



## **Rejoinder from Jubilee Campaign to Response of the Government of Algeria to allegations concerning the closure of Protestant churches and places of worship**

*Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities; advocates for the release of prisoners of conscience imprisoned on account of their faith; assists refugees fleeing religious-based persecution; and protects and promotes the dignity and safety of children from bodily harm and sexual exploitation. Jubilee Campaign holds special consultative status with ECOSOC at the United Nations.*

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### ***I. Executive Summary***

We submit this rejoinder as a response to the People's Democratic Republic of Algeria Permanent Mission of Algeria to the United Nations Office at Geneva's reply to the UN experts' communication addressing and requesting information regarding the Algerian authorities' closure of churches in December last year. The Algerian government's response was published 21 January 2021.<sup>1</sup>

Summary of claims made by the Government of Algeria:

- 1)** *Religious freedom is a fundamental principle that is respected, protected, and embraced by both the citizens and the government of Algeria.*
- 2)** *The 13 Protestant Churches closed in 2019 remain closed due to failure to comply with health and safety requirements as well as permit requisites.*
- 3)** *Establishment, opening, and regulation of houses of worship is conducted in accordance with the principle of non-discrimination based on religion or belief.*
- 4)** *The re-opening of houses of worship during the COVID-19 pandemic is conducted in accordance with the principle of non-discrimination based on religion or belief.*

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<sup>1</sup> 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 concerning the closure of Protestant churches and places of worship](#), 21 January 2021.

This rejoinder addresses and responds to the different claims made by the Government of Algeria, broken down into several sections, each of them numbered. At the end we provide recommendations for the Government to review and consider implementing.

## ***II. Formal Rejoinder***

**(1)** *“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.”*

**(2)** *“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.”*

**(3)** *“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.”*

Algeria’s Constitution of 1989 iterates in Article 42 that “freedom of conscience and freedom of opinion shall be inviolable” and “freedom of worship shall be guaranteed in compliance with the law.” Moreover, Article 48 states that “freedoms of expression, association and assembly shall be guaranteed to the citizen.”<sup>2</sup> However, in reality, the freedoms of religious association and worship are severely restricted in both policy and practice.

Ordinance 06-03 criminalizes all acts of proselytism by non-Muslims by up to five years in prison and/or a maximum fine of one million dinars (≈ USD \$8,347); more specifically, such punishments are stipulated for any individual 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”.<sup>3</sup> Ordinance 06-03 also makes the “production, storage or distribution of printed or audiovisual material or any other means which aims to shake the faith of a Muslim” subject to the same penalties.<sup>4</sup> While such a legislation is allegedly drafted to protect individuals from forced religious conversion, it is firstly discriminatory in nature assuming this only occurs from non-Muslim groups; in addition, the vague wording of the legislation places restrictions on non-Muslims. Such broad language is open to interpretation, meaning that acts as harmless as disseminating religious texts to Muslims can be seen as coercive attempts at conversion.<sup>5</sup> Moreover, such a prohibition on proselytism infringes upon the right of individuals on the receiving end from the “freedom to have or to adopt a religion or belief of his choice” as protected under Article 18 of the International Covenant on Civil and

<sup>2</sup> *Algeria’s Constitution of 1989, Reinstated in 1996, with Amendments through 2016.*

<sup>3</sup> Human Rights Watch, “Algeria: Crackdown on Protestant Faith”, 24 October 2019.

<sup>4</sup> *Ordonnance n° 06-03 du 28 février 2006 fixant les conditions et règles d’exercice des cultes autres que musulmans*, L’aménagement linguistique dans le monde, par Jacques Leclerc, CEFAN, article 11(2).

<sup>5</sup> United States Department of State, *2019 Report on International Religious Freedom: Algeria*, 10 June 2020.

Political Rights (ICCPR), to which Algeria is party.<sup>6</sup> The legislation also places disproportional penalties that corresponding to the restrictions on freedom of religion and freedom of speech, making the fine for distribution of non-Muslim material that could “shake the faith” equal to the fine for making, storing and distributing prohibited weapons or ammunition.<sup>7</sup>

