

*Conference at the Palais des Nations*

**Recognizing the Right to Freedom of Assembly and Association  
for All Algerians  
Without Discrimination on the Grounds of Religion or Belief**

*July 2, 2024, 4pm, room XXV*

- *Gina Romero, Special Rapporteur on freedom of peaceful assembly and of association*
- *Dr Nazila Ghanea, Special Rapporteur on freedom of religion or belief*
- *Xavier Driencourt, former French Ambassador to Algeria*
- *Pastor Youssef Ourahmane, Vice-President of the Protestant Church of Algeria*
- *Sarah Ourahmane, representative of the Protestant Church of Algeria*
- *Joseph Janssen, Advocacy Officer, Jubilee Campaign*
- *Dr Grégor Puppinek, Director of the European Centre for Law and Justice*



On July 2, 2024, the European Centre for Law and Justice and Jubilee Campaign are co-organizing a conference at the UN Human Rights Council in Geneva to plead the cause of Algerian Christians persecuted for their faith by the Algerian government. Speakers at the conference include the former French ambassador to Algeria, Xavier Driencourt, the UN Special Rapporteurs on Freedom of Religion and Freedom of Association, and the Vice-President of the Protestant Church of Algeria (EPA).

### **1. Visit to Algeria by the Special Rapporteur on the rights to freedom of peaceful assembly and freedom of association, September 2023**

The Special Rapporteur on the rights to freedom of peaceful assembly and freedom of association visited Algeria in September 2023 in accordance with Human Rights Council resolutions 15/21 and 50/17. Clément Nyaletsossi Voule was the first United Nations Special Rapporteur to visit Algeria since 2016 and since the Hirak started in February 2019. The Hirak movement has brought hundreds of thousands of Algerians onto the streets, demanding political reforms.

During the visit, representatives from both the Algerian authorities and civil society expressed to the Special Rapporteur their strong desire to build a "new Algeria" based on the aspirations of the Hirak. The Special Rapporteur was repeatedly informed that the authorities had continued to use repressive and unconstitutional pre-Hirak laws to suppress peaceful dissent. Human rights activists and journalists continued to be arbitrarily detained, and civil society associations arbitrarily dissolved or denied registration.

For their part, the Algerian authorities responded that they wanted to ensure the security and stability of the State. However, there can be no long-term safety and security if human rights are not respected and if care is not taken to ensure that all people can exercise their fundamental rights to freedom of peaceful assembly and freedom of association.

Regarding religious associations, the Special Rapporteur noted that they have difficulties in registering and carrying out their activities. Registration is currently governed by Law No. 12-06 on associations and Ordinance No. 06-03, which outlines the conditions and rules for practicing any religion other than Islam, and these conditions are incredibly excessive.<sup>1</sup>

More specifically, the Special Rapporteur was informed of the difficulties faced by the Protestant Church of Algeria (EPA), forty-three of whose forty-seven churches have been closed by the authorities since 2018, and whose accreditation has not been renewed following the new law on associations of 2012.<sup>2</sup> Members of the church have been criminally prosecuted for organizing and performing religious rites in unauthorized places of worship.<sup>3</sup>

For the Special Rapporteur, it is crucial that Algeria allow all religious minorities to peacefully exercise their rights to freedom of association and freedom of assembly in order to both comply with Algeria's international human rights obligations and to guarantee peace and stability. The Special Rapporteur joined his voice to that of the Human Rights Committee, which has called on Algeria to repeal all legislative provisions that violate freedom of thought, conscience and religion and to guarantee to all persons the full exercise of their freedom of thought, conscience

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<sup>1</sup> OHCHR, "Report of the Special Rapporteur on the rights to freedom of peaceful assembly and to freedom of association, Clément Nyaletsossi Voule, following his visit to Algeria in September 2023 ([A/HRC/56/50/Add.2](#))," § 27 (May 17, 2024).

