



# ALGERIA

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POPULATION: 35,370,000

GNI PER CAPITA: US\$3,729

<b>COUNTRY RATINGS</b>	<b>2004</b>	<b>2009</b>
NONDISCRIMINATION AND ACCESS TO JUSTICE:	3.0	3.1
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	2.4	3.0
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	2.8	3.0
POLITICAL RIGHTS AND CIVIC VOICE:	3.0	3.0
SOCIAL AND CULTURAL RIGHTS:	2.9	3.0

(COUNTRY RATINGS ARE BASED ON A SCALE OF 1 TO 5, WITH 1 REPRESENTING THE LOWEST AND 5 THE HIGHEST LEVEL OF FREEDOM WOMEN HAVE TO EXERCISE THEIR RIGHTS)

## INTRODUCTION

Although Algerian women played a key role in the war for independence from France, which lasted from 1954 to 1962, the battle for gender equality has long been overshadowed by the nationalist struggle. Since 1962, government officials have formally acknowledged women's central role in the construction of an independent nation. However, very few grassroots feminist organizations developed in the 1960s and 1970s. Even former female combatants in the independence struggle often argued that nationalist objectives were more pressing than the elimination of gender discrimination.

The National Liberation Front (FLN), which led the independence movement and remains the ruling party in Algeria, was largely ambivalent on gender issues. The socialist aspects of its ideology advocated women's equality, but more conservative strains within the movement viewed women as the vessels of Islamic and traditional values. In the two decades following independence, groups that supported divergent political projects clashed over personal status issues, and their failure to reach a consensus thwarted various attempts to codify family law. In 1981, an extremely conservative draft family law was vehemently rejected by a grassroots movement of women from different professional backgrounds, including

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university professors, schoolteachers, medical doctors, and laborers. They came together to organize petitions and demonstrate against the proposed legislation. Under this pressure, the government retracted the 1981 draft, but on June 9, 1984, a very similar code was passed without public debate.<sup>1</sup>

The 1984 family code established the concept of an agnatic family structure characterized by patriarchal authority. Under this code, which was designed to appeal to Islamic fundamentalists by meeting a few of their basic priorities, women were primarily recognized as guardians of kin and tradition rather than as autonomous individuals.<sup>2</sup> In 2005, partly under the pressure of women's organizations, the family code was finally amended by the government of President Abdelaziz Bouteflika, who has been in power since 1999.

The new code has brought a number of positive changes. It grants women more rights in terms of divorce and housing, reduces the role of a woman's male guardian to a largely symbolic status, and ensures Algerian women's right to transmit citizenship to their children. However, most women's rights groups continue to regard the amended code as far too hesitant to create true gender equality.

While the 2005 revision of the family code represents the most important change for women's rights over the last five years, there were several other positive developments. The Algerian constitution, amended in 2008, now officially recognizes women's political role (Article 31 bis). Since a new article was added to the penal code (Article 341 bis) in 2004 to penalize sexual harassment, some victims have stood up and decided to file suits. Women's security in the public space has continued to improve, and even though the threat of attacks by radical groups remains real, the memory of the "Black Decade" of political and civil violence is slowly fading away. The fighting, triggered by the cancellation of democratic election results in 1991, had pitted Islamist groups against the FLN and caused around 100,000 deaths, with terrible consequences for women's security.

However, some existing freedoms for both men and women have been recently challenged, including religious freedom. The ordinance 06-03, passed in February 2006, criminalized attempts by groups or individuals to convert Muslims to another religion, intimidating a number of Muslim women who had converted to Christianity. The broader political conditions have also helped to obstruct progress on women's rights. A 2008 constitutional amendment suppressing presidential term limits has further reduced the chances of political change, and despite the repeated

objections of human rights activists, the government maintains the state of emergency that was first declared in February 1992 and allows the authorities to circumvent the rule of law in the name of national security. The state of emergency is increasingly seen as a way for the government to monitor associations and prevent the formation of a democratic public sphere. Similarly, the 2005 National Charter on Peace and Reconciliation criminalizes the activities of organizations that investigate the disappearance of civilians at the hands of the military or Islamist groups during the civil conflict.

