



The Regulation of Non-Muslim Religious Practices in Algerian Legislation

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Abstract:

This study examines the regulation of non-Muslim religious practices within Algerian legislation—an issue intrinsically linked to freedom of belief, a fundamental human right enshrined in international instruments, regional conventions, and domestic laws. Given growing global attention to religious rights, particularly as minorities face persecution and discrimination on religious grounds, this topic holds significant relevance for human rights scholars and practitioners at national, regional, and international levels.

The sensitivity of this matter necessitates legislative intervention to govern non-Muslim religious practices, especially in light of Algeria's Christian and Jewish communities, as Algerian lawmakers had not addressed this issue through dedicated legislation before 2006, where this gap was rectified with the introduction of Ordinance 06-03, which established the legal framework governing the conditions and regulations for non-Muslim religious observance.

Keywords: Freedom of belief, Religious rites, Algerian legislation, Non-Muslims.

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**Introduction:**

Issues of human rights and fundamental freedoms continue to command the attention of the international community; among these rights and freedoms is freedom of belief, which receives particular consideration, especially from the perspective of the principle of coexistence among civilizations and cultures. While the majority of legislations acknowledge the necessity of protecting religious freedom, it is observable that they diverge significantly concerning the means of safeguarding this right, or the lack thereof. Our noble Islamic religion pioneered the commitment to guaranteeing the right of non-Muslims to practice their religious rites, establishing thereby regulations and rules capable of embodying all the values of tolerance and coexistence among different religions; numerous provisions found in the Holy Quran, the Noble Prophetic Sunnah, and the well-documented historical stances of the Companions, may Allah be pleased with them, stand as unequivocal proof of this. Following the example of many nations worldwide, and following its conviction of the necessity to promote the values of tolerance and coexistence derived from our noble religion, the Algerian state has endeavoured to enshrine the principle of freedom of belief and freedom to practice religious rites within its successive constitutions, most notably the 1996 Constitution in its Article 36; moreover, it has reinforced this endeavour by ratifying numerous international agreements and covenants advocating for the protection of human rights, including specifically the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Appreciating this effort, a legislative text was subsequently introduced to ensure a better framework for the practice of religious rites by non-Muslims, safeguarding their rights while protecting public order and morals, through Ordinance No. 06-03 governing the rules and conditions for the practice of religious rites by non-Muslims; this development was particularly pertinent given the escalating pace of proselytizing activities in Algeria and the emergence of an Algerian Christian community whose field operations, described at best as chaotic, disrupt public order—these circumstances were the impetus for enacting this law to regulate the religious activities of these groups, ensuring their work operates under the protection of the law and shielding Muslims from potential transgressions that might emanate from non-Muslims. Given the scarcity of references addressing freedom of belief in general and the specific issue of regulating non-Muslim rites in Algeria, and in light of our conviction of the subject's paramount legal and scientific importance, we deemed it essential to focus on the law regulating non-Muslim rites issued in 2006, without overlooking pre-existing or subsequent provisions concerning non-Muslims, particularly those introduced in the amendments to the Civil and Administrative Procedure Code; furthermore, our research, notably the field component, revealed the existence of non-Muslim Algerians, prompting us to question the nature of the legal provisions applicable to their transactions amongst themselves or with Muslims, should cases involving them come before the courts.

Study Importance:

The topic of regulating the practice of religious rites for non-Muslims holds significant importance within the field of human rights studies; particularly as state intervention in this domain aims to activate the principle of Islam as the state religion, stipulated in Article 2 of the 2020 constitutional amendment, while simultaneously guaranteeing freedom of belief and the right of non-Muslims to practice their worship or religious rites, as enshrined in Article 51 of the 2020 constitutional amendment, in addition to upholding human rights declarations and relevant international conventions.

**Study Objectives:**

- To examine the regulatory framework established by Algerian legislation for non-Muslim religious rites.
- To assess the extent to which religious freedom is enshrined and protected under Ordinance No. 06-03.
- To evaluate the balance between safeguarding non-Muslims' rights to practice religious rites and protecting public order and morals.
- To identify practical legal challenges faced by non-Muslim Algerians in personal status matters and interactions with the judiciary.

Methodology Adopted:

We adopted the descriptive approach; this involved gathering the scientific material and data relevant to the study's subject from diverse sources, then subjecting it to appropriate analysis, and finally deriving conclusions therefrom.

Research Problem:

What are the rules established by the Algerian legislator to regulate and protect religious freedom in Algeria? To what extent is religious freedom enshrined in Ordinance No. 06-03 concerning the conditions and rules for the practice of religious rites by non-Muslims?

