



ALGERIA

Religious Freedom Landscape Report



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1. INTRODUCTION

The Middle East is home to patriarchs and prophets, the birthplace of the Abrahamic faith traditions, and the center of ancient indigenous religions. But the “cradle of civilization” has also held some of the most significant religion-related conflicts in history.

The Religious Freedom Institute’s Middle East Action Team exists to advance the fundamental right to religious freedom for all people in the Middle East and North Africa region, especially in areas where this right is most at risk.

Government restrictions on religious freedom, social hostilities, and terrorism prevent the region’s nearly 465 million people¹ from fully exercising their religious freedom.²

The Middle East Action Team’s Landscape Reports bring together the insight and expertise of scholars, analysts, religious leadership, legal experts, and indigenous community members to assess the state of religious freedom and identify opportunities to advance this right in countries across the region.

The purpose of the Landscape Report is to determine where and in what ways religious freedom is being preserved and promoted; where it is being violated; and what governments, civil society organizations, and communities can do to strengthen this fundamental human right.

This report reviews the legal and social landscape of religious freedom in Algeria. The legal landscape includes a review of the laws, policies, and government regulations affecting citizens’ ability to experience religious freedom *in full* — in religious beliefs, practice, and participation in public life. The social landscape includes a review of cultural and communal understandings of religious freedom and how these views inform public opinion and practice. This report then identifies both challenges and opportunities to advance religious freedom across Algerian society. Finally, the report offers practical and actionable recommendations to cultivate a society in which all Algerians are able to experience religious freedom.

About the Religious Freedom Institute

The mission of the Religious Freedom Institute (RFI) is to secure religious freedom for “everyone, everywhere.” An independent and non-profit organization based in Washington, D.C., RFI is committed to achieving broad acceptance of religious freedom as a fundamental human right, a source of individual and social flourishing, the cornerstone of a successful society, and a driver of national and international security.

Religious freedom is the right of all persons to believe, speak, and act — individually and in community with others, in public and in private — in accord with their understanding of ultimate truth.

RFI’s action teams establish a presence in strategic regions across the globe in order to build coalitions and local and regional networks to make religious freedom a

greater priority—and ultimately a lived reality—for governments, civil society, religious communities, businesses, and the general public. Each of these sectors of society has a crucial stake in the religious freedom landscape in their country. Drawing on research from its associated scholars, RFI makes an evidence-based case to these and other important sectors and stakeholders that the freedom of religious belief and practice is a principle they can and should embrace to benefit themselves and their societies.

Foundational to RFI’s outlook is the recognition that religion is an integral feature of human nature and an essential component of human flourishing. Human beings have always asked religious questions, and persist in asking these questions as much as they ever have: Who am I? Where did I come from? What is the meaning and purpose of existence? What is the nature of ultimate reality? The search for the best answers to these questions – and the attempt to align one’s reason, will, and whole being with ultimate or transcendent reality as best as one can discern it – is what we generally call “religion.” Religious freedom, then, is the most fundamental and distinctively human of all freedoms because it reflects the most basic and characteristically human of all strivings—the striving not only to know the truth, but to *place one’s whole self in alignment with the whole truth about the whole of Reality.*

Religious freedom *in full* requires that people enjoy the liberty to embrace and express whatever beliefs about religion—including unorthodox beliefs or beliefs that differ from traditional religious claims—that reflect their own conscience, without coercive interference by government or non-government actors. It also requires that



people are free from arbitrary discrimination or unequal treatment because of their religious beliefs. Violation of religious equality—as through the infliction of systematic discrimination on particular individuals or groups merely because of their religious beliefs or identities, or the creation of a climate of hostility or intolerance of certain people because of their religious beliefs—is unjust and illegitimate even when it does not directly limit one’s free exercise of religion.

The mission of RFI springs from the conviction that religious freedom *in full* is a natural, universal, and inviolable human right that is grounded in the inherent dignity of every human being. At the same time, because religious belief and practice are such central components of human life and flourishing, religious freedom is also a powerful driver of a wide array of social goods, including equality and security. To this end, RFI makes an evidence-based case that the freedom of religious belief and practice benefits not just individuals, but society as a whole.

RFI recognizes that religious freedom tends to be strong and enduring only when it is embedded in a society’s legal and political structure as well as its culture. Religious freedom actors must pursue not only top-down institutional reform, but also bottom-up persuasion, education, and mobilization. If religious freedom is promoted only by governments and not practiced at the level of local communities, it remains an empty ideal. On paper, most of the world’s national constitutions recognize religious freedom as a fundamental right in one form or another. The reality remains, however, that the vast majority of the world’s population—including those in liberal democracies—live

in countries with restrictions on religious freedom.³

Religious freedom will be a reality for “everyone, everywhere” only when it gains grassroots support and is articulated and practiced at the level of local and national communities and traditions. Advancing religious freedom while respecting local and national contexts requires adopting approaches to articulating and justifying religious freedom that are both credible and compelling within local perspectives.

To this end, RFI’s Middle East Action Team seeks to identify and cultivate seeds of religious freedom that are already present in the region’s own spiritual and cultural soil. The soil of the Middle East and North Africa tends to be fertile and receptive insofar as the region reflects histories and traditions of vibrant religious pluralism.





RFI's Middle East Action Team

RFI pursues its mission and vision through teams of scholars and other experts working to advance religious freedom in a particular region or issue area. RFI's Middle East Action Team (ME-AT) engages countries across the Middle East and North Africa region.

The ME-AT strives to partner with other religious freedom actors, civil society organizations, religious leadership, and governments across the region and work collaboratively — on the basis of equality and mutual respect — towards the goal of religious freedom for “everyone, everywhere.”

The objective of the Middle East Action Team is to promote religious freedom in the Middle East through:

- 1. *Building and working in coalitions*** to address ideological and systemic (including political, cultural, or religious) issues that impact religious freedom.
- 2. *Producing and disseminating research*** that provides clarity about the condition of religious freedom, monitors key trends, and mobilizes actions across various domains.
- 3. *Influencing policymakers and influencers inside and outside the region*** to understand challenges and opportunities in order to develop and implement policy that enhances religious freedom and leads to more stable, secure, and flourishing societies.

Landscape Reports

The purpose of RFI's Middle East *Landscape Reports* is to assess the history, current state, and future trajectory of religious freedom in the region. Each report assesses the:

- Religious freedom environment in terms of political, socio-cultural, religious, economic, and historical conditions.
- Leading threats and obstacles to advancing religious freedom given these conditions.
- Significant opportunities or enabling conditions for advancing religious freedom.

Based on findings in the landscape reports, the ME-AT develops a national Action Plan that offers a comprehensive strategy for advancing religious freedom in each country, with RFI as a partner working in close and equal partnership with other actors. The Action Plan includes:

- A strategic assessment of the status of religious freedom based on the findings of the landscape reports.
- A strategy to leverage political, socio-cultural, religious, economic, and historical factors that are conducive to the promotion of religious freedom both nationally and regionally.
- A strategy to mobilize networks of existing religious freedom actors.
- A strategy to overcome or neutralize obstacles to the advancement of religious freedom.
- A strategy to identify and encourage new actors, including religious and political leaders, to advance religious freedom.
- A strategy to expand the quality and scope of freedoms exercised by diverse communities in each country.
- Recommendations for funders to most strategically invest in the promotion of religious freedom.



