U.S. DEPARTMENT of STATE

Algeria

International Religious Freedom Report 2008

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The Constitution provides for freedom of belief and opinion and permits citizens to set up institutions whose aims include the protection of fundamental liberties of the citizen. The Constitution declares Islam to be 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 law limits the practice of religions other than Islam consistent with the limits on Muslim worship included in the Penal Code of 2001, which includes restricting public assembly for religious practice to approved public places of worship. The law prohibits efforts to proselytize Muslims, but it is not uniformly enforced. The Government interprets Shari'a (Islamic law) as banning conversion from Islam to any other religion.

The status of respect for religious freedom by the Government declined during the period covered by this report. In February 2008 the Government began enforcing Ordinance 06-03, which increased restrictions on non-Islamic religious practice. In one case, a foreign Catholic priest found to be praying in an unauthorized place received a 2-month suspended prison sentence and was fined $303 (20,150 Dinars). Government ministers made public statements that criticized evangelism and emphasized the dominant role of Islam in society. There were many claims of government restrictions on worship, including the arrest and sentencing of converts to Christianity, ordered closure of churches, the dismissal of a Christian school director for allegedly using a school for evangelizing, and confiscation of Bibles.

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 Islamists harassed and threatened the personal security of some converts to Christianity. Islamist terrorists continued to justify their killing of security force members and civilians by referring to interpretations of religious texts. Moderate Muslim religious and political leaders publicly criticized acts of violence committed in the name of Islam. Anti-Semitic articles occasionally appeared in the independent press. Press reports concerning the May 2008 riots between Maliki and Ibadi Muslim groups in Berriane suggested that sectarian differences contributed to the violence.

The Ambassador, the Ambassador at Large for International Religious Freedom, and senior administration officials, raised U.S. concerns about religious discrimination with senior government officials. Specifically, the Embassy and State Department officials raised concerns with the Government concerning its order to close churches and its treatment of Muslim citizens who wish to convert to other religious groups. The U.S. Government also discusses 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 35 million. More than 99 percent of the population is Sunni Muslim. There is a small community of Ibadi Muslims in the province of Ghardaia. Official data on the number of Christian and Jewish citizens is not available; however, practitioners estimated their combined number at 50,000. The vast majority of Christians and Jews fled the country following independence from France in 1962. Many of those who remained emigrated in the 1990s due to acts of terrorism committed by Muslim extremists. According to Christian community leaders, evangelical Christians, mostly in the Kabylie region, account for the largest number of Christians, followed by Methodists and members of other Protestant

denominations, Roman Catholics, and Seventh-day Adventists. A significant proportion of Christian foreign residents are students and illegal immigrants from sub-Saharan Africa seeking to reach Europe; their numbers are difficult to estimate.

For security reasons, due mainly to the civil conflict, Christians concentrated in the large cities of Algiers, Annaba, and Oran in the mid-1990s.

During the reporting period, the press frequently reported that Christian proselytizing had resulted in significant numbers of Muslims in the Kabylie region converting to Christianity. However, Christian sources reported those figures as exaggerated and the Government estimated the number of conversions that took place in 2007 at 140. Reporting suggests that citizens, not foreigners, make up the majority of those actively proselytizing in Kabylie.

Since 1994 the Jewish community has diminished to virtual nonexistence due to fears of terrorist violence. The Jewish community was not active, and the synagogues remained closed.

In Algiers church services are primarily attended by members of the diplomatic community, expatriate Western businesspersons, sub-Saharan African migrants, and a few local Christians.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of belief and opinion and permits the people to set up institutions whose aims include the protection of fundamental liberties of the citizen. The Constitution declares Islam to be the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. Ordinance 06-03,which delimits the conditions and rules concerning the practice of religious rites by non-Muslims, 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 law limits the practice of religions other than Islam consistent with the limits on Islamic worship included in the Penal Code of 2001, which includes restricting public assembly for religious practice to approved public places of worship. The law prohibits efforts to proselytize Muslims, but it is not uniformly enforced.