To Address This Research Problem, We Adopted the Following Structure:

- Introduction
- Chapter One: Regulation of Religious Freedom before the Issuance of Law 06/03.
- Chapter Two: Regulation of Religious Freedom Following the Issuance of Law 06/03.
- Conclusion: Encompassing the Key Findings and Recommendations.

Chapter I: Regulation of Religious Freedom before the Issuance of Law 06-03

The legislator had previously established clear legal frameworks regulating the practice of Islamic religious rites to protect public order and maintain societal security and stability, notably through laws concerning endowments (waqf), communal governance (wilaya and baladiya), and the Penal Code, some of which will be examined in the first section.

Requirement I: Provisions Governing Non-Muslim Affairs in Algeria

A review of various post-independence legal texts reveals numerous regulations addressing religious affairs, particularly those about Islam; however, we shall highlight the most significant provisions referencing non-Muslims that were in force from independence until the issuance of Law 06-03¹ regulating non-Muslim religious rites, beginning with the Constitution, which affirmed religious freedom as follows:

Section I: Algerian Constitutions

Algeria's first constitution following independence, the 8 December 1963² Constitution, contained extensive provisions affirming recognition of human rights and fundamental citizen freedoms—political, social, economic, and cultural³—as Article 4 stipulated: "Islam is the religion of the State, and the Algerian Republic guarantees every individual respect for their opinions, beliefs, and the free practice of religious rites." This was succeeded by the 19 November 1976 Constitution⁴, which emphasized in Article 53: "The inviolability of freedom of belief and freedom of opinion shall not be infringed," followed by the 23 February 1989 Constitution⁵ guaranteeing freedom of belief and opinion in Article 36: "The inviolability of



freedom of belief [...] shall not be infringed". The 28 November 1996 Constitution⁶ similarly enshrined freedom of belief, declaring in Article 2: "Islam is the religion of the State", and it is noteworthy that all successive Algerian constitutions, including the amendment issued on 6 March 2016⁷, recognized individuals' freedom of belief regardless of their adherence to Islam or other faiths; furthermore, the latest 2020 amendment explicitly stated in Article 51, Paragraph 2: "Freedom to practice worship is guaranteed and exercised within the framework of respect for the law; the State ensures the protection of places of worship from any political or ideological influence". Consequently, the Algerian state adopts a system recognizing Islam as the state religion while guaranteeing acknowledgment and protection for other religions—a position derived from our Islamic civilizational heritage and simultaneously aligned with democratic principles prevalent in advanced nations⁸.

The question that arises is whether a constitutional provision explicitly declaring Islam the state religion implies non-recognition of other religions in Algeria or contradicts constitutional guarantees of freedom of belief and worship. Indeed, some argue that adopting an official state religion constitutes a denial of other faiths practiced by Algerian citizens and restricts religious freedom; however, this is inaccurate, as the Constitution confirms the State's Muslim identity while recognizing other religions by guaranteeing freedom of belief within its territory. Referencing a specific religious ideology in the constitution does not negate respect for others—a principle evident in Article 2 of Law 06-03, which states: "The Algerian State, which adheres to Islam, guarantees freedom to practice religious rites". Consider France, which separated religion from the state under its 1905 law, yet upholds religious freedom, acknowledges every religion's right to practice its rites, and directly intervenes to regulate them through safeguards preserving public order, however, reality, starkly contrasted with this principle during the colonial period, as the occupation exploited legal loopholes to exclude Islamic rites from this law's provisions and failed to apply it equitably, mirroring Algeria's experience where colonial decrees contradicted the law itself⁹, imposing stringent surveillance on Islam under the guise of regulation¹⁰.

The commitment of the people of Ireland to the Lord Jesus is also referred to in the Preamble to the Irish Constitution, as follows:

"In the name of the Most Holy Trinity from which all power derives and to whom all actions of men and states must be attributed as our supreme goal. We the people of Ireland humbly acknowledge all our obligations to our Divine Lord Jesus Christ..."¹¹.

The state religion has been mentioned in the constitutions of many countries - there is not enough space to mention them - and it is certain that these countries, like the Algerian state, by specifying the official religion, this does not constitute an exclusion of other religions.

Section Two: National Laws and Decrees

- **The Penal Code¹²**: Several of its provisions protect religious sanctities, including Articles (144bis 2), (150), (160), and (160bis 3); however, it is noteworthy that most of these articles cannot be broadly interpreted to encompass religions other than Islam, except for Article (150), which explicitly safeguards graves from desecration regardless of whether they belong to Muslims or non-Muslims. Similarly, Article (160bis 3) penalizes anyone who intentionally vandalizes or desecrates places of worship, employing a general phrasing that includes mosques, churches, and Jewish temples. Furthermore, Articles (298) and (298bis) criminalize defamation and insults directed at an ethnic group, sect, or specific religion.