<sup>2</sup> Marie Lefebvre-Billiez, "[Algerian Protestants march in the streets against the closure of their churches](#)," *Réforme*, para. 5 (October 17, 2019).

<sup>3</sup> [A/HRC/56/50/Add.2](#), *op. cit.*, § 29.



and religion.<sup>4</sup> The Human Rights Committee reminds the Algerian government of its obligation not only not to prevent the exercise of the rights to freedom of peaceful assembly, freedom of association and freedom of religion, but also to promote the exercise of these rights.<sup>5</sup>

Since July 2011, Algeria has received a total of forty-three communications from the United Nations under the mandate of the UN Special Rapporteur on the freedom of peaceful assembly and of association, two under the freedom of religion and belief, and five communications regarding both freedoms.<sup>6</sup> On July 17, 2023, the United Nations High Commissioner for Human Rights expressed alarm: "Despite freedom of worship and religion being enshrined in the new Constitution, discrimination against religious minorities and the closure of non-Muslim places of worship remain of concern."<sup>7</sup>

Since Algeria joined the UN Human Rights Council in January 2023 for a three-year term, the situation regarding freedom of religion and association has only worsened. In January 2024, Algeria also joined the Security Council as a non-permanent member for two years. As a member of these two key UN bodies, Algeria is particularly bound to respect its human rights commitments.

This side event is organized to assess best practices and the Special Rapporteur's recommendations concerning violations of freedom of assembly and association in Algeria, particularly where the practice of a non-Muslim religion is at stake. The event gives the floor to witnesses and experts to present the challenges and demands of the EPA and the role of States.

## 2. Excessive use of the law against Algerian Christians

Today, forty-three of the forty-seven churches of the *Église Protestante d'Algérie* (EPA) are closed. Its vice-president, Pastor Youssef Ourahmane, is awaiting trial in the Supreme Court. On May 2, 2024, he was sentenced on appeal to one year's imprisonment, suspended for six months, and fined 100,000 dinars (around €690) for holding an unauthorized worship service in a building not intended for that purpose. In March 2023, Pastor Ourahmane had supervised a number of Christian families on a spiritual retreat in a parish complex that housed a chapel closed by the authorities.<sup>8</sup>

In Algeria, restrictions on freedom of peaceful assembly and association deprive Algerian Christians of the freedom to exercise their faith. The Algerian authorities do not grant evangelical churches the status of a religious association. They do not recognize their places of worship, and they close them down abusively. These two grounds for repression mean that the leaders of communities that continue to meet can be prosecuted. Any attempt to "convert a

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<sup>4</sup> OHCHR, "Concluding observations on the fourth periodic report of Algeria ([CCPR/C/DZA/CO/4](#))," § 42 (August 17, 2018).

<sup>5</sup> [A/HRC/56/50/Add.2](#), *op. cit.*, § 30.

<sup>6</sup> OHCHR.

<sup>7</sup> OHCHR, "[Observations in light of the outcome of the fourth cycle of the Universal Periodic Review](#)," p. 2 (July 17, 2023).

<sup>8</sup> *Portes Ouvertes*, "[Algeria: Pastor Youssef Ourhamane sentenced on appeal](#)," para. 1 (May 6, 2024).

Muslim to another religion” or to “shake the faith of a Muslim” is punishable by law.<sup>9</sup> At least eighteen Christians have been sentenced to prison.<sup>10</sup>

The country, which has around 144,000 Christians out of a total population of 46 million Algerians, is ranked 15<sup>th</sup> in the 2024 World Index of Persecution of Christians by the NGO Open Doors.<sup>11</sup> Since 2021, Algeria has been on the US Commission on International Religious Freedom's (USCIRF) list of countries to watch closely "for severe violations of religious freedom."<sup>12</sup>

