



Human Rights Committee

123rd session - 2-27 July 2018

Alternative report (updated)

Algeria

Freedom of Religion or Belief

[Original report in French]

Joint submission by :

The World Evangelical Alliance (WEA)

The Protestant Church of Algeria - L'Eglise Protestante d'Algérie (EPA)

The International Institute for Religious Freedom (IIRF)

Aide aux Eglises dans le monde (AEM)

Submission date: 8 June 2018 [Updated on 3 July 2018]

**Constitutional and legislative framework:
Ordinance No. 06-03 and Anti-Blasphemy Law (Article 144 bis CC)**

1. The Algerian Constitution declares Islam as a state religion (Article 2). It affirms the right to freedom of conscience in Article 42. Ordinance No. 06-03 of 28 February 2006 sets the conditions and rules for the exercise of cults other than Muslims. Adopted under law 06.09 of 17 April 2006, it has been applied since 2008 and has quickly proved to be a tool to control and prevent unregistered religious activities.
2. Ordinance No. 06-03 states that religious associations of cults other than Muslims enjoy the protection of the State (Article 3). But by obliging places of worship to obtain the prior approval of the National Commission for the Exercise of Cults and by prohibiting religious gatherings elsewhere than in these recognized places of worship (Articles 6-8, 13), it is mainly an instrument of control of religious communities.
3. The ordinance also punishes with a sentence of two to five years in prison and a fine of DZD 500,000 to 1,000,000 who *"incites, compels or uses means of seduction tending to convert a Muslim to another religion ..."* and whoever *"manufactures, stores, or distributes printed documents or audio-visual footage or by any other means or medium that aims to undermine the faith of a Muslim"*. (translation is ours)
4. These provisions have been used on numerous occasions against Protestant Christians since 2008 and continue to weigh like a sword of Damocles above the religious minorities of Algeria, particularly to restrict their freedom to share their faith, in accordance with this the right to freedom of religion and belief. Carrying Christian literature - not just a Bible for personal use - has regularly led to legal proceedings and convictions for proselytizing and unauthorized practice of worship.
5. Moreover, **Article 144 bis 2 of the Penal Code** provides in its first paragraph that *"is punished by imprisonment of three (3) years to five (5) years and a fine of fifty thousand (50,000) DA to one hundred thousand (100,000) AD, or only one of those two penalties, whoever offends the Prophet (peace be upon him) and God's envoys or denigrates the dogma or precepts of Islam, whether either by writing, by drawing, by declaration or by any other means."* This anti-blasphemy legislation has based the decision to sentence Slimane BOUHAFS to 5 years imprisonment and 100,000 Dinars fine on August 7, 2016 revised on September 7, 2016 in second instance to 3 years in prison. This former Muslim convert to Christianity was sentenced because of comments about Islam on social media.

Repressive wave since November 2017

6. Since November 2017, Algeria has been carrying out a systematic campaign of putting pressure on and closing the evangelical churches. Many churches have been ordered to close their places of worship and at least 8 of them have been forcibly closed. Non-compliance with security standards and the 2006-03 non-Muslim cults ordinance are invoked to justify these closures.
7. The representative institution of Protestant Evangelicals, the Protestant Church of Algeria (EPA), is also targeted. Most of the EPA member churches have been visited by committees to verify building safety standards and the legal status of Protestant churches. In an apparent desire to weaken the EPA, its member churches were invited to register directly with the

Wilaya (governorate) and no longer via the EPA, previously recognized by the Ministry of the Interior. The 2006 Ordinance (Article 5) provides in principle for the establishment of a National Commission for the Exercise of Cults other than Muslims to authorize the assignment of a building to the exercise of worship. Only problem: this national commission exists only on paper and has never issued any authorization. Legal uncertainty about the status of churches is used to justify their closure.

8. The EPA, a member of the World Evangelical Alliance, had taken part in Algeria's Universal Periodic Review and had made recommendations on religious freedom in [its report](#). Although the Protestant Church of Algeria is officially recognized in the same way as the Catholic Church, the Ministry did not deign to issue to the EPA a deposit receipt for the transmission of its file of compliance with the law on the associations No. 12.06 of January 12, 2012 and this in defiance of this same law. Similarly, the request for approval of the EPA Board Office, renewed in July 2014, remained unanswered. The absence of this document strongly penalizes the EPA insofar as it creates uncertainty about the ability of this executive council to validly and legally engage the association.