- **The Information Law**¹³: Article (26) prohibits any periodical or specialized publication from disseminating content that contradicts Islamic ethics, national values, human rights, or incites racism, intolerance, or treason.

- **Law No. 05-04 on the Organization of Prisons and the Social Reintegration of Detainees**¹⁴: Article (66), Paragraph (3), stipulates that detainees have the right to practice their religious duties and receive visits from clergy of their faith. This provision reflects the Algerian legislature's recognition of every detainee's right to observe religious rites, irrespective of their religion or nationality—whether national or foreign—as the law does not restrict its application solely to foreigners.

- **The Civil Code**¹⁵: Article (28) mandates that names must be Algerian, though an exception is made for children born to non-Muslim parents.

- **The Civil Status Law**¹⁶: Article (64) states that "names must be Algerian, unless the child is born to parents adhering to a religion other than Islam."

- **Decree No. 69/204 on the Salary System for Clergy of Religions Other Than Islam**¹⁷: Enacted in (1970), this decree establishes a monthly salary for clergy, indexed to a base rate of (200), adjustable by a joint decision of the Minister of Religious Affairs and the Minister of Finance, provided they hold Algerian citizenship and full civil rights.

- **Decree No. 81/386 on the Powers of Municipalities and Wilayas in Religious Affairs**¹⁸: Article (1) authorizes municipal and wilaya authorities, within the framework of existing legislation, to take measures promoting religious activities in their territories. Articles (2) and (3) assign municipalities and wilayas the task of maintaining mosques, with other duties pertaining exclusively to Islam; however, the phrase "including but not limited to..." implies that these tasks are illustrative rather than exhaustive, thus extending local authorities' responsibilities to the upkeep of non-Muslim places of worship. This interpretation is reinforced by Article (105) of the (Municipal Law 90/08), which stipulates that municipalities contribute to the maintenance of mosques and Quranic schools within their jurisdiction while ensuring the preservation of religious properties—a term that, due to its general wording, encompasses properties of other religions.

However, it should be noted that there are endowment properties belonging to Christian associations—whether Catholic or Protestant—in Algeria, which are managed, maintained, and supported by foreign religious associations through financial, material, and human assistance, as the human support component includes training courses for Algerian Christians abroad. Currently, the Algerian Protestant Church operates two centers nationwide for the training of local clergy.

Based on field observations, the Algerian state does not play an active role in this domain, leaving a void that has been filled by foreign associations catering to the needs of non-Muslims in Algeria, as we believe this opens the door to foreign entities with agendas that may undermine Algerian interests, particularly amid the rising wave of proselytization campaigns in the country; Consequently, we argue that the situation necessitates intervention by the Algerian legislature to regulate the affairs of non-Muslims in Algeria, especially in this regard, to enable effective oversight of any potential overreach in this field.

- **Executive Decree No. 03-278 on the Regulatory Framework for Book Distribution in Algeria**¹⁹: This decree designates the legally authorized entity for distributing books and publications printed abroad to legal persons subject to Algerian law. Article 4 specifies the licensing authority, stipulating that any imported book or publication intended for commercial distribution, free distribution, or public display requires a distribution license issued by the Ministry of Culture. However, if the material concerns the Holy Quran, religious books, or



publications in all their forms, prior approval from the Ministry of Religious Affairs and Endowments is mandatory; consequently, any religious book—whether Islamic or non-Islamic, including the Gospels—must obtain authorization from the competent authority; furthermore, intellectual products whose content fundamentally violates the three dimensions of national identity—distorting the Holy Quran, insulting God, or disparaging the prophets—are classified as absolutely prohibited goods under Article 10 of the decree²⁰.

Notably, the presence of non-Muslims in Algeria has been formalized through associative organizations under the Association Law (No. 71-79 of December 3, 1971)²¹, as amended by Law 90-31²² of 1990, which outlines various fields in which associations may operate, including the "religious" domain—though notably not the "ritual" domain. Beyond the ambiguity in terminology—and its potential legal implications—non-Islamic rituals remain governed by private law rules²³.

Given this context, we have dedicated a section to religious associations, as the legal presence of non-Muslims in Algeria has been primarily framed within such organizations, and we will examine this framework as follows:

Requirement II: Provisions Governing the Establishment of Religious Associations for Non-Muslims

The presence of a Christian community in Algeria—comprising some settlers who remained after independence—necessitated the creation of associations through which they could practice their religious rites, as this associative model for religious practice dates back to the 1905 French law on the separation of church and state, which transferred the authority to organize worship and manage places of worship from state missions to religious associations, and since this remains the sole framework for non-Muslim religious practice in Algeria—with no direct state involvement, either before or after the enactment of Law 06-09—we will examine the process of establishing religious associations and the challenges it entails.