The Catholic Church, whose faithful attendees are overwhelmingly foreign (sub-Saharan Africans, and to a lesser extent, Europeans), suffers less from these restrictions. However, its approval by the Algerian government under the name of *Association diocésaine d'Algérie* did not prevent the closure of its humanitarian service, *Caritas Algérie*, on October 1, 2022, on the grounds that it was an "unauthorized organization." Although it belonged to the *Caritas Internationalis* confederation, the service had no proper legal existence. The Archbishop of Algiers, Jean-Paul Vesco, said he did not want to "come into conflict with the authorities" and wanted to "continue to do good without making noise."<sup>13</sup>

Algerian Christians, for their part, find themselves in a legal limbo that is deliberately maintained by the authorities.<sup>14</sup> Article 51 of the new Algerian Constitution of 2020 states that "freedom of opinion is inviolable" and that "freedom of worship is guaranteed, and shall be exercised in accordance with the law."<sup>15</sup> However, these freedoms do not extend to freedom of conscience, which was enshrined in the Constitution in 1989 but withdrawn in 2020.<sup>16</sup> This rollback of freedoms undermines the right of Muslims to believe or not to believe and to change their religion. The Algerian Constitution also guarantees freedom of expression, freedom of assembly and peaceful demonstration, and the right to form associations, which can be exercised by simple declaration (Articles 52 and 53).

By Ordinance No. 06-03 of February 28, 2006, laying down the conditions and rules for the exercise of religions other than Islam,<sup>17</sup> Algeria recognizes, without naming it, the Christian faith. The ordinance provides a framework for the exercise of "religions other than Islam" (Article 1) and "guarantees the free exercise of religion" in the context of respect for "public order" and "morality," while reiterating the primacy of Islam as the religion of the State (Article 2).

In reality, the main aim of this ordinance is to restrict conversions to Christianity, which have been on the increase since the early 2000s and which the Algerian government blames for the

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<sup>9</sup> [Ordinance No. 06-03](#) of 29 Moharram 1427 corresponding to February 28, 2006, laying down the conditions and rules for the practice of religions other than Islam, *Official Journal of the Democratic and People's Republic of Algeria*, No. 12, art. 11, (March 1, 2006).

<sup>10</sup> *Portes Ouvertes*, "[Algeria](#)," para.1 (last visited on June 26, 2024).

<sup>11</sup> *Open Doors*, "[Algeria Full Country Dossier 2024](#)," (last visited July 4, 2024).

<sup>12</sup> *USCIRF*, "[USCIRF Releases 2024 Annual Report with New Recommendations for U.S. Policy](#)," para. 3 (May 1, 2024).

<sup>13</sup> *Le Monde*, "[In Algeria, authorities order the closure of Christian association Caritas](#)," para. 2, 5 (September 30, 2022).

<sup>14</sup> *Le Figaro*, "[Algerian Christians are a source of peace for the country, let us preserve their freedom of worship!](#)," para. 2 (April 23, 2024).

<sup>15</sup> *Digithèque Jean-Pierre Maury*, [Algerian Constitution of 1996](#) (consolidated version of December 30, 2020), art. 51.

<sup>16</sup> Razika Adnani, "[The Algerian Constitution: Have the Islamists Won?](#)," para. 30 (February 15, 2021).

<sup>17</sup> [Ordinance No. 06-03](#), *op. cit.*

rise of Kabyle autonomist militancy historically opposed to the central government.<sup>18</sup> The government sees Christianity as a threat to Algeria's Islamic identity and, thus, it is doing everything it can to regulate the Church and destroy it.<sup>19</sup>

For religious associations to be approved, they must also comply with an additional law—Law No. 12-06 of January 12, 2012, on associations.<sup>20</sup> The resulting legislative framework, which is also being misapplied, severely restricts the exercise of Christian worship, particularly in terms of how difficult it is to obtain recognition for places of worship. It restricts the freedom of peaceful assembly and association of Algerian Christians, discriminating against them on the basis of their religion and thus restricting their freedom of religion. These restrictions run counter to Algeria's international legal commitments.

