Human Rights Abuses Committed in the People's Democratic Republic of Algeria

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People's Democratic Republic of Algeria

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Jubilee Campaign is a non-profit organization which promotes the human rights and religious liberty of ethnic and religious minorities. We assist individuals and families seeking asylum in the West from religious-based persecution as well as promoting the care and well-being of larger groups of refugees fleeing religious and ethnic persecution. Jubilee Campaign holds consultative status at the United Nations from the Economic and Social Council.

United Nations Human Rights Council
Universal Periodic Review of Member - People's Democratic Republic of Algeria

A. Freedom of Religion

1. Algeria is a nation that is still recovering from a brutal 10-year civil war between the Algerian government and Islamist rebel groups that left a death toll ranging from 60,000 to 200,000. The war ended in the defeat of the major Islamist forces, but the country still does not fully grant its citizens genuine religious freedom. Despite this fact, the desire of many Algerians to explore non-Muslim religions continues to grow.

2. Algeria is a predominantly Sunni Muslim country, with 99% of the population practicing the religion. The remaining 1% of the population is made up of Christians, Jews, and minority Muslim groups. Unofficial estimates released in 2014 stated that there were less than 200 Jews and anywhere between 20,000- 100,000 Christians. The Bible Society in Algeria estimated in 2015 that there are between 100,000-200,000 Christians. It is reported that many in the Christian population are foreigners. Natives who do convert to Christianity are primarily Berbers. The Christian community is made up of Roman Catholics and Protestant groups which include Seventh-day Adventists, Methodists, Reformed Christians, and Anglicans. A significant proportion of the Christian foreign residents are students and illegal immigrants from sub-Saharan Africa seeking to reach Europe. The Christian foreign resident community makes up the majority of the Christians in the country.

3. There are 48 registered Protestant congregations, and there are many more unregistered small congregations that meet secretly in people's homes due to restrictions on Christians' activity.

4. According to the Algerian Constitution, Islam is identified as the religion of the state (Article 2). It prohibits institutions from engaging in any behavior that is incompatible with the Islamic morality (Article 9). Thus, the making, storage, or distribution of printed documents, audiovisual materials, or any other similar materials with the intent of "shaking" the Muslim faith may merit punishment. The Ministries of Religious Affairs, Foreign Affairs, Interior and Commerce must also approve the importation of non-Islamic religious literature. Additionally, proselytizing by non-Muslims is greatly constricted. The law states that anyone who "incites, constrains, or utilizes means of seduction tending to convert a Muslim to another religion; or by using to this end establishments of teaching, education, health, social, culture, training…or any financial means" may be punished. The maximum punishment is one million dinars and five years in jail.

5. The Constitution also prohibits non-Muslims from running for president (Article 73). Non-Muslims are allowed to work within the government but religious minorities struggle to have power in such positions. For example, Jewish leaders have reported that their shrinking community has faced unofficial, religious-based obstacles to

government employment and administrative difficulties when working with the government bureaucracy.

6. The Algerian Constitution claims to provide religious freedom. Ordinance 06-03 prohibits the discrimination of a person for their religion and guarantees governmental protection of non-Muslims. It also calls for the "toleration and respect of different religions." However, other contradictory laws, policies and practices restrict religious freedom for the non-Muslim minority. For example, this ordinance also outlines registration requirements that only apply to non-Muslim religious groups. These non-Muslim religious groups must register with the government prior to conducting any religious practices. The Ministry of Interior (MOI) registration requirements for the founding members of non-Muslim groups include having to: furnish documents proving their identities, addresses, and other biographic details; provide police and judicial records to prove their good standing in society; represent at least one-quarter of the country's provinces to prove that the group merits national standing; submit the group's constitution signed by the president; and submit documents indicating the location of their headquarters. Then the non-Muslim groups must be approved by the Ministry of Religious Affairs (MRA). The National Commission for Non-Muslim Religious Groups, a government entity, is the group responsible for facilitating the registration process for all non-Muslim groups. However, non-Muslim groups typically face difficulty when attempting to register with the government. Christian citizens who have converted from Islam reportedly make up the majority of religious groups seeking legal registration. A registration requirement set in 2012 declared a 2014 registration deadline. Some non-Muslim groups, including Christian converts, who filed in time for this deadline had not received their approvals by the end of 2014. We have no updated information on their status.

