

*The Status of Freedom of Belief In Light
Of The Algerian Constitutional Amendment Of 2016*

مكانة حرية المعتقد على ضوء التعديل الدستوري 2016



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Abstract:

The Algerian constitutional founder has granted sacred significance to freedom of belief through the 2016 constitutional amendment by enshrining the right to protect personal data as part of the manifestations of the right to private life under Article (46), paragraph four. The legislator clarified this meaning by issuing Law 18-07 concerning the protection of natural persons in the field of processing personal data, wherein freedom of belief was included among personal data, considering it sensitive information covered by protection. Thus, Algerian law strengthened the protection of freedom of belief, a trend confirmed by numerous judicial rulings.

key words: Freedom of belief, protection of personal data, the 2016 constitutional amendment, right to private life, sensitive information.

الملخص:

لقد أولى المؤسس الدستوري الجزائري لحرية المعتقد قدسية بليغة من خلال التعديل الدستوري لسنة 2016 بتكريسه الحق في حماية المعطيات ذات الطابع الشخصي ضمن مظاهر الحق في الحياة الخاصة بموجب المادة (46) الفقرة الرابعة، ليوضح المشرع هذا المعنى بإصدار القانون 07-18 المتعلق بحماية الأشخاص الطبيعيين في مجال معالجة المعطيات ذات الطابع الشخصي والذي حيث أدرج حرية المعتقد ضمن المعطيات ذات الطابع الشخصي، باعتبارها من المعلومات الحساسة المشمولة بالحماية، وبذلك عزز القانون الجزائري من حماية حرية المعتقد، وهو الاتجاه الذي أكدته العديد من الأحكام القضائية.

الكلمات المفتاحية: حرية المعتقد، حماية المعطيات ذات الطابع الشخصي، الحق في الحياة الخاصة، المعلومات الحساسة.

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Introduction:

Thus, the objective of this research is to determine the status of freedom of belief following the 2016 constitutional amendment, particularly through its inclusion as an aspect of the right to privacy, given its classification as sensitive personal data. This comes in response to the escalating risks posed by rapid scientific and technological advancements, which have facilitated surveillance, image manipulation, disclosure of personal information, and rapid data transfer—thereby expanding the scope of violations to include infringements on freedom of belief.

Freedom of thought tops most moral freedoms, and the practice of many of them depends on its recognition and the guarantee of its enjoyment. Among these freedoms is freedom of belief, and legislations have ensured their protection through a set of legal guarantees, the most important of which are the principle of legality and the application of the principle of administrative neutrality.

The importance of protecting freedom of belief is evident in light of the constitutional amendment of 2016¹, through the profound sanctity bestowed upon it by enshrining the right to protect personal data, pursuant to Article 46, Paragraph 4, which stipulates: "The protection of natural persons in the field of processing personal data is a fundamental right guaranteed by law, and its violation is punishable ."

It did not stop there, but the Algerian legislator embodied this protection by issuing Law 18-07 concerning the protection of natural persons in the field of processing personal data², where freedom of belief (religious convictions) was included among personal data, as it is among the sensitive information covered by protection.

From this, the objective of researching our topic becomes clear, which is to determine the status that freedom of belief has come to occupy in light of the constitutional amendment of 2016, by including it among the manifestations of the right to private life, as it is among the sensitive personal data, due to the increasing risks posed by rapid scientific development and technological progress with high precision, which has facilitated the monitoring of communications, infringement on images, disclosure of information and personal data, and their rapid transfer and circulation . Thus, the scope of violation has expanded to include the disclosure of infringement on freedom of belief.

¹ Law No. 16_01, dated March 6, 2016, published in the Official Gazette No. 14, dated March 7, 2016, including the constitutional amendment

² Law No. 18-07 dated June 10, 2018, published in Official Gazette No. 34 on the same date, concerning the protection of natural persons in the processing of personal data.

What is the status of freedom of belief in light of the constitutional amendment of 2016? And what are the guarantees allocated for its protection?

We have attempted to answer this problem through two sections, where we sought to define the concept of freedom of belief and its status before the constitutional amendment of 2016 (Section One), then determine its status in light of the constitutional amendment of 2016 (Section Two) by defining its relationship with the right to private life, considering freedom of belief as among personal data.