A number of features of Algerian society continue to play against women's emancipation and have not changed substantially over the last five years. Except in a few cities such as Algiers and Oran, divisions between secularists and advocates of a more religiously oriented way of life remain important. While these divisions do not prevent the hybridization of practices, they are a significant barrier to the emergence of productive public debates. Most discussions on gender and women adhere to this antagonistic structure. Conditions for women are also greatly affected by the clientelist dimension of social relations. Algerian society is organized around competing networks of influence (*clienteles*), and each may take up or drop the defense of women's rights to suit their interests at any given time. Finally, the housing crisis that has developed since the early 1990s is a major obstacle to women's emancipation, particularly for divorced or single women. Despite several programs launched by the government, housing remains insufficient, rents are too high, the housing infrastructure is extremely precarious,<sup>3</sup> and rental transactions are subject to clientelist practices.

The present situation for Algerian women is complex and often ambiguous. Some believe that the family code, even with the recent revisions, is discriminatory and should be replaced by secular civil laws. This view has been continuously defended, notably, by Louisa Hanoune, a secular feminist and the only female leader of a political party, the Party of Workers ("Parti des Travailleurs"). However, women's empowerment is also inhibited by other factors, including gender-based prejudices, the lack of legal awareness among women, and broader government restrictions on civil liberties and political rights. Despite these constraints, the number of women's rights organizations has grown since 2004. Analysts praise the energy of these organizations as well as the interest that Algerian women display in learning about their rights whenever they are given the

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opportunity to do so. Scholars and activists emphasize the fact that the actual practices of Algerian society are often more progressive than official discourse or formal laws may suggest.

The burgeoning number of women's rights groups over the last five years showcases growing activism and civic involvement among women. However, the feminist movement continues to face challenges. Women's rights organizations are increasingly fragmented along ideological lines, and activists do not necessarily agree on what constitutes the best strategy for achieving further advances. While some emphasize the need for change at the legal level, particularly within the family code, others contend that establishing and enforcing the rule of law and extending civil liberties at all levels are more pressing objectives. However, it is clear that none of these approaches can be entirely successful as long as the government continues to exercise tight controls on the use of the public sphere and within political parties, and women remain unaware of their existing or potential rights.

## **NONDISCRIMINATION AND ACCESS TO JUSTICE**

Women's rights are generally acknowledged and protected under the constitution, civil laws, and penal code, although discriminatory provisions on topics including rape and witness testimony continue to exist. Reforms of the family code and nationality code in 2005 were seen as positive even if incomplete, and amendments made to the constitution in 2008 illustrate the government's more active commitment to promoting women's political role. However, factors such as the irregular enforcement of laws and women's lack of knowledge about their rights hinder equal access to justice.

First adopted in 1963, the constitution was most recently amended in November 2008. In addition to suppressing presidential term limits, the amendments formally acknowledged "women's political role" under Article 31 bis. Article 29, which existed prior to the 2008 changes, enshrines the general principle of equality before the law and nondiscrimination on the basis of gender. Some women's rights advocates question the relevance of officially endorsing women's political role in the amended constitution when nondiscrimination was already guaranteed. They argue that the primary motivation behind the amendment was to win the female vote. Other activists believe the amendment was a positive measure and are convinced that the government's commitment is necessary to advance women's rights.

Civil laws and policies apply to men and women equally, but Article 1 of the civil code stipulates that “in the absence of any legal disposition, the judge pronounces himself according to the principle of Islamic law and, if necessary, according to customary law.”<sup>4</sup> It is primarily for crimes against women, such as rape or abduction, that such legal dispositions are missing. Consequently, women are the main victims of this legal dualism. In the private sphere and in all matters concerning the family, the 1984 family code applies. This code—which is based on Shari’a, customary law, and French law—severely restricts women’s liberties and opportunities. Amendments in 2005 removed some of its gender-based inequities, but many discriminatory provisions remain.

Since 2005, the amended nationality code has recognized Algerian women’s ability to transmit citizenship to their children when the father is a foreigner. Article 6 of the new code stipulates that a child is considered Algerian when born to a father *or a mother* of Algerian citizenship. However, Article 26 subjects this provision to the approval of the Ministry of Justice.<sup>5</sup> In light of the change to the code, the Algerian government recently withdrew its reservation to Article 9(2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Article 9 bis of the code also recognizes the ability of a man to acquire Algerian citizenship when he marries an Algerian woman and the couple lives in Algeria.

All citizens are entitled to equal access to justice regardless of their gender, and women are fairly well represented in the judiciary as judges and lawyers. However, in practice, women typically either do not know their legal rights or refrain from asserting them through formal legal channels. This is particularly true regarding claims involving domestic violence, sexual harassment, and rape. The reluctance to pursue these claims can be attributed to several factors, including the real and perceived biases in the law and the ongoing prevalence of patriarchal attitudes in society. Laws concerning women’s rights are sometimes implemented in an arbitrary manner, especially in cases that pertain to the family code. In addition, the significant financial cost associated with pursuing legal cases is a major obstacle for women, who are often economically dependent on their husbands or fathers.

