(Translated from Arabic)

People’s Democratic Republic of Algeria
Permanent Mission of Algeria to the United Nations Office at Geneva
and the international organizations in Switzerland

Response of the Government of Algeria to allegations concerning the closure of Protestant churches and places of worship

Geneva, 21 January 2021

Concerning the claims about the closure of Protestant churches and places of worship

Religious freedom in Algeria is a fundamental principle whose roots extend deep into the civilization and history of society. Algeria has embraced the various religions and cultures that have coexisted in the country. From Saint Augustine, one of the best known figures of the Christian religion, whose church is still standing in the city of Annaba in eastern Algeria, to Emir Abdelkader, who saved the lives of thousands of Christians during his exile in Syria and later became a prominent symbol of international humanitarian law, Algerian history is full of examples of coexistence and religious tolerance between different faiths, sects and cultures. Islam, which the Algerian people have chosen voluntarily and with conviction, had a serious and profound impact on establishing the principle of religious freedom. Indeed, we believe that the principles of Islam and its lofty human values provide a genuine guarantee that protects freedom of worship.

Travelling around Algeria, there are many examples to be found of churches and other places of worship located next to mosques and Qur’anic schools – an embodiment of the country’s religious freedom and the coexistence of Muslims and Christians.

Building on this cultural legacy, the new contemporary Algeria has chosen to remain true to its fundamental principles of respecting public freedoms, and religious freedom in particular. Algerian laws stem from these convictions; the new Constitution (issued under Presidential Decree No. 20-442 of 30 December 2020 on the promulgation of the constitutional amendment, approved in the referendum of 1 November 2020, published in the Official Gazette of the People’s Democratic Republic of Algeria) expressly states in this regard:

Article 35: “The State guarantees fundamental rights and freedoms. The purpose of the institutions of the Republic is to ensure the equality in rights and duties of all citizens, both men and women, by removing the obstacles that hinder human progress and impede the effective participation of all persons in political, economic, social and cultural life.”

Article 37: “All citizens are equal before the law. They have the right to equal protection. There shall be no discrimination on the basis of birth, race, sex, opinion or any other personal or social condition or circumstance.”

Article 51: “Freedom of opinion is inviolable. Freedom of worship shall be guaranteed and exercised in compliance with the law. The State guarantees the protection of places of worship from any political or ideological influence.”

The incorporation of the principle of freedom of worship in the Algerian Constitution and in national laws and regulations, in particular Ordinance No. 06-02 bis of 28 February 2006, which establishes the terms and conditions for the practice of religious rites by non-Muslims, and Executive Decree No. 07-158 of 27 May 2007, which defines the composition and functioning of the National Commission for the Practice of Religions, is fully in line with the common principles and objectives established in international conventions and treaties. Article 18 of the International Covenant on Civil and Political Rights, for example, states:
“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice.”

In the same context, however, article 19 of the Covenant states that freedoms may be subject to certain restrictions, but only such as are provided by law and are necessary for respect of the rights or reputations of others or for the protection of national security or of public order, public health or morals.

Accordingly, all citizens and foreign nationals residing in Algeria enjoy freedom of worship, with all the guarantees and protection provided by State institutions, in compliance with the laws of the Republic.

With respect to the laws of the Republic and subsequent regulatory decrees, we wish to draw attention to some of the provisions of Ordinance 06-02 bis of 28 February 2006 to show that not only are they in accordance with international conventions ratified by Algeria but they also reinforce the constitutional guarantees on freedom of worship.

Article 2: “The Algerian State, which adheres to Islam, guarantees freedom of worship within the framework of respect for the provisions of the Constitution, the provisions of this ordinance, laws and regulations in force, respect for public order, public morals and the fundamental rights and freedoms of others.

The State also guarantees tolerance and respect between different religions.”

Article 3: “Non-Muslim religious associations benefit from State protection.”

Article 4: “It is prohibited to use religious affiliation as a basis for discrimination against any person or group.”

Article 5 (3): “The State keeps an inventory of buildings designated for religious practice and affords them protection.”

Article 9: “A national committee for the practice of religions shall be established under the Ministry of Religious Affairs and Endowments, tasked with:

- Ensuring respect for freedom of worship.
- Addressing matters and concerns relating to religious worship.”

Replies

The allegations concerning the situation of Protestants in Algeria are false and unfounded. The public administration, which acts in accordance with the law, has a constant position when it comes to the regulation of places of worship, whether they are affiliated with Islam, Christianity or other religions. One of the clearest examples of this is the fact that the ministry responsible for religious affairs in Algeria is the Ministry of Religious Affairs and Endowments, and not the Ministry of Islamic Affairs and Endowments, although the vast majority of the Algerian people are Muslims. This ministry deals with both mosques and churches and provides them both with assistance and support.

In this context, we note that the Algerian State, through the Ministry of Religious Affairs and Endowments, also contributed, alongside local groups, to the reconstruction and restoration of the basilica of Notre Dame d’Afrique in Algiers, the Church of St. Augustine in Annaba and the chapel of Santa Cruz in Oran. In coordination with the Catholic Church, Algeria organized a beatification ceremony for victims killed barbarically during the national tragedy. The ceremony conveyed to the world the message of brotherhood, tolerance and peaceful coexistence in Algeria. The former head of the Catholic Church, Father Henri Teissier, chose Algeria as his final resting place. In execution of his will, following his death abroad, his body was sent to Algeria and officially received by the country’s public authorities. In the same vein, the Ministry of Religious Affairs and Endowments is committed to dialogue and constructive cooperation with all religious actors in Algeria, provided that they respect the laws of the Algerian Republic. The National Commission for the Practice of Religion has adopted the same position. It meets regularly under the chairmanship of the Minister of Religious Affairs and Endowments to address concerns related to the practice of religious rites.
It is therefore clear that the allegations addressed in the present responses were, once again, unfortunately not properly verified, and the necessary factual information and details were not collected. The parts of the communication describing actions taken by the Algerian authorities as discriminatory against a Christian minority were based on sources that lacked credibility and transparency, and were not entirely objective, as they relied on the statements of representatives of the Protestant Church of Algeria.

Information from reliable sources will reveal the real situation with regard to religious freedom in Algeria, where there is absolutely no question of discriminatory practices against a religious sect or violations or restrictions on religious freedom.

Concerning the allegations relating to the closure of 13 places of worship, based on the foregoing, it has to be concluded that the Protestant Church failed to respect administrative formalities, particularly legal and regulatory provisions governing religious worship.

The closure of 13 places open to the public without a permit – not 13 churches – was based in particular on Act No. 90-29 of 1 December 1990, as amended and supplemented, on planning and development, including:

• Failure to observe safety standards applicable to facilities open to the public (lack of safety measures relating to fire and other hazards).

• Construction of facilities not originally intended for worship without a permit.

• Conducting collective worship in places that are not open to the public and cannot be identified from the outside.

• Conversion of homes and commercial premises with no minimum safety requirements into places of worship, in violation of the law.

• Moreover, places of worship may only be opened subject to the approval of the relevant authorities at the local level and with the prior authorization of the National Commission for the Practice of Religions.

• As for previously closed unlicensed places of worship, three premises in different parts of the country were closed and later reopened. Those cases were brought before the courts, and judicial decisions were issued, including ordering the closure of the places of worship for failure to comply with building, planning and safety regulations.

It should be noted that, prior to starting the process of closing unlicensed places of worship, the authorities tried to work with the Protestant Church to reach a settlement in all of the cases, a process which lasted three years.

Representatives of the Protestant Association met with the administration, despite the fact that they did not have the appropriate status to do so under the Associations Act.

Specialized mixed provincial committees were also dispatched to inspect places in respect of which safety recommendations had been made, to be acted upon by the Association. Unfortunately, there was no response, and after all amicable steps had been exhausted, procedures were initiated to close down the premises in order to preserve the lives and safety of citizens.

The reluctance and intransigence of the Protestant Church in engaging in the settlement process and complying with the committees’ recommendations was noted.

Despite the notifications that were sent to the Church urging it to comply with the recommendations made, unfortunately, they failed to submit the necessary paperwork relating to the settlement and the reasons for this remain unknown. Indeed, the only paperwork that was submitted to the Ministry of the Interior by the Church was related to the request to bring the association into line with the Associations Act (No. 06-12). A body of recommendations had been recorded in relation to the file; accordingly, a number of meetings were held to enable the association to regularize its status after all the technical issues had been addressed. However, the association once again reneged on its commitments to the administration and failed to give any response. It simply repeated that it had an
acknowledgement of receipt for the file it had submitted to bring the association in line with the law.

Thus, it is clear that the allegations are unfounded. The association does not wish to comply with the legal requirements and failed to submit to the competent public authorities the relevant financial and narrative reports and did not disclose its sources of funding in a transparent manner. Also, it has not been determined what property the association owns, and therefore the status of the Protestant association is not in conformity with the applicable law.

The actions taken by the Algerian authorities are not discriminatory, as the process of opening, running and regulating places of worship and the practice of religious rites must be carried out in compliance with the laws that ensure the safety and protection of those who visit places of worship, be they mosques, churches or other places of worship.

The process for opening mosques, which are subject to Executive Decree No. 13-377 of 9 November 2013 on mosques, can only take place after the applicable legal and regulatory procedures have been completed. Mosques have been closed for failing to comply with preventive and safety measures in the field of construction and planning.

The criminal legal provisions related to preaching in places of worship without a permit apply to mosques as well other places of worship for non-Muslims, without discrimination. Article 13 of Ordinance No. 06-02 bis of 28 February 2006 states: “Anyone who performs a sermon inside a building intended for the practice of religious rites without being appointed, accredited or authorized by the competent religious authority in the country, as well as by the competent Algerian authorities, shall be punished by imprisonment of between 1 and 3 years and a fine of 100,000 to 300,000 dinars.”

There is a similar provision in article 87 bis 10 of the Criminal Code, which states:

“Anyone who performs or attempts to perform a sermon in a mosque or in any other public place of worship without being appointed, accredited or authorized to do so by the competent public authority shall be punished by imprisonment of between 1 and 3 years and a fine of between 10,000 and 100,000 dinars.

Anyone who commits, by means of a sermon or any other act, acts contrary to the noble mission of the mosque or that may prejudice the cohesion of society or who applauds or promotes the actions referred to in this section shall be punished by imprisonment of between 3 and 5 years and a fine of 50,000 to 200,000 dinars.”

This is the best indication of the fairness and consistency of the law, despite the fact that provisions appear in more than one text owing to the nature of the subject matter.

The decision to open places of worship applied to mosques and churches alike

When the public authorities decided to take measures to gradually open public activities and facilities while adhering to the health protocols adopted for the prevention of the coronavirus disease (COVID-19) pandemic, the gradual opening of places of worship was approved, without exception, to include mosques and churches without discrimination, as stipulated in the presidential statement of 3 August 2020 (meeting to assess the general situation in the country in light of developments associated with the COVID-19 pandemic).

The public authorities have allowed the gradual reopening of places of worship, with the first stage being restricted to major mosques and a number of churches, with the obligation to respect physical distancing, wear a face mask and adhere to the preventive health protocol.
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