- Establishment of Associations:

The organization of religious rites for non-Muslims is carried out through associations governed by the Associations Law, particularly when it involves collective religious practices, as these religious associations must be approved by the competent authorities, which is not a restriction on religious freedom for non-Muslims but rather a guarantee, as state protection is provided for legally sanctioned religious activities under Article 3 of the law²⁴, reaffirming Algeria's commitment to safeguarding freedoms, including freedom of belief. However, a legal ambiguity arises concerning the legitimacy of certain religious associations established before the 1990 Associations Law (Law 90-31). Many non-Muslim religious associations were formed under Law No. 71-79 of December 3, 1971, including:

- The Algerian Episcopal Association, approved on November 16, 1974 (No. 18), chaired by Henri Teissier.
- The Algerian Protestant Association, approved on November 16, 1974 (No. 23), chaired by Johnson H. Grayson.
- The Israelite Rabbinical Association, approved on November 16, 1974 (No. 21), chaired by Roger Saïd.

Law 90-31 did not impose retroactive obligations on pre-existing associations, except requiring them to amend their bylaws to comply with its provisions by June 30, 1991; however, by the deadline, only two associations had adjusted their statutes:

- The Association of Catholic Religious Communities in Algeria
- The Algerian Episcopal Association (still chaired by Henri Teissier)



The other associations that failed to regularize their status were not formally dissolved by the Ministry of the Interior, which holds this authority under Article 42 of the Associations Law²⁵, as their legal status remained suspended, particularly due to the violent upheavals in Algeria during the 1990s, which led many members to leave the country, leaving these associations in limbo.

Legal Dilemma: Do These Associations Still Exist? Since no formal withdrawal of approval was issued under Article 42, and Article 44²⁶ states that dissolution occurs only upon withdrawal, one could argue these associations remain legally active.

Article 5 declares an association null and void if its objectives violate the existing legal framework. Since these associations did not comply with the new law, they should be considered automatically dissolved, while the more legally sound position is that these associations are null and void by operation of law (Article 5)²⁷, as they failed to align with the regulatory requirements, where the Ministry of the Interior's inaction does not override this, as its dissolution authority is contingent on violations of the association's stated activities, not mere procedural non-compliance.

Another Challenge-Expansion of Activities Beyond Religious Scope: Some religious associations have extended their activities to include education and social assistance, raising concerns about their influence on the faith of Muslim beneficiaries; consequently, the Ministry of the Interior now denies approval to associations that violate Article 5, which prohibits activities in places of worship that contradict their religious nature.

A reading of Articles 5, 6, and 7²⁸ clarifies that collective religious practice for non-Muslims is permitted only in legally designated places, supervised by religious associations; thus, associations cannot engage in activities unrelated to direct religious observance, as any association seeking approval for non-religious activities (e.g., proselytization under the guise of charity) is denied registration to protect Muslims from potential coercion or inducement to convert.

In conclusion, the existence of unregulated associations or those with questionable motives—exploiting the legal vacuum in non-Muslim religious regulation—has prompted calls for legislative intervention, where clear guidelines are needed to ensure the rights of all individuals, Muslim and non-Muslim alike, are preserved. This will be addressed in the following section.

Chapter II: Regulation of Religious Freedom for Non-Muslims Following the Enactment of Law 06/09

As previously noted, there had been no legal text regulating non-Muslim religious practices in the contemporary sense; however, in light of violations recorded by certain Christian denominations, it became necessary to issue a law under a presidential decree adopted during the Council of Ministers meeting held between parliamentary sessions on February 22, 2006, as this law, comprising 17 articles, aims to establish frameworks and regulations for the practice of religious rites by non-Muslims through substantive and procedural rules.

This law is the first of its kind in the Arab world and has provoked external reactions, particularly from some major powers that viewed it as restrictive of freedoms, despite its timing coinciding with the escalation of proselytization campaigns within Algeria, which had exploited the legal vacuum addressed by this law²⁹, where the matter was referred to the Committee on Education, Higher Education, Scientific Research, and Religious Affairs for study, following a submission by the President of the National People's Assembly. Consequently, the draft law approving Decree 06/03³⁰, later amended as 06/02³¹ bis, was voted upon. This law stands as one of the strongest legislative guarantees compared to constitutional and international protections,



as it delves into the precise details of individuals' religious freedom, thereby facilitating its protection through the procedures outlined by the legislator³².

Among the most significant provisions of the law is the establishment of a body to oversee the affairs of non-Muslims in Algeria—namely, the National Committee for Religious Practices—on one hand, and the introduction of specific provisions for non-Muslim religious events on the other. We will examine these through the following two subsections:

Requirement I: Establishment of the National Committee for Religious Practices

Perhaps the primary reasons for establishing the National Committee for Religious Practices for non-Muslims were the absence of a legal framework regulating such practices in general, as well as the widespread and destructive proselytizing activities carried out, particularly by Christian groups³³.