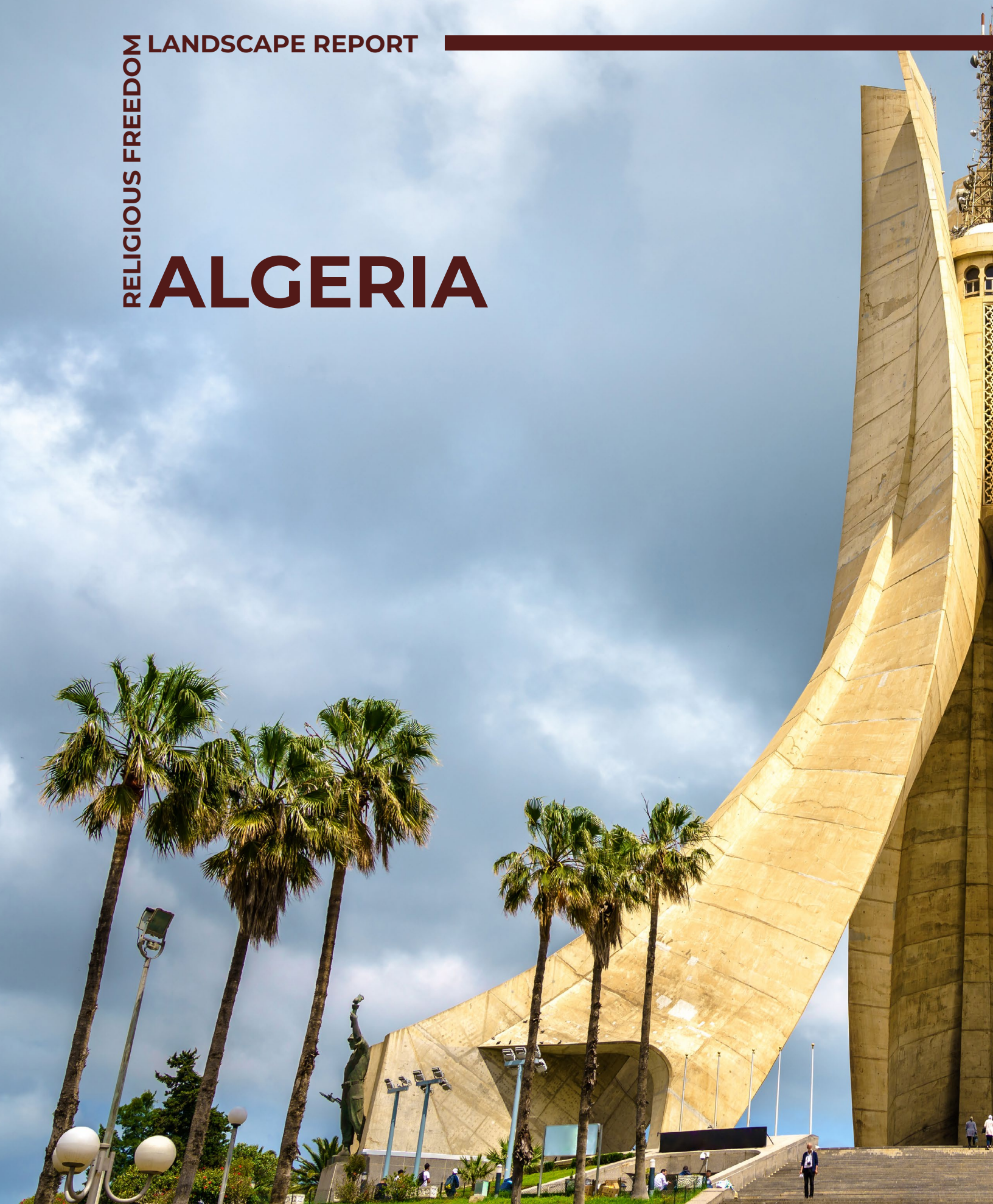
Acknowledgements

This *Algerian Landscape Report* is the product of a collective effort across continents, languages, and religious affiliations. Due to security considerations, many of those who contributed to primary research, interviews, and review of the report remain anonymous. We are grateful for their work and the privilege to partner with them to advance religious freedom for everyone, everywhere.

The *Algerian Landscape Report* was produced in partnership with The Initiative for Religious Freedom (TIRF), a coalition of likeminded advocacy organizations and individuals proactively pursuing religious freedom for all in the Greater Middle East region. TIRF is committed to strategic, proficient, outcome-focused activities to achieve real change.

RELIGIOUS FREEDOM LANDSCAPE REPORT

ALGERIA





2. RELIGIOUS FREEDOM LANDSCAPE: OVERVIEW

Historically, Algeria has served as a significant social, political, religious, and cultural crossroads along the Mediterranean. Today, the nation reflects both the impact of and struggle against centuries of diverse influence in the region. The Algerian identity reflects the 99% Sunni majority population. Notably absent from this identity is the small minority — just 1% of the population — of non-Sunni Muslims, including Ahmadis, Christians, Ibadi Muslims, Jews, and Shia Muslims. French colonial occupation and the rise of Islamist movements have fueled the state's efforts to protect Algeria from any ideology or movement they view as foreign or external threats. Consequently, fundamental freedoms — including religious freedom and associated rights like freedom of expression or association — have become increasingly repressed.

Algeria's legal landscape for religious freedom reflects the nation's fierce defense of its Arab and Islamic identity from any foreign influences. The state has used the legislative office to not only enshrine values and practices fundamental to this perceived identity, but also to criminalize or ban practices they view as a threat to national "constants" and interests. The state strictly regulates the worship and religious practice of the Muslim-majority population. Law 06-03 of 2006 regulates non-Muslim worship and effectively criminalizes some religious practices, including proselytism or the public expression of non-Muslim beliefs that are perceived to attempt to convert or otherwise challenge the beliefs of Muslims. The 2012 Law on Associations further restricts and represses the ability of associations, including religious groups in particular, to organize. The Family Code

disproportionately discriminates against the non-Muslim population.

Algeria's social landscape for religious freedom reflects a growing discontent among Algerians with the repressive leadership of "le pouvoir," or the political and military elite, who have ruled the country since its independence. Since 2019, Algeria's Hirak movement has called for political reforms and greater respect for human rights. According to some religious leaders and human rights advocates, the movement represents an opportunity to advance religious freedom, as the reforms and liberalization demanded by the movement could lead to broader freedoms across society. Social hostilities against Algerians on the basis of their religious identity nevertheless persist in Algeria, though experiences differ across religious groups and regions.

RFI believes religious freedom as a fundamental right can be realized in any

country, culture, or context. This freedom is based on the inherent equal dignity of every person, everywhere. As such, the actions outlined in this report are intended to advance religious freedom — in full — for all Algerians. The landscape report roadmap defines a clear path and practical actions to advance religious freedom. Based on report findings, RFI encourages the government of Algeria to:

- Acknowledge and include religious minorities within the broader national identity and memory of Algeria.
- Permit religious groups to register, organize, and host religious practices according to their respective faiths.
- Reform laws and policies, including Law 06-03, that restrict or criminalize religious expression and practice.



3. HISTORICAL AND POLITICAL CONTEXT

3.1 Historical Landscape

Historically, Algeria has served as a significant social, political, religious, and cultural crossroads along the Mediterranean. Contemporary Algeria reflects both the impact of and struggle against centuries of diverse influence in the region.

Indigenous Amazigh — also known as Berber — tribes have stretched across the entirety of North Africa for millennia. Judaism in Algeria predates the Roman Empire. Early Christianity spread across North Africa throughout the second century. St. Augustine, one of the most significant thinkers in Christian history, served as Bishop of Hippo, present day Annaba, Algeria from 396 to 430.⁴ Indigenous Amazigh religions, Christianity, and Judaism flourished in the region.

Arab immigrants to North Africa introduced Islam in the 7th century and the religious landscape shifted to a Muslim majority in the 8th century.⁵ Algerians lived under several Islamic kingdoms — including the Rustamid Dynasty and Fatimid Caliphate — until the region came under Ottoman rule in the 16th century. The Ottoman Sultan held official, though decentralized, political power through a representative administration. Justice was delegated to judges, *qadi*, and *mufti*. The Ottoman Empire applied a millet system, which granted each recognized religious minority the right to practice their respective religions.

The French colonized Algeria in 1830. French authorities sought to maintain the spirit of the millet system. The Bourmont Convention notably guaranteed freedom of religion, stating, “The exercise of the

Mohammaden religion will remain free. The freedom of inhabitants of all classes, their religion [...] will not be affected.”⁶ In practice, however, authorities considered Islam an obstacle to assimilation and sought to control the Muslim population through discriminatory laws and policies across the colony.

The increased marginalization of Arabs and other indigenous communities across the North African colonies fueled unrest and ultimately instigated the independence movement across the region. The Algerian struggle for independence was, first and foremost, a nationalist liberation movement that included hundreds of armed uprisings against colonial rule before the War of Independence—led by the National Liberation Front—began in 1954.⁷ The Algerians fought against the French for eight years and declared independence on July 5, 1962.

3.2 Political Landscape

The Algerian political landscape is characterized by the struggle against colonial rule and the fierce defense of the state against anything perceived to be a threat to or deterrent from the national identity.

With its newfound freedom, Algeria crafted its own notably Arab and Islamic identity. Islam was established as the official state religion. The government’s “Arabization” of the state, an effort that characterized other contemporary independence movements in North Africa, sought to foster a national unity void of any colonial influence. But this national unity has remained under siege for most of Algeria’s 60-year history.

Algeria has exemplified a “controlled democracy,” with the military and a select group of non-military elites — collectively referred to by citizens as “le pouvoir” or “the power” — maintaining strict authority over the state.⁸

Immediately following independence, Ahmed Ben Bella was elected president. The country was ruled by a single party, the National Liberation Front (FLN).⁹ Just three years later, Colonel Houari Boumediene rose to power through a coup d’état.¹⁰ The constitution was suspended and Islam served as the foundation for Boumediene’s socialist policy.¹¹ A new constitution was not promulgated until November 1976.

In 1988, during Colonel Chadi Bendjedid’s tenure as president, riots erupted calling for an end to the one-party system of governance and a liberalization of civil society.

Algeria passed a new constitution in 1989 that created a multi-party system, ended its commitment to socialism, consolidated presidential powers, and reduced the role of the military.¹² Expansion of formally recognized political space allowed diverse political representation. It is in this space that hardline Islamist groups seized an opportunity to formally engage in the political trajectory of the country.

The Islamic Salvation Front (FIS), an Islamist movement, rose to power in 1989 as the leading opposition to the National Liberation Front. The FIS won a majority of parliamentary seats in the first round of elections in 1991. Fearing an FIS victory, elections were canceled, President Chadli Benjedid resigned, and the government



declared a state of emergency to give authorities more power to mitigate the political takeover of FIS and other Islamist movements.^{13 14} This state of emergency remained in effect for nearly 20 years.¹⁵

The Algerian Civil War, also known as the “Black Decade,” followed. Islamist groups — including the FIS and the Armed Islamic Group (GIA) — battled state security forces across the country. Both sides perpetrated brutal violence against civilians. It is estimated that between 100,000 and 200,000 people were killed during the war. Thousands more were injured, displaced, or disappeared.¹⁶ The conflict instigated mass migration from the country, which contributed to an increasingly homogenous religious landscape.

Through the 1996 constitutional referendum, held during the war, the government further defined Algeria on the basis of its

Arab and Islamic identity and banned the establishment of any political party on the basis of religion. Abdelaziz Bouteflika, a political leader since Algeria’s early years of independence, was elected president in 1999. His opponents believed the elections were rigged and withdrew from the race altogether.¹⁷ As such, he ran largely unopposed.

While fighting dissipated in the early 2000’s, President Bouteflika’s Charter for Peace and National Reconciliation, introduced in 2005 and implemented in 2006, is viewed by some people as the formal end to the war.¹⁸ The Charter provided reparations for victims as well as amnesty for some members of armed groups who participated in the war. In this sense, the Charter was criticized by the opposition groups and NGOs.

Throughout his tenure, President Bouteflika took sweeping measures to secure his



leadership, even going so far as to amend the constitution to eliminate presidential term limits. Bouteflika's regime made conciliatory provisions to meet Algerians' increasing demands for improved socioeconomic conditions and greater representation in government. In response to the Arab Spring movement in 2011, he increased public subsidies and ended the nearly 20-year state of emergency. At the same time, his presidency was marked by corruption, economic challenges, and increasing discontent among Algerians. Protests and riots broke out sporadically throughout Bouteflika's tenure and were always met with a strong military response.

The *Hirak* protests were borne out of Algerians' insistence on policy reforms and government liberalization. On February 22, 2019, hundreds of thousands took to the streets in a national-scale protest against President Bouteflika's announcement he

would run for a fifth presidential term.¹⁹ The public outcry ultimately forced Bouteflika's resignation. Protests continued, calling for the departure of other political elite and a more democratic system of governance. *Hirak* activists and leaders were imprisoned and held on explicitly political charges, including "'harming' the national security."²⁰

Abdelmadjid Tebboune was elected president in December 2019 and credited the *Hirak* movement with "saving Algeria."²¹ He released several jailed activists and promised his government would "consolidate democracy, rule of law and respect for human rights."²² But Tebboune's promises were viewed by many to be conciliatory or empty, and protests continued.

In November 2020, Algeria held a constitutional referendum. The *Hirak* movement largely boycotted the vote and dismissed the referendum as a "facade" of change.²³ The constitution was approved by a reported 66.8% of the vote. Voter turnout, however, was reported at a record low of less than 24%.²⁴

The rejection of the process is an unsurprising response for a country that viewed the referendum as another attempt by the established leadership and its cadre to maintain a tight hold on power. Critics argued the constitution drafting and consultation process was highly controlled by the state. In this way, the process illustrated the very state-control Algerians were fighting against. The amended constitution did not reflect the reforms or "respect for human rights" Tebboune promised. Freedom of worship is guaranteed, if exercised in compliance with the law.²⁵ But freedom of conscience — a right enshrined in every constitution since the state's independence — was omitted

from the 2020 constitution.²⁶ Moreover, the President and army retained significant power.

In June 2021, the regime demonstrated this sweeping authority in a move reminiscent of its predecessors. A decree amended the penal code to expand the country's definition of terrorism to include: "to work for or to incite by any means, to accede to power or change the system of governance by non-constitutional means" and "to harm the integrity of national territory or to incite doing so, by any means."^{27 28}

The *Hirak* movement continued into 2022 under ongoing repression from the state.²⁹ Since its inception, the movement has fragmented into several groups with competing visions for Algeria. Despite opposition and disagreement with — and within — the movement, *Hirak* represents the Algerian peoples' reckoning with their own history, identity, and future.

3.3 Religious Demography of Algeria

Algeria does not include religious affiliation on identity documents or civil status registers, so the religious demography of the country is difficult to assess. Based on available data, an estimated 99% of Algerians are Sunni Muslim of the Maliki rite. Religious minorities — including Ahmadis, Christians, Ibadis, Jews, and Shia Muslims — together constitute just 1% of the population.³⁰

Ibadis, recognized as an official rite in Algeria in 2017, estimate 250,000 to 300,000 members in the country.^{31 32}

Estimates of the Jewish community suggest anywhere from 50 to 300 members in the country.

Jewish Algerians emigrated en masse first following the nation's independence and again during the Civil War. The Algerian government made a commitment to re-open synagogues seized between 1967 and 1968. But today, synagogues and Jewish institutions within the country remain closed.³³

Ahmadis, which trace their history in Algeria back to the 1920's, estimate 1,500 to 2,500 members in the country.³⁴ According to the Ahmadiyya community, Algerian Ahmadis are the largest ethnically Arab Ahmadi community in the world.³⁵

An estimated 25,000 to 30,000 Shiites reside in Algeria.³⁶

The Christian community includes the Anglican, Coptic, Lutheran, Methodist, Reformed Church, Roman Catholic, Seventh-Day Adventist, and other Protestant denominations. A 2016 estimate reports around 8,000 Catholics in Algeria.^{37 38} There are an estimated 1,000 Coptic Christians in the country.³⁹ Estimates of the Protestant Christian population however, are difficult to assess. Protestant religious leadership have reported a significant number of church members have been driven "underground" by increasing political suppression. Scholars, advocacy organizations, and church leadership estimate anywhere between 134,000 and 360,000 members.^{40 41}

4. RELIGIOUS FREEDOM LANDSCAPE

The nation's struggle to create a unified identity was fueled, in large part, by divergent views on the trajectory of the state. Arab nationalism, socialism, and political Islam all influenced the vision, and revision, of Algerian identity.

The contemporary Algerian identity reflects the “moderate” Sunni majority population under a Sunni Muslim state. Notably absent from this identity is the small minority — just 1% of the population — of non-Sunni Muslims. According to one activist, this has “generated a society that does not believe that, within it, there are religious minorities. And the religious minority, if it does exist, is because of a foreign [influence].”

But Algerian history reflects a rich diversity of indigenous religious beliefs, cultures and traditions. Some of these groups, including

the Christian and Jewish communities in particular, even pre-date Islam in the region.

Since independence, Algerian history is characterized by efforts to safeguard the state from a re-colonization of foreign influence as well as from “radical” Islamist movements that have swept across the region. The state has used the legislative office to not only enshrine values and practices fundamental to this perceived identity, but also to criminalize or ban practices they view as a threat to national security and interests.

A human rights lawyer in Algeria explained, “The political system has ensured that the Algerian has no contact with the foreigner. And the foreigner does not mean European or American, but ... it is any person who is foreign to Algeria.”



It is in this context that religious freedom as a fundamental human right has wavered in Algeria. As the government strives to protect the state from ideologies and movements they view as foreign or external threats, fundamental freedoms — including religious freedom and associated rights like freedom of expression or association — become increasingly repressed.

Members of religious communities — as well as secular Muslims, atheists, or even Sunni Muslims with diverse perspectives — risk criminal convictions, imprisonment, and hefty fines for holding and expressing their deeply held religious beliefs. The government has passed laws and issued decrees restricting or criminalizing common religious practices, including speaking publicly about one's religious beliefs and collecting donations for the administration and support of a religious community. Moreover, legislation like

Law 06-03 on “Governing the Practice of Religions other than Islam” and the 2012 Law on Associations are abused to regulate and repress associations and communal religious practices for minority religious communities.

Ahmadi, Protestant Christian, and Shia Algerians are disproportionately affected. The Ahmadiyya community is historically discriminated against in Muslim countries. Because they believe another prophet followed Mohammad, they are considered non-Muslims, or even heretics, by the broader Muslim community. Protestant Christianity is considered a “foreign religion” brought to Algeria by the West. The Protestant Church Association (EPA) of Algeria asserts their community is composed of indigenous Algerians, but the government considers their foreign influence a threat to the country. Shia Muslims, a small minority of the Algerian population, are regularly accused of colluding with Iran and other Shia-majority countries against the Sunni-majority state. The Algerian government banned activities related to the Baha’i religious minority in 1969.⁴²

But religious freedom restrictions in Algeria can affect all citizens. According to an Ibadi Algerian human rights lawyer, “One is not free to practice [their religion] if they are not a Maliki Muslim. Only Maliki Muslims are free to practice their religion. And again, they must not disturb the established [government] order in any way.”

The 99% majority Sunni Muslim community is subject to the strict regulation of the government. Sunni imams or clerics not approved by the government are subject to criminal conviction. The minority Shia and Ahmadi rites, for example, consider themselves members of the broader Muslim *ummah* — but the Algerian government

has accused them of colluding with foreign groups and condemned them as security risks. In April 2017, President Bouteflika's *chef de cabinet* admonished Algerians to “protect the country from the Shia and Ahmadiyya sects.”⁴³

Government restrictions and intimidation extend beyond members of religious minority groups themselves to those advocating for their equal treatment. Legal experts and lawyers advocating for greater respect for human rights within the country are increasingly harassed and intimidated. One Algerian human rights lawyer said, “Why did I leave Algeria? Because I could no longer, as a human rights defender, do my work.”

While government restrictions continue to isolate religious communities across the country, Algerian citizens are progressively coming together in support of greater freedoms. Society has become increasingly engaged in demands for government reforms and liberalization through the *Hirak* movement. While religious freedom is not among the explicit priorities of the movement, the Algerian identity — and state control of this identity — is subject to deliberation among Algerians. According to some religious leaders and human rights advocates, the movement represents an opportunity to advance religious freedom, as the reforms and liberalization demanded by the movement could lead to broader freedoms across society.

Religion-related social hostilities nevertheless persist in Algeria, though experiences differ across religious groups and regions.

The following sections analyze in greater detail both the legal and social landscape of religious freedom in Algeria.



The legal landscape includes a review of the laws, policies and government regulations affecting citizens' ability to experience religious freedom *in full* — both in religious beliefs and practice. Following this review, the report identifies challenges to this right in law and policy.

The social landscape includes a review of cultural and communal understandings of religious freedom and how these views inform public opinion and practice. Following this review, the report identifies challenges to this right more broadly across Algerian society.

Finally, the report offers practical and actionable recommendations to cultivate a society in which all Algerians are able to experience religious freedom in full and flourish.

5. LEGAL LANDSCAPE FOR RELIGIOUS FREEDOM

5.1 Legal Framework and Provisions for Religious Freedom

Algeria's legal framework for religious freedom includes constitutional provisions, legislative and regulatory standards, and international commitments ratified by the state. While several fundamental freedoms are enshrined in the constitution, and basic rights are more broadly protected through international commitments to which Algeria is a party, laws and policies designed to safeguard the interests of the state directly infringe on the rights and freedoms of citizens. Muslims with diverse or "dissenting" views and members of Algeria's religious minority communities are disproportionately affected.

5.2 Constitutional Provisions for Religious Freedom

The Algerian constitution includes specific provisions relating to the role of religion

in the state as well as provisions affecting religious freedom for citizens.

Religion and the State

Islam was enshrined as the "religion of the State" following independence in the ratification of Algeria's first constitution in 1963, and this provision cannot be amended (article 223 of 2020 constitution). The President of the state must be Muslim, though the rite to which they must belong is not specified (article 87). Presidential candidates are required to provide a written document expressing their commitment to preserving and promoting the Islamic, Arab, and Amazigh identity of the state.⁴⁴ Moreover, the Electoral Code of 2017 requires a sworn statement from any presidential candidate attesting he or she is Muslim. Elected presidents take their oath of office in Arabic and are required to swear "in the name of Almighty God, to respect and glorify the Islamic religion [...] God is the witness" (article 90).

Algerian institutions must refrain from, among other things, practices contrary to Islamic morality (article 11). The founding of any political party on the basis of religion is prohibited (article 57). Religious authorities do not exercise political power and do not associate themselves with its exercise.

Freedom of Religion, Conscience and Opinion

The extent to which freedom of conscience and opinion are constitutionally protected has fluctuated in recent years. Freedom of conscience was guaranteed in every Algerian constitution until it was removed in the constitutional revision of 2020. The 2016 and 2020 constitutions guaranteed “the freedom of worship” in accordance with the law (article 42 and article 51). According to the 2020 constitution, freedom of opinion is “inviolable,” freedom of worship is guaranteed as long as it is “exercised with respect for [Algerian] law,” and places of worship are protected from “any political or ideological influence” (article 51).

Equality and Non-Discrimination

All citizens are guaranteed equal rights and duties (article 35) and equal protection before the law (article 37). Equality and non-discrimination on the basis of birth, sex, race, opinion, or any other personal or social condition or circumstance are guaranteed for all citizens (article 37).

Freedom of Expression and Association

Freedom of expression as well as freedom of peaceful assembly and demonstration are guaranteed in accordance with Algerian law (article 52). The right to create associations is guaranteed upon obtaining a permit (article 53). The constitution further stipulates that Algerian law will determine

the modalities for establishing associations and an association can only be dissolved through a court decision.

Other Provisions

The principles of democratic organization and legislative practices, the hierarchy of jurisdictions, popular representation, and fundamental rights and freedoms are also constitutionally enshrined. However, the constitutional revision of 2020 expanded the state’s capacity to limit these rights and freedoms to “maintain public order, security and the protection of national constants.”⁴⁵ Legally, the notion of national constants is not defined. Political discourse, however, generally includes the Islamic identity of the state among them.

5.3 Legal and Regulatory Standards

Religious freedom is regulated and enforced through a cadre of government institutions, legislation, policies, and decrees that apply to all Algerians.

Ministry of Religious Affairs

Algeria’s **Ministry of Religious Affairs** oversees religious practices and interests for Muslims and non-Muslims. Within the context of Islam, its central administration includes the supervision of the state’s *waqfs*, *zakat*, and *Umrah*. The Ministry is responsible for the collection and distribution of *zakat* (or legal alms) revenue, as well as determining modes of expenditure. The National Office of Pilgrimage and *Umrah* (ONPO) was established in 2007 to manage pilgrimage practices. The **National Committee for Non-Muslim Worship** is a government entity under the Ministry of Religious Affairs responsible for the management and

oversight of non-Muslim religious practices. The committee includes representatives of the executive office, national police, national gendarmerie, and the National Human Rights Council (CNDH), as well as representatives from the Ministry of National Defense, Ministry of the Interior, and Ministry of Foreign Affairs.⁴⁶ However, a Christian organization and publication reported there is no evidence the Committee has ever met.⁴⁷

High Islamic Council

The High Islamic Council, established in the constitution (article 195), is mandated to encourage and exercise *ijtihad*, or independent reasoning as a source of Islamic law for questions not directly addressed in the Quran, and issue opinions on religious questions presented for review.⁴⁸ The Council is mandated to “correct erroneous perceptions” of Islam and take charge of the religion’s “fair and faithful understanding.”⁴⁹ Council members are appointed by the President and they are required to regularly report on their activities. Moreover, the President may request the Council issue *fatwas*.⁵⁰

National Human Rights Council

The National Human Rights Council (CNDH) monitors and evaluates human rights, including freedom of religion. The CNDH holds a mandate to conduct investigations of alleged human rights violations, issue opinions and recommendations, conduct awareness campaigns, and work with government offices and authorities to address human rights concerns. The CNDH is not an enforcement authority, but rather refers matters and recommendations to relevant authorities on behalf of individuals or groups.⁵¹

5.4 Regulation of Muslim Groups

The Ministry of Religious Affairs regulates Muslim worship. State control of religious affairs increased in response to the rise of the Islamic Salvation Front (FIS) and seizure of mosques by Islamic militants in 1991. Two decrees were issued to provide requirements for establishing a mosque as well as requirements for mosque construction, organization and function.⁵² Importantly, the latter decree mandates mosques to operate in accordance with state requirements and independent of any individual, group or association.⁵³

It is important to note that Muslim worship, per the government, largely reflects Sunni Islam of the Maliki rite. The Ministry of Religious Affairs considers the Ibadi Muslim community to be a part of the broader Muslim majority community, rather than a religious minority community.⁵⁴ Therefore, the Ibadi community is regulated by the same standards and expectations as the broader Sunni Muslim community.

Mosque leadership — including imams, mosque officials, and *mourchidates* (women responsible for teaching Islamic sciences) — are recognized as public servants, or government employees, by the state. As such, the government provides financial support to mosques and pays the salaries of imams and other leadership.⁵⁵ All teaching in the mosque is regulated by the state. Only government-authorized imams trained by the state are permitted to lead prayers and teaching in the mosque. Article 87 bis 10 of the “Crimes Qualified as Terrorist and Subversive Acts” of the Penal Code provides that:

“anyone who preaches or attempts to preach in a mosque or a public place devoted to prayer, without being appointed, approved, or authorized



for this purpose by the authorized public authority, is punishable by imprisonment from one to three years and a fine of 10,000 DA to 100,000 DA. Anyone who, by preaching or by any other action, undertakes any activity contrary to the noble mission of the mosque [...] is punishable by imprisonment of three to five years and a fine of 50,000 to 200,000 DA.”

In 2008, citing Article 87 bis 10, the state dismissed 53 imams and closed 42 unauthorized places of worship.⁵⁶ Muslims can collectively worship in private places and pray without formal authorization or approval from the state as long as no preaching or teaching takes place. Any public place devoted to prayer is protected by Article 87 bis 10, including non-Muslim places of worship.

The government also hosts dedicated state-run religious media outlets, including

television and radio channels, to air approved moderate messages as well as programs to counter extremism.⁵⁷

5.5 Regulation of non-Muslim Religious Groups

The Algerian state has recognized the Muslim, Christian and Jewish religious traditions. In 1963, the government establishment of official non-Muslim religious holidays included: Easter Monday, the Feast of the Ascension, Pentecost, the Feast of the Assumption, Christmas, Rosh Hashanah, Yom Kippur, and Passover. A 1969 decree asserted non-Muslim religious leaders from the Catholic, Orthodox Christian, Protestant, and Jewish faiths would be paid by the state if they were Algerian nationals and formally appointed by their respective religious institutions. However, there is no record of remuneration for such religious leaders.

National Committee for Non-Muslim Worship

The National Committee for Non-Muslim Worship, under the jurisdiction of the Ministry of Religious Affairs, “is responsible by law for facilitating the registration process for all non-Muslim groups.”⁵⁸ The Committee includes representatives of the Ministry of National Defense, Ministry of the Interior, Ministry of Foreign Affairs, the executive office, national police, national gendarmerie, and the National Human Rights Council (CNDH). Representatives of religious communities are not included in the Committee. Rather, the Committee reserves the right to consult any person it deems able to represent a religious community and inform decision-making processes.

Legislation Regulating Non-Muslim Religious Groups

Law 06-03 of 2006, titled “Governing the Practice of Religions other than Islam,” and the 2012 Law on Associations are among the most significant pieces of legislation affecting the religious freedom of non-Sunni Muslim religious minorities.

Law 06-03 and Restrictions on Non-Muslim Religious Groups

Law 06-03 of 2006 was introduced and passed after Algerian media drew attention to an increase in the number of conversions from Islam to evangelical Christianity. The law requires non-Muslim places of worship to register as places of worship and criminalizes certain religious practices, including proselytizing and sharing any information or materials the government perceives may be aimed at “shaking the faith of a Muslim.” Law 06-03 also requires non-Muslim religious groups to worship in licensed buildings that are identifiable from the outside and remain open to the public. The enactment and application of Law 06-03 restricted the rights of non-Muslim religious groups, including the Protestant Christian community, and introduced severe and problematic penalties for any public expression of religious beliefs perceived to be a threat.

An Algerian Protestant pastor said, “Before 2006, we were able to worship freely. We organized ourselves into local associations. We are affiliated with the National [Protestant] Association which is the official church, the Protestant Church of Algeria. But after the enactment of Ordinance 06-03 of 2006, that's when we started having problems.”

Source (Opposite Page): “Ordinance n° 06-03 of 29 Moharram 1427 corresponding to February 28, 2006 setting the conditions and rules for the exercise of religions other than Islam.” OFFICIAL JOURNAL OF THE ALGERIAN REPUBLIC N° 12. Pg 23-24. Aouel Safar 1427 1er mars 2006.

"Ordinance n° 06-03 of 29 Moharram 1427 corresponding to February 28, 2006 setting the conditions and rules for the exercise of religions other than Islam"

The law establishes the following regulations on the exercise of non-Muslim worship:

- Places of worship must be approved by the National Committee for Non-Muslim Worship and used only for the purposes of worship (article 5).
- Places of worship must be open to the public and identifiable by the outside (article 7).
- Religious associations must be registered and approved in accordance with the law (article 6).

The law establishes the following penalties:

- Any provocation to resist laws or decisions of the public authority, or incitement to rebellion made in places of worship is punishable by one to three years imprisonment and a fine of 250,000 to 500,000 DA (article 10). Penalties are increased for religious leaders.
- Any incitement, coercion, or other “means of seduction” intended to convert a Muslim to another religion is punishable by two to five years imprisonment and a fine of 500,000 to 1,000,000 DA (article 11).
- The production, storage, or distribution of any material intended to “shake the faith of a Muslim” is punishable by two to five years imprisonment and a fine of 500,000 to 1,000,000 DA (article 11).
- Hosting worship activities in buildings not designated or approved by the government is punishable by one to three years imprisonment and a fine of 100,000 to 300,000 DA (article 13).
- Preaching in a worship building without approval or authorization from the leader of a denomination and by relevant Algerian authorities is punishable by one to three years imprisonment and a fine of 100,000 to 300,000 DA (article 13).
- A foreign national convicted of any offense outlined in Law 06-03 may be banned from entering Algeria for at least 10 years (article 14).

2012 Law on Associations and Registration Requirements for Religious Affiliations

The 2012 Law on Associations regulates the creation and function of associations, religious and non-religious alike, in Algeria. The law requires associations to obtain approval from the government before operating. Following the passage of the law, all associations were required to re-register.

The Ministry of the Interior issues association permissions in accordance with registration requirements. Groups can register for national-level or wilaya-level association status. National associations must include at least 25 founding members from at least 12 wilayas (or provinces).⁵⁹

Founding members requesting to register an association must provide the following information:

- Completed application for association registration;
- Documents confirming their identities and other personal information;
- Police and judicial records to prove their good standing in society;
- The association's constitution signed by the president; and
- Documents indicating the location of the association's headquarters.⁶⁰

The law mandates association registration decisions to be issued — either with an approval or refusal of the request — within 60 days of an application.⁶¹ The government can deny approval to any association with objectives or activities deemed inconsistent with the state's “fundamental principles” (constantes nationales) and values, public

order, public morals and the applicable laws and regulations.”⁶²

Registered associations are permitted, “within the framework of the legislation in force,” to “organize study days, seminars, conferences and all meetings related to its activity; [and] publish and distribute newsletters, reviews, information, documents, and brochures, in relation to its purpose and in compliance with the constitution, national values, and constants...” (article 24).⁶³

The law also regulates the engagement of Algerian associations with international groups by requiring government approval of any association's “cooperation agreement” with a non-Algerian association.⁶⁴ The law further dictates that penalties for leaders of unregistered associations include an imprisonment of three to six months and a fine of 100,000 DA to 300,000 DA (article 22).⁶⁵

Regulation of Religious Texts

Religious texts imported for public use must be approved by the Ministry of Commerce, Ministry of Foreign Affairs, Ministry of the Interior, and Ministry of Religious Affairs. The Ministry of Religious Affairs oversees a commission responsible for the review and approval of imported Qurans and other Islamic texts. A 2017 decree addressing religious texts other than the Quran states: “The content of religious books for import, regardless of format, must not undermine the religious unity of society, the national religious reference, public order, good morals, fundamental rights and liberties, or the law.”⁶⁶ Religious texts imported or distributed without authorization may be seized or destroyed.

Moreover, the state maintains broad authority to ban books or materials that contradict or challenge the constitution, “the Muslim religion and other religions, national sovereignty and unity, the national identity and cultural values of society, national security and defense concerns, public order concerns, and the dignity of the human being and individual and collective rights.”⁶⁷

Regulation of Religious Education

Religious education is required for students in primary and secondary public schools. The Ministry of National Education and Ministry of Religious Affairs regulate and fund religious studies in public schools. Islam is the primary focus of religious studies, but the subject also includes information on Christianity and Judaism. The Ministry of National Education requires private schools to implement curricula consistent with national standards for religious education.⁶⁸

Initiative to Strengthen the Algerian Religious Identity

In September 2021, Algeria’s Council of the Nation, the upper chamber of parliament, issued a motion of support for the Government’s Action Plan to promote and protect national identity and memory.⁶⁹ The state sought to establish a national Islam that is “fair, apolitical, open to modernity, and peaceful.”⁷⁰ Through the plan, the government will implement specific measures to consolidate and strengthen Algeria’s national identity, and will work to:

- Complete the implementation of the national strategy on religious activities related to the protection of religious identity;

- Develop a moderate discourse and promote authentic religious culture;
- Accompany and support approved associations carrying out activities related to religious affairs;
- Ensure respect for the freedom of worship for non-Muslims, within the framework of compliance with the laws and regulations in force;
- Establish a homogeneous national worship system, making it possible to strengthen and preserve the features of national identity;
- Encourage religious tourism to connect the people of Africa with the rest of the world;
- Adapt training and development programs and methods, and encourage religiously-oriented activities for the benefit of women;
- Strengthen the national network of mosques and standardize their architecture, and integrate established entities into the Great Mosque of Algiers (Jama’a al Jaza’ir); and
- Promote the network of Quranic education and the publication of religious books.

To date, the plan does not include reference to Algeria’s non-Muslim citizens within the national identity and memory beyond allowance for non-Muslims to worship in accordance with Algerian laws regulating the worship of non-Muslims.

6. INTERNATIONAL COMMITMENTS TO RELIGIOUS FREEDOM

Algeria became a member of the United Nations immediately following its independence and has since ratified several treaties and international agreements.⁷¹ Moreover, the preamble of the 2020 constitution affirms: “The Algerian people express their attachment to human rights as defined in the Universal Declaration of Human Rights of 1948 and the international treaties ratified by Algeria.”

Treaty	Signature Date	Ratification Date, Accession (a), Succession (d) Date
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	26 Nov 1985	12 Sep 1989
CCPR - International Covenant on Civil and Political Rights	10 Dec 1968	12 Sep 1989
CED - Convention for the Protection of All Persons from Enforced Disappearance	06 Feb 2007	
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women		22 May 1996 (a)
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	09 Dec 1966	14 Feb 1972

CESCR - International Covenant on Economic, Social and Cultural Rights	10 Dec 1968	12 Sep 1989
CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families		21 Apr 2005 (a)
CRC - Convention on the Rights of the Child	26 Jan 1990	16 Apr 1993
CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict		06 May 2009 (a)
CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography		27 Dec 2006 (a)
CRPD - Convention on the Rights of Persons with Disabilities	30 Mar 2007	04 Dec 2009

“Ratification Status of Algeria,” UN Treaty Body Database, Office of the High Commissioner for Human Rights, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=3&Lang=EN.

Algeria ratified the International Covenant on Civil and Political Rights (ICCPR) in 1989. Article 2(1) of the ICCPR affirms basic rights to all people without distinction or discrimination on any basis, including religion.⁷² Article 18 of the Covenant offers broad protections for religious freedom for all people, including:

1. The right to freedom of thought, conscience and religion;
2. The right to adopt a religion or belief of his choice;
3. The right to manifest his religion or belief in worship, observance, practice, and teaching in public or in private, and alone or in community with others;
4. Freedom from coercion;
5. Freedom from limitations or restrictions to this right beyond that what is necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others; and
6. Freedom to educate children according to the moral or religious convictions of the parents or legal guardians.

An integral feature of any state's ratification of the ICCPR is its commitment to uphold the rights affirmed in the Covenant in its national laws and policies. Article 2(2) of the Covenant states:

"Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant."⁷³

Nevertheless, the state considers the provisions of the constitution superior to international treaties, and the Constitutional Council has affirmed their superiority in deciding domestic law.⁷⁴

Algeria ratified the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1996 with several reservations relating to the status of women, Algerian family code, and religion. The state declared it would apply the provisions of Article 2⁷⁵ — the modification or appeal of any law, regulation, custom or practice that discriminates against women — and Article 16⁷⁶ affirming the equality of men and women in matters related to marriage and family relations "on condition that they do not go against the provisions of the Algerian family code."

In March 2016, the Minister of National Solidarity, Family, and the Condition of Women announced Algeria would lift remaining reservations to CEDAW in commemoration of the International Day of Struggle for Women's Rights. However, reservations would be lifted in compliance with Sharia Law. Referencing Islam as the state religion, Minister Mounia Meslem affirmed that "any decision moving away from our religion will never be adopted by Algeria."⁷⁷ To this end, the reservation concerning Article 2 of CEDAW was not lifted because doing so would result in the abandonment of customs and traditions. The Minister of Religious Affairs, speaking before the Algerian Council of the Nation, stated, "Algeria remains committed to the reservations it has made regarding the articles of CEDAW, which are contrary to the precepts of the Muslim religion and to national identity."⁷⁸



7. LEGAL AND GOVERNMENT CHALLENGES TO RELIGIOUS FREEDOM

Since Algeria's independence, the government has endeavored to protect the Islamic identity of the state, mitigate foreign intervention in Algerian society, and maintain what it refers to as "national constants." But many of the laws and policies designed to safeguard these interests infringe on fundamental rights afforded to all Algerians through the constitution or, more broadly, through international protections for human rights. An Algerian Protestant pastor noted, "[Even if] we have good laws in the country, the implementing decrees contradict the law itself."

The following issues present the most significant legal and government challenges to religious freedom in the state.

7.1 Regulation of National Religious Identity

State control of religious worship within Algeria is motivated and justified by the state's history, most notably in the years leading up to and during the Civil War. Strict regulation of worship was implemented as a means to mitigate the rise and influence of Islamist movements against the state. Unfortunately, restrictions have increased and expanded over the years in an effort to mitigate any deviation from the government's understanding of Algeria's moderate Maliki Sunni Islamic identity. The result is government restriction of religious freedom for all Algerians — Muslim and non-Muslim alike. Restrictions are evident

in Algeria's criminal and family codes as well as the government's policies and initiatives to regulate the national religious identity of the state.

The government's 2021 Action Plan to promote and strengthen Algeria's national identity and memory, for example, outlines clear efforts to strengthen state control of religious practice. This reinforces the challenges non-Muslims experience across the country. But it also restricts Sunni Muslims to worship in accordance with standards dictated by the state. To this end, the enforcement of Islam within the national identity and memory strengthens those laws, policies, and regulations that prevent Algerians of all religious identities and beliefs from experiencing religious freedom in full.

7.2 Religion and the Constitution

While many fundamental rights are constitutionally enshrined, a provision included in the constitutional revision of 2020 grants the Algerian government broad permissions to limit these rights. Article 34(2) states: "restrictions on rights, freedoms and guarantees can only intervene by a law and for reasons related to the maintenance of public order, security, and the protection of national constants [...]". Islam is generally recognized as a "national constant" of the state. In effect, the constitution offers broad authority to the state to restrict any rights they perceive may threaten Algeria's Islamic identity.

But permissible limitations to religious freedom must adhere to strict guidelines provided in the international commitments to which the state is a party. Article 18(3) of the ICCPR states permissible limitations

are "prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."⁷⁹ Moreover, limitations must be applied equally across society, not only to specific groups.

Algeria's broad exercise of restrictions on fundamental rights is a common misapplication of the limitations clause. It's so common, in fact, that the United Nations further clarified the requirements for limiting rights through the Human Rights Committee General Comment 22 on Article 18 of the ICCPR. The Comment offers two critical clarifications:

National Security: Unlike restrictions permitted on other rights in the Covenant, limitations cannot be placed on religious freedom in the interests of national security. Human Rights Committee General Comment 22, para. 8 states: "The Committee observes that paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security."⁸⁰

Protecting Morals: The "morals" protected by any limitation must be shared principles rather than the morals of any single tradition or group. Human Rights Committee General Comment 22, para. 8 states: "The Committee observes that the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition."⁸¹

Legal experts, advocates, religious leaders, and activists have condemned many discriminatory laws and policies applied by the Algerian government as unconstitutional. This is particularly evident in the broad application of laws and decrees restricting fundamental freedoms in the name of national security or interests. But religious freedom — and all other fundamental freedoms, more broadly — requires consistent protection across all legislative measures, including the criminal and family codes.

7.3 Religion and Criminal Law

Public expression of both Muslim and non-Muslim religious beliefs—particularly those beliefs perceived to threaten the specific Sunni Muslim identity of the state or introduce foreign beliefs—is significantly restricted across Algeria. The government has effectively criminalized activities and practices inherent to religious freedom and the flourishing of religious communities through several laws. These laws disproportionately affect religious minorities, and are inconsistent not only with Algeria’s constitutional commitment to freedom of worship, but with several international commitments ratified by the state.

Closure of Non-Muslim Places of Worship & Denial of Association Permissions

Law 06-03 of 2006 regulating non-Muslim worship is increasingly leveraged by the State to close churches and places of worship for Protestants. As of 2022, more than 22 EPA-affiliated Protestant churches were ordered by the government to close.

Religious minority communities view Law 06-03 as the government’s attempt to

effectively remove them from the culture. An Algerian Protestant pastor said, “It is this law that I see as a strategy to stifle and extinguish the existence of indigenous Christianity in the long term.”

According to a 2020 letter sent to President Abdelmadjid Tebboune on behalf of the EPA community, the National Committee for Non-Muslim Religious Worship had not issued a single permit to EPA-affiliated churches.⁸²

Ahmadis, too, are unable to organize. The community attempted to build a community center without government permission in 2016 and the national gendarmerie, acting on orders of the Prime Minister, destroyed the building without prior notice.⁸³

Moreover, the formal association of non-Muslim religious communities was mitigated by the 2012 Law on Associations. The Law required all associations, including those already approved by the government, to re-register with the government. Communities unable to obtain approval as an official association must choose between meeting informally—and illegally—or not organizing at all.

Members of the Ahmadi Muslim community reported they have not received approval for their request to register as an association in Algeria since their first application in 2012. In 2019, the government said it would approve their registration as a non-Muslim association because the state does not recognize the Ahmadis as Muslim. The group, however, refused registration as a non-Muslim group because they consider themselves Muslim.⁸⁴

Mohamed Fali, former leader of the Algerian Ahmadi community, was arrested and charged with forming an unauthorized association, unauthorized fundraising, and

EPA-Affiliated Church Closure Timeline

Church/Location	EPA-affiliated	Ordered to close/cease activities	Date Sealed	Province
1. "Aouchiche" Church in Bejaia City	Yes	May 9, 2022	--	Bejaia
2. Ait Atteli Church in Naith Irathen ¹	Yes	Proceeding for church closure commenced on February 2, 2022	--	Tizi-Ouzou
3. Ain Turk House of Hope	Yes	June 6, 2021	July 7, 2021	Oran
4. Oran City Church	Yes	June 6, 2021	July 7, 2021	Oran
5. Tafat	Yes	October 15, 2019	October 16, 2019	Tizi-Ouzou
6. Makouda	Yes	October 14, 2019	October 15, 2019	Tizi-Ouzou
7. Tizi Ouzou Full Gospel Church	Yes	October 9, 2019	October 15, 2019	Tizi-Ouzou
8. Tigzirt Church and Bible School	Yes	September 25, 2019	September 26, 2019	Tizi-Ouzou
9. Boughni- Al Annaser	Yes	September 18, 2019	September 24, 2019	Tizi-Ouzou
10. Boughni- Assi Youcef	Yes	September 18, 2019	September 24, 2019	Tizi-Ouzou
11. El Ayaida	Yes	June 6, 2021	July 7, 2021	Oran
12. Ighzer Amokrane	Yes	August 10, 2019	September 10, 2019	Bejaia

¹ One of four churches in the province of Tizi Ouzou against which the governor of the state filed a court application in the first week of February 2022 seeking orders for the closure of the churches.

EPA-Affiliated Church Closure Timeline

Church/Location	EPA-affiliated	Ordered to close/cease activities	Date Sealed	Province
13. Akbou	Yes	August 10, 2019	September 17, 2019	Bejaia
14. Boudjima	Yes	August 6, 2019	August 6, 2021	Tizi-Ouzou
15. Boudjima	Yes	May 22, 2019	May 22, 2019 & June 6, 2019	Tizi-Ouzou
16. Aït Djemaa	Yes	November 14, 2018	Not sealed ²	Tizi-Ouzou
17. Al A'keed Amroush or Rikki	Yes	July 11, 2018	July 14, 2018	Bejaia
18. Maatkas	Yes	May 26, 2018	Not Sealed	Tizi-Ouzou
19. Ait Mellikache	Yes	May 25, 2018	May 25, 2018	Bejaia
20. Al-Azagher	Yes	March 2, 2018	October 16, 2018	Bejaia
21. Tiaret	Yes	January 2018	Not sealed ³	Tiaret
22. Sidi Bel Abbes	Yes	January 2018	Not sealed ⁴	Sidi Bel Abbes

² A court order was issued to close the church at the designated date. The verdict was appealed, but the court of appeals confirmed the closure and informed the EPA in February 2020.

³ This is a church that met in someone's private home. Authorities could not seal the building, but they have ordered them not to meet for prayer.

⁴ This is a church that met in someone's private home. Authorities could not seal the building, but they have ordered them not to meet for prayer.

Source: "Algeria: Violations of the Religious Freedom of Christians," Middle East Concern, 03 June 2022.



insulting the Prophet Muhammad in 2017.⁸⁵ He was sentenced to a six-month suspended prison term. In 2019, he sought asylum in Morocco on the grounds of religious persecution.

Offenses Against Islam

Algerian law criminalizes defamation and insult committed against one or more persons belonging to a specific religion (article 298 of the Penal Code). This provision applies to all Algerians, not only the Muslim population. Additional laws, however, further protect Islam and impose strict punishments for those who attack or threaten the religion.

The Algerian Penal Code punishes “with imprisonment of five to ten years anyone who willfully and publicly destroys, mutilates, degrades, or profanes the Sacred Book” (article 160). The ‘Sacred Book’ referred to is “al-moshaf al-sharif”—or the Quran—and therefore the provision does not apply to the destruction of texts or books from other religions.

Insult of the Prophet or Islam carries significant punishment or fines. The Penal Code stipulates:

“whoever offends the prophet (peace and blessings be upon him) and the envoys of God or denigrates the dogma or the precepts of Islam, whether by way of ‘writing, drawing, statement, or any other means,’ is punishable by imprisonment from three years to five years and a fine of fifty thousand (50,000) DA to one hundred thousand (100,000) DA, or one of these two penalties only.” (article 144 bis 2)

Lawyers and legal experts have argued this provision is unconstitutional. Islamic scholar

Saïd Djabelkhir was sentenced to three years in prison and a fine of 50,000 DA for attacking the dogmas and principles of Islam in April 2021.⁸⁶ Djabelkhir’s lawyer argued that the legislative provision on which the outcome of the dispute depends — article 144 bis 2 of the Penal Code — infringes on the rights and freedoms guaranteed by the Constitution.

In January 2021, Algerian Christian Hamid Soudad was convicted of insulting the Prophet of Islam through a Facebook message on the basis of article 144 bis 2 of the Penal Code. He was sentenced to five years in prison. His conviction was confirmed by the Oran Court of Appeal and he is currently awaiting a Supreme Court ruling.⁸⁷

Criminal proceedings related to article 144 bis 2 are initiated ex officio by the public prosecutor. Under the same article, publicly breaking the Ramadan fast is also criminalized, though penalties have not been consistently applied or have been reduced to fines.

Offenses Against National Interests or Constants

Several provisions in Algerian law seek to protect the “national interest” or “national constants” of the state. The Penal Code states:

“Anyone who distributes, offers for sale, exhibits to the public, or holds with a view to distribution, sale, or exhibition, for the purpose of propaganda, leaflets, bulletins, and tickets likely to harm the national interest, is punishable by imprisonment from six months to three years and a fine of three thousand six hundred to 36,000 DA. When the leaflets, bulletins, and tickets are of foreign

origin or inspiration, imprisonment can be increased to five years.” (article 96)

Moreover, the constitution grants the government authority to restrict rights to protect national constants, stating: “restrictions on rights, freedoms and guarantees can only intervene by a law and for reasons related to the maintenance of public order, security, and the protection of national constants [...]” (article 34 para. 2)

To this end, public expression and opinion deemed inconsistent with or a threat to the national interests of the state are criminalized or legally restricted. Increasingly, laws pertaining to the protection of national interests — particularly from foreign “inspiration” — are restricting the rights of Muslims with diverse opinions as well as members of religious minority communities. A conviction against members of the Algerian Ahmadi community illustrates the government’s hostile characterization of the Ahmadiyya community, in particular, as a security risk. The court ruling stated:

“It appears that a group of people belonging to the Ahmadiyya sect have formed in Ain Melilla to disseminate beliefs that are alien to our religion.... This movement appears to be based on religion and rites but, in reality, it has a hidden agenda and future strategies aiming at destabilizing the country and shaking its stability and security.”⁸⁸

Funding and donations received by religious minority communities—which the state can perceive as a threat or means of foreign interference within the country—also carry significant criminal convictions. Law 06-03 of 2006 criminalizes receipt of “unauthorized donations” for members of non-Muslim communities, stating:

“Whoever resorts to the collection of offerings or accepts donations without the authorization of the legally empowered authorities is punishable by an imprisonment of 1 to 3 years and a fine of 100,000 DA to 300,000 DA.” (article 12)

In 2021, Algerian Christian convert Foudhil Bahloul⁸⁹ was sentenced to a six-month suspended prison sentence and a fine of 100,000 DA for accepting a €200 donation. He said he received the money from a friend in Germany because he was unable to find employment and needed financial support, but the government considered this an “unlawful donation.”

The Offense of Proselytism

Law 06-03 of 2006 criminalized proselytism, and sharing information or materials about a non-Muslim religion more broadly (article 11). Any person who “incites, constrains, or utilizes means of seduction intending to convert a Muslim to another religion” or manufactures, stores, or distributes “printed documents or audiovisual materials with the intent of ‘shaking the faith’ of a Muslim” can be sentenced to two to five years in prison and a fine of 500,000 to 1,000,000 DA.⁹⁰

In 2017, 12 Ahmadi Muslims were arrested and charged with proselytism. National security, in a radio broadcast, asserted the Ahmadi detainees “were in possession of documents encouraging [others] to join their faith.”⁹¹ A separate judgment against an Ahmadi Muslim in possession of Ahmadiyya religious books asserted the accused was running “a proselytizing enterprise that could destroy the unity of society and public order, since the Islamic religion is a pillar of the national identity and is enshrined in the Constitution.”⁹²

Slimane Bouhafs, a former gendarme who converted to Christianity, was convicted of insulting the Prophet and proselytizing non-Muslims through Facebook in 2015.⁹³ He was initially sentenced by the Court of Sétif to five years in prison and a fine of 100,000 DA. In 2016, his sentence was reduced to three years in prison, and he received a presidential pardon in 2018. Following his pardon, he was granted refugee status in Tunisia by the United Nations High Commissioner for Refugees (UNHCR). However, in August 2021, he was kidnapped in Tunisia and reappeared in an Algiers police station four days later.⁹⁴

Regulation and Banning of Religious Texts

Religious minorities have reported restrictions on the import of religious literature as well as challenges to the production and distribution of resources across the country. Algerian Ahmadis reported their religious literature was confiscated, among other documents and personal items, in raids by state security forces.⁹⁵ Habiba Kouider faced charges of unauthorized sharing of a non-Muslim religion after she was arrested in possession of 12 Bibles in 2008.⁹⁶ Recognizing the risks associated with carrying non-Muslim religious literature, some Christians have reported they prefer using Bible apps to carrying physical Bibles.⁹⁷

Religion and Family Law

Unlike some Arab countries that enact several personal status laws, such as Egypt or Lebanon, all Algerian citizens are subject to the same Family Code. Provisions for marriage, divorce, child custody and inheritance are based on Islamic law. If the Family Code does not explicitly or sufficiently inform an issue, reference will be made to sharia law (article 222). As such,

sharia law functions as a subsidiary source from which a judge must draw solutions to challenges not addressed in legislation. To this end, provisions in the Family Code based on Islamic or Sharia Law present significant challenges to non-Muslim Algerians.

Marriage and Children

The 2005 reform of the Algerian Family Code included significant changes to secure the rights of women and children in particular.⁹⁸ For example, a wife is no longer legally obligated to obey her husband, and in matters of child custody after a divorce, the mother is considered priority guardian. However, the Family Code still presents significant challenges to non-Muslims in matters of marriage and child-rearing. The Algerian Family Code stipulates that a Muslim woman cannot marry a non-Muslim man until the man converts to Islam (article 30). However, a Muslim man is permitted to marry a non-Muslim woman. Children born to a Muslim father are recognized as Muslim, regardless of the religion of the mother, and must be educated in accordance with Islam (article 62). A mother who converts from Islam to another religion loses custody of her children (based upon several decisions from the Supreme Court). Concerning fathers who convert from Islam to another religion, court rulings on child custody have varied.

Inheritance

Algerians who convert from Islam to another religion are considered apostates and lose their right to inheritance. The Family Code states apostates are excluded from inheritance (article 138). Non-Muslims are traditionally considered ineligible to receive inheritance from Muslim family members unless they return to Islam before the death of the testator giving the inheritance. However, the Family Code does assert that “a will is valid between persons of different faiths” (article 200).

8. SOCIAL LANDSCAPE FOR RELIGIOUS FREEDOM

Algeria's social landscape for religious freedom reflects consequential developments in broader demands for rights and freedoms across civil society. While the Hirak movement called for government reforms and liberalization, the government responded with more restrictions on activists and supporters of the movement. Religious freedom is not among the main priorities for the movement, but there is nevertheless increasing demand for freedom of expression and opinion.

Mozabite Ibadi activist Kamel-Eddine Fekhar died in detention during a hunger strike in May 2019. Fekhar was arrested and prosecuted for threatening state security and inciting racial hatred following a Facebook video post in which he denounced the "segregationist" practices against Algerian Mozabites. Fekhar's detention and death

were condemned by Algerians from all backgrounds and beliefs, and to this end united diverse communities against the government's detention of dissidents and increasing restrictions on citizens with diverse opinions.

Religious minorities in Algeria reported diverse experiences in their communities. These experiences differed by religious group as well as location.

Ahmadis have experienced discrimination in their respective communities. One Ahmadi Muslim reported that extended non-Ahmadi family members, neighbors, and friends viewed Algerian Ahmadis as foreigners. Members of the Ahmadiyya community have reported discrimination and, as a result, have "gone underground" in their religious practices.⁹⁹ Moreover, Algerian



media outlets fuel fear and mistrust of Ahmadis. A 2016 newspaper headline read, “The Ahmadiyya Group...The Next Plague Coming to Algeria.”¹⁰⁰

EPA leaders reported amicable engagement with non-Protestant religious and community leaders. The EPA reported some non-Protestant community leaders publicly and privately expressing their support for the re-opening of churches and efforts to secure government association permissions for new churches.

Muslim converts to Christianity — the primary source of Christianity’s growth across Algeria — have reported varied experiences in their communities. Christian leaders reported converts are more easily accepted in society than in the past. One pastor observed:

“Now, when Algerians hear that there are other Algerians who have become Christians, they are no longer shocked. It offends them more. The majority of those who are free in thought and spirit say, ‘It is their choice. It is their right.’ Of course, I am not talking about the extremist fringe of society. They will never accept... Muslims converting to anything else.”¹⁰¹

Other converts reported hiding their religious identity due to safety, family, employment, and other social concerns. Church leaders reported some converts were physically attacked, disowned by family members, or pressured to recant their Christian faith.

Another leader observed Christian converts face more difficulties in the Arabic-speaking regions than the Berber-speaking regions



of Algeria. He said, “In the Berber regions, converts have no problem. But the Arab regions are different. Many converts from Arab regions are in hiding and travel to different cities to attend a church.”¹⁰²

The Algerian Christian population has grown more in the Berber regions than anywhere else in the country. The historic relationship between Arabs and Berbers in Algeria is complex, but some church leaders reported greater acceptance of Christians in the Berber-speaking regions because the notion of Algerian identity in these areas is not as strictly tied to an exclusively Arab Islamic identity.

The Catholic community is generally accepted across society. One leader acknowledged the Catholic Church is largely composed of foreign — rather than

indigenous Algerian — parishioners, and is therefore not considered a threat to Algerian identity. Another analyst observed Catholics were considered a part of the broader Algerian identity because members of the Catholic church remained in Algeria during the War of Independence as well as the Civil War.

The Algerian government acknowledged the role of the Catholic Church in Algeria by supporting the Church’s beatification of 19 Catholics assassinated in the 1990s, including seven monks from Tibéhirine.¹⁰³ This was the first beatification of its kind in a Muslim country. The Minister of Religious Affairs as well as Muslim dignitaries from Oran attended the event.

While Algerian perceptions of Catholic “belonging” are based on their continued presence in the country, perceptions of Jewish “belonging” in the country are based on their exodus. The French Crémieux Decree of 1870 gave Jewish Algerians French citizenship. According to one activist, the Decree “gave French nationality to Jewish Algerians and not to Muslims. Therefore de facto, the Jews are [considered] outside of the Algerian national body.”¹⁰⁴

Algerian media continued to propagate antagonistic views toward the Algerian Shia community, often accusing them of conspiring against the state with foreign countries.¹⁰⁵

Religious freedom advocates recognize an important opportunity to advance the right to religious freedom among civil society. They argue that broader support for religious freedom at the community-level promotes inclusion of religious diversity in the Algerian national identity, and can ultimately instigate long-term legal and policy reforms.

Road Map to Religious Freedom

RFI believes that religious freedom, as a fundamental right, can be realized in any country, culture, or context. This freedom is based on the inherent equal dignity of every person, everywhere. As such, the actions outlined in this report are intended to advance religious freedom — in full — for all Algerians.

The purpose of the Landscape Report Roadmap is to define a clear path with practical actions to advance religious freedom.

1

Acknowledge and include religious minorities within the broader national identity of Algeria.

The history of Algeria reflects a rich religious and ethnic diversity. While religious minorities comprise just 1% of the contemporary Algerian population, they are nevertheless integral to the national identity and memory of the state. To this end, the Algerian government has an opportunity to include religious minorities in the broader national identity by acknowledging their existence and affording them the same rights and privileges as the religious majority community. Moreover, inclusion of religious minorities in the broader Action Plan to promote and strengthen the national identity and memory could advance specific objectives within the plan, including the promotion of tourism to religious sites and the full practice of non-Muslim religious communities in the state. The government can:

- Acknowledge, in official statements or by formal decree, the religious diversity of Algeria.
- Affirm, in official statements or by formal decree, the full rights of all religious minority communities — including Protestants, Ahmadis, Shiites, and others — to practice their religion without harassment, abuse, or legal threat.
- Integrate educational curricula reflecting the religious and ethnic diversity of the country in the National Ministry of Education's teaching plans for primary and secondary schools.

2

Permit religious groups to register, organize, and host religious practices according to their respective faiths.

Religious freedom requires the government to allow religious associations to function in their respective communities. Permitting religious minorities to exercise their religious beliefs — alone and in community with others, in public and in private — does not threaten the freedom of the religious majority. It cultivates an open and engaged society that respects the rights of all people, even among communities who hold different religious beliefs. To this end, the government can:

- Review and approve outstanding applications for registration of religious associations, including associations required to re-register under the 2012 Law on Associations.
- Issue permits for non-Muslim places of worship, including EPA-affiliated churches sealed by the state and Ahmadi places of worship, to open and operate without government or security force interference.
- Ease restrictions on the importation, production, and distribution of religious texts and literature.
- Mitigate unwarranted detention of religious minorities as well as the search or confiscation of religious materials, resources, or personal property and documents.
- Permit diversity of thought and opinion within the Maliki Sunni Muslim majority of the country.

3

Reform laws and policies, including Law 06-03, that restrict or criminalize religious expression and practice.

Religious freedom requires permission and protections for all people to express their religious beliefs and practice their religion without fear of criminal charges. Freedom of expression and association should be upheld impartially for all citizens. Laws and policies cannot be used to criminalize the religious expression or practice of minority communities, or even members of the majority community with diverse beliefs. To ensure greater protections for religious freedom among all Algerians, the government can:

- Reform laws and policies that criminalize religious expression or practice, including proselytizing or sharing diverse religious beliefs and disagreeing with majority religious beliefs.
- Dismiss cases of Algerians charged with offenses that criminalize diverse religious expression and practice, including cases involving Ahmadis, Christians, secular Algerians, and other minorities.





Algeria SWOT Analysis

The purpose of the Landscape Report *SWOT* Analysis is to identify the **Strengths, Weaknesses, Opportunities, and Threats** to religious freedom as a basis for constructing practical immediate and long-term policy recommendations to advance this right in Algeria.

What is the country doing well in regards to religious freedom? What areas are dynamic, positive, and healthy for religious freedom in the country?

- Freedom of worship and the principles of equality and non-discrimination are guaranteed in the constitution.
- The establishment of political parties on the basis of religion is prohibited in the constitution.
- Algeria has maintained relative peace and stability following the civil war of the 1990s.
- Algeria has ratified several important international instruments guaranteeing freedom of religion and cooperates with international human rights mechanisms.

STRENGTHS

What are the needs of the inhabitants of the country who wish to exercise their right to religious freedom? What trends can the country take advantage of to promote religious freedom? What is changing in communities across the country that can be leveraged to promote religious freedom?

- The Government Action Plan to promote and protect the national identity and memory can be amended to include specific measures to affirm the equal rights and protections of religious minorities in Algeria.
- The government's recognition of the Ibadi rite in the broader Islamic identity of the state illustrates how the Algerian identity can expand to include other religious communities to which citizens belong.
- Increasing, though anecdotal, social acceptance of religious freedom can lend broader support for efforts to advance religious freedom in law and policy.
- Recent national movements demanding greater rights and freedoms provide an important framework for religious freedom to be advanced alongside other priorities.
- The government can implement laws and policies pertaining to religious minority groups objectively and with impartiality, thereby allowing religious communities to operate legally across the state.

OPPORTUNITIES

What is the country doing less well when it comes to religious freedom? What areas of weakness does the country encounter with religious freedom?

- The Algerian national identity does not recognize the historic religious diversity or the indigenous religious minorities in the state.

- The government withholds registration permissions and other related approval from religious minority groups, thereby restricting their ability to function.

- Algerian laws are inconsistent with international covenants to which the state is a party.

- The penal code criminalizes the expression of religious beliefs or practices deemed inconsistent with or a threat to the state religion and identity.

- The government intimidates and detains members of religious minority communities as well as Sunni Muslims with dissenting beliefs.

- Broad authority is exercised by the military, which regularly intervenes in protests or other public events calling for government reforms.

- The Family Code subjects non-Muslim Algerians to legislative principles of Islamic law.

WEAKNESSES

THREATS

Are there any threats or regulations regarding religious freedom in the country? What challenges exist in the country that threaten religious freedom?

- Government perceptions of religious minority groups as “foreign threats” fuel restrictive laws and policies against them.

- Laws criminalizing the public expression of religious belief and practice infringe on nationally, and internationally, enshrined rights.

- The government inconsistently implements laws and policies related to non-Muslim associations and related permissions, effectively denying these groups the right to associate and organize.

- The strict perception of Algeria’s Maliki Sunni Muslim identity overlooks the religious diversity of the country and serves as the basis for the marginalization of minority groups.

Algeria SWOT Analysis

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Religious Freedom Institute

The Religious Freedom Institute is a 501(c)(3) non-profit organization committed to achieving broad acceptance of religious liberty as a fundamental human right, the cornerstone of a successful society, and a source of national and international security.



The Initiative for Religious Freedom (TIRF)

The Initiative for Religious Freedom (TIRF) is a coalition of like-minded advocacy organizations and individuals proactively pursuing religious freedom for all in the Greater Middle East region. We are committed to strategic, proficient, outcome-focused activities to achieve real change.

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