Except in cases of adultery and rape, men and women are generally treated equally within the penal code. According to Article 339, both married men and married women who commit adultery are punished by

one to two years of imprisonment. However, men face this penalty only when they act with the knowledge that the woman is married, whereas women are punished even if they act without such knowledge. Article 279 excuses both men and women if they commit assault or murder upon discovering a spouse in the act of adultery, although women rarely commit such crimes.

Article 336 of the penal code does not specifically define the crime of rape. The French version of the code uses the word *viol* (rape).<sup>6</sup> However, the Arabic text uses the phrase *hatk al-'ardh* (attack on the honor) rather than the more explicit *ightisab* (rape). This alters the character of the crime from a violent sexual offense against an autonomous individual to an offense that primarily affects family honor. Consequently, if the victim is not married, the rapist may avoid punishment by marrying her and expunging the dishonor. In keeping with this view of women's autonomy, spousal rape is not outlawed.

Algerian men and women are protected against arbitrary arrest and detention under Articles 45–48 of the constitution. Articles 107–111 of the penal code punish all civil servants, persons representing state authority, law enforcement agents, judges, policemen, and prison guards who abuse their authority and arbitrarily limit individuals' freedom. The National Consultative Commission for the Promotion and Protection of Human Rights, appointed by the government in 2001, also promotes individuals' protection against arbitrary detention and arrest, though many human rights activists remain skeptical about its effectiveness and argue that it mainly serves the government's goal of maintaining the approval of the international community. In this context, most citizens do not feel that they are safe from arbitrary detention and arrest, particularly when they attempt to exercise freedom of speech. Several journalists were charged with or convicted of defamation in 2008 for criticizing the regime in their writings.<sup>7</sup>

The courts consider male and female plaintiffs and defendants to be equal before the law, but the Ministry of Justice considers the testimony of two female witnesses to be equal to that of one male witness in criminal cases. Female defendants can receive different sentences based on their gender in certain circumstances. For instance, Article 16 of the code of penitentiary organization stipulates that the punishment of a woman can be suspended if she is pregnant or has a child less than two years old (the breastfeeding period is defined as 24 months).<sup>8</sup> In addition, when both

the father and the mother of dependent children are sentenced to time in prison, the mother's sentence is delayed until the father has been released from prison. Of the estimated 54,000 prisoners in Algeria, only 1.1 percent were women as of 2006,<sup>9</sup> so these rules affect relatively few sentences. While they are intended to be beneficial, the special provisions for women are based primarily on their role as mothers, reinforcing patriarchal values in society.

Algeria ratified CEDAW in 1996, but cited the family code in attaching reservations regarding Article 2, which addresses the general goal of eliminating discrimination against women; Article 15(4), on freedom of movement and residence; and Article 16, on marital and family rights. On July 15, 2009, the government reported that it was lifting its reservation to Article 9(2) on transferring nationality to children, as noted above.<sup>10</sup>

Women's rights associations and civil society actors are limited in their ability to effect change. The Ministry of Interior tightly regulates most associations, and women's rights groups are extremely fragmented along class lines and between secular and religiously oriented ideologies. In addition, organizations such as the Wassila Network, which struggles against domestic violence, lack the funding necessary to carry out their work. Despite the efforts of associations like the Children of Fadhma n'Soumer to educate women about their rights and inform them of the constraints imposed by the family code, women are generally unaware of the rights they already have.<sup>11</sup> Finally, the divergence between rights granted by the constitution and the restrictions imposed by the family code remains a major obstacle for women's emancipation.

### *Recommendations*

- ❖ The government and women's advocacy groups should actively educate women and men about women's constitutional rights regarding health, employment, security, and citizenship, as well as the full array of their existing rights under the law.
- ❖ Rape should be clearly defined in the penal code as a physical attack against an individual and punished as such. The code should specifically outlaw spousal rape.
- ❖ In order to ensure the adequate enforcement of existing laws that offer equal protection to men and women, the government should establish mechanisms to identify and punish judges who abuse their authority and fail to adhere to the law. The 2006 law (06-01) on the prevention

and struggle against corruption should be fully implemented in the judicial sphere, and projects similar to Italy's *Mani pulite* (clean hands) investigation into judicial corruption should be launched in Algeria.

- ❖ Women's organizations should educate the public about the government's remaining reservations to CEDAW and encourage debate on the areas where existing laws, particularly the family code, clash with the treaty's provisions.