Following the restoration of national sovereignty and the achievement of independence in 1962, considerations began regarding the creation of a committee for non-Muslim religious practices; Here, Colonel Mohammedi Saïd, in his address before the National People's Assembly regarding the establishment of the Committee for Religious Practices, stated: "We told the people that Islam is the foundation of the revolution, and that we respect the Catholic and Jewish religions present in this country..."³⁴

On the other hand, Law 06/09 provided for the establishment of a National Committee for Religious Practices under the Ministry of Religious Affairs and Endowments. Executive Decree No. 07/158, dated May 27, 2007³⁵, defined the committee's composition and operational procedures. Additionally, the committee derives its financial allocations from the administrative budget of the Ministry of Religious Affairs and Endowments.

A - Committee Responsibilities:

According to Article 9 of Decree 06-02 bis, the Committee is specifically tasked with the following:

- Ensuring respect for the freedom of non-Muslims to practice their religious rites;
- Handling matters and concerns related to the practice of religious rites;
- Providing prior approval for religious associations within one month when the application is submitted under Article 10 of the Associations Law, if the request comes from a religious association whose members are non-Muslim Algerians (e.g., the Algerian Protestant Association), or under Article 40 of Law 90/31, which stipulates that the formation of foreign associations, including those of a religious nature, requires approval from the Minister of the Interior (e.g., Catholic religious associations);
- Providing prior opinion on the designation of buildings for religious practice following Article 5/1 of the Decree, as these buildings designated for religious practice are subject to state census and benefit from state protection³⁶, similar to places designated for Islamic worship, where Decree No. 81/386 dated December 26, 1981, which defines the powers of municipalities and provinces in the religious affairs sector, states in Article 8³⁷ that the designation of any building related to religious activities requires prior approval from the Minister of Interior and the Minister of Religious Affairs;
- Preparing an annual report on its activities and submitting it to the Prime Minister under Article 12 of Executive Decree 07/158³⁸.

It is noteworthy that Executive Decree No. 07-158, which defines the composition and functioning of the National Committee for Non-Muslim Religious Practices, specifies these tasks precisely. Article 2 of the Decree reproduces the content of Articles 9 and 5 of the Decree without additions that would help clarify some of the Committee's assigned tasks. Except for the



tasks of providing prior approval for religious associations and designating buildings for worship, the other responsibilities remain vague due to their general and broad wording, requiring further clarification, which includes defining what "ensuring respect for the freedom to practice religious rites" entails, as well as the conditions and possibilities for appeal when the Committee issues a negative opinion.

B - Committee Composition:

Article 4/1³⁹ of Decree 07/158 specifies the committee's composition as follows:

- **The Minister of Religious Affairs and Endowments or their representative as chairperson:** This is because the ministry oversees both Muslim and non-Muslim religious practices, and provides prior approval for religious associations and the designation of buildings for religious worship.

- **Representative of the Minister of National Defense and representative of the National Gendarmerie Command:** Initially, one might question the relevance of the Defense Ministry to non-Muslim religious practices, given the committee's primary purpose of safeguarding freedom of belief. However, their inclusion likely stems from Algeria's security situation, requiring their oversight to prevent potential threats to public order.

- **Representative of the Minister of Interior and Local Communities:** Their presence is justified by:

* Their authority in approving religious associations, making them best positioned to address related issues;

* The Interior Minister's responsibility for managing foreigner entry to maintain public order, particularly when religious associations include foreign members who must comply with residency laws before seeking association approval.

- **Representative of the Directorate General of National Security:** Their involvement focuses on maintaining public order and morality, as they possess practical experience in identifying potential violations within their legal mandate.

- **Representative of the Minister of Foreign Affairs:** Necessary because non-Muslim religious associations in Algeria often recruit foreign personnel requiring consular visas, making expertise on foreign-related issues essential.

- **The National Advisory Commission for the Promotion and Protection of Human Rights (currently without UN accreditation pending compliance with required standards):** Their inclusion stems from their constitutional role in protecting fundamental freedoms, and we believe their presence enhances the committee's credibility and effectiveness in safeguarding religious freedom in Algeria.

- **Optional participation-The committee may invite representatives of specific religions or experts as needed⁴⁰:** While opening this possibility is appropriate, we believe such participation should be mandatory rather than discretionary to better protect non-Muslim rights in Algeria, in line with Article 9 of Law 06/09 mandating the committee to ensure respect for religious practice freedoms.