THE FIRST TOPIC

The Concept of Freedom of Belief and Its Status Before the Constitutional Amendment of 2016

Religious freedom is distinguished by the multiplicity of its manifestations, as it includes freedom of belief and freedom to express this belief through all actions and practices, such as performing traditional rites represented in religious ceremonies, funerals, and circumcision, or by displaying belief through religious symbols such as wearing clothing conforming to the religion, or through education in school curricula and religious institutions (First Subsection). The constitutional founder considered it among the fundamental freedoms by enshrining it in all successive constitutions.

First requirement: The Concept of Freedom of Belief

Religious freedom includes two aspects: the first relates to an individual freedom that includes freedom of thought in not adhering or adhering, being convinced or not convinced by religious commitment, which constitutes our topic under the name freedom of belief. The second aspect relates to collective freedom and includes the freedom to practice worship and perform rites¹.

First section: Definition of Freedom of Belief

Ensuring religious freedom for a person means that they are secure in displaying their belief, defending it, calling to it, and obtaining their rights equally with others of different beliefs with whom they live. Belief is not truly realized for the believer unless it combines (inner heart conviction) with (outward

¹ Some have considered that religious freedom revolves around several liberties, beginning with the freedom of worship according to conscience, the right to raise children in the faith of their parents, the individual's freedom to change their religion, the freedom to preach, teach, publish, and engage in missionary activities, as well as the freedom to own and retain property for these purposes. See: Anthony Gill, *The Political Origins of Religious Liberty*, translated by Mohamed Mahmoud Al-Touba, First Edition, Arab Network for Research and Publishing, Beirut, Lebanon, 2014, p. 31.

empowerment, meaning the right of the believer to adapt their intellectual and behavioral life according to their belief).

Freedom of belief consists of four elements, the first of which is conviction in the belief, as an apparent right that cannot be prevented from being declared or coerced against it. The second is declaring this belief and expressing it to others, bringing it out from the realm of the self to the realm of society, as a declaration of its truth, an explanation of its concept, and reasoning for it. Third is the freedom of behavioral practice of doctrinal requirements, such as performing worship rites, celebrating religious occasions and holidays, and other manifestations of behavioral application. Fourth is the freedom to call to it and strive to spread it among people so that it becomes their belief, along with the necessary media freedom through its various means of communication and publication. All these elements together constitute religious freedom, and any deficiency or shortcoming in any of them leads to its diminishment, ultimately resulting in its disappearance¹.

Second section : Elements of Freedom of Belief

Thus, freedom of belief is distinguished and rests upon many manifestations, from conviction to practice, as it includes freedom of belief and freedom to express this belief through all actions and practices, such as performing traditional rites represented in religious ceremonies, funerals, and circumcision, or by displaying belief through religious symbols such as wearing clothing conforming to the religion, or through education in school curricula and religious institutions.

The right to religious freedom also includes a positive component, which is a person's display of their religion or belief, and a negative component, which is their not being subjected to any pressure when wearing a certain form of clothing or symbols. They should also be free to decide whether they wish to wear certain symbols or clothing or not based on their personal conviction, because imposing a ban on wearing certain forms of religious symbols or clothing constitutes a violation of freedom of expression and a person's right to display their belief².

Thus, it necessitates sanctity in the souls of its adherents, and it cannot in any way be subjected to contempt, denigration, insults, or the targeting of religious symbols of different persons and sacred things with material and moral vilification, slander, accusations, distortion, and insinuation, whether directly or indirectly through literary narratives, performances, drawings, and the like. All of

¹ Yahya Reda Jad, *Intellectual and Religious Freedom: A New Islamic Perspective*, Al-Masriah Al-Lubnaniah Publishing House, First Edition, Cairo, 2013, pp. 83–85.

² Summary of the Report "Choice and Prejudice: Discrimination Against Muslims in Europe", Amnesty International, April 2012, p. 3.

this is a disregard for sacred things, an attack on them, and a degradation of them that believing souls cannot tolerate due to their intense sanctity and natural human instinct to protect them.

Second requirement: The Status of Freedom of Belief Before the Constitutional Amendment of 2016

Freedom of belief is considered among the intellectual freedoms that enjoy broad protection, whether at the level of the International Bill of Human Rights (First Branch) or at the domestic level as one of the fundamental freedoms and rights of the citizen (Second Branch).

First section: The Status of Freedom of Belief in International Law

The protection of religious freedom in international law falls under the protection of freedom of thought, conscience, and religion. These religious freedoms apply to atheistic or religious convictions alike and include beliefs with a transcendental view of the universe and normative rules of conduct. Freedom of religion and belief specifically includes the freedom to practice religion and believe in it, as well as the freedom not to practice or believe in it—meaning the right to accept or reject religious customs and practices. Freedom of thought and conscience is protected in the same way as freedom of religion and belief¹.