9. Churches and protestant institutions shut down by the government since 2017:

The Church of Tiaret, closed by authorities in January 2018.

The Church of Sidi Bel Abbès, closed authorities in January 2018.

The Church of Azagher, near the city of Akbou, was forced to cease its activities on March 2, 2018.

The Tizi Ouzou Christian Nursery School, linked to the Protestant Church of the Full Gospel of Tizi-Ouzou (L'Eglise Protestante du Plein Evangile de Tizi-Ouzou - EPPETO), affiliated to the EPA, has welcomed some 20 children and has been offering services for 14 years. It was sealed on April 17, 2018. EPPETO is the largest Protestant Church in Algeria, with 1,200 worshippers.

The Church of Ath Mellikeche (Province of Bejaia), a church that has existed since 2005 and is affiliated with the EPA, was sealed on May 25, 2018. It is a church with more than 200 worshippers.

The Maatkas Church, 20 km from Tizi-Ouzou, is not affiliated with the EPA. It was sealed on May 26, 2018.

The following three churches had been shut down and later re-opened by the authorities.

The EPA-affiliated Laayoune Church in Ain el-Turk was sealed on November 9, 2017. The contiguous Christian bookstore was also closed by the police on the same day. The authorities accused the bookstore of illegally printing Bibles, facts disputed by those concerned who claim that all their Bibles are legally imported. On 10 June 2018, the authorities removed the seals upon the decision of the Oran governor. The church became accessible once again to its members.

The Church of Oran (Oratory), affiliated to the EPA, was sealed on February 27, 2018. On 10 June 2018, the authorities removed the seals and the church became once again accessible to its members.

The Al Ayaida (or Layayda) Church, affiliated to the EPA and located 40 km from Oran, was sealed on February 28, 2018. On 20 June 2018, the authorities removed the seals, and the church became accessible once again to its members.

The reopening of these three churches is an encouraging sign. Nonetheless, these developments demonstrate that the legal uncertainty surrounding the status of these churches is problematic and makes these communities vulnerable to such arbitrary closure decisions. In addition, several non-EPA churches are still under seal, as well as Ath Mellikeche Church (Bejaia), a member of the EPA.

10. Renewed trials and arrests of Christian leaders:

Pastor Nouredine Belabed of the Church of Tiaret was sentenced to 2 years in prison on January 24, 2018 on the basis of the 2006 ordinance, for events dating back to 2015 (transporting 56 Bibles in his car). This sentence was reduced on 8 March to a fine of DZD 100,000 and a suspended prison sentence following the appeal of the sentence.

Another Christian, Idi Hamdad, was first sentenced to 6 months in prison on March 1, 2018, and finally fined 20,000 DZD on appeal on May 3rd for illegally importing religious material, although affected objects do not require prior authorization for import. An appeal is in progress.

Three Christians were arrested and released on December 19, 2017, in Chlef for possession of Bibles and remain threatened with a prosecution for proselytization.

Prohibition of marriages with non-Muslim foreigners

11. The family code, inspired by the Shari'a, excludes marriage between an Algerian woman and a non-Muslim foreigner (Article 31). A couple may therefore be refused registration of their marriage, if the spouse is foreign and non-Muslim. This measure discriminates against non-Muslim religious minorities.

Recommendations

12. To guarantee to churches closed or threatened with closure, freedom of worship by allowing them to continue their activities. Guarantee a fair trial to the pastor of the Church of Tiaret and other Christians prosecuted as part of this campaign against the Protestant minority.
13. Revise Ordinance 06-03 and suspend its application in the meantime. In particular the provisions concerning the prohibition to share one's religious convictions, the obligation for places of worship to obtain authorization from the non-Muslim cults commission and the prohibition to conduct religious activities outside these places of worship must be revised.

14. To revise article 144 bis 2 of the Criminal Code on blasphemy, in accordance with the right to freedom of expression.
15. Put an end to the administrative discrimination suffered by Protestants in Algeria. This includes responding to requests for approval from the EPA Board Office and issuing the deposit slip to the submission of the EPA compliance file with Law on Associations No. 12.06 of 12 January 2012 within a reasonable time.
16. Modify the family code so as not to discriminate between Muslim and non-Muslim, particularly regarding the right of an Algerian to marry a non-Muslim foreigner.