This composition reveals a tension between the committee's primary mandate (protecting non-Muslim religious freedoms) and the core functions of most members (maintaining public order and security), particularly regarding the Defense Ministry, Gendarmerie, and National Security representatives.

Moreover, making the participation of religious representatives or subject matter experts optional undermines, in our view, the committee's purpose. Their mandatory inclusion would enhance the committee's credibility, ensure precise handling of non-Muslim affairs (despite their small numbers), and prevent unnecessary domestic or international criticism, while, some argue for



maintaining the current discretionary approach to avoid potential undue influence that might not serve Algeria's national interests, trusting instead in competent Algerian authorities who understand non-Muslim issues through their legal mandates while remaining vigilant against Algeria's growing proselytism phenomenon that requires comprehensive legal countermeasures.

C - Committee Procedures:

According to Article 6 of the Decree⁴¹, the Committee convenes upon summons by its chairperson as needed, with a minimum frequency of once every three months.

The chairperson determines:

- The agenda for meetings
- Meeting dates
- Individual summonses accompanied by the agenda must be sent to each committee member at least 10 days before the meeting date.
- Committee deliberations are recorded in minutes signed by members and registered in a special ledger numbered and authenticated by the president of the competent court⁴², and since the Committee holds its meetings at the Ministry of Religious Affairs and Endowments headquarters (per Article 3 of Decree 07/158)⁴³, located in the municipality of Hydra which falls under the jurisdiction of Bir Mourad Raïs Court, this court maintains competent authority.

The Committee must communicate its decisions regarding religious practice matters to concerned parties within two months from the date of application or complaint submission.

D - Secretariat of the National Committee for Religious Practices:

Article 10⁴⁴ of the Decree establishes a permanent secretariat headed by an official appointed by ministerial decree of the Minister of Religious Affairs and Endowments, where the secretariat's primary responsibilities include:

- Preparing committee proceedings
- Distributing meeting agendas to all members (per Article 7, Paragraph 2 of the Decree)
- Attending committee meetings and recording minutes
- Providing the Committee with all necessary information and documents

In addition to establishing this institutional framework for non-Muslim affairs, the law introduced provisions regulating religious events for non-Muslims, which we will examine in the following requirement.

Requirement II: Regulation of Religious Events

Article 8⁴⁵ of the Decree stipulates that religious events may only be held with prior authorization. To elaborate on this provision, Executive Decree No. 07/135, dated May 19, 2007, was issued, specifying the conditions and procedures for organizing religious events for non-Muslims⁴⁶, where it is worth noting that a prior law regulating public gatherings and demonstrations also established conditions for their lawful conduct.

- Definition of Religious Events:

According to Article 2⁴⁷ of the Executive Decree, a religious event is defined as a temporary gathering of people organized by religious associations in buildings open to the public, as the need for such regulation arises from the collective nature of certain non-Muslim religious practices, particularly within Christianity.

Procedures for Organizing a Religious Event according to Articles 3 and 4 of the Decree⁴⁸:

- A declaration must be submitted to the governor (Wali) at least five days before the scheduled event, the same deadline set by Article 17 of the Law on Public Gatherings and Demonstrations⁴⁹, where the declaration must include:
- The purpose of the event.



- The name and headquarters of the organizing association(s).
- The location of the event.
- The date, time, and duration.
- The estimated number of participants.
- The measures planned to ensure smooth conduct from start to finish.

If approved, the authorities issue a receipt containing:

- The names, surnames, and addresses of the organizers.
- The ID numbers of the individuals who submitted the declaration, along with the date and place of submission.
- The location, date, size, and duration of the event.
- Holders of this receipt must present it upon request by authorities.

Under Article 5 of the Decree⁵⁰, the governor may, within 48 hours of receiving the declaration, request a change of venue, proposing an alternative location that meets necessary conditions to ensure public cleanliness, security, and tranquility. Additionally, per Article 6, the governor may prohibit any event posing a threat to public order, notifying the organizers accordingly.

The conditions for religious events are identical to those for public gatherings and demonstrations. Both are subject to penal sanctions for violations Article 23 of Law 89/28 (on public gatherings), and Article 13 of Law 06/09 (on non-Muslim religious practices)⁵¹.

Thus, it cannot be argued that the law on non-Muslim religious practices unfairly restricts religious freedom, since all public events are subject to the same regulations.