The Universal Declaration of Human Rights recognized religious freedom under its Article 18, stating that everyone has the right to freedom of thought, conscience, and religion, and the freedom to manifest it through teaching, practice, worship, and observance. The International Covenant on Civil and Political Rights, in Article 18, specified the ways and forms of its practice, whether individually or collectively, through worship, practice, or teaching, and defined the scope of its practice, stating that no one shall be subjected to coercion that would impair their freedom to have or adopt a religion or belief of their choice, and that the freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.

At the regional level, the African Charter on Human and Peoples' Rights guaranteed religious freedom in its two components—belief and worship—under Article 8, stating that freedom of conscience and the profession and practice of religion shall be guaranteed, and that no one may be subjected to measures restricting the exercise of these freedoms, subject to law and order.

¹ Ali Sabih Al-Tamimi, *Philosophy of Rights and Political Freedoms and Barriers to Implementation: An Analytical Study in Political Philosophy*, Dar Al-Majd for Publishing and Distribution, First Edition, 2016, p. 361.

The Arab Charter on Human Rights did not neglect to recognize it, as Article 30 states: "Everyone has the right to freedom of thought, conscience, and religion. No restrictions may be imposed on the exercise of these freedoms except as provided by law. The freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary in a tolerant society that respects freedoms."

Second section: The Status of Freedom of Belief in Algerian Law

The Algerian legislator enshrined religious freedom starting from defining the nature of the religion followed by the state, where it was included among the main principles and objectives upon which it is based, pursuant to Article 4 of the 1963 Constitution: "Islam is the religion of the state, and the republic guarantees every individual respect for their opinions and beliefs and the freedom to practice religions."

The 1976 Constitution reinforced its recognition in Article 53: "Freedom of belief and freedom of opinion are inviolable." Both the 1989 Constitution in its Article 35 and the 1996 Constitution in Article 36 considered it among the inviolabilities that must be preserved: "The inviolability of freedom of belief and the inviolability of freedom of opinion." Thus, it is evident from the previous constitutional texts that the 1963 Constitution was more precise in its recognition of religious freedom, by linking it to the religion followed by the state and defining its manifestations, starting with respect for opinion, then belief and practice.

This was confirmed by Article 2 of Ordinance 06-03, which defines the conditions and rules for the practice of religious rites by non-Muslims¹ "The Algerian state, which adheres to Islam, guarantees the freedom to practice religious rites within the framework of respect for the Constitution, the provisions of this ordinance, applicable laws and regulations, public order, morals, and the rights of others."

The legislator did not stop at recognizing this freedom but also imposed a penalty of imprisonment from two to five years and a fine from 500,000 to 1,000,000 dinars on anyone who incites, constrains, or uses means of seduction aimed at converting a Muslim to another religion or exploiting weakness or need to shake the faith of a Muslim or convert him to another religion pursuant to Article (11) of the same ordinance.

¹ Executive Order No. 06-03, dated February 28, 2006, published in Official Gazette No. 12 on March 1, 2006, defining the conditions and rules for the practice of religious rites by non-Muslims.

Legislative Decree (92-03) concerning the fight against subversion and terrorism¹ also included the violation of religious freedom among subversive and terrorist crimes, where the fourth paragraph (04) of its first article (01) stipulated that "Any act whose purpose is the following shall be considered a subversive and terrorist act: obstructing the practice of freedom of worship and public freedoms...".

THE SECOND TOPIC

The status of freedom of belief in light of the constitutional amendment of 2016

Freedom of belief is considered among the freedoms that have received special attention in recent decades due to its manifestations and practices, and some jurisprudence has considered its disclosure and violation as one of the forms of assault on the right to private life (First Subsection), a meaning reinforced by the constitutional founder and embodied by the Algerian legislator by including it among personal data requiring protection (Second Subsection).

First requirement: Judicial Recognition of Freedom of Belief as an Aspect of the Right to Privacy.

Clarifying the features of the right to private life in relation to other rights and freedoms has become one of the main issues raised, which some consider as one of its manifestations, and among these freedoms is freedom of belief, due to its characteristics and great importance because it grants individuals the right to identity, forming personal beliefs, and is considered the defining key of a person's identity and the fundamental building block in forming their personality. Therefore, its violation poses a threat to many other rights such as freedom of assembly, expression, and the right to private life².