Algeria ratified the International Covenant on Civil and Political Rights in 1989, thereby undertaking to respect, protect, and fulfill the right to freedom of religion, including the freedom to have or to adopt a religion of one's choice and the freedom—either individually or in community with others and in public or private—to manifest one's religion in worship, observance, practice and teaching (Article 18), the right to peaceful assembly (Article 21) and the right to freedom of association (Article 22). It had already undertaken to protect these rights by ratifying the African Charter on Human and Peoples' Rights in 1987.

### **3. Constraints on the recognition of places of worship and the free exercise of religious freedom**

According to Ordinance No. 06-03, "[T]he use of a building for religious worship is subject to the prior opinion of the national commission for religious worship" (Article 5). "Worship takes place exclusively in buildings intended for this purpose, open to the public and identifiable from the outside" (Article 7).

Small communities sometimes do not have the material resources to have compliant buildings and are therefore deprived of the opportunity to meet. When associations rectify safety problems identified by the authorities, they receive no response to their application for registration, even though the government claims to be in dialogue with the EPA to find solutions.<sup>21</sup> The fight against the spread of Covid-19 led to the closure of all places of worship in Algeria; however, many churches still remain closed.<sup>22</sup>

These restrictions have, in turn, led to criminal proceedings against members of the Church on the pretext of having convened and performed religious rituals in unauthorized places of worship,<sup>23</sup> following the example of the Vice-President of EPA. Anyone worshipping contrary to the provisions of Articles 5 and 7 of Ordinance No. 06-03 is liable to imprisonment for

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<sup>18</sup> Fatiha Kaouès, "[Evangelical converts face state Islam in Algeria](#)," *Critique internationale* 2018/3 (No. 80), pp. 135-54 (2018).

<sup>19</sup> *International Christian Concern*, "[2023 Report of the World's Worst Persecutors](#)," p. 36 (last visited July 4, 2024).

<sup>20</sup> [Law No. 12-06](#) of 18 Safar 1433 corresponding January 12, 2012, on associations, *Official Journal of the Democratic and People's Republic of Algeria*, No. 2 (January 15, 2012).

<sup>21</sup> OHCHR, "[UN Expert: Algeria must open civic space and let critical voices speak out](#)," [Preliminary Remarks](#) by Mr. Clément Nyaletsossi Voule, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Visit to Algeria, 16 – 26 September 2023, p. 5 (September 26, 2023).

<sup>22</sup> *Sud Radio*, "[In Algeria, Christians are increasingly threatened](#)," (November 29, 2023).

<sup>23</sup> OHCHR, "[UN Expert: Algeria must open civic space and let critical voices speak out](#)," para. 5 (September 26, 2023).

between one and three years and is subject to a fine of between 100,000 and 300,000 dinars (Article 13 of Ordinance No. 06-03).

In addition, Algeria requires that "the collective exercise of worship [be] organized by associations of a religious nature, the creation, approval, and operation of which are subject to the provisions of this ordinance and the legislation in force" (Article 6 of Ordinance No. 06-03). However, if the association is "not yet registered or approved, suspended or dissolved," any member or manager who continues to act on its behalf is liable to three to six months' imprisonment and a fine of 100,000 to 300,000 dinars (Article 46 of Law No. 12-06). Therefore, the greatest difficulty for Christians lies in obtaining legal recognition for their places of worship and their associations.

#### **4. Restrictions on freedom of association**

**4.1. The overly burdensome constraints and excessive delays for granting legal personality should be called into question.** In fact, "the establishment of religious associations is subject to a special procedure" (Article 47 of Law No. 12-06) involving two stages. First, the National Commission for the Exercise of Religious Worship, attached to the Ministry of Religious Affairs and Wakfs, gives an opinion prior to approval (Article 9 of Ordinance No. 06-03). Then, the religious association must apply to the authorities for approval.

