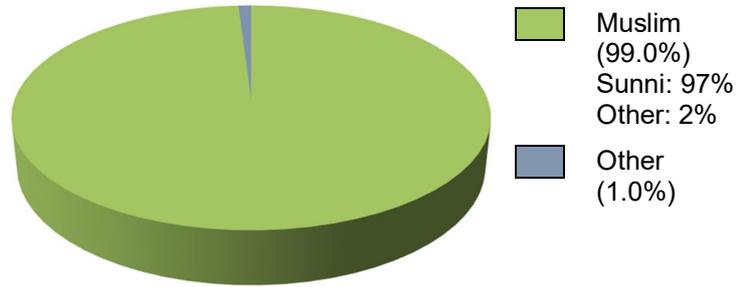
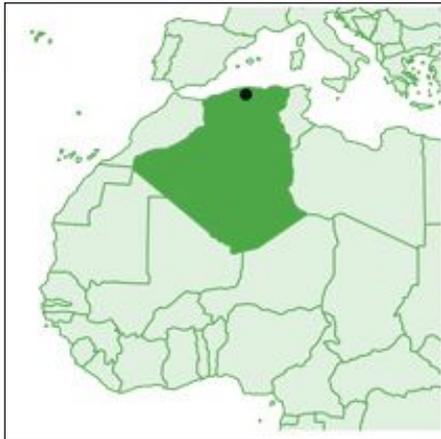


ALGERIA



Area:	Population:	Political system:	Major Language(s):
2.4 million km ²	36.5 million	Autocracy ¹	Arabic, French, Berber

Legal framework on freedom of religion and actual application

The vast majority of people in Algeria are Sunni Muslims. There is a group of several hundred local Jews. The number of Christians is estimated at between 20,000 and 100,000. Exact statistics do not exist. Almost all Christians are foreigners, many from sub-Saharan Africa. There are Catholic and Protestant communities in the country. The Catholic Church is the largest Christian community and is organised in four dioceses. There are operating Evangelical communities especially in Kabyle region. The number of Muslim citizens who convert to Christianity is small. The majority convert to Evangelical communities.

The preamble of Algeria's constitution describes Islam as being a fundamental component of the country's identity.² According to article 2, Islam is the religion of the State. Article 10 prohibits State institutions from doing anything against Islamic morality. Article 36 guarantees liberty of conscience and is interpreted as implicitly guaranteeing freedom of worship within the limits of the law, although the wording does not say so explicitly. Article 73 specifies that only a Muslim can become president. Algerian law does not include a criminal offense of apostasy.

Offences related to religion include article 144 bis (2) of the Penal Code, which provides that any individual who insults the Muslim Prophet and the messengers of God, or denigrates the creed or prophets of Islam through writing, drawing, declaration, or any other means, will receive three to five years in prison, and/or be subject to a fine of between 50,000 and 100,000 Algerian dinars (approximately US\$631 to \$1263).

In addition, although Algeria permits religious organisations to participate in humanitarian works, it makes proselytising by non-Muslims an offence punishable by a fine and up to five years' imprisonment 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".³

In 2006 President Abdelaziz Bouteflika issued Ordinance 06-03 regulating the exercise of religious worship other than Islam. The ordinance forbids attempts to convert a Muslim to another religion or even to “shake the faith of a Muslim”, although it does not forbid conversion as such. Christian books and manuals are therefore rare in the country, and Christians do not feel free to carry Christian literature with them. Under Ordinance 06-03 Algerians can be fined up to one million dinars and sentenced to five years in prison for printing, storing or distributing materials intended to convert Muslims.⁴

All religious groups have to register with the Ministry of Interior before conducting any activities and may gather at state-approved locations only.

Personal status affairs are regulated by *Shari'a* law. According to the Family code, a Muslim man can marry a non-Muslim woman if she belongs to a monotheistic faith. Muslim women cannot marry non-Muslim men unless the man converts to Islam. Children born to a Muslim father are considered Muslims without regard to the mother's faith.

Incidents

In July 2014 Salafists (ultra-conservative Sunni Muslims), protested against government plans to re-open synagogues, which were closed for security reasons during Algeria's civil war of the 1990s. After weekly Friday prayers at Al-Mouminine mosque in the Belcourt district of Algiers, dozens of worshippers tried to march in the streets but were blocked by police. “No to the Judaisation of Algeria!” and “Muslim Algeria!” were among the slogans chanted by the demonstrators, who also condemned Israel's military offensive in Gaza. They were responding to a call by Salafist leader Abdelfatah Hamadash to oppose the planned reopening of synagogues, which he said would pave the way for “a normalisation of relations between Algeria and Israel”. Religious Affairs Minister Mohamed Aissa said that the Jewish community had “the right to exist”, indicating that its synagogues would eventually be reopened. He said: “There is a Jewish community in our country that is well accepted by Algerian society. It has the right to exist.” He described the community's leader as a “patriot”. He said, however, that the reopening of synagogues was not likely soon, adding that “a place of worship must be made safe before it can be opened to the faithful.”⁵