First section: Recognition by French Judiciary of Freedom of Belief as an Aspect of the Right to Privacy

French judiciary affirmed this approach, considering that the importance acquired by religious freedom was a result of its connection to the right to private life, by imposing a criminal penalty on one of the newspapers that disclosed the names of individuals who participated in Hajj despite it being in an open space,

¹ Legislative Decree No. 92-03, dated September 30, 1992, Official Gazette No. 70, dated October 1, 1992, concerning the fight against subversion and terrorism.

² HELMUT REIFELD ET FARID EL BACHA, La Liberté De Religion, Centre Marocain Des Etudes Juridiques, Bureau Du Maroc, 2013, P 07.

based on the law criminalizing the publication of anything related to the right to private life¹.

The "Lyon" court also obligated the newspaper La France Libre to compensate when it published the secret activities of a member of the Masonic order who worked as an organist at Saint Paul Church, on the basis of exceeding the limits imposed on this right by infringing on others' rights and in the absence of any public interest in its publication².

French jurisprudence considered freedom of belief among the matters and manifestations that should be covered by confidentiality and protection from others' intrusion, and that a person's belief and right to private religion and worship for whatever the person deems as suitable religion or belief is the essence of the right to private life³.

This is what British jurisprudence adopted, considering religious freedom as one of the manifestations of the right to private life on the basis that freedom of belief represents man's connection to his Creator, and that the right to private life is what guarantees the individual the expression of opinion, evidence, and conscious intuition, and grants him the freedom to adopt or not adopt any religion⁴.

Second section: Recognition by Egyptian Judiciary of Freedom of Belief as an Aspect of the Right to Privacy .

Some considered the investigation conducted by the Egyptian Public Prosecution with blogger "Albert Saber", accused of contempt of religions, as a violation of his right to private life, when the investigator asked him about the reason that led to his atheism, his disbelief in any of the religions, asked him about the names of the books that led him to those ideas, as well as the data related to social media sites he is subscribed to (Facebook, Twitter, YouTube), the passwords for those accounts, and searching his residence by seizing all books, messages, publications, audio or video clips in his possession⁵.

¹ Hossam El-Din El-Ahwani, The Right to Respect for Private Life "The Right to Privacy: A Comparative Study", Dar Al-Nahda Al-Arabiya, Cairo, Egypt, no publication date for the aforementioned reference, p: 66.

² Nabil Saqr, Press Crimes in Algerian Legislation, Dar Al-Tiba'a for Publishing and Distribution, Algeria, 2004, p: 79.

³ FRANCOIS RIGAUX, L'élaboration d'un « Right of Privacy » par la jurisprudence Américaine, Revue internationale de droit compare, Vol 32, N°4, October -December 1980, P :717.

⁴ Ahmed Ali Youssef, Criminal protection of the human right to his private life, PhD thesis, Faculty of Law, Mansoura University, Egypt, 1983, previous reference, p: 171 and beyond.

⁵ Ahmed Ezzat, Trials of Religions "A Study in Cases of Contempt of Religions", Freedom of Thought and Expression Foundation, Cairo, Egypt, no publication year, p: 23.

Also, the committee affiliated with the Ministry of Interior examining the digital seizures found during the search of his home, and through his messages on social media which indicated in their content the accused's contempt for the Islamic religion, required adherence to the confidentiality of correspondence, and the correspondence should be delivered to the sender without confiscation, opening, or reading, and monitoring should be prohibited¹.

The European Court of Human Rights supported the French judiciary in its protection of personal information as a manifestation of the right to private life, in the "Oléver" case which revolved around obtaining the real information of the biological mother, considering what happened as interference in the right to private life and refused to provide information to protect the confidentiality of the mother's identity².

Among the applications that ensure the protection of religious beliefs is what a national professional organization in the United States of America took as measures to prevent the violation of freedom of thought by calling on librarians across the United States of America to keep the minimum possible records, and destroy unnecessary library records as quickly as possible as they are among the procedures and means aimed at protecting freedom of thought from the risk of disclosure which constitutes a violation of the right to private life³.

It is evident from the above that religious freedom includes two basic aspects: freedom of belief and freedom to manifest it, and freedom of belief requires that no one be compelled to disclose what they believe under any pressure or coercion based on the aspect of confidentiality it enjoys, and that any violation of it is a violation of the right to private life, especially if the assault is achieved through violation of the confidentiality of correspondence, communications, or personal information.

