allowing a man to marry as many as four wives; however, under the 2005 family code amendments, he must obtain the consent of the current spouse, or spouses, as well as the intended new spouse and a judge. Furthermore, a woman has the right to a no-polygamy clause in a prenuptial agreement. Polygamy rarely occurred in practice, accounting for only 1 percent of marriages.

Women suffer from discrimination in inheritance claims. The family code, which derives inheritance rules from Shari'a, states that women, including widows, are entitled to a smaller portion of a deceased husband's estate than his male children or brothers. 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 \$2,720 (200,000 dinars) 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. In practice each wilaya (province) and daira (county) employed religious officials to review sermon content.

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 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.

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.

It is legal for citizens and foreigners to 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.

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

Ordinance 06-03 outlines enforceable restrictions, which stipulate that all structures intended for the exercise of non-Muslim worship must be registered by the state. The ordinance also requires that any modification of a structure to allow 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 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 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 services.

The Ministry of Interior (MOI) has the sole authority to grant association rights to religious or nonreligious groups. The difficulties faced by religious groups in obtaining legal status were the same as those faced by nonreligious civil society groups, nongovernmental organizations, and others, whose petitions to the MOI were generally met with silence rather than documented refusal. According to the government, applications to register associations have been deferred pending a revision of the 1973 law on associations. The revision has been pending since it was first announced in 2008. 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.

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.

Restrictions on Religious Freedom

The government maintained ordinance 06-03.

The government dismissed 53 imams and closed 43 locations used for unauthorized Islamic worship during the reporting period.

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. According to the Ministry of Religious Affairs, applications to register associations have been put on hold since 2008 due to impending amendments to the 1973 association law. 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.

The government created the National Commission for Non-Muslim Religious Services commission to regulate the registration process established by ordinance 06-03. The commission convened most recently in early February 2010, but it did not establish an administrative means to implement the ordinance. Nevertheless, Christian practitioners reported that it approved the request for accreditation for one religious association, which was then submitted to the Interior Ministry for approval. On July 1, 2009, the Ministry of Religious Affairs announced the official recognition of a representation of the Jewish community and allowed 25 synagogues to open.

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.

Church groups stated that the government did not approve visa applications of many religious workers. 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 occasionally 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.

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

On June 24, 2010, the French-language daily newspaper *El Watan* reported that a court in Jijel reduced a two-year prison sentence and a fine of \$6,800 (500,000 dinars) to one year for a Christian man convicted and sentenced in absentia for

"inciting Muslims to abjure their religion." According to the press, the police found Bibles from the Protestant Church of Constantine when searching his illegally operated vending cart in a local market. During the trial three witnesses also accused him of proselytizing.

On June 23, 2010, the Arabic-language daily newspaper *El Khabar* reported that the government refused requests from France-based Algerian Jewish associations to visit the shrine of Rabbi Ephraim Enquaua in Tlemcen.

On June 8, 2010, the French-language daily newspaper *L'Expression* reported that Minister of Religious Affairs Bouabdallah Ghmallah condemned all forms of proselytism, including that practiced by Shi'a and Salafistes, in a speech in Tizi Ouzou in Kabylie. He claimed proselytism preys on weak and distressed youth throughout the country.

On September 9, 2009, *El Watan* reported that a young woman and her cousin were arrested for eating during daylight hours of Ramadan. They were released before the case was taken to trial.

In March 2009, in an interview with *El Watan*, the president of the High Islamic Council, Cheikh Bouamrane, denied Christians were persecuted in the country and said that the "aggressive" approach of many evangelists necessitated the elaboration of Ordinance 06-03.

In March 2009 the Arabic-language daily the *Ennahar* reported that the director of religious affairs in Oran stated foreign entities exploit the poverty of some families for the purposes of evangelization.

In 2008 the Maghnia Court issued a one-year suspended prison sentence to a foreign Catholic priest for praying with Cameroonian migrants in an unauthorized place of worship. Upon appeal he received a reduced suspended prison sentence of two months and a fine of \$274 (20,150 dinars). He filed a new appeal, which was pending at the end of the reporting period.

Abuses of Religious Freedom

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 \$1,360 (100,000 dinars) 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 \$6,800 (500,000 dinars) each on the same charges. By the end of the reporting period, they had not spent 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 \$2,720 (200,000 dinars) 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 \$1,360 (100,000 dinars) each; Khan and Hori were acquitted.

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

Forced Religious Conversion

There were no reports of forced religious conversion.

Improvements and Positive Developments in Respect for Religious Freedom

On February 10-11, 2010, the Ministry of Foreign Affairs and the Ministry of Religious Affairs held a symposium entitled "Religious Worship: A Right Ensured by Religion and by the Law" in Algiers. The ministries invited representatives from Christian and Jewish religious groups in the country and Catholic and Protestant religious leaders from the United States and France. No members of the Jewish community participated.

Christian representatives reported that the government ceased its prosecution of minority religion-related cases.

Section III. Status of Societal Respect for Religious Freedom

In general, society 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.

On January 2, 2010, a group of protesters entered a Protestant church housed in the first floor of an apartment building in Kabylie and stopped a church service. The following Saturday, January 9, 2010, protesters vandalized the building and burned Bibles, hymnbooks, a cross, furniture, and appliances. The pastor said the attack occurred after a long-running conflict with local residents who were upset that men and women participated together at church gatherings and who alleged that Protestants were trying to convert Muslim children. Press reports indicated the government took no action to prosecute the attackers.

On December 26, 2009, approximately 50 local Muslims blocked the entrance to the same church in an effort to prevent church members from attending Christmas mass. The local residents chanted discriminatory slogans, reminding them they were living in "an Islamic country" and telling them to "go pray somewhere else." The church received a notice from police shortly after its first services in November 2009 ordering it to stop activities as it was not legally registered and did not have a permit for gatherings in the residential building.

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

A very small number of citizens, such as Ibadi Muslims living in the desert town of Ghardaia, practiced nonmainstream forms of Islam or other religions and generally experienced minimal discrimination. Press reports concerning a June 2009 clash between Maliki and Ibadi Muslim groups in Beraine, near Ghardaia, indicated that sectarian differences contributed to the violence. There were no reports, however, of religious persecution or any official or unofficial restrictions on Ibadi Muslims against practicing their religion. On June 29, 2010, Minister of the Interior Dahou Ould Kablia signed an agreement in Gherdaia along with representatives of 16 tribes from the Malikite and Ibadite communities in Beraine. The agreement renounces violence and provides for the establishment of a dialogue between the two communities.

Section IV. U.S. Government Policy

Embassy officials raised U.S. concerns about religious discrimination with government officials, specifically the lack of progress in registering non-Muslim religious organizations.

Embassy and visiting U.S. government officials, including congressional staffers, met occasionally with Ministry of Foreign Affairs officials. Embassy officials also met with officials of the Ministry of Religious Affairs. The ambassador and other embassy officials also met with members of the Muslim Scholars Association and several national scholars of Islamic studies throughout the reporting period, as well as with several Christian and, to a lesser extent, Jewish groups. Embassy officials attended seminars on religious tolerance and concepts of Islam specific to the country, often sponsored by the government and national religious organizations. Embassy officials also met with religious leaders of Muslim and Christian communities and with the CNCPPDH.

Embassy officials further underscored the need for religious tolerance by funding two ongoing cultural restoration projects with religious significance for both Christians and Muslims. The embassy facilitated travel for an imam to visit a Los Angeles mosque as part of an exchange program. During Ramadan the embassy sponsored an interfaith dialogue writing competition for high school students in cooperation with the country's Muslim boy scouts and several local newspapers. Nearly a dozen 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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