

COUNTRY OVERVIEW

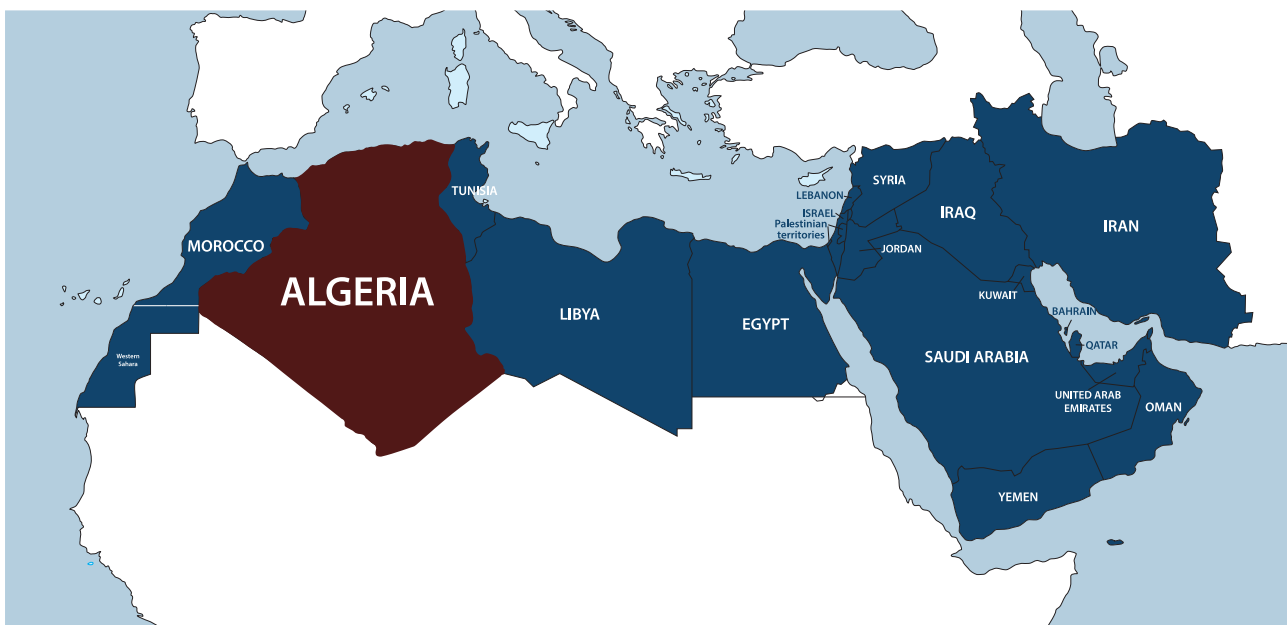
ALGERIA



JANUARY 2023

OUR MISSION

A non-profit organization based in Washington, DC, RFI is committed to achieving broad acceptance of religious liberty 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. RFI seeks to advance religious freedom for everyone, everywhere.



MENA COUNTRY OVERVIEW SERIES

The Country Overview Series is part of a suite of publications from the Religious Freedom Institute's Middle East Action Team designed to increase understanding of the conditions that affect religious freedom in select countries throughout the Middle East and North Africa and to assist the development of effective policy and programming recommendations.

DEMOGRAPHICS

RELIGIOUS

Sunni Muslim	99%
Other (Ahmadis, Christians, Ibadis, Jews, Shia Muslims, and atheists)	Less than 1%

ETHNIC

Arab	75%
Berber	25%
Other (European, Other African, Saharawi)	Less than 1%

RELIGIOUS FREEDOM IN FOCUS

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 dominant Algerian identity reflects the 99% Sunni Muslim majority population. Notably absent from this identity is the small minority—just 1% of the population—of those who are not 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.

Members of non-Sunni 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.

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 most visibly seen 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.

"Maintaining Algeria's historic religious diversity largely depends on addressing egregious religious freedom violations"

Maintaining Algeria's historic religious diversity largely depends on addressing egregious religious freedom violations enshrined in Algeria's legal code and enforced predominantly by the state. If left unaddressed, the Algerian government will continue to seek a homogenous society devoid of any diversity, religious or otherwise.

