



20 August 2021

Algeria: Arbitrary Closures of Protestant Churches and Prosecution of Christians Continue through 2021

Joint written statement submitted to the Human Rights Council
prior to its 48th session, 13 September – 8 October 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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Forcible closures of Protestant churches and discrimination in the prosecution of Christians continue though 2021

1. In Algeria, violations of the right to freedom of religion or belief of and discrimination against Protestant Churches and individual Christians have further aggravated through 2021¹. The thirteen Protestant churches sealed between 2017 – 2019 have remained closed. On 7 July 2021, three more churches in the province of Oran were sealed by the authorities: the City Church in Oran, The House of Hope Church in Ain Turk and a Protestant church in Al Ayaida. Their closure followed from the 4 June 2021 order by Oran administrative court.² This brought the number of sealed Protestant churches to 16.

2. Four Christians were charged in the courts between March – July 2021. On 7 July, Foudhil Bahloul, a convert from Islam to Christianity, was sentenced to six months imprisonment and fined 100,000 DZD (750 USD) for “illegally” accepting donations for proselytizing. He will appeal. On 6 June, Pastor Rachid Seighir and Nouh Hamimi on appeal were sentenced to suspended sentences of one year imprisonment for “proselytising” and fined DZD 200.000 each (1,500 USD). They will appeal against the verdicts.³ On 22 March, the Oran City Court of Justice upheld the 5-year maximum prison sentence under a blasphemy law against Hamid Soudad, in line with January verdict by a court in Arzew. Mr Soudad is to appeal to the Supreme Court. He will remain imprisoned during this process that usually takes 12 months or more. At least two other Algerian Christians were sentenced to prison on similar charges in the last 12 months.

3. The legal framework for the unjust treatment of Christians has been set out by government Ordinance No. 06-03 of 28 February 2006. The courts referred to Ordinance 06-03 in all of the above-mentioned cases. In the case of Foudhil Bahloul, the court referred to the Ordinance 06-03 Article 12, criminalizing those who “collect donations or accept gifts without a license from the authorized departments”. The conviction of Rachid Mohamed Seighir and Nouh Hamimi is based on Ordinance 06-03 Article 11.2 criminalizing “printing, storing, or distributing materials that can “shake” the faith of a Muslim”.⁴

4. With regard to the church closures, the authorities refer to: the Ordinance 06-03 provisions 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 the conclusions of health and safety checks of EPA meeting places starting November 2017.

1 See also WEA written statement of 1 February 2021 for HRC 46th session “Algeria: Protestant Churches Face Arbitrary Closures”: <https://un.worldea.org/algeria-protestant-churches-face-arbitrary-closures-submission-to-the-human-rights-council/>

2 These three churches were forcibly closed before in 2017-2018, but allowed to reopen later in 2018. On 15 July 2020 another court’s closure order was released and appealed by these churches.

3 In February 2021, they had been sentenced, in their absence, to a fine and 2-year prison sentence, and appealed the verdict.

4 In the case of Hamid Soudad, the conviction is based on Penal Code Article 144-2 which criminalizes “offending the prophet of Islam” and “denigrating the dogma or precepts of Islam”.

5. 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 towards the 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 cease all activities, 16 of which remain forcibly closed, with their doors sealed as of August 2021. Despite multiple court appeals, none of the closed churches were allowed to reopen.

Authorities continue denying churches a pathway to legal recognition

6. The Commission for Non-Muslim Religious Groups has not issued a single license since 2006. It is standard practice for Protestant churches to confirm their religious affiliation by membership in the EPA and to 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, but without any response.⁵

7. Between March 2020 – January 2021, all Protestant Churches remained closed due to COVID-19 restrictive measures. On 14 February 2021, the government issued a statement easing COVID-19 restrictions. The new policy allowed mosques, Catholic churches and some other public places to reopen the following day. Protestant churches were not mentioned, but were verbally informed they were not covered by the policy. In a 28 February 2021 meeting with the Ministry of Religious Affairs, the EPA was informed that the issue of their status was “a political” one and beyond the Ministry’s authority. Therefore, the remaining churches that had not been ordered to cease all activities or had not been forcibly closed at that time, continued to have an unclear legal status following the lifting of COVID-19 restrictions, keeping them in a legal “grey zone.”

Recommendations

8. In this context, the World Evangelical Alliance, its member the EPA (*Église Protestante d’Algérie*), and the Christian advocacy organisation Middle East Concern appeal to the Human Rights Council to raise with Algeria respect for the right to freedom of religion or belief, and make the following recommendations to the Government of Algeria:

9. Bring the 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 (ICCPR);

10. In particular, suspend and revise Ordinance 06-03 (February 2006) setting out the conditions and rules for the exercise of non-Muslim religions to bring it in line with Article 18 of the ICCPR;

⁵ The Spring of Life church of Makouda made such an application in June 2018, which remained unanswered to-date. Instead, in June 2020, their pastor was convicted and fined for unauthorized modifications to the building.

11. Review the composition of the National Commission for Non-Muslim Religious Groups to include a meaningful number of representatives of such groups, including from Protestant Christian minority;
12. Ensure that the renewed National Commission for Non-Muslim Religious Groups urgently considers pending applications from churches, and that responses to future applications are made within the designated 60-day period;
13. 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;
14. 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;
15. Withdraw all warnings, and closure orders against churches; and overturn convictions of individual Christians.