Law No. 12-06 of January 12, 2012, makes the formation of an association subject to "a declaration of incorporation and the issue of a registration receipt" (Article 7). Once the declaration has been filed and within a certain period of time (from thirty to sixty days, depending on the size of the association), "the authorities are required either to issue the association with a registration receipt equivalent to approval or to take a decision to refuse approval" (Article 8). If the authorities fail to respond by the end of the deadline, the association is automatically constituted but must still wait to obtain a registration receipt before it can legally operate (Article 11).

**4.2. Requiring a high number of minimum members to grant legal personality to associations should be prohibited.** There must be at least ten founding members for communal associations, and two is generally sufficient. However, for Wilaya associations, the law requires there to be at least fifteen members, twenty-one for inter-Wilaya associations, and twenty-five for national associations (Article 6 of Law No. 12-06).

**4.3. Provisions that give the government excessive discretion in approving associations should not be permitted.** The authorities can arbitrarily refuse to register associations whose objects and aims they consider "contrary to national constants and values as well as to public order, morality and the provisions of the laws and regulations in force" (Article 2 of Law No. 12-06). These criteria are extremely vague and imprecise, allowing for abuse.

If the application is rejected, the association can "bring an action for annulment before the administrative court with territorial jurisdiction." If the association is successful, "it must be issued with a registration receipt," but the authorities still have the last word, as they "have three months in which to cancel the association's constitution" (Article 10 of Law No. 12-06). This prerogative granted to the authorities not only makes the procedure more cumbersome, but also gives them the means to control the entire field of associations *a posteriori*.

**4.4. Provisions that put an end to acquired advantages should be called into question.** Law No. 12-06 replaces Law No. 90-31 of December 4, 1990, and requires regularly constituted

associations to comply with the new, more restrictive provisions within two years by filing new articles of association in compliance with Law No. 12-06. Once this period has elapsed, the competent authority will order the dissolution of the associations concerned (Article 70). The Protestant Church of Algeria is still awaiting renewal of its accreditation.

4.5. **Intrusion into internal religious affairs should be limited.** After each general meeting, associations are required to send the competent public authority a copy of the minutes of the meeting and the annual moral and financial reports (Article 19 of Law No. 12-06), which grants the government greater control of the association's activities. In addition, associations are liable to a fine if they refuse to provide this information (Article 20 of Law No. 12-06).

4.6. **The conditions for suspending or dissolving an association should be less lenient.** An association may be suspended or dissolved "in the event of interference in the country's internal affairs or infringement of national sovereignty" (Article 39 of Law No. 12-06). This rather vague provision makes it possible to limit the freedom of association of Christians on the pretext that Algeria wishes to avoid any Western interference and to preserve its national identity, which it wants to be Islamic.

It is no longer necessary for a judge to intervene in order to suspend an activity; a simple administrative decision taken by the competent public authority is sufficient (Article 41 of Law No. 12-06).

Third parties who have a conflict of interest with the association may request that it be dissolved (Article 43 of Law No. 12-06), suggesting that associations supported or even created by the State itself may take legal action to prevent religious associations from continuing their activities.

## 5. Recommendations

We call on Algeria, which must respect its own human rights commitments, to do the following:

- Drop all charges against Pastor Youssef Ourahmane (who met with the Special Rapporteur on the rights to freedom of peaceful assembly and freedom of association during his visit to the country) and other Christians and non-Muslims charged with exercising their freedom of religion or belief.
- Affirm the rights of the Protestant Church of Algeria and the various evangelical communities, including the right of their members to meet and pray, and recognize their places of worship.
- Reopen churches and the *Caritas Algeria* humanitarian service.
- Reduce the administrative burden and stop misusing the provisions of Ordinance No. 06-03 and Law No. 12-06 in order to create the real conditions for full freedom of association.
- Repeal all provisions that infringe freedom of thought, conscience, and religion and guarantee everyone the full exercise of their freedom of thought, conscience, and religion.
- Promote freedom of expression by revising its legal provisions against blasphemy and proselytism, in particular Articles 144 bis 2 and 160 of the Criminal Code and Article 11 of Ordinance No. 06-03.