## **AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON**

Algerians have begun to enjoy an improved sense of personal security in recent years as the Black Decade recedes in their memories, but most remain preoccupied about their safety. Women are able to travel freely in most places, though freedom of movement is sometimes restricted for women as a practical matter. While the 2005 amendments to the family code granted new rights to women and more assertively acknowledged their autonomy, the code retains restrictions that present major obstacles to the realization of gender equality. Consequently, many women continue to call for the abolition of the family code as a whole.

Islam is established as the state religion in the constitution, which also prohibits discrimination against religious minorities (Article 2). Religious minorities, primarily Christians and Jews, have been relatively free to practice their faiths since independence in 1962, although they must adhere to the family code, which is derived from Islamic schools of jurisprudence. Muslim women may only marry Muslim men for their marriages to be legally recognized, whereas Muslim men are free to marry Muslim, Christian, or Jewish women.

The government and members of the Association of Ulama (Islamic scholars) have expressed some concern over what they view as a worrying rise in evangelical Christian missionary activities. In this context, officials have reportedly closed dozens of churches, although the government denies closing any authorized churches.<sup>12</sup> In February 2006, ordinance 06-03 was promulgated to criminalize attempts by groups or individuals to convert Muslims to another religion. This ordinance also subjects the exercise of religions other than Islam to special authorization by the provincial governor. Habiba Kouider, a Muslim convert to Christianity, was arrested in March 2008 and charged with practicing a faith other than Islam without authorization after several copies of the Bible were found in her purse.<sup>13</sup>

Women are permitted to travel freely, and freedom of movement for all Algerians has appreciably improved in the past 10 years. Algerian women are able to obtain their own passports and leave the country without their husbands' permission, but a woman cannot leave with her children without authorization from the husband. Moreover, female workers who migrate within the country to find a job or women who travel alone sometimes face condemnation, particularly in the rural areas.

The 1984 family code was amended on February 22, 2005, to improve several key provisions. For instance, under Article 7 of the amended code, the legal age of capacity for marriage changed from 21 for men and 18 for women to 19 for both sexes. In addition, proxy marriages are now prohibited. This practice, in which a prospective spouse could be represented by a proxy during a marriage ceremony, facilitated forced marriages and was especially common in rural areas. In some cases a bride might not even be aware of her marriage—agreed upon by her family and the groom—until after the fact.

Despite these amendments, many believe that the family code remains too ambiguous on several central issues and retains a number of discriminatory provisions. For instance, a bride's *wali* (marriage guardian, usually her closest male relative) must be present when she concludes her marital contract, though he is now reduced to an honorary role and defined as her father, a relative, or "any other person of her choice." A wali cannot force a woman to marry someone against her will or oppose the marriage.<sup>14</sup> Given this reduced authority, some women's rights advocates defend the decision to retain the wali institution because it acts mainly as a tribute to Islamic culture without obstructing women's autonomy. Others feel that the practice contradicts the amendment raising the marriage age to 19 for women and does not fully recognize women's autonomy. They note the inconsistency of a code that retains the requirement that wali be present while simultaneously allowing women to freely choose their wali.

Polygamy remains legal under Article 8 of the family code, although it is now subject to several conditions. The court must certify that there is "justified motivation" behind the decision to take more than one wife, that the man is able to take care of an additional spouse, and that all of the spouses involved consent to the marriage. Currently, only 3 percent of Algerian households are polygamous. However, single and divorced women are increasingly marginalized by society. A 2006 nationwide survey showed that 55 percent of the sample of women (whose average age

was 33) were single, 36 percent were married, 6 percent were widows, and 3 percent were divorced.<sup>15</sup> Consequently, becoming someone's second wife is an increasingly attractive option when the alternative is to remain single. The supporters of polygamy argue that because most people who disappeared during the Black Decade were men, there are more women than men of marrying age.

Retaining polygamy while attempting to accommodate the concerns of women's rights activists may create more problems than it solves. Now that the consent of the first spouse is required, the husband often chooses to divorce the first spouse if she rejects his request for a second wife. If he and the first wife were childless or if their children are adults, the divorced wife has no right to the marital home or alimony. Consequently, women over the age of 60 increasingly find themselves divorced and homeless as their ex-husbands take new wives. This illustrates the difficult task of reconciling civil law and Islamic law, under which polygamy is conditioned not on the consent of the first wife, but on the ability of the husband to care, materially and morally, for all of his spouses. Some maintain that these are more sensