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Algeria: Protestant Churches Face Arbitrary Closures

Joint written statement submitted to the Human Rights Council 46th session, 22 February - 23 March 2021, under Agenda Item 4: Human rights situations that require the Council's attention.

The World Evangelical Alliance (WEA) is a network of churches in over 130 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

Middle East Concern (MEC) was founded in 1991, in response to needs expressed by Christian leaders in the Middle East and North Africa region (MENA). MEC supports people in the MENA region who are marginalized, discriminated against or persecuted for being or becoming Christians.

The Protestant Church of Algeria, (*Église Protestante d'Algérie - EPA*), is an Algerian Christian denomination founded in 1972 and officially recognized in 2011. The EPA is a member of the World Evangelical Alliance and of the World Council of Churches.

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Government forcibly closed Protestant churches, refuses to allow reopening

1. The unequal legal treatment and oppression of Protestant Churches continued through 2020-2021. The thirteen Protestant churches sealed since November 2017 have remained closed. All other Protestant churches in Algeria are still closed due to COVID-19 measures, while authorities allowed over 180 mosques in Tizi Ouzou province and some Catholic churches to reopen.
2. The legal framework for the arbitrary treatment of the local Christian minority has been set out by the government Ordinance No. 06-03 of 28 February 2006 requiring mandatory permission from the National Commission for Non-Muslim Religious Groups to use a building for non-Muslim worship; the Law on Associations No. 12-06 of 12 December 2012 imposing new registration requirements with the Ministry of Interior on the already registered associations, such as *Église Protestante d'Algérie* (EPA; Protestant Church of Algeria); and regulation of November 2017 establishing Safety Commissions.
3. In 2017-2020, the safety commissions formed of officials from the municipalities, the Ministry of Religious Affairs, the Fire Brigade, the national Gendarmerie, and the Intelligence Department, became instrumental for forcible closures of Protestant churches under the prerequisite of “non-compliance with safety regulations” or “lack of religious association permits” to operate as places of worship under government Ordinance 06-03 (2006). Twenty out of 47 EPA-affiliated churches were ordered to close, 13 of which were forcibly closed and their doors sealed. The sealed churches included the two largest Protestant churches in Algeria: Tizi-Ouzou Full Gospel church of 1,200 members and Makouda Spring of Life church of 800 members, both closed on October 15, 2019. Despite multiple court appeals, none of the closed churches was allowed to reopen.

Authorities deny churches a pathway to legal recognition

4. The Commission for Non-Muslim Religious Groups never issued any license since 2006, and it has become standard practice for Protestant churches to confirm their religious affiliation by membership in the EPA and inform the local authorities of the use of rented premises as places of worship. Some of these churches had been active for more than a decade. Several churches have been ordered to “settle their situation” by applying individually to regional authorities. The Spring of Life church of Makouda made such an application in June 2018. The application has remained unanswered to-date. Instead, in June 2020, the pastor was convicted and fined by another court for unauthorized modifications to the building.
5. Founded in 1974, the EPA has become the umbrella organisation for Protestant churches in Algeria providing additional legitimacy to the churches unable to register under Ordinance 06-03. Currently the EPA includes 47 out of 50 local Protestant Churches, while 3 remain unaffiliated. Under the Law on Associations No.12-06 coming into force in 2012, the EPA had to re-register and meet the requirement of presence in a minimum of twelve governorates. Complying with this requirement, the EPA applied for re-registration in 2013. With no registration confirmation from the authorities, the EPA technically lacks official legal status. Member churches of the EPA have been pressured at points in the last year to act

independently of the EPA in registering with the governorates – a move considered to be a calculated attempt to fragment and weaken the Church in Algeria.

Courts dismiss churches' appeals against closure orders

6. Referring to the unresponsiveness of the Commission for Non-Muslim Religious Groups to their registration requests, at least nine churches tried to contest their closures in the court. Five churches in Bejaia and Tizi Ouzou provinces had their appeals dismissed by local administrative courts in August –November 2020 and one Tizi Ouzou church still awaiting court decision. Three Bejaia churches obtained positive ruling on November 27, 2020, with the judge recognizing their closure unlawful. However, this ruling was only partially in favor of the churches, as it implied that the closure order should have addressed the whole EPA. While these churches too remain closed, the Bejaia authorities will appeal the court verdict within a 60-day term.

Arbitrary application of COVID-19 measures

7. With COVID-19 restrictive measures in place since March 2020, all local Protestant Churches have remained closed through end-January 2021. The government, however, allowed the reopening of mosques and Catholic churches, which was yet another manifestation of discrimination against the Protestant Christian community. For instance, in August 2020, the provincial authorities in Tizi Ouzou approved reopening of 183 mosques in line with the Prime Minister's Executive Order that allowed local governors to open places of worship with a capacity of more than 1,000 worshipers. The Order made no reference to churches, and was applied in an arbitrary manner, allowing the opening of smaller mosques, and several Catholic churches mostly composed of foreign nationals. None of the Protestant churches obtained a permission to reopen, despite being larger than some of the reopened mosques. Specifically, the local authorities in Bejaia province dismissed the EPA's request, claiming that Protestant churches were not big enough to accommodate 1000 visitors.

Recommendations to the Government of Algeria

8. In this context, the World Evangelical Alliance, its member the EPA, and the Christian advocacy organisation Middle East Concern appeal to the Human Rights Council to address with Algeria the country's situation of freedom of religion or belief, and make the following recommendations to the Government of Algeria:

9. Bring legal framework on religious minority rights in line with Algeria's international obligations on the right to freedom of religion or belief under Article 18 of the International Covenant on Civil and Political Rights;

10. In particular, suspend and revise the Ordinance 06-03 (February 2006) setting out the conditions and rules for the exercise of non-Muslim religions; review the composition of the

National Commission for Non-Muslim Religious Groups to include meaningful number of representatives of such groups, including from Protestant Christian minority;

11. Process the EPA's re-registration application and give notice of the renewal of the board, to confirm the EPA as a representative association of Protestant churches in Algeria;

12. Grant permission to all forcibly closed churches to re-open and grant permission to EPA-affiliated churches to continue to use rented premises as places of worship;

13. Withdraw all arbitrary warnings, closure orders, and charges against churches and pastors.