



ADF INTERNATIONAL

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**ALGERIA**

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## Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report highlights the persecution of religious minorities in Algeria, particularly of Christians and the Ahmadiyya community. Anti-proselytism and blasphemy laws exist in Algeria, which undermine the freedom of religion of religious minorities. Additionally, the Algerian authorities require non-Muslim religious groups and places of worship to be registered with governmental authorities. These registration requirements have been used to discriminate against religious minorities and shut down Christian churches.

### (a) Freedom of Thought, Conscience and Religion

#### *Background*

3. Algeria's population is predominantly Sunni Muslim, with only 2% of consists of Shiites, Christians, and other minority groups.<sup>1</sup>

Discrimination against religious minorities in Algeria has increased since the last cycle of the Universal Periodic Review. On the 2022 World Watch List, a ranking of the top 50 countries where it is most difficult to be a Christian, Algeria is ranked 22<sup>nd</sup>, up from 42<sup>nd</sup> in 2018. This is largely attributed to growing societal hostility towards religious minorities, as well as increased repressive action undertaken by state officials.<sup>2</sup>

4. The situation of religious minorities in Algeria has attracted international attention. In 2019, the European Parliament passed a resolution calling for "an end to violations of the freedom to worship of Christians, Ahmadis and other religious minorities."<sup>3</sup> In July 2021, United States Senators wrote a letter decrying the "coordinated and discriminatory treatment towards members of religious minority groups" and called on Algeria to comply with its international human rights obligations.<sup>4</sup>

#### *Legal Framework Relating to Freedom of Religion or Belief*

5. Algeria's Constitution was formally amended in November 2020.<sup>5</sup> Its Article 2 declares Islam as the country's official religion.<sup>6</sup>
6. Article 51 of the new Constitution recognizes freedom of opinion and of religious practice (*cultes*), however no longer formally protects freedom of conscience.

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<sup>1</sup> The Association of Religion Data Archives 'Algeria'

[https://www.thearda.com/internationalData/countries/Country\\_4\\_2.asp](https://www.thearda.com/internationalData/countries/Country_4_2.asp).

<sup>2</sup> Open Doors International 'Indonesia: Full Country Dossier' (December 2021) World Watch List 2022 <<https://odusa-media.com/2017/12/Full-Country-Dossier-Algeria-2022.pdf>>, 6-7.

<sup>3</sup> European Parliament 'European Parliament Resolution of 28 November 2019 on the situation of freedoms in Algeria' 2019/2927(RSP), [https://www.europarl.europa.eu/doceo/document/TA-9-2019-0072\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0072_EN.html), 4.

<sup>4</sup> M. Rubio et al. 'Letter to The Honorable Antony Blinken' (9 July 2021) United States Senate [https://www.rubio.senate.gov/public/\\_cache/files/d83757e6-53f5-4263-854c-836a74b330f5/3FA548803F4C8D00DEDED4C1D16FA16F.algeria-religious-freedom.pdf](https://www.rubio.senate.gov/public/_cache/files/d83757e6-53f5-4263-854c-836a74b330f5/3FA548803F4C8D00DEDED4C1D16FA16F.algeria-religious-freedom.pdf).

<sup>5</sup> E. Goldstein 'The Right That Vanished from Algeria's Constitution Freedom of Belief Article Dropped — and All Pretense of Respecting It?' (15 February 2021) Human Rights Watch, <https://www.hrw.org/news/2021/02/15/right-vanished-algerias-constitution>.

<sup>6</sup> 2021 Constitution of Algeria, <https://www.joradp.dz/TRV/FConsti.pdf>, art. 2.

Viewed in of Article 10, which prohibits practices “contrary to Islamic morals,”<sup>7</sup> the constitutional guarantees afforded to freedom of religion are greatly limited. It also guarantees the protection of places of worship from political or ideological influences.<sup>8</sup>

7. Article 144-bis-2 of the Algerian Penal Code criminalizes “anyone who offends the prophet (peace be upon him) and the messengers of God or denigrates the dogma or precepts of Islam”, with punishments of up to five years in prison and a fine of up to 100,000 Algerian dinars (approximately \$720).<sup>9</sup>
8. Article 11 of Algeria’s 2006 Ordinance on the Conditions and Rules of Practice of Faiths other than Islam (the “Law 06-03”) punishes 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.” It also criminalizes anyone who “makes, stores, or distributes printed documents or audio-visual productions or by any other aid or means, which has as its goal to shake the faith of a Muslim.” The penalty is up to five years in prison, and a 1,000,000 dinar fine (approximately \$7,200).<sup>10</sup>
9. Additionally, Law 06-03 stipulates that non-Muslim associations must obtain permission from the National Commission for Non-muslim Religious Groups to utilize a building for worship. Unregistered religious activities or groups are banned. The justifications given for rejecting applications are reportedly extremely vague, allowing for arbitrary denial of registration, effectively prohibiting the functioning of certain religious groups.<sup>11</sup> Additionally, in practice, the Commission has failed to respond to any applications by Christians groups, forcing them to make unofficial and unreliable arrangements with local officials.<sup>12</sup>

