



**United Nations Human Rights Council
Universal Periodic Review
Algeria**

Submission of Jubilee Campaign USA, Inc.
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Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities; advocates the release of prisoners of conscience; and protects and promotes the freedom and safety of children from bodily harm and sexual exploitation.

**United Nations Human Rights Council
Universal Periodic Review of Member-State Algeria (officially the People's Democratic Republic of Algeria)**

Jubilee Campaign USA, Inc., in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the People's Democratic Republic of Algeria (Algeria) as a contribution to the Universal Periodic Review of UNHRC member-state Algeria.

A. Religious Freedom

1. Algeria is a Muslim majority nation still recovering from a brutal civil war. The civil war ended with the defeat of the major Islamist forces, but the country does not grant its citizens genuine religious freedom.
2. Article 36 of the Constitution provides for religious freedom: "Freedom of creed and opinion is inviolable." However Article 2 proclaims Islam to be the religion of the State and Article 9 prohibits any institutional practices contrary to Islamic ethics.¹
3. Ordinance 06-03 forbids proselytization of Muslims by non-Muslims. The ordinance stipulates higher fines and longer prison sentences for religious leaders convicted of proselytization than of lay individuals. The ordinance penalizes any one 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." The ordinance also forbids making, storing or distributing materials with the intent to shake the faith of a Muslim.²
4. Government prosecutors take Christians to court on grounds which are not crimes under Algerian law such as "practicing a non-Muslim religion without a permit."³
5. Jubilee Campaign calls on Algeria to repeal the blasphemy law, which violates the Algerian Constitution and international human rights standards on freedom of religion.

B. Houses of Worship

1. The 2006 Revised Joint Ministerial Decree on the Construction of Houses of Worship restricts the ability of legitimate religious groups to build houses of worship. The Decree requires a petition with signatures of the religious group and other religious groups, as well as formal approval from the local religious affairs office, and the local interfaith

¹ The Constitution of the People's Democratic Republic of Algeria.. Accessed 12 August 2011. Available at: <http://www.servat.unibe.ch/icl/ag00000.html>

² *Id.*

³ See International Religious Freedom Report 2010. 17 November 2010. Accessed 11 August 2011. Available at: <http://www.state.gov/g/drl/rls/irf/2010/148812.htm>

forum (FKUB).⁴ Many FKUB offices either contain Islamists or bend to pressure from Islamists groups to harass religious minorities and deny them construction or repair permits.⁵

2. The arbitrary refusal of building permits for houses of worship constitutes discrimination. Local officials use the arbitrary denial as grounds to label the churches 'illegal.' Police forces are used to keep congregations from meeting on or near church grounds. Labeling the churches illegal incites further aggression and violence from local extremists.
3. On March 11, 2011 in Bogor, Algeria the local mayor issued a decree revoking the building permit of for the Christian Church of Algeria (GKI) in Yasmin Park despite a Supreme Court decision granting the church a permit. On March 12, local authorities pad-locked the doors of the church, and a mobile police brigade forced the Christians to clear the area. The police blockaded the street around the church preventing Christian from worshipping near the grounds. The police permitted local Muslims to march with signs inciting violence against Christians.⁶
4. In 2007 local authorities canceled a construction permit for a Hindu temple in Bayan, West Lombok because of allegations that the Hindus were attempting to expand their house of worship. In 2008, a Hindu temple in Keru, West Lombok was attacked by Muslims, which halted ongoing renovations. Local officials claimed the temple required permits, which were denied. In 2010 the Hindu communities stopped using the Keru temple due to threats.⁷
5. Authorities habitually refuse to investigate attacks on Ahmadiyya facilities. Without investigation no prosecutions can occur and this contributes to a climate of impunity.⁸
6. Various organizations reported between forty and seventy-five instances in 2010, where Christian churches were denied permits, shut down, attacked or completely destroyed.⁹
7. Jubilee Campaign calls on Algeria to end discrimination against the right of religious minorities to peacefully assemble. Jubilee Campaign calls on Algeria to penalize local authorities who arbitrarily deny permits and prosecute those who incite violence with accusations of 'illegal' churches. Jubilee Campaign calls on Algeria to seriously

⁴ See RRT Research Response – IDN31419. Refugee Review Tribunal Australia. 9 March 2007. Accessed 11 August 2011. Available at: www.mrt-rrt.gov.au/ArticleDocuments/88/idn31419.pdf.aspx

⁵ See International Religious Freedom Report 2010. 17 November 2010. Accessed 11 August 2011. Available at: <http://www.state.gov/g/drl/rls/irf/2010/148869.htm>

⁶ "Church Reports Defiant Mayor to National Police" 1 April 2011. Accessed 11 August 2011. Available at: <http://www.compassdirect.org/english/country/Algeria/110165>

⁷ See International Religious Freedom Report 2010. 17 November 2010. Accessed 11 August 2011. Available at: <http://www.state.gov/g/drl/rls/irf/2010/148869.htm>

⁸ *Id.*

⁹ "Attacks on Algerian Churches Spiked in 2010, Group Says" 3 February 2011. Accessed 11 August 2011. Available at: <http://www.compassdirect.org/english/country/Algeria/32522>

investigate all attacks against a house of worship of any religion and to prosecute offenders to the full extent of the law.

C. Freedom of Expression

1. The Guidelines for the Propagation of Religion (Ministerial Decision No. 70/1978) bans proselytization “directed to a person or persons who already have another religion.”¹⁰
2. Anti-proselytization laws do not violate merely the right to religious freedom but the right to freedom of expression. Public displays of identity, including minority religious identity are protected by the principle of freedom of expression.
3. Jubilee Campaign calls on Algeria to honor its obligations under its Constitution and international covenants to give its citizens freedom of expression. These rights must specifically include the right of individuals to publicly proclaim unpopular or even insulting views, so long as those views do not constitute incitement. Jubilee notes that violence against a viewpoint or its adherents is not proper grounds to label the viewpoint incitement. Jubilee Campaign calls on Algeria to repeal its anti-proselytization law as a violation of its citizen’s right to free expression and to prosecute those who incite violence.

D. Summary of Recommendations

1. Algeria must end the climate of impunity caused by its failure to investigate and prosecute crimes against religious minorities as well as failing to give appropriate sentences to those convicted of crimes against religious minorities.
2. Algeria must end the practice of pseudo-legal edicts (fatwas) that incite discrimination and violence against religious minorities or those Muslims sects deemed ‘deviant.’ Algeria must prosecute those governmental and religious actors who incite violence under legal, religious or any other grounds.
3. Algeria must repeal Article 156a of the Penal Code as inconsistent with international human rights standards and its own Constitution. Algeria must review and overturn local laws and practices that violate basic human rights and the fundamental rights of its Constitution.
4. Algeria must seriously investigate all attacks against a house of worship of any religion and to prosecute offenders to the full extent of the law.
5. Algeria must guarantee the rights to freedom of assembly and expression, including the right to publicly express a minority religious identity. Algeria must repeal the blasphemy

¹⁰ See RRT Research Response – IDN31419. Refugee Review Tribunal Australia. 9 March 2007. Accessed 11 August 2011. Available at: www.mrt-rrt.gov.au/ArticleDocuments/88/idn31419.pdf.aspx

law and recognize that insulting speech, which does not incite violence, is protected under internationally recognized human rights standards.

6. Algeria must seriously and meaningfully enforce the fundamental rights provisions of its Constitution and uphold its obligations under international law.