Conclusion:

At the end of this article titled "The Regulation of Non-Muslim Religious Practices in Algerian Legislation", and as a synthesis of all preceding discussions, we present below the key findings and recommendations derived from this study:

I. Findings:

- Despite its shortcomings, Law 06/09 represents a milestone for Algeria, enshrining religious freedom by establishing foundational protections for the interests of non-Muslims as a primary concern.
- Law 06/09 filled a legal void by introducing provisions to regulate the religious practices of non-Muslims.
- While Law 06/09 was enacted to regulate the religious practices of non-Muslims in general—whether Jewish or Christian—its implementation has primarily concerned Christians; notably, the law's promulgation was chiefly motivated by proselytization activities, however, this does not exclude Jews from its scope, despite their limited presence, thus, this law enables the state to supervise the existence of these entities by requiring their organization into associations approved by the competent authorities.
- The regulatory framework established by the law for non-Muslim religious practices constitutes a protection granted by the legislature, rather than a restriction on their religious freedom, as some claim.
- A brief comparison between the rules governing non-Muslim and Muslim religious practices reveals that both are subject to similar restrictions: mosques may not be built without authorization from the competent authorities; individuals leading Muslim prayers without official appointment or recognition are penalized; fundraising requires prior licensing; and religious gatherings must comply with the same conditions stipulated in the law on public assemblies and demonstrations.
- Despite its advantages for non-Muslims, Law 06/09 is not without deficiencies.



II. Recommendations:

- Certain concepts must be clarified, particularly the meaning of collective religious practice for non-Muslims, as well as definitions about Christianity and its various denominations—especially those present in Algeria—to avoid ambiguity.
- The role of the National Committee for Non-Muslim Religious Practices lies in serving as a liaison between non-Muslim Algerians and the competent authorities; however, the committee's effectiveness in promoting religious freedom in Algeria would be enhanced if the law provided it with precise and clear legal mechanisms to operate within.
- The mere existence of a legal text regulating non-Muslim affairs is insufficient, and given the novelty of the law, it must be supported by training programs for all stakeholders—from judicial police officers to judges—to ensure proper implementation of its provisions and safeguard constitutional freedom of belief.
- Efforts should be made to census existing religious associations and define the nature of their activities to facilitate oversight.
- The state must support religious associations compliant with the law, both materially and morally, while prohibiting foreign religious aid unless authorized (particularly for associations composed exclusively of Algerians).

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Footnotes:

- ¹ Law 06-09 Regulating Religious Rites for Non-Muslims in Algeria establishes the conditions and rules governing the practice of religious rites by non-Muslims, while emphasizing respect for the distinctive nature of Algerian society and its conformity with the principles of Islamic Sharia. The law aims to regulate these practices to ensure their free exercise within the legal framework, while maintaining public order, public safety, and public morals.
- ² Constitution of the People's Democratic Republic of Algeria (1963), issued by Presidential Decree No. 63-306 dated 20/08/1963, *Official Gazette* No. 64 dated 10/09/1963.
- ³ Noura Yahyaoui Ben Ali, *Human Rights Protection in International and Domestic Law*, 1st ed., Dar Houma, Algiers, 2006, p. 33.
- ⁴ Constitution of the People's Democratic Republic of Algeria (1976), issued by Presidential Order No. 76/97 dated 22/11/1976, *Official Gazette* No. 94 dated 24/11/1976.
- ⁵ Constitution of the People's Democratic Republic of Algeria (1989), issued by Presidential Order No. 89/18 dated 28/02/1989, *Official Gazette* No. 09 dated 01/03/1989.
- ⁶ Constitution of the People's Democratic Republic of Algeria (1996), dated 08/12/1996, *Official Gazette* No. 76.
- ⁷ Constitution of the People's Democratic Republic of Algeria (2016), issued by Presidential Decree No. 16-01 dated 06/03/2016, containing the constitutional amendment, *Official Gazette* No. 14, year 2016.
- ⁸ Djilali and Ouahiani, "The Reality of Religious Freedom in Algeria in Light of International Conventions", *Rights and Freedoms Journal*, Abou Bakr Belkaid University, Tlemcen, Issue 01, 2014, p. 135.
- ⁹ Gilles MANCERON, The strange application of the 1905 law in the colonies, in Dominique Borne Benoit (dir): *Religion and colonization 16th-20th century*, op.cit., p.101.
- ¹⁰ Lahcène Ben Amazal, *Regulation of Religious Rites in Algerian Law*, PhD Dissertation, Faculty of Law, University of Algiers 1, 2014-2015, p. 56.
- ¹¹ Michel Levinet, general theory of rights and freedoms, Bruylant 2006 page 214
- ¹² The Penal Code issued by Order No. 66-156 dated Safar 18, 1386 corresponding to June 8, 1966, as amended and supplemented.
- ¹³ Media Law No. 90/07 of Ramadan 8, 1410 (April 3, 1990).
- ¹⁴ Law No. 05-04, containing the law regulating prisons and the social reintegration of prisoners, dated Dhu al-Hijjah 27, 1425 (February 6, 2005).
- ¹⁵ Civil Status Law, Order No. 70-20 of Dhu al-Hijjah 13, 1389 (February 19, 1970).
- ¹⁶ Decree No. 69/204, establishing the salary system for non-Islamic religious leaders, dated December 6, 1969.
- ¹⁷ Civil Code promulgated by Order No. 75-58 of Ramadan 20, 1395 (September 26, 1975), as amended and supplemented.