#### *Blasphemy and proselytism cases*

10. In 2018, Hamid Soudad, an Algerian Christian, was convicted to a five-year prison blasphemy sentence for circulating an allegedly offensive image against Islam on social media.<sup>13</sup>
11. In February 2021, a court in Oran convicted pastor Rachid Seighir and one of his colleagues to two years imprisonment and a fine under Article 11 of Law 06-03 for “shaking the faith” of Muslims. This was due to the presence of Christian books in their bookstore.<sup>14</sup> On appealing the judgement, in June 2021, this was reduced to a one-year suspended sentence and a lower fine. That same week, Rachid’s church, along with two others in the province, were closed for being unlicensed under Law

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<sup>7</sup> Id., art. 10.

<sup>8</sup> Id., art. 51.

<sup>9</sup> Algerian Penal Code, [https://www.equalrightstrust.org/sites/default/files/ertdocs//code\\_penal.pdf](https://www.equalrightstrust.org/sites/default/files/ertdocs//code_penal.pdf), art. 144-bis-2.

<sup>10</sup> Human Rights Without Frontiers ‘Freedom of Religion or Belief Algeria’ (October 2020) <https://hrwf.eu/wp-content/uploads/2020/10/2020-FORB-Algeria.pdf>, 2.

<sup>11</sup> Human Rights Watch ‘Algeria: Crackdown on Protestant Faith, Churches Sealed; Worshipers Beaten’ (24 October 2019) <https://www.hrw.org/news/2019/10/24/algeria-crackdown-protestant-faith>.

<sup>12</sup> Middle East Concern ‘Algeria’ <https://www.meconcern.org/countries/algeria/>.

<sup>13</sup> International Christian Concern ‘Algerian Christian Prison Sentence Upheld’ (26 March 2021) <https://www.persecution.org/2021/03/26/algerian-christian-prison-sentence-upheld/>.

<sup>14</sup> Middle East Concern ‘Algeria: Pastor faces prison term’ (2 March 2021) <https://meconcern.org/2021/03/02/algeria-pastor-faces-prison-term/>.

06-03.<sup>15</sup>

12. In November 2020, an Ahmadi activist, Yacine Mebarki, was sentenced to one year in prison and a fine of 50,000 Algerian dinars (approximately \$385) in Khenchela for allegedly “insulting Islam” in a social media post, in which he had expressed criticism of a religious scholar.<sup>16</sup>
13. In July 2021, officials in Ain Defla sentenced Foudhil Bahloul, a Christian convert, to six months in prison and a fine of 100,000 Algerian dinars (approximately \$720). Bahloul was arrested in April 2021 after his house was searched and certain Christian materials were seized. During his trial, witnesses were not allowed to testify and Bahloul did not have legal representation. His sentence was for receiving an “unauthorized donation” of 200 euros from a friend in Germany, which officials claimed were funds received for his Christian beliefs.<sup>17</sup>
14. In September 2021, it was reported that Christian activist and Muslim convert Slimane Bouhafis, an Algerian living in Tunisia with refugee status, was allegedly abducted and forcibly returned to Algeria.<sup>18</sup> Family members witnessed the abduction of Bouhafis from Tunis by three men before he was imprisoned and appeared before a court in Algiers.<sup>19</sup> The specific charges against him remain unknown but it has been reported that there are multiple charges related to so-called terrorist activity.<sup>20</sup> Bouhafis spent almost two years in prison in Algeria after he was charged with blasphemy for a Facebook post in 2016 where he criticized Islam. In his trial in 2016, he was denied basic rights of due process and was not provided with a lawyer.<sup>21</sup> During his time in prison, he faced aggression from other prisoners because he was known to be a Christian.<sup>22</sup>

#### *Church closures and religious registration barriers*

15. Protestant Christian communities (including the Église Protestante d’Algérie, or the “EPA”) have been systematically targeted by restrictions to their freedom of worship, notably by prohibiting access to church buildings. Since January 2018, Algerian authorities have sealed 13 Protestant churches affiliated with the EPA, and 49

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<sup>15</sup> Morning Star News ‘Pastor in Algeria Receives Suspected Sentence and Fine’ (6 June 2021) <https://morningstarnews.org/2021/06/pastor-in-algeria-receives-suspended-sentence-and-fine/>.

<sup>16</sup> Amnesty International ‘Algeria 2020’ (2021) <https://www.amnesty.org/en/location/middle-east-and-north-africa/algeria/report-algeria/>.

<sup>17</sup> Amnesty International ‘Algeria: Quash conviction of Christian convert and overturn repressive law used to prosecute him’ (7 December 2021) <https://www.amnesty.org/en/latest/news/2021/12/algeria-quash-conviction-of-christian-convert-and-overturn-repressive-law-used-to-prosecute-him/>.

<sup>18</sup> Amnesty International ‘Tunisia: authorities must come clean over abduction of Algerian activist’ (3 September 2021) <https://www.amnesty.org.uk/press-releases/tunisia-authorities-must-come-clean-over-abduction-algerian-activist>.

<sup>19</sup> A. Bajec ‘Slimane Bouhafis: Inside Tunisia’s extradition of an Algerian political refugee’ (14 September 2021) *The New Arab*, <https://english.alaraby.co.uk/analysis/tunisi-as-mysterious-extradition-algerian-dissident>.

<sup>20</sup> Amnesty International ‘Tunisia: authorities must come clean over abduction of Algerian activist’ (3 September 2021) <https://www.amnesty.org.uk/press-releases/tunisia-authorities-must-come-clean-over-abduction-algerian-activist>.

<sup>21</sup> Human Rights Watch ‘Algeria: 3-Year Sentence for Insulting Islam’ (7 September 2016) <https://www.hrw.org/news/2016/09/07/algeria-3-year-sentence-insulting-islam>.

<sup>22</sup> World Watch Monitor ‘Finally my father is home’ – Slimane Bouhafis released after 18 months in jail’ (3 April 2018) <https://www.worldwatchmonitor.org/2018/04/finally-my-father-is-home-slimane-bouhafis-released-after-18-months-in-jail/>.

places of worship have been threatened with closure.<sup>23</sup> These closures constitute direct violations of the right to freedom of religion or belief, which includes the right to worship in community with others, as well as freedom of association and assembly.

16. In October 2019, members of a Protestant congregation of the Full Gospel Church of Tizi-Ouzou protested peacefully against the closure of their church, the largest Christian church in Algeria, which was sealed by police officers. The protesters were beaten by authorities while others were arrested. Two more churches were sealed the day after the Full Gospel Church was closed. The pastor of the Full Gospel Church had tried to comply with the authorities and the requirement to register under Law 06-03 of 2006, but the National Commission has completely ignored repeated requests to renew registration.<sup>24</sup>
17. In addition, Protestant Christian churches in Algeria faced discriminatory restrictions in response to the COVID-19 pandemic. From March 2020, Protestant churches were ordered to remain closed for “safety measures,” while mosques and Catholic churches were permitted to reopen.<sup>25</sup>
18. The Ahmadi community in Algeria is not recognized by the government, and faces considerable pressure and harassment, including from state officials.<sup>26</sup> In January of 2020, a group of Ahmadis were interrogated about their religious beliefs and authorities confiscated their passports before they were prosecuted for forming an illegal association. They were eventually acquitted of the charges against them but their passports were never returned.<sup>27</sup>

#### *Freedom of Religion or Belief in International Law*

19. Algeria ratified the International Convention on Civil Political Rights (the “ICCPR”) in September 1989.<sup>28</sup> Article 18 of the ICCPR guarantees the right to freedom of religion or belief, including the right to manifest one’s religion or belief in private as well as public settings.<sup>29</sup>
20. Inseparably linked to Article 18 is Article 19, which enshrines the right to freedom of opinion and expression. Along with the freedom of association, guaranteed under Article 22, these freedoms are fundamental to the operation and maintenance of an open and free society, even when content that is expressed and disseminated

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<sup>23</sup> Middle East Concern ‘Algeria: Another Church Closed by Government’ (14 January 2020) <https://meconcern.org/2020/01/14/algeria-another-church-closed-by-government-2/>.

<sup>24</sup> J. Casper ‘Who Will Save Algeria’s Closed Churches: the UN, US, or Hirak?’ (22 February 2021) *Christianity Today*, <https://www.christianitytoday.com/news/2021/february/algeria-christians-closed-churches-united-nations-epa-hirak.html>.

<sup>25</sup> International Christian Concern ‘With No Churches Left to Close, Algerian Government Turns to Individuals’ (18 May 2021) <https://www.persecution.org/2021/05/18/no-churches-left-close-algerian-government-turns-individuals/>.

<sup>26</sup> A. Garcia ‘Algeria continues persecution of the Ahmadi Community’ (23 December 2020) <https://atalayar.com/en/content/algeria-continues-persecution-ahmadi-community>.

<sup>27</sup> Amnesty International ‘Algeria 2020’ (2021) <https://www.amnesty.org/en/location/middle-east-and-north-africa/algeria/report-algeria/>.

