

THE TANDEM PROJECT

<http://www.tandemproject.com>.

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

ALGERIA

FREEDOM OF RELIGION OR BELIEF AND OTHER REPORTS IN THE UNIVERSAL PERIODIC REVIEW

First Session U.N. Human Rights Council Universal Periodic Review (7-18 April, 2008)

A. Description of the methodology and the broad consultation process for the preparation of information provided under the Universal Periodic Review:

The Tandem Project, a *UN NGO in Special Consultative Status with the Economic and Social Council of the United Nations*, submits information for the Universal Periodic Review on issues relevant to Article 18 of the International Covenant on Civil and Political Rights, the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, and other matters related to freedom of religion or belief.

The U.S. State Department 2007 Religious Freedom Report is the source of this information. There are excerpts to comply with the five page limit for NGO Submissions under General Guidelines for the Universal Periodic Review and a link to the complete report.*

The Universal Periodic Review begins with a presentation of a National Report by a UN Member State and inter-active dialogue with the UN Human Rights Council. A Human Rights Council troika drafts an outcome Working Group Report and later, follow-up recommendations after a second inter-active dialogue with the Council and NGO Stakeholders. There are links below to the UN Working Group Report and Other Reports in the archived audio/visual UN web cast of the Member State presentation and first inter-active dialogue.

B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1, annex: section 1.A.

1. The Right to Freedom of Religion or Belief

Religious Demography:

The country has an area of 919,595 square miles and a population of 33 million. More than 99 percent of the population is Sunni Muslim. There is a small community of Ibadi Muslims in Ghardaia. Official data on the number of non-Muslim citizens is not available; however, practitioners reported it to be less than five thousand. The vast majority of Christians and Jews fled the country following independence from France in 1962. Many of those who remained emigrated in the 1990s due to violent acts of terrorism committed by Islamic extremists. According to Christian community leaders, Methodists and members of other Protestant denominations account for the largest numbers of non-Muslims, followed by Roman Catholics and Seventh-day Adventists. There are three thousand members of evangelical churches (mostly in the Kabylie region) and three hundred Catholics. A significant proportion of the country's

Christian alien residents are students and illegal immigrants from sub-Saharan Africa seeking to reach Europe; their numbers are difficult to estimate.

Legal/Policy Framework:

The Constitution declares Islam to be the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. The Constitution does not provide explicitly for religious freedom; however, it provides that the people set up institutions whose aims include the protection of fundamental liberties of the citizen. The Constitution prohibits non-Muslims from running for the presidency. Ordinance 06-03 of 2006, which delimits the conditions and rules concerning the practice of religious rites for non-Muslims, provides for the freedom to practice religious rites, on condition that the exercise thereof is in keeping with the ordinance, the Constitution, other laws and regulations, and that public order, morality, and the rights and basic freedoms of others are respected. The law limits the practice of faiths other than Islam, including by prohibiting public assembly for the purpose of their practice, requiring organized religious groups to register with the Government, and controlling the importation of Christian religious materials. However, the Government allows registered non-Muslim religious groups, in limited instances, to conduct public religious services.

In 2006 the Government increased requirements for religious organizations to register, increased punishments for individuals who proselytize Muslims, and made regulations on the importation of religious texts more stringent through passage of Ordinance 06-03. During the reporting period, there were no reports of enforcement of the law's sections covering proselytizing. No foreign visitors are known to have been implicated in, arrested, or imprisoned for proselytism since the ordinance was put into effect in September 2006.

C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of review” in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms.

1. The Right to Freedom of Religion or Belief

Restrictions on Religious Freedom:

Articles 5 through 11 of Ordinance 06-03 outline enforceable restrictions which stipulate that all structures intended for the exercise of religious worship must be registered by the state, any modification of a structure to allow religious worship is subject to prior government approval, and worship may only take place in structures exclusively intended and approved for that purpose. Additionally, proselytizing is made a criminal offense, and the punishment for it is established at 1 to 3 years in jail and a maximum fine of \$7,100 (500 thousand dinars) for lay individuals and 3 to 5 years of jail time and a maximum of \$14,285 (1 million dinars) for religious leaders. The law lays out a maximum of 5 years in jail and a \$7,100 (500 thousand dinars) fine for anyone 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." Anyone who makes, stores, or distributes printed documents, audiovisual materials, or the like with the intent of "shaking the faith" of a Muslim may also be punished in this manner.

In theory, Ordinance 06-03 gives the Government the power to regulate the locations of all non-Muslim worship and monitor participation. Effectively, it enables the Government to shut down informal Christian religious services that take place in private homes or in secluded outdoor settings. Government officials assert that the law is designed to apply to non-Muslims the same constraints as those imposed on Muslims. Imams are hired and trained by the state and observances of Muslim services, with the exception of daily prayers, can only be performed in state-sanctioned mosques. The Government argues that the new requirement that non-Muslim religious services be conducted only in registered facilities puts the treatment of all religions on an equal basis before the law. Although Ordinance 06-03 marked a step backward for religious freedom, there were no reported instances of the law's implementation during the reporting period.

Conversions from Islam to other religions are rare. Shari'a, as interpreted in the country, does not recognize conversion from Islam to any other religion; however, conversion is not illegal under civil law. Due to safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely. Christians report that conversions to Christianity take place.

The proselytizing of Muslims is illegal. Missionary groups are permitted to conduct humanitarian activities without government interference as long as they are discreet and do not proselytize.