The 2007 Penal Code of Algeria contains laws criminalizing blasphemy. Article 144 Section 2 states that “is punished by imprisonment from three years to five years and a fine of 50,000 dinars [≈ USD \$370] to 100,000 dinars [≈ USD \$750], or one of these two penalties only, whoever offends the Prophet (peace be upon him) and the sent from God or denigrates the dogma or precepts of Islam, whether by writing, drawing, declaration or any other means” [translated from French]. Moreover, Article 298 states that “any defamation committed against one or more people who belong to an ethnic or philosophic group, or to a determined religion is punished by imprisonment of one month to one year and a fine of 10,000 dinars [≈ USD \$75] [to] 100,000 dinars [≈ USD \$750], or only one of these two penalties, when it is intended to incite hatred between citizens or inhabitants” [translated from French].<sup>8</sup>

Algerian courts in Amizour convicted Coptic Christian Abdelghani Mameri for “insulting the prophet and violating the precepts or dogmas of Islam” and sentenced him to six months in prison and a fine of 100,000 dinars [≈ USD \$750]. The sentence was supported by local radical Muslims who deemed Mameri an ‘apostate’. A Christian convert by the name of Mabrouk Bouakkaz was charged with the same charge and sentenced to the same length of prison time, however his fine was 200,000 dinars [≈ USD \$1500].<sup>9</sup>

As a result of the looming threat of arrest and imprisonment on charges of blasphemy, Algerian Christian converts often resort to maintaining their religious/spiritual identity as a secret; this legitimate fear is only heightened by the fact that radical Muslims have in some cases become violent in response to judicial decisions. Christian converts have reported that they have had to use extreme caution when sending emails, messages, or having telephone conversations with each other, as they may be tapped and recorded. In addition to the risk of violence by radical Muslims and the general distrust within the community towards anyone believed to be Christian, converts from a Muslim background further risk denunciation and disownment by their family members; those that have children also may lose their custody rights. Moreover, even the simple act of revealing one’s new Christian faith to a Muslim family member can be intentionally misconstrued or misinterpreted as an act of proselytism, which is illegal and punishable according to Algerian law.<sup>10</sup>

The deterioration of respect for religious freedom and plurality is further emphasized by President Abdelmadjid Tebboune’s remarks during a speech on National Martyr Day that Algeria would

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<sup>6</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999.

<sup>7</sup> *Ordonnance n° 95-11 du février 1995, article 87. bis 7.*

<sup>8</sup> République Algérienne Démocratique et Populaire, Présidence de la République, Secrétariat Général du Gouvernement, *Code Penal*, 2007. ; United States Library of Congress, *Blasphemy and Related Laws*.

<sup>9</sup> Kamel Abderrahmani, “The Algerian state, Sunni Islam and violations of religious freedom”, *AsiaNews*, 18 December 2020.

<sup>10</sup> Open Doors World Watch Research, *Algeria: Full Country Dossier Revised Version*, March 2021.

continue to defend the national identity against “conspiracies of Christianization and conversion”. This statement was translated in an unpublished transcript by Middle East Concern.

**(4)** *“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 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.”*

The 13 places of worship that had been closed between late 2017 and late 2019 – all of which have been identified by human rights organizations as places where Christian worship was undertaken – had been shut down due to lack of a license or permit to operate. As will be more comprehensively explained in later sections of this rejoinder [notably, responses to claims (5) and (6) below], these lack of permits can be attributed wholly to inaction and non-response by the National Commission for Non-Muslim Religious Groups, which is tasked with approving such church registration permits. Middle East Concern Executive Director Daniel Hoffman notes that the Commission “has never, ever issued a single permit”.<sup>11</sup> In light of this discrimination and the unresponsive nature of the Commission, these Christian groups have had to rent rooms at already-registered churches to hold worship meetings. These Christian groups have not been negligent in attempting to obtain permits; the National Commission for Non-Muslim Religious Groups has been negligent in processing and accepting permits, leaving these religious groups to hold makeshift ‘church’ meetings on the fringes of legality:

*“At the end of 2017, ‘the authorities went to almost all of the Protestant churches, and they said, ‘we are health and safety committees looking at the health and safety condition of your buildings.’ But they also asked, ‘show me the license to use this building for non-Muslim worship.’ Since none of the churches that applied got the license, none of the churches could produce the papers needed to inspectors. ‘Several of them have been ordered to close or cease their activities. The only reason given is always that they don’t have a license.”<sup>12</sup>*

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<sup>11</sup> R. B. Klama, “Church closures accelerating in Algeria”, *Mission Network News*, 26 August 2019.

<sup>12</sup> *Ibid.*

Moreover, as these religious organizations receive no response from the Commission, they have no frame of reference regarding what actions they could take to rectify the issue or hold meetings while their permit applications are continuously pushed back.