Second requirement: Recognition by Egyptian Judiciary of Freedom of Belief as an Aspect of the Right to Privacy

The constitutional founder stipulated the necessity of protecting personal data and included it among the main manifestations of the right to private life under paragraph four of Article 46 of the constitutional amendment of 2016, "...and that the protection of natural persons in the field of personal data is a fundamental right guaranteed by law and punishable."

¹ Same reference, p: 25.

² Toby Mendel, A Survey on Internet Privacy and Freedom of Expression, UNESCO Publications, United Nations Educational, Scientific and Cultural Organization, 2012, p: 62.

³ New Tactics in Human Rights, translation: Mamdouh Abdel Gawad, review: Emad Omar, first edition, Al-Ahliya for Publishing and Distribution, Jordan, no publication date, p: 69.

First section Freedom of Belief as Sensitive Personal Data.

And referred the guarantee of its protection to the law, to embody that under Law 18-07 concerning the protection of natural persons in the field of processing personal data, which considered personal data as "any information regardless of its medium related to an identified or identifiable person especially by reference to an identification number or one or more elements specific to his physical, physiological, genetic, biometric, psychological, economic, cultural or social identity," and jurisprudence defined the right to protection of personal information as the ability of individuals to control their information and their keenness to keep it confidential, and his right to decide when, how, and to what extent it can be exchanged with others¹.

To explicitly stipulate under paragraph six of Article three (03) of the same Law 18-07 that freedom of belief is among sensitive data, expressed as religious convictions, which is the same meaning approved by Moroccan legislation and that sensitive information is personal data that reveals the racial or ethnic origin, political opinions, religious or philosophical convictions, or trade union membership of the concerned person or is related to his health including his genetic data"².

And defined the acts that constitute an assault on it under Article three (03) through a set of acts represented in "...collection, recording, organization, preservation, adaptation, alteration, extraction, consultation, use, communication by transmission, dissemination or any other form of making available, alignment or interconnection, as well as blocking, encryption or erasure," and accordingly any operation carried out by a natural person or entity that leads to making modifications and changes and exploiting this data for a specific purpose or without a purpose and by any means whether mechanical, manual or otherwise is among the criminalized acts that achieve assault on religious convictions including assault on freedom of belief based on the protection of the right to private life.

Second section : Protection of the Right to Privacy with Regard to Freedom of Belief

Thus, the constitutional founder granted freedom of belief broad guarantees as one of the fundamental freedoms on one hand and as one of the personal data that constitutes a manifestation of the right to private life on the other hand.

¹ Fahd Abdel Aziz, The Role of Information Technology in Protecting Data Privacy, Tamayoz Center for Information Security, no publisher, no publication date, p: 02.

² Al-Aidani Mohamed, Youssef Zarrouk, Protection of Personal Data in Light of Law No. 18-07, p: 120.

The constitutional founder also reinforced this protection by restricting the exercise of the right to access information by the necessity to respect freedom of belief as a manifestation of the right to private life when it enshrined the right to access information under its Article 51 "... the exercise of this right may not infringe upon the private life of others, their rights, the legitimate interests of institutions, and the requirements of national security. The law shall determine the modalities of exercising this right."

The right to access information is considered the basic component for enjoying civil and political rights¹, and is defined as the ability of individuals to obtain information and data from government institutions and access relevant records and some 20 countries allow any individual to obtain them without requiring a reason², and personal information is the core and subject of this right, and its point of connection to the right to private life.

The Algerian legislator has regulated the right to access information and recognized it under many legal texts³, including the Information Law (12-05)⁴ which considered it under its Article five (05) among the necessary rights that ensure responding to citizens' needs in the field of information, culture, education and scientific knowledge, and facilitating knowledge of local historical and documentary heritage and developing knowledge.

The doctor's obligation to provide information to the patient to obtain his direct consent to proceed with treatment is one of the forms of the right to access

¹ Mohammad Fawzi Al-Khader, Palestinian Center for Development and Media Freedoms (MADA), Ramallah, Palestine, 2012, p. 34. See: Ahmed Ezzat, Freedom of Information: A Legal Study, 2nd Edition, Foundation for Freedom of Thought and Expression, Cairo, Egypt, 2013, p. 7.

² Ahmed Darwish and others, Freedom of Information Exchange in Egypt, presented by: Ismail Serageldin, Bibliotheca Alexandrina, Egypt, 2009, p: 72.