Societal Abuses/Discrimination:

Differences that remain within the country's Muslim majority about the interpretation and practice of Islam caused some discord among religious groups. A very small number of citizens, such as Ibadī Muslims living in the desert town of Ghardaia, practice nonmainstream forms of Islam or practice other religions, and experience minimal societal discrimination.

In general society tolerates foreigners who practice faiths other than Islam; however, citizens who renounce Islam generally are ostracized by their families and shunned by their neighbors. The Government does not usually become involved in such disputes.

Most cases of harassment and security threats against non-Muslims are committed by radical Islamists who are determined to rid the country of those who do not share their extremist interpretation of Islam. Moderate Muslim religious and political leaders publicly criticized acts of violence committed in the name of Islam such as the April 11, 2007 simultaneous bombings of the Prime Minister's office in downtown Algiers and 2 police stations that killed 33 persons and injured hundreds. Despite a law banning public demonstrations, the Government permitted, and government employees attended in large numbers, an antiterrorism rally in the days following the attack.

* Source: US State Department 2007 International Religious Freedom Report; Algeria

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90207.htm>

Links to State Department sites are welcomed. Unless a copyright is indicated, information on the State Department's main website is in the public domain and may be copied and distributed without permission. Citation of the U.S. State Department as source of the information is appreciated.

G. Presentation by the State concerned of the follow-up to the previous review.

Direct Link: Report of the Working Group for the Universal Periodic Review Algeria. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/DZ/A_HRC_8_29_Algeria_E.pdf

Direct Link: U.N. Human Rights Council Web Cast Archives for all Ecuador Reports. Download Real Player (free) for access to the web cast: Scroll down the web cast to find the Algeria Reports. Click to open the audio/visual and inter-active delegations dialogue.

<http://www.un.org/webcast/unhrc/archive.asp?go=080414>

Some Reports are not translated into all six United Nations official languages. These reports may be opened by clicking on the OHCHR Archives above:

ALGERIA

Only contributions submitted in one of the United Nations official languages are admissible and posted on this webpage

Date of consideration: Monday 14 April 2008 - 9.00 a.m. - 12.00 p.m.

National report ¹: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Compilation of UN information ²: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Summary of stakeholders' information ³: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)



Outcome of the review :

Report of the Working group : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 1 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 2 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

THE TANDEM PROJECT OBJECTIVES

The Tandem Project Objectives on Dialogue and Education: (1) Use International Human Rights Standards on Freedom of Religion or Belief as a platform for genuine dialogue on core principles and values within and among nations, all religions and other beliefs. (2) Adapt these human rights standards to early childhood education, teaching children, from the very beginning, that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.¹

International Human Rights Standards on Freedom of Religion or Belief are international law and codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. The identification of achievements, best practices, challenges and constraints on the standards should be part of the follow-up to the Algeria Universal Periodic Review.

STANDARDS: http://www.tandemproject.com/program/81_dec.htm

The Tandem Project: a non-governmental organization founded in 1986 to build understanding, tolerance and respect for diversity, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project, a non-profit NGO, has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have the right to freedom of thought, conscience and religion - and 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative is the result of a co-founder representing the World Federation of United Nations Associations at the United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat in 1984 on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

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Closing the Gap – International Standards for National and Local Applications, considers the question of a Convention on Freedom of Religion or Belief followed by a Response from the Special Rapporteur on Freedom of Religion or Belief and The Tandem Project Concept, an option that reflects the inclusive values of the Universal Declaration of Human Rights through human rights-based *Dialogue and Education*.

Closing the Gap - International Standards for National and Local Applications

Objective: Build understanding and support for Article 18, International Covenant on Civil and Political Rights –Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Encourage the United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media and Civil Society to consider the rule of law and international human rights standards as essential for *long-term solutions* to conflicts based on religion or belief.

Challenge: In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability by all religions or beliefs. The tensions in today’s world inspire a question such as:

Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

Response: Is it the appropriate moment to reinstate the drafting of a legally binding international convention on freedom of religion or belief? Law making of this nature requires a minimum consensus and an environment that appeals to reason rather than emotions. At the same time we are on a learning curve as the various dimensions of the Declaration are being explored. Many academics have produced voluminous books on these questions but more ground has to be prepared before setting up of a UN working group on drafting a convention. In my opinion, we should not try to rush the elaboration of a Convention on Freedom of Religion or Belief, especially not in times of high tensions and unpreparedness. - *UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Prague 25 Year Anniversary Commemoration of the 1981 UN Declaration, 25 November 2006.*

Option: After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate for an Open-ended Working Group ought to assure nothing in

a draft Convention will be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Concept: *Separation of Religion or Belief and State – SOROBAS.* The First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*” This concept suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

Article 18: protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community. **Article 18:** permits restrictions to manifest a religion or belief only if such limitations are prescribed by law and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Dialogue & Education

Dialogue: United Nations Secretary General Ban Ki Moon, at the Alliance of Civilizations Madrid Forum said; “Never in our lifetime has there been a more desperate need for constructive and committed dialogue, among individuals, among communities, among cultures, among and between nations.” A writer in another setting has said, “The warning signs are clear: unless we establish genuine dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.”

Norms and standards on human rights and freedom of religion or belief are international law and codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Human Rights Standards on Freedom of Religion or Belief is a platform for dialogue on core principles and values within and among nations, all religions and other beliefs.

Education: Ambassador Piet de Klerk addressing the Prague 25 Year Anniversary Commemoration of the 1981 U.N. Declaration said; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.”¹

The 1981 U.N. Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the best interests of the child being the guiding principle.” With International Human Rights safeguards, early childhood education is the best time to begin to teach tolerance, understanding and respect for freedom of religion or belief.