Regarding claims that Christian churches and informal houses of worship were shut down due to failure to comply with health and safety regulations, it is of concern that, suspiciously, Algerian intelligence and security authorities have been among the crowds present at 'health and safety inspections'; a church building's structural code and standards are neither an issue of national security nor intelligence.<sup>13</sup>

"They were sending around health and safety committees which were strangely formed of officials from intelligence, security, and other government agencies, and they started the process of shutting down churches in some of these places."<sup>14</sup>

EPA President Salaheddine Chalah has reported that, in efforts to meet the demands of the Algerian authorities and secure a swift reopening of churches, multiple renovations and changes have been made to make church buildings "up to code", such as eliminating visible electric cables and installing extra fire extinguishers and fire exits. However, despite these attempts to exceed all structural requirements for churches and church-related buildings, the EPA is still denied permission to reopen multiple churches.<sup>15</sup>

It is also of great concern the sometimes-dubious manner in which churches have been shut down since 2017. Insofar as church closures have in some instances likely been used as means for redressing perceived grievances, that church closures have been accompanied by aggression and violence towards congregants, and that Christian-operated businesses have also been arbitrarily closed, it is reasonable to come to the conclusion that this phenomenon is less about the legal and structural permissibility of the buildings themselves, and is instead indicative of a systemic crackdown on the Christian faith and everything associated with it.

In 2019, The Light Church located in Tizi Ouzou was swiftly shut down and emptied of its congregation just a week following sit-in protests in Bejaia Province protesting the closures of 13 churches which took place since 2017. While authorities arrived on the church premises to close the building a week after the protests, Chalah received an order for the church's closure on the exact same day the Christian protest was held. Chalah further explained that the governor's notice to shut down and seal the church must have been an act of "retaliation" or reprisal for the peaceful demonstration.<sup>16</sup> It is evident that churches have therefore been closed in an capricious and inconsistent manner, not solely as a result of permit and safety regulations as alleged by the Algerian government.

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<sup>13</sup> Missions Box, "[Churches in Algeria Express Concern Over Inspections](#)", 8 January 2018.

<sup>14</sup> Alex Anhalt, "[Health inspections disguise persecution in Algeria](#)", *Mission Network News*, 11 July 2018.

<sup>15</sup> Sarra Grira, "[Protestant church shut down in Algeria: 'They came bearing truncheons'](#)", 29 October 2019. ;

World Watch Monitor, "[Algeria closes another Protestant church](#)", 22 October 2018.

<sup>16</sup> Samuel Smith, "[Algeria shuts down 3 churches days after Christians hold sit-in protest](#)", *The Christian Post*, 17 October 2019.

In January 2020, a protestant church affiliated with the EPA and located in Oran was ordered to be closed by the court for operating without a license. Authorities took this a step further by also shutting down the bookstore owned by the church's Pastor Rachid Seighir. Pastor Seighir had been accused of "producing and distributing gospel literature", though no evidence was produced that he had actually been guilty of these allegations. Seighir's attorney appealed the closure of the bookstore, and a judge had ruled in Pastor Seighir's favor; however, the store remains closed as the local governor refuses to abide by the judge's decision.<sup>17</sup> The closure of Pastor Seighir's bookstore in conjunction with the closure of his church expressly highlights that the closure of churches in Algeria is not an isolated practice based exclusively on regulative legislations, but is part of a system which persecutes and discriminates against the nation's Algerian Christian community.

In April 2018, Algerian authorities shut down a childcare facility, Early Childhood Home, which was established in 2004 and has since been operated by the EPA. Chalah was summoned to the police station where he was ordered to shut down the child daycare because it had allegedly been operating "unlawfully". Chalah explained that in the fourteen years since the Early Childhood Home was established, they had been able to run the facility with little to no interference from authorities, although they had been visited by intelligence authorities on multiple occasions for inspections.<sup>18</sup>

On 15 October 2019, videos circulated online showing Algerian authorities restraining and arresting worshippers who had packed Full Gospel Church to participate in a sit-in protest on the day it was to be forcibly shut down and sealed closed.<sup>19</sup> Chalah, who was present at the Full Gospel Church closure, reported being kicked and beaten with batons by Algerian authorities during the confrontation.<sup>20</sup> The next day, on 16 October, after worship services at Plein-Évangile Church in Tizi Ouzou had concluded, police officers had arrived to close the church; at first, congregants sat outside the building to protest the action, but they became wary once police reinforcements "came bearing truncheons" and batons.<sup>21</sup>

**(5)** *"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."*

**(6)** *"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*

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<sup>17</sup> Door of Hope International, "[Algerian Court Orders Closure of Protestant Church in Oran – Thirteen Churches Have Been Shut Down Since 2017](#)", 17 January 2020.

<sup>18</sup> World Watch Monitor, "[Algeria: church-run nursery ordered to close](#)", 24 April 2018.

<sup>19</sup> Benjamin Weinthal, "[Algeria shuts down Protestant churches, police arrest worshippers](#)", *The Jerusalem Post*, 27 October 2019.

<sup>20</sup> Jayson Casper, "[Who Will Save Algeria's Closed Churches: the UN, US, or Hirak?](#)", *Christianity Today*, 22 February 2021.

<sup>21</sup> *Supra* note 14.

*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 argument that there is an absence of discriminatory elements in Algerian authorities' monitoring of places of worship due to compliance with legislation is completely dismantled by the evident discriminatory nature of the laws themselves. Ordinance 06-03, passed in 2006, places major restrictions upon the establishment and management of non-Muslim houses of worship. Pursuant to these superfluous regulations, religious minority communities must register with the National Commission for Non-Muslim Religious Groups which, to date, has yet to issue any church permits.<sup>22</sup> Moreover, Christian Solidarity Worldwide (CSW) reports that the Commission does neither meet physically nor "function[s] in practice". As a result, churches that have submitted numerous applications for approval to build churches do not receive permission and have no option but to operate unofficially, at which point they become extremely vulnerable to closure by authorities.<sup>23</sup> The Protestant Church of Algeria (EPA) submitted an application for a new church building in 2014 and they have yet to receive a response seven years later. The CSW Chief Executive Mervyn Thomas, explained:

"The 2006 law is being used as a pretext to clamp down on churches in Algeria despite the fact that the Commission it created is yet to meet to consider the requests it has already received. This is manifestly unjust. If the Commission is unable or unwilling to fulfil this essential part of its mandate, then the government should either reconstitute it entirely, or the law itself should be repealed in order to ensure the right to freedom of religion or belief for religious minorities in the country."<sup>24</sup>

In 2012, the Law on Associations (Law 12-06) was introduced which required associations to receive a registration receipt in order for them to operate freely; according to the new legislation, both new associations and those that had already operated for years and decades would need to re-register. However, authorities have either immediately rejected or "refused to process" re-registration applications from associations whose activities "were contrary to Algeria's 'fundamental principles' (*constantes nationales*)". For these associations who do not receive registration receipts, it is therefore unlawful to organize gatherings and increasingly difficult to receive foreign funding – even if some of these organizations were operating relatively freely in years prior to the introduction of Law 12-06.<sup>25</sup> The Protestant Church of Algeria (EPA), an umbrella association for numerous smaller Protestant churches in the nation, and the Seventh-day Adventist Church applied for re-registration in 2014-15 but neither has received confirmation since.<sup>26</sup>

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<sup>22</sup> United States Commission on International Religious Freedom (USCIRF), *Annual Report 2020*.

<sup>23</sup> Christian Solidarity Worldwide (CSW), *General Briefing: Algeria*, 1 May 2020.

<sup>24</sup> Kylie Beach, "Algerian Churches Closed as Laws Target Non-Muslim Worship", *Eternity News*, 30 January 2020.

<sup>25</sup> Human Rights Watch, "Algeria: Bureaucratic Ploys Used to Stifle Associations", 30 March 2014.

<sup>26</sup> *Supra note 4*.

Previous legislations regarding the establishment and operation of associations required authorities to petition an administrative court if they wanted a specific association deemed illegal; under the new Law 12-06, the authorities themselves can easily establish the illegality of an association by simply refusing to provide a registration receipt. In reality, by not providing a receipt of registration, officials are violating Law 12-06 which requires them to swiftly inform the association that they have received an application and are reviewing it. The provision of a receipt initiates a period of time during which authorities review the registration application to decide if it is permissible. If the law were to be enforced correctly, associations that do not receive a written objection from authorities after receiving a receipt would be permitted to operate freely. However, without receiving a registration receipt whatsoever, they are left in a “legal limbo” in which they are unsure if their application is being reviewed, and must either wait indefinitely for a response or resign themselves to operate unlawfully with the risk of punishment. Human Rights Watch’s Deputy Middle East and North Africa Director Eric Goldstein explains:

“Algerian authorities tend not to crush independent associations that bother them outright. They prefer to weaken and marginalize them by cosigning them to a legal purgatory”.<sup>27</sup>

The Ahmadi community of Algeria reported that it had attempted to register with the Algerian Ministry of Religious Affairs and Ministry of the Interior in 2012 and 2016 as a Muslim association, but authorities had rejected the applications both times because the government considers them as non-Muslims. Then, in September 2019, the Algerian government informed the Ahmadi community that it would only approve registration if they applied as a non-Muslim association.<sup>28</sup> Some religious associations explained that despite not obtaining registration receipts, they had begun operations 60 days after they applied for registration; however, without the receipt, utility providers would not provide services – such as electricity, water, waste – making these associations unable to set up houses of worship that meet health standards. Moreover, banks were similarly unable to provide services, meaning religious groups were unable to both conduct charitable work and receive donations without bank accounts.<sup>29</sup>

In contrast to the myriad hurdles that religious minority communities in Algeria must go through to construct and maintain places of worship, the nations’ Muslim communities face no obstacles to do the same. The presence of obstacles to registration of religious associations inherently violates international human rights and religious freedom standards as summarized by the United States Commission on International Religious Freedom (USCIRF)<sup>30</sup>:

“Given the importance of legal personality, the *UN Special Rapporteur on Freedom of Religion or Belief* and the *Organization for Security and Cooperation in Europe (OSCE)* have recognized the ability to obtain legal personality for religious organizations as part of the right to freedom of religion or belief. Often, individuals

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<sup>27</sup> Christian Solidarity Worldwide (CSW), *General Briefing: Algeria*, 1 May 2020.

<sup>28</sup> *Supra* note 6.

<sup>29</sup> *Ibid.*

<sup>30</sup> Kristen Lavery, *Legislation Factsheet: Registration Laws*, United States Commission on International Religious Freedom (USCIRF), January 2019.



or groups cannot fully exercise their right to religious freedom unless they are permitted to form legal entities to organize and operate their religious communities.

"To ensure the protection of freedom of religion or belief and related rights, USCIRF advises that legislation regulating registration of religious groups must adhere to the following standards:

"[1] Registration of religious groups cannot be mandatory: Registration can only be required to confer legal personality and must not be compulsory to practice religion. Further, states cannot impose sanctions or limitations on religious groups that choose not to register."

"[2] Legislation cannot contain undue restrictions or other bureaucratic burdens that hinder access to legal personality: Regardless of the process for reviewing registration applications, undue restrictions are inconsistent with the freedom of religion or belief, as well as the freedom of association. Registration procedures must be quick, transparent, and fair."

"[3] Requirements for registration must be precise and defined: All registration requirements and decisions must be clear with defined formal elements. Registration requirements cannot be vague or grant excess discretion to government authorities."

[5] There must be avenues for appealing denials: Denying legal personality to a religious community interferes with the right to freedom of religion or belief. Therefore, if a group is denied legal personality or this status is withdrawn, the relevant authorities must provide a clear and specific justification for the adverse decision."

**(7)** *"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 access the general situation in the country in light of developments associated with the COVID-19 pandemic)."*

**(8)** *"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."*

On Sunday, 11 February 2021, the Government of Algeria announced that it permitted all mosques to reopen by 15 February with consideration to the expanding COVID-19 pandemic and relevant preventive measures. As reported in a press release published by the Prime Minister's Office:

"...all mosques on the national territory are opened, in strict compliance with health measures and protocols for the prevention and protection against the spread of the Coronavirus, in particular the preventive support system put in place for mosques."<sup>31</sup>

The press release made no mention regarding whether any churches would be permitted to reopen pursuant to pandemic prevention measures, highlighting that actions taken by Algerian authorities are discriminatory, and that standards for the reopening of places of worship are not consistent across all faith communities in Algeria. Furthermore, in the same press release, it is also announced that hotels, cafés, restaurants, and other public services would be authorized to resume their activities, but public gatherings – including weddings, circumcisions, and political protests or activities – would remain prohibited.<sup>32</sup> It is apparent that the Government of Algeria is being selective regarding what activities it allows, and by what communities such activities are planned and participated in.