³ Article two (02) of the Presidential Decree concerning the Statistical System granted individuals the right to access economic, social and cultural facts. Organic Law (12-01) concerning the electoral system in its Article (18) granted every voter the right to access the electoral list concerning him, and legally authorized representatives of political parties participating in the election to obtain a copy thereof. Article (45) of the Tax Disputes Law guaranteed the right of access for tax administration agents, for the purpose of establishing the tax base and monitoring it by browsing documents and information without the financial administration agents invoking professional secrecy. Article (47) thereof stated that exercising the right to access documents for the benefit of tax administrations is for monitoring the application of expenditure regulations. In any lawsuit before civil, administrative and criminal judicial authorities, the public prosecution may be granted the right to access elements from the files for the tax administration.

⁴ Organic Law No. 12-05, dated: January 12, 2012, published in the Official Gazette No. 02, dated: January 15, 2012, concerning information.

information that enlightens him about the effects of treatment and prevents him from falling into a fundamental mistake of the contract¹.

It is worth noting that the Algerian legislator's inclusion of personal information as a manifestation of the right to private life by restricting the right to access information under many different legal texts, where Article (88) of the decree concerning national manuscripts set a period of fifty (50) years as a legal period for the permissibility of accessing criminal cases, which is the meaning explicitly approved by Article ten (10) first paragraph (01) of the National Archives Law, when it stipulated the absolute prohibition of accessing judicial information related to private life, while medical information can be accessed after one hundred (100) years from the person's date of birth.

Paragraph two (02) of Article (46) of the Tax Procedures Law prohibited the use of individual economic or financial information obtained during statistical investigations for tax monitoring purposes. Article ten (10) paragraph one (01) of the National Archives Law² stipulated the prohibition of accessing judicial information related to private life, and information unrelated to individuals' private life only after the passage of fifty (50) years from the conclusion of the cases presented.

Paragraph three (03) of the same article indicated that medical information, especially that related to private life, may not be accessed until one hundred (100) years from the person's date of birth. Paragraph (b) of Article (88) of Decree (77-67) concerning National Archives³ stated that documents addressing individuals' private lives may be accessed after fifty (50) years.

Article (24) of the Presidential Decree concerning the Statistical System⁴ stipulated that "The entrusted department does not have the right to disclose or publish individual information contained in forms requiring statistical registration and related to personal and family life and generally private facts and actions," and imposed punishment for using personal information obtained by the statistical system's agencies with the aim of violating the right to private life, pursuant to Article (25) paragraph three (03) of the same decree.

¹ Mohamed Rais, The Obligation to Inform Before Contracting, Al-Hujjah Magazine, Lawyers' Organization for Tlemcen District, Palace of Justice, Tlemcen, Algeria, No. 01, July 2007, p: 23 and beyond.

² Law No. 88-09, dated: January 26, 1988, published in the Official Gazette No. 04, dated: January 27, 1988, concerning the National Archives.

³ Decree No. 77-67, dated: March 20, 1977, published in the Official Gazette No. 27, dated: April 3, 1977, concerning National Archives.

⁴ Legislative Decree No. 94-01, dated: January 15, 1994, published in the Official Gazette No. 03, dated: January 16, 1994, concerning the Statistical System.

Conclusion:

The attention to the subject of protecting freedom of belief, like other inherent personality rights, was necessitated by the multitude of pressures, the complexity of modern life, the scientific development and technological progress of media and communication means, the emergence of information technology, the increase in parties involved in publishing, and the nature of topics occupying newspaper columns by addressing fundamental matters about individuals' lives. Thus, the scope of violation expanded, and with it expanded the forms of protection.

Therefore, the constitutional founder confronted these influences by constitutionalizing the right to protect personal data and granting it inviolable sanctity, defining its scope as a manifestation of the right to private life. The Algerian legislator reinforced this meaning by specifying personal data, among which freedom of belief is considered sensitive information covered by protection.

The constitutional founder did not stop there but deepened the meaning and confronted the expansion in exercising some other rights and freedoms such as freedom of expression and the right to access information, restricting their exercise by the necessity to protect and respect the right to private life, of which freedom of belief is one of its manifestations. This is because violating it can be achieved through assault on some of its manifestations, whether by accessing correspondence, monitoring private and confidential communications, or disclosing personal information and data. Therefore, providing broad guarantees for these freedoms constitutes protection for it, and vice versa.

Accordingly, including freedom of belief among the manifestations of the right to private life forms a legal mechanism for its protection and a guarantee for its enjoyment.

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