<sup>28</sup> OHCHR ‘Ratification Status for Algeria’ UN Treaty Body Database, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=3&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=3&Lang=EN).

<sup>29</sup> International Convention on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 18.

proves unpopular or offensive.<sup>30</sup> Algeria's laws on blasphemy and proselytism violates all three provisions of international law by criminalizing expression that is deemed offensive to or incompatible with the state religion.

21. Criminalizing blasphemy does not constitute an acceptable derogation from the right to freedom of expression, as ICCPR Article 19(3) only allows restrictions on expression where they are necessary "for the respect of the rights and reputations of others" or "for the protection of national security, public order or public health or morals".<sup>31</sup> Clearly, restrictions must serve as a necessary protection of persons, not of religions as such.

22. Article 18 also asserts that "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice."<sup>32</sup> In its General Comment No. 22, the Human Rights Committee has interpreted "coercion" to entail "the use of threat of physical force or penal sanctions" and policies and practices that restrict "access to education, medical care, [and] employment."<sup>33</sup> Given that people very rarely change religions without some form of engagement with other people, the right to change religion or belief necessarily includes the right to discuss religious ideas in a manner that can possibly lead to conversion. To legally punish one person or group for playing a role in another person's or group's conversion is therefore to deny the right to freely change religion. Such legal penalties create an atmosphere of intimidation that represses honest dialogue about religious ideas and further infringes upon the right to choose and change one's religion.

23. This view is shared by Heiner Bielefeldt, the former Special Rapporteur on Freedom of Religion or Belief, who asserted that,

"Freedom of religion or belief has a strong communicative dimension which includes, inter alia, the freedom to communicate within one's own religious or belief group, share one's conviction with others, broaden one's horizons by communicating with people of different convictions, cherish and develop contacts across State boundaries, receive and disseminate information about religious or belief issues and try to persuade others in a non-coercive manner."<sup>34</sup>

24. Furthermore, the ambiguous and subjective language of the provisions criminalizing both blasphemy and proselytism opens the door to arbitrary and unjustified application of the law, contributing to further discrimination against those belonging to religious and other minorities.

25. ICCPR Article 26 commits states to "prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination," including on the basis of religion.<sup>35</sup> Additionally, Article 27 asserts that States must respect the right of persons belonging to minorities, including religious minorities, "in community with

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<sup>30</sup> Id., arts. 18,19, 22.

<sup>31</sup> Id., art. 19.

<sup>32</sup> Id., art. 18.

<sup>33</sup> UN Human Rights Committee 'CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)' (30 July 1993) CCPR/C/21/Rev.1/Add.4, 5.

<sup>34</sup> H. Bielefeldt 'Interim report of the Special Rapporteur on freedom of religion or belief' (13 August 2012) A/67/303, 15.

<sup>35</sup> International Convention on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 26.

others, [...] to profess and practice their own religion”.<sup>36</sup>

26. The Human Rights Committee’s General Comment No. 22 on Article 18 of the ICCPR notes that “The fact that a religion is recognized as a State religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents of other religions or non-believers.”<sup>37</sup>

27. Algeria’s strict registration requirements for non-Muslim associations and their places of worship constitute a clear violation of its international obligations to guarantee the rights of religious minorities, including to non-discrimination. Additionally, the ambiguous nature of the requirements facilitate arbitrary discrimination against certain groups by state officials. This is also reflected in the inordinate delay in responding to registration requests.

### **(b) Recommendations**

28. In light of the foregoing, ADF International suggests the following recommendations be made to Algeria:

- a. Ensure full respect for the right to freedom of religion or belief without discrimination, including for persons belonging to religious minorities,
- b. Repeal Article 144-bis-2 of the Algerian Penal Code criminalizing blasphemy,
- c. Repeal Article 11 of Law 06-03 criminalizing proselytism, to guarantee the free and peaceful exchange of ideas and religious beliefs in accordance with international obligations,
- d. Amend Law 06-03 to remove burdensome registration requirements for religious organizations and guarantee non-discrimination in the processing of requests,
- e. Remove prohibitions on non-Muslim religious or belief communities operating on an unregistered basis, in accordance with international obligations,
- f. Recognize the Ahmadiyya community as an official religious association, and remove all barriers to their activities,
- g. Take steps to guarantee the right of Christians and other religious minorities to build places of worship, including by removing unnecessary barriers for approval of new properties, and ensuring the processing of all requests in a timely and non-discriminatory manner,
- h. Approve without delay existing requests for registration and re-registration of houses of worship,
- i. Take immediate steps to re-open Protestant churches closed under COVID-19 measures or for being unregistered,

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<sup>36</sup> Id., art. 27.

<sup>37</sup> UN Human Rights Committee ‘General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)’ (30 July 1993) CCPR/C/21/Rev.1/Add.4, 9.