In response to the permission for the reopening of mosques, the Protestant Church of Algeria (EPA) inquired the Algerian Ministry of Religious Affairs whether churches affiliated with the EPA would be allowed to open. In a meeting on 28 February 2021, the Ministry informed the EPA that the new permissions did not extend to churches and claimed that because the operation of churches was considered a "political issue", the Ministry of Religious Affairs did not have the authority to allow them to reopen.<sup>33</sup>

The World Evangelical Alliance, Middle East Concern, and the EPA submitted a joint written statement to the United Nations Human Rights Council 46<sup>th</sup> Session also in February 2021 in which they outlined the Government of Algeria's inconsistent protocol for reopening houses of worship. Of particular importance is that while authorities permitted more than 180 mosques and an unspecified number of Catholic churches in Tizi Ouzou province to reopen in August 2020, every one of the 25 EPA-affiliated churches in Tizi Ouzou province remained closed.<sup>34</sup> Additionally, while some of the mosques and Catholic churches that were arbitrarily allowed to resume activity were relatively small in size, local officials in Bejaja province prohibited Protestant churches from reopening because they allegedly were not large enough to accommodate for the minimum capacity of 1,000 worshippers. Some of the rejected Protestant churches, however, were larger than the reopened mosques and could easily meet the 1,000 congregant capacity prerequisite.<sup>35</sup>

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<sup>31</sup> International Christian Concern, "[Algerian Churches Remain Closed Amidst Pandemic](#)", 18 February 2021.

<sup>32</sup> Kizzi Asala, "[Mosques Reopen in Algeria as COVID-19 Restrictions Ease Up](#)", *AfricaNews*, 15 February 2021.

<sup>33</sup> Middle East Concern, "Algeria: Violations of the Religious Freedom of Christians", 26 March 2021.

<sup>34</sup> Middle East Concern, "[Algeria: Prayer requested for closed churches](#)", 9 November 2020.

<sup>35</sup> World Evangelical Alliance, Middle East Concern, & The Protestant Church of Algeria (Église Protestante d'Algérie), [Algeria: Protestant Churches Face Arbitrary Closures](#). Joint written statement submitted to the Human Rights Council 46<sup>th</sup> session, 22 February – 23 March 2021, under Agenda Item 4: Human rights situations that require the Council's attention, 1 February 2021.

Also in August 2020, Algerian Minister of Religious Affairs, Youcef Belmahdi, personally attended the reopening of a mosque in Khaled Larbi and proclaimed that “the discipline of the faithful and their respect of the preventive health measures will speed up the total reopening of all the mosques of the Republic.” He further offered compliments to imams, committees, and volunteers for their work in implementing health measures. He made no comment regarding the potential for churches to similarly resume their activity in the future should they uphold pandemic preventive tactics.<sup>36</sup>

International human rights and religious freedom organizations alike view Algeria’s pandemic response measures as discriminatory and used as a false justification for keeping churches shuttered close:

“At the time when the pandemic struck, there were 13 churches that had been closed on the order of the Algerian authorities. Then all places of worship were closed because of the virus. All mosques were permitted to reopen in February. The Protestant Church of Algeria [EPA] was informed it may not reopen any of its 47 churches. It has been a strategy of death by a thousand cuts that escalated to decapitation when an opportunity presented itself. COVID-19 restrictions have been weaponized as a barely-veiled contrivance for the oppression of the Christian community.”<sup>37</sup>

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### **III. Conclusions and Recommendations**

With regards to the data we have presented in sections above to refute claims made in *Response of the Government of Algeria to allegations concerning the closure of Protestant churches and places of worship*, published 21 January 2021, we make the following recommendations to the government of Algeria:

1. Promote and protect religious freedom as a core human right guaranteed in both Article 42 of the 1989 Constitution of Algeria and in Article 18 of the International Covenant on Civil and Political Rights, to which Algeria is signatory.
2. Consider repealing Article 144 Section 2 of the 2007 Penal Code of Algeria which criminalizes blasphemy and which has been used to unjustly imprison Christian converts on allegations that they have committed blasphemy by rejecting or undermining Islam.

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<sup>36</sup> Algérie Presse Service, “Covid-19: Faithful discipline will speed up reopening of mosques”, 15 August 2020.

<sup>37</sup> Miles P.J. Windsor, “Convenient COVID-19 Closures: The Contrivance of Scotland and Algeria to Close Churches”, *Providence Magazine*, 6 April 2021.

- 3.** Cease the practice of arbitrarily shutting down churches on charges related to legal permissibility, as the burden falls upon National Commission for Non-Muslim Religious Groups for refusing to process and accept permit applications.
- 4.** Consider abolishing Ordinance 06-03, which places superfluous restrictions upon the establishment and management of non-Muslim houses of worship; these restrictions violate the right of minority religious groups to obtain legal personality as a component of the right to freedom of religion or belief.
- 5.** Reopen, without discrimination, all churches and houses of worship contingent upon their compliance with standard COVID-19 prevention protocol.