7. The Family Code in Algeria treats women as less than their male counterparts. They are essentially considered minors who are under the legal guardianship of their husband or a male relative, regardless of the woman's age. Following revisions made to the Family Code in 2015, women no longer needed the permission of a male guardian to marry. However, it still prohibits Muslim women from marrying non-Muslim men unless the man converts to Islam. In divorce court rulings, followers of non-Muslim religions usually lose inheritance battles when a Muslim lays claim to the same inheritance.

8. Constitutional reforms were adopted for Algeria's Constitution in February 2016, and positive reforms included more explicit freedoms of assembly and the press. Unfortunately, even these reforms have proved insufficient as Algerian officials have set a bad precedent of ignoring legally-recognized rights.

9. According to leaders of various non-Muslim groups the primary governmental issue the church has faced is not direct interference with religious services but instead administrative and bureaucratic difficulties due to the government's refusal to grant

them legal standing. The government intentionally leaves their requests pending to avoid giving the groups legal status.

10. In 2014 there was a slight improvement for Christians and religious workers in obtaining responses for their visa applications. However, delays have since been widely reported. Many applications from Christians receive no response instead of a refusal. This issue continues to be problematic for Christians and religious workers.

11. In May 2014, Christians began lobbying for the right to import religious materials including the Bible. In November 2015, this request was authorized by the Ministry of Interior.

12. In 2013 Algerian Christian Mohamed Ibabouene was fined 100,000 Algerian dinars for sharing his faith with a former co-worker, Abdelkrim Mansouri. The appellate court in Tindouf, Algeria, found him guilty of proselytizing his non-Muslim faith when Mansouri claimed that the Christian had pressured him to leave his Islamic religion.

13. Another concern for religious minority groups is the lack of societal respect for religious freedom in certain regions. Although the Algerian society shows increased tolerance towards foreigners who practice religions other than Islam, certain religious minorities such as Jews or Muslims who convert to Christianity feel the need to live quietly out of fear for their personal safety and potential legal, familial, career, and social repercussions. For example, on January 7, 2016, there was a case in which an unknown group of people wrote a jihadist slogan on a church building in addition to looting and damaging the property. The unknown culprits vandalized and stole church furniture, worship items, and money.

14. An alarming event occurred on August 7, 2016, in the town of Setif in the Kabylie region when a Christian named Slimane Bouhafs was given the maximum prison sentence—five years—for offending Islam. He was arrested on July 31 for posting on social media about the "light of Jesus" overcoming the "lie of Islam" and posting a picture of a civilian execution conducted by an Islamist terrorist. After filing an appeal, a new verdict was announced on September 6, 2016, that reduced his sentence to three years. The Algerian League for Human Rights intends to appeal Bouhafs' case to the supreme court.

B. Houses of Worship

1. Despite the constitutional promise of the freedom of religion and worship in Algeria, many churches face intimidation, harassment and violence. It is extremely difficult to find places to worship and that is an issue that has continued to grow as church attendees increase. Of the approximated 39 smaller churches affiliated with the Protestant Church of Algeria, only 15 actually have their own places of worship. This is because the law requires that each of these churches belonging to the federation of the Protestant Church of Algeria must also obtain official approval on an individual

basis. The unregistered status of the 24 remaining churches leaves them without established places of worship and inhibits their development and growth.

2. Many churches that have pursued the registration process for their places of worship face discrimination in the delayed time it takes for the government to respond to their requests. Authorities will often ignore all applications from churches for places of worship. Thus, in order to conduct their worship, many churches have found it necessary to rent spaces and then notify local authorities that they have done so instead of waiting to be legally registered. Many Christians feel the only option they have to hold worship services is in unofficial "house churches," which are oftentimes homes or businesses of the church members. However, the minister of religious affairs has publicly stated that the use of unofficial public, private, or commercial spaces as places of worship is a violation of the law.

3. Although religious freedom seems to be protected by the constitution, the government has the power to shut down any religious service that takes place in private homes or in secluded outdoor settings without official government approval. The government is clearly bent on favoring the Muslim majority and creating extra obstacles for minority religions. An executive decree made in 2006 explains the conditions under which non-Muslim religious services in particular can take place. Request for permission to hold any non-Muslim religious event must be submitted to the governor at least five days in advance and the event must be held in a public building. The request must also include information on the three main organizers of the event, the event's purpose, the expected number of attendees, a schedule of events and the location. The governor can request that the location of the event be changed or deny permission of the event altogether if he deems it to be dangerous to the general public.

4. As explained above, the 2006 law has mainly been used as a tool of persecution against religious minorities in Algeria. A pastor of a Protestant church in Algiers, said, "It is an unjust law against Christians, who were denied their right to worship and the opportunity to share the Gospel freely." Since this law was adopted, Christians in particular have faced fines, prison time and violence.

5. There have been numerous cases of the Algerian government cracking down on churches and shutting them down, even in some cases when they have been legally registered. For example, on April 24, 2016, a church in Maatkas, part of the northeastern Kabylie region in Nigeria, was ordered to stop all religious activities. The church was further threatened by authorities that they would initiate legal proceedings if any Christian worship services continued to take place in the building that was being used by the church. The church was charged on the premise that they were breaking the law made in 2006 that regulated all non-Muslim worship and required prior permission from authorities. Since this church is affiliated with the legally registered Protestant Church of Algeria, the president of the Protestant Church of Algeria denounced the charge as a clear violation of the freedom of worship provided in the constitution. He further explained that "the new constitution, passed

in February 2016, has duly established freedom of religious worship. Its Article 36 clearly states that freedom of religious worship is guaranteed in compliance with the law, the house where church conducts its worship was rented on behalf of the EPA, which has an official agreement from the Ministry of the Interior." There was a case similar to this that occurred in February where a church in the town of Ait Dijma, which is also in the Kabylie region, was ordered to close for the same reason.

C. Summary of Recommendations

1. The UN should act directly on behalf of those suffering discrimination in Algeria. The Algeria government needs to abide by the rule of law and provide its citizens with the freedom of religion and belief as its constitution assures. If the government fails to adhere to its fundamental principles, then the minorities of Algeria will never have equality. The UN should prompt the Algerian government to promote religious equality to all members of its population. There should also be special protection to safeguard religious minority groups because they are more vulnerable to discrimination.

2. The UN should also pressure the Algerian government to register religious minority groups in a timelier manner rather than leaving their requests pending. This is one of the greatest struggles that non-Muslims report and is one of the most blatant examples of religious discrimination. Religious minorities who have submitted the required paperwork must not be left in the vulnerable position of operating illegally and risking punishment, despite their efforts to fulfill legal requirements. When the government refuses to allow non-Muslim groups to gather legally, they violate not only the freedom of religion but also the freedom of assembly.

3. Algeria must address particular factors that widely contribute to a climate of impunity, including its failure to investigate and prosecute crimes against religious minorities as well as its failure to give appropriate sentences to those convicted of crimes against religious minorities. Algeria should be pressed to investigate judicial corruption in which spurious accusations and heavy sentences penalize the victims of violent crimes.

4. The Algerian government should not have restrictions in its constitution that prevent marriages based on religious views. The Family Code should be modified so that it does not discriminate against the marriage of a Muslim woman and a non-Muslim man.

5. The UN should encourage Algeria to stop closely monitoring worship services and content in order to promote an environment conducive to religious freedom. The Algerian government should build a closer relationship with its religious minority groups through dialogue in order to create trust and a greater willingness to cooperate with one another in a way that respects both international human rights and the government's authority.