KEY ISSUES

RESTRICTIONS AGAINST NON-MUSLIM RELIGIOUS COMMUNITIES

Law 06-03 of 2006, titled “Governing the Practice of Religions other than Islam,” 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.” The law is increasingly leveraged by the state to close churches and places of worship for Protestants. 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 and introduced severe and problematic penalties for any public expression of religious beliefs perceived to be a threat.

RESTRICTIONS ON ASSOCIATIONS

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. Association approvals for religious associations perceived by the government to be a threat were withheld by the government. Communities unable to obtain approval as an official association were forced to choose between meeting informally—and illegally—or not organizing at all.

OFFENSES AGAINST NATIONAL INTERESTS OR CONSTANTS

Several provisions in Algerian law seek to protect the “national interest” or “national constants” of the state (article 96 of the Penal Code). Moreover, the constitution grants the government authority to restrict rights to protect 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.

REMOVAL OF CONSTITUTIONAL PROVISIONS FOR FREEDOM OF CONSCIENCE

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 constitution guaranteed “the freedom to exercise religion” in accordance with the law (article 42). 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).

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. Algerian law criminalizes any insult of the Prophet Muhammad or any denigration of Islam (article 144 bis 2 of the Penal Code). Anyone who “publicly destroys, mutilates, degrades, or profanes” the Quran is subject to five to ten years imprisonment (article 160 of the Penal Code).



RECENT DEVELOPMENTS

GROWING ADVOCACY FOR HUMAN AND CIVIL RIGHTS

Algerian society 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.



GOVERNMENT-MANDATED CLOSURES OF PLACES OF WORSHIP

As of June 2022, more than 22 EPA-affiliated churches were ordered by the government to close under Law 06-03 of 2006 on “Governing the Practice of Religions other than Islam.” The law is frequently used to restrict the association and meeting of Protestant Christian communities across the country. Places of worship for other religious minorities, including the Ahmadiyya community, are also affected.

2020 CONSTITUTIONAL REFERENDUM

Algeria held a constitutional referendum in 2020. Many Algerians viewed the referendum as a “facade” of change and boycotted the process. Voter turnout was only 24%. The new constitution maintained freedom of worship, if exercised in compliance with Algerian law. Freedom of conscience, which was included in every Algerian constitution since the nation’s independence, was conspicuously omitted. The 2020 constitution also conditioned freedom of speech on cultural and religious values.



S.W.O.T ANALYSIS

The purpose of the 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.

- 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 ratified several important international instruments guaranteeing freedom of religion and cooperates with international human rights mechanisms.
- Algeria has maintained relative peace and stability following the Civil War of the 1990s.
- Religious conversion is not criminalized.

STRENGTHS

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- 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.
- 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.
- 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.

OPPORTUNITIES

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- The dominant Algerian national identity does not recognize the historic religious diversity or the indigenous religious minorities in the state.
- 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 withholds registration permissions and other related approval from religious minority groups, thereby restricting their ability to function.
- 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 norms inspired by principles of Islamic law.
- Algerian laws are inconsistent with international covenants to which the state is a party.

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WEAKNESSES

- 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 legally.
- 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.

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THREATS

RECOMMENDATIONS

ENCOURAGE STATE RECOGNITION OF RELIGIOUS MINORITIES IN THE BROADER NATIONAL HISTORY AND 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 can acknowledge the religious diversity within the country and affirm the full rights of all religious minority communities—including Protestants, Ahmadis, Shiites, and others—to practice their religion without harassment, abuse, or legal threat.

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. To this end, the government can review and approve registration permissions and requests for relevant permits to ensure religious groups can organize and practice their faiths.

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. Laws and policies that criminalize religious expression or practice, including proselytizing or sharing diverse religious beliefs and disagreeing with majority religious beliefs, should therefore be reformed to reflect equal protection under the law for all Algerians.





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