The assassination of a French tourist by militants in Algeria has raised the fear of new terrorist attacks in the country. Hervé Gourdel, 55, was beheaded on 24th September 2014 in the north-eastern region of Kabylie by Soldiers of the Caliphate, a radical Islamist group, linked to Islamic State in Iraq. Gourdel, an experienced hiker, was kidnapped on 21st September, along with five Algerians, but his companions were released 14 hours later. His murder sparked a wave of indignation and anger, notably in social media. It reminded Algeria of the 1990s civil war, also known as “The Black Decade” when more than 150,000 people died violently, while thousands of others went missing. Now, members of the Christian community in Bejaia, one of the main cities in Kabylie, are particularly concerned about the threats posed by militants. Omar, 31, member of a Protestant church in Bejaia, said: “If we consider the fate reserved by [Daesh (ISIS)] fighters for Iraqi Christians, there is genuine reason to express concerns over the church in Algeria. That is why we must be vigilant.”⁶

On 24th February 2015, a court in the city of Oran sentenced journalist Mohamed Sharki in absentia to three years' imprisonment and a fine of 200,000 Algerian dinars (US\$2,000) on charges of blasphemy, according to news reports and the regional human rights group, the Arabic

Network for Human Rights Information (ANHRI). Mr Sharki, who appealed the sentence, was not taken to jail. He was an editor for Eldjournhouria, a government-owned newspaper. According to news reports, he oversaw a weekly page, called “Islamiat”, in which discussions of religious issues were published. On 17th April 2014, the page featured an article called “The non-Arabic words in the *Qur’an*”, which stated that the Muslim Prophet wrote the text himself, the reports said. The page said the article was written by a European, but the individual was not identified. According to ANHRI, the newspaper’s board said the article was blasphemous. A majority of Muslims believe the Prophet Muhammad was illiterate, a fact that religious experts say is evidence of his being a prophet.⁷

During Ramadan 2014 and 2015, people not taking part in the fasts have been arrested and/or condemned in several Algerian towns. As a result, some members of civil society organised public events during the month of Ramadan to protest against this persecution and fight for everyone’s civil liberties to be respected, especially freedom of conscience.⁸ Although breaking the fast is not explicitly forbidden, other parts of the law are used to punish transgressors.

Prospects for religious freedom

Ordinance 06-03 remains a matter of concern. An opportunity was missed when the constitution was revised in February 2016. Article 2 stating that Islam is the religion of the State was upheld.⁹ A previous draft, favoured by the president to amend article 36 and explicitly guarantee freedom of worship, was blocked as a result of opposition from Muslims.¹⁰ The constitution should expressly guarantee the right to have or adopt a religion or belief of one’s choice, as well as the right not to profess or practise a religion. Provisions in existing legislation which discriminate against non-Muslims or otherwise violate the right to freedom of religion should be repealed.

Algerian Catholic Bishop Paul Desfarges said that Christians in Algeria can practise their religion in freedom (en toute liberté). He referred especially to non-citizens. As for Muslim converts to Christianity, things are different. They live very discreetly, he said. According to the bishop, they do not fear physical threats but are worried about social pressure and may face disadvantage when it comes to inheritance issues. The Catholic Church is critical of the law criminalizing proselytism. The bishop complained about the slow process of granting visas to religious personnel.¹¹

There is a concern in Algeria about Daesh in neighbouring Libya and the negative security effects this could have on Algeria and the other Islamist groups operating in the country.¹²

¹ https://en.wikipedia.org/wiki/Democracy_Index

² http://www.constitutionnet.org/files/algeria_french.pdf

³ http://www.loc.gov/law/help/apostasy/#_ftn11; <http://www.lexpressiondz.com/actualite/228266-la-loi-interdit-le-proselytisme.html>

⁴ http://www.opendoorsuk.org/campaign/documents/Algeria_Religious_Liberty.pdf

⁵ <https://www.yahoo.com/news/salafists-protest-reopening-algiers-synagogues-181632940.html?ref=gs>

⁶ <https://www.worldwatchmonitor.org/2014/10/3407066/>

⁷ <https://cpj.org/2015/03/in-algeria-editor-sentenced-to-three-years-on-blas.php>

⁸ <http://www.pharosobservatory.com/c/africa/algeria/algeria-public-lunches-during-the-month-of-ramadan-supporting-freedom-of-conscience-fr-1>

⁹ <http://www.leparisien.fr/international/l-algerie-a-adopte-une-nouvelle-constitution-contestee-par-l-opposition-07-02-2016->

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¹⁰ <http://www.algerie-focus.com/2015/12/revision-de-la-constitutionla-liberte-de-culte-au-sein-du-palais-del-mouradia/>

¹¹ <http://www.tsa-algerie.com/20151125/monseigneur-paul-desfarges-archeveque-interimaire-dalger-on-peut-dire-que-les-chretiens-pratiquent-leur-religion-en-toute-liberte-en-algerie/>

¹² <http://english.alarabiya.net/en/News/middle-east/2016/04/05/Algerian-army-kills-four-Islamists-near-Tunisian-border-.html>