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- ¹⁸ Decree No. 81/386 defining the powers and competencies of the municipality and the state in the religious affairs sector, dated December 26, 1981.
- ¹⁹ Executive Decree No. 03-278, establishing the regulatory framework for the distribution of books and publications in Algeria, dated August 23, 2003.
- ²⁰ Bousquia Ahsen, Customs Disputes, Third Edition 2008/2009, Dar Houma for Publishing, Distribution, and Printing, p. 56 ff.
- ²¹ Order No. 71/79, dated December 3, 1971, concerning associations, Official Gazette No. 105, dated December 24, 1971.
- ²² Law No. 90/31 of 17 Jumada al-Ula 1411 AH corresponding to December 4, 1990, concerning associations (Official Gazette No. 53 of 1990).
- ²³ Lahcen Ben Amzal, Organization of Religious Rites in Algerian Law, op. cit., p. 79.
- ²⁴ Article (3) of Law No. 90/31 of 1990 concerning associations (Official Gazette No. 53 of 1990).
- ²⁵ Article (42), ibid.
- ²⁶ Article (44), ibid.
- ²⁷ Article (5), ibid.
- ²⁸ Articles (6) and (7) of Law No. 90/31 of 1990 relating to associations.
- ²⁹ Belhaj Mounir, The Right to Freedom of Belief and the Practice of Religious Rituals, Master's Thesis, Faculty of Law and Political Science, University of Oran, 2011-2012, p. 134.
- ³⁰ Order No. 06-03 dated 19 Jumada II 1427 corresponding to July 15, 2006, containing the General Basic Law for Civil Service, Official Gazette No. 46.
- ³¹ Order 06/02 bis, dated September 3, 2006, setting the conditions and rules for the practice of religious rites for non-Muslims, Official Gazette No. 54, dated September 3, 2006.
- ³² Idris Hassan Muhammad Al-Jabouri, Religious Freedom in Islamic Law, Dar Al-Nahda Al-Arabiya, Egypt, 2009, p. 273.
- ³³ Lahcen Ben Amzal, Regulation of Religious Rituals in Algerian Law, op. cit., p. 155.
- ³⁴ Ibid., p. 158.
- ³⁵ Executive Decree No. 07/158, dated May 27, 2007, Establishing the National Committee and its Working Procedure, Official Gazette, No. 36, dated June 3, 2007, p. 7.
- ³⁶ Article 5, paragraph 3, of Order No. 06-02 bis.
- ³⁷ Article 8 of Decree No. 81/386 of December 26, 1981, defining the powers and competencies of municipalities and governorates in the religious affairs sector.
- ³⁸ Article 12 of Executive Decree No. 07/158 of May 27, 2007, on the composition of the National Committee and its working procedures, Official Gazette, No. 36 of June 3, 2007, page 7.
- ³⁹ Paragraph (1) of Article 4 of Executive Decree No. 07/158.
- ⁴⁰ Paragraphs (2) and (3) of Article Four of Executive Decree No. 07/158.
- ⁴¹ Article 6 of Executive Decree No. 07-158 dated 27 May 2007 on the organization and functioning of the National Committee for Non-Muslim Religious Practices.
- ⁴² Article 8 of Executive Decree No. 07-158 dated 27 May 2007.
- ⁴³ Article 3 of Executive Decree No. 07-158 dated 27 May 2007.
- ⁴⁴ Article 10 of Executive Decree No. 07-158 dated 27 May 2007 governing the National Committee's composition and operations.
- ⁴⁵ Article 8 of Executive Decree No. 07-158 dated 27 May 2007.
- ⁴⁶ Executive Decree No. 07-135 dated 19 May 2007 regulating the conditions and procedures for non-Muslim religious ceremonies.
- ⁴⁷ Article 2 of Executive Decree No. 07-135 dated 19 May 2007.
- ⁴⁸ Articles 3 and 4 of Executive Decree No. 07-135 dated 19 May 2007.
- ⁴⁹ Article 17 of Law No. 89-28 dated 31 December 1989 concerning public gatherings and demonstrations.
- ⁵⁰ Article 5 of Executive Decree No. 07-135 dated 19 May 2007, specifying the conditions and procedures for non-Muslim religious events.
- ⁵¹ Article 23 of Law No. 89-28 dated 31 December 1989 concerning public gatherings and demonstrations.