Conversion is not illegal under civil law and apostasy is not a criminal offense, but the Government interprets Shari'a as banning conversion from Islam to any other religion. Missionary groups are permitted to conduct humanitarian activities without government interference as long as they do not proselytize.

The Constitution prohibits non-Muslims from running for the presidency. Non-Muslims may hold other public offices and work within the Government; however, it is reported that they are not promoted to senior posts and they hide their religious affiliation.

Ordinance 06-03, which entered into effect in September 2006 and has been enforced since February 2008, limits the practice of religions and restricts public assembly for the purpose of worship. The law requires organized religious groups to register with the Government, controls the importation of religious texts, and increases punishments for individuals who proselytize Muslims. Similar guidelines were put in place in the 2001 Penal Code for Muslim worship. Many representatives of churches and some human rights organizations reported that the Government has not provided a bureaucratic means to process and approve requests to register under the new law. The council to evaluate requests has never reportedly convened. A system for implementing the provisions of the 2001 Penal Code for Muslim worship exists. Credible reporting indicates that the Government has used the Penal Code to restrict Shi'a worship. The Government allows registered non-Muslim religious groups and some non-registered non-Muslim religious groups, in limited instances, to conduct public religious services.

Ordinance 06-03 confines non-Muslim worship to specific buildings approved by the state and calls for the creation of a national commission to regulate the registration process. Articles 5 through 11 of the Ordinance outline enforceable restrictions, which stipulate that all structures intended for the exercise of religious worship

must be registered by the state. The articles also require that any modification of a structure to allow religious worship is subject to prior government approval, and worship may only take place in structures exclusively intended and approved for that purpose.

In practice, Ordinance 06-03 enables the Government to shut down informal Christian religious services that take place in private homes or in secluded outdoor settings. Government officials assert that the law is designed to apply to non-Muslims the same constraints as those imposed on Muslims. Imams are hired and trained by the state and observances of Muslim services, with the exception of daily prayers, can only be performed in state-sanctioned mosques. The Government maintains that the new requirement that non-Muslim religious services be conducted only in registered facilities puts the treatment of all religions on an equal basis before the law.

Additionally, Ordinance 06-03 makes proselytizing a criminal offense, and the punishment for it is established at one to 3 years in jail and a maximum fine of $7,100 (500,000 dinars) for lay individuals and 3 to 5 years of jail time and a maximum of $14,285 (1 million dinars) for religious leaders. The law prescribes a maximum of 5 years in jail and a $7,100 (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.

In May 2007 the Government issued Executive Decree 07-135, which gave greater precision to Article 8 of the Ordinance, 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 religious rites has to be submitted to the wali (governor) at least 5 days before the event and that the event must take place 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 must also obtain a permit indicating this information and present it to authorities upon request. Under the decree, the wali can request the organizers tomove the place of observance or can disapprove an event completely if it is deemed a danger to public order.

In June 2007 the Government issued Executive Decree 07-158, which gave greater precision to Article 9 of the Ordinance, specifying the composition of the National Commission for Non-Muslim Religious Services and the regulations that govern it. It establishes that the Commission is to be presided over by the Minister of Religious Affairs and Awqaf (Religious Endowments), and composed of senior representatives of the Ministers of National Defense, Interior, Foreign Affairs, and National Security, the National Police Headquarters, and the quasigovernmental National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH). Individuals within the Christian communities report that they were not consulted on the formation of the Commission. Individuals and groups who believe they are not being treated fairly by the Ministry of Religious Affairs may voice their concerns to the CNCPPDH.

Although the law restricts public assembly for purposes of practicing a faith other than Islam, the Government permits Catholic, Protestant, Anglican, and Seventh-day Adventist churches to conduct services. Due to bureaucratic difficulties registering new churches, many Christians meet in unofficial "house churches" which are often homes or businesses of church members.

The Ministry of Religious Affairs provides some financial support to mosques and pays the salary of imams. Mosque construction is funded through private contributions of local believers. 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 is responsible for establishing policy for hiring teachers for the Qur'anic schools and madrassahs, as well as ensuring that all imams are well qualified and that the imams teach in line with government guidelines aimed at stemming Islamist extremism.

The Government appoints imams to mosques and is allowed to provide general guidance on sermon topics. The Government can legally prescreen and approve sermons before they are delivered publicly during Friday prayers. In practice, each wilaya (province) and daira (county) employs religious officials to review sermon content, generally after the sermons are delivered. All persons, including imams recognized by the Government, are prohibited from speaking during prayers at the mosque in a manner that is "contrary to the

noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions." If an imam's sermon is judged to be inappropriate, he can be convoked to a "Scientific Council" composed of Islamic law scholars and other imams who assess the appropriateness of the sermon. An imam can be relieved of duty if convoked multiple times. The Government's right of review has not been exercised with non-Islamic religious groups. The Government also monitors activities in mosques for possible security-related offenses and bars the use of mosques as public meeting places outside of regular prayer hours.

The Ministries of Education and Religious Affairs strictly require, regulate, and fund the study of Islam in public schools. Private religious primary and secondary schools operate in the country; however, the Government has not extended recognition to these institutions pending a review of their educational programs as required by the Ministry of National Education since 2005. Consequently, private school students have to register as independent students within the public school system to take national baccalaureate examinations. The Government authorizes only 22 of 200 private schools. The Government has stated that the purpose of this measure is to ensure that schools supported by Saudi Arabia conform to government standards of religious teaching. There is no hate crime legislation.

Amendments to the Penal Code in 2001 established strict punishments, including fines and prison sentences, for anyone other than a government-designated imam who preaches in a mosque. Harsher punishments were established for any person, including government-designated imams, who acts "against the noble nature of the mosque" or acts in a manner "likely to offend public cohesion." The amendments do not specify what actions would constitute such acts.

The law requires religious groups to register their organizations with the Government prior to conducting any religious activity. The Catholic Church is the only non-Islamic religious group officially registered to operate in the country. The Protestant, Anglican, and Seventh-day Adventist churches have pending registration requests with the Government and report no government interference in their holding services. Other churches operate without registration, some openly, while some secretly practice their faith in homes. Other churches, including Methodist and Presbyterian, affiliate their organizations with the Protestant Church of Algeria.

The Ministries of Religious Affairs, Foreign Affairs, Interior, and Commerce all must approve the importation of non-Islamic religious writings. Often, delays of 5 to 6 months occur before obtaining such approval, and there have been further delays once books reach customs. The Government periodically restricts the importation of Arabic and Tamazight (Berber) translations of non-Islamic texts. The Government has stated that its purpose is to ensure that the number of texts imported is proportional to the estimated number of adherents of religious groups.

It is legal for citizens and foreigners to bring personal copies of non-Islamic texts, such as the Bible, into the country. Non-Islamic religious texts, music, and video cassettes are available, and two stores in the capital sell Bibles in several languages. Government-owned radio stations continued their practice of broadcasting Protestant Christmas and Easter services in French. The Government prohibits the dissemination of any literature that portrays violence as a legitimate precept of Islam.

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

Some aspects of the law and many traditional social practices discriminate against women. The Family Code is based in large part on Shari'a and treats women as minors under the legal guardianship of a husband or male relative. Under the code, Muslim women are prevented from marrying non-Muslims, although this regulation is not always enforced. The code does not prohibit Muslim men from marrying non-Muslim women, but it prohibits them from marrying a woman of a non-monotheistic religious group. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion. In rulings on divorce, custody of the children normally is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. Under the 2005 Family Code amendments, women no longer need the consent of a male guardian (tuteur) to marry. The code only requires that a chaperone (wali) of her choosing be present at the wedding. This change signaled a major step for women, as the role of a tuteur--usually a woman's father or other male relative--is to conclude the marriage on the woman's behalf, while a wali acts as a protector who is present while the woman concludes the marriage

herself.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives; however, he must obtain the consent of the current spouse, the intended new spouse, and a judge. Furthermore, a woman has the right to a no-polygamy clause in the prenuptial agreement. Polygamy rarely occurs in practice, accounting for only 1 percent of marriages.

Women suffer from discrimination in inheritance claims. In accordance with Shari'a, women are entitled to a smaller portion of a deceased husband's estate than his male children or brothers. Non-Muslim religious minorities may suffer in inheritance claims when a Muslim family member also lays claim to the same inheritance. Women may take out business loans and are the sole custodians of their dowries; however, in practice women do not always have exclusive control over assets they bring to a marriage or income they have earned. Females under 18 years of age may not travel abroad without the permission of a male legal guardian.

The Government observes the Islamic holy days of Eid al-Adha, Eid al-Fitr, Awal Moharem, Ashura, and the birth of the Prophet Muhammad as national holidays.

Restrictions on Religious Freedom

The Government first applied the provision of Ordinance 06-03 in February 2008, which increased restrictions on religious freedom. According to reports from church leaders and human rights organizations, the Government has since ordered the closure of approximately 27 churches for alleged noncompliance with the Ordinance. The Government also prosecuted domestic pastors, converts from Islam to Christianity, and one foreign priest, accusing some of breaking the law's provisions banning proselytism.

The Government maintained that it was acting in accordance with the law when it ordered the church closures because the churches had not been registered under Ordinance 06-03. The churches ordered closed included both house churches and buildings of long-established churches, within and outside of the Kabylie region. Many Christian groups indicated that they had repeatedly attempted to register with the Government, but were unsuccessful, facing a lack of information and a local government bureaucracy uninformed of how to process requests made in accordance with the ordinance.

Members of a church in Ouadhia (wilaya of Tizi Ouzou) said they attempted to apply for registration 12 times between February and April 2008. In each case, local authorities refused to accept the documents. Leaders of the Anglican Church, the Protestant Church, and the Seventh-day Adventist Church report that their applications for registration have been pending without a response for more than 2 years.

According to reports, many Christian groups, especially evangelical churches, have not attempted to obtain legal status from the Government.

The Interior Ministry has the sole authority to grant association rights to religious or nonreligious groups. The difficulties faced by religious groups in obtaining legal status are the same as those faced by nonreligious civil society groups, nongovernmental organizations (NGOs) and others, whose petitions to the Interior Ministry are generally met with silence rather than documented refusal.

The National Commission for Non-Muslim Religious Services, created to regulate the registration process established by Ordinance 06-03, and whose composition was specified in the June 2007 Executive Decree 07-158, has never convened. Observers alleged that this demonstrated government neglect and contributed to the lack of a bureaucratic system to implement the ordinance.

On June 16, 2008, the Minister of Religious Affairs stated that evangelism is the new terrorism, according to the daily *Echorouk el-Youmi*. Additionally, he stated that he equates evangelism with terrorism in an interview published in *L'Expression* on February 12, 2008, in response to a question concerning efforts to convert Muslims to Christianity in the country.

On May 22, 2008, the Prime Minister publicly stated: "The Algerian society's constitution is the Qur'an … and that will never change."

In February 2008 Rev. Hugh Johnson, a retired American Methodist minister who resided in the country for 45 years, was told by authorities that his residence permit would not be renewed and advised him to leave the country. He was not provided an official reason for the non-renewal and departed in March.

On January 30, 2008, the Maghnia Court issued a 1-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 2 months and a fine of $303 (20,150 Dinars). He filed a new appeal, which was pending at the end of the reporting period.

In November 2007 four Catholic Brazilians, legally living in the country, were ordered to leave the country but were not provided an official reason for the expulsion. They have been allowed to remain until June 2008. The Catholic Church in Algiers and Annaba has reported delays and difficulties in obtaining visas for visiting clergy.

Christian leaders representing several groups reported that they have been unable to import Bibles since 2005. Press reports indicated that police confiscated some Bibles in various wilayas during the reporting period. The Ministry of Religious Affairs banned 1,191 books and religious materials on Islam from the Algiers international book fair in November 2007, claiming that the materials encouraged extremism.

Abuses of Religious Freedom

On June 25, 2008, the Tissemsilt Court began a retrial of two local Christian converts, Rachid Seghir and Djammal Dahmani, whom it had convicted in absentia on November 20, 2007, to 2 years in prison and fines of $7,775 (500,000 dinars) each on charges of proselytizing and illegally practicing a non-Muslim faith. The case was pending at the end of the reporting period. On June 8, 2008, a Tiaret Court handed Rachid Seghir a 6 month suspended prison sentence and a fine of $3,190 (200,000 dinars) on charges of evangelism. The Courts in Tiaret and Djilfa charged three other Christian converts, Jillali Saidi, Abdelhak Rabih, and Chaaban Baikel, on the same grounds as Seghir; however, their cases were pending at the end of the reporting period. In February 2008 in the town of Ain Al-Turck, near Oran, Seghir, Youssef Ourahmane and another convert to Christianity faced charges under Ordinance 06-03 for "blaspheming the name of the Prophet (Muhammad) and Islam." Their trial was pending at the end of the reporting period.

On March 30, 2008, Habiba Kouider, a convert to Christianity, was charged in the western town of Tiaret with "practicing a non-Muslim religion without a permit." According to press reports, the prosecutor told her that if she reverted to Islam, he would drop the case against her. In a hearing before a local judge, the Tiaret prosecutor asked that Kouider be sentenced to 3 years in prison. On May 27, 2008, the Tiaret court referred the case for additional investigation. The presiding judge had yet to render a verdict as of the end of the reporting period. Kouider was traveling by bus when police questioned her and found her to be carrying Bibles and other religious materials.

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

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Section III. Societal Abuses and Discrimination

In general, society tolerates foreigners who practice religions other than Islam. Although some local converts to Christianity keep a low profile out of concern for their personal safety and potential legal and social problems, many practice their new religion openly.

Radical Islamists, who seek to rid the country of those who do not share their extremist interpretation of Islam,

commit most cases of harassment and security threats against non-Muslims. Moderate Muslim religious and political leaders publicly criticized acts of violence committed in the name of Islam, such as the April 11 and December 11, 2007 suicide bombings in the country.

A very small number of citizens, such as Ibadi Muslims living in the desert town of Ghardaia, practice nonmainstream forms of Islam or other religions, and generally experience minimal discrimination. Press reports concerning May 2008 riots between Maliki and Ibadi Muslim groups in Berriane, near Ghardaia, suggested that sectarian differences contributed to the violence. However, there were no reports of religious persecution or any official or unofficial restrictions on Ibadi Muslims from practicing their religion.

A member of the Jewish community reported receiving two anonymous death threats. Police responded by placing the individual's home and office under surveillance.

Anti-Semitism in state-owned publications and broadcasts was rare; however, anti-Semitic articles appeared occasionally in the independent press, especially Arabic-language newspapers with an Islamic outlook.

Section IV. U.S. Government Policy

The Ambassador, the Ambassador at Large for International Religious Freedom, and senior administration officials raised U.S. concerns about religious discrimination with senior government officials. Specifically, the Embassy and State Department officials raised concerns with the Government concerning its order to close churches and its treatment of Muslim citizens who wish to convert to other religious groups.

The U.S. Ambassador and other embassy officials met regularly with the Ministry for Religious Affairs. The Ambassador and other embassy officials also met with members of the High Islamic Council, the Muslim Scholars Association, and several national scholars of Islamic studies throughout the reporting period, as well as with several Christian and Jewish groups. Embassy officials attended seminars on religious tolerance and concepts of Islam particular to the country, often sponsored by the Government and national religious organizations.

During the reporting period, the Embassy further underscored the need for religious tolerance by funding two ongoing cultural restoration projects with religious significance for both Christians and Muslims. Embassy officials promoted religious freedom by bringing three Muslim-Americans to the country to describe the high level of tolerance that all faiths, including Islam, enjoy in the United States. The Embassy maintained contact with three Islamic political parties (Movement for a Peaceful Society, Movement for National Reform, and Islamic Renaissance Movement).

The U.S. Embassy maintained contact with religious leaders of the Muslim, Christian, and Jewish communities. It also maintained frequent contact with the National Consultative Commission for the Protection and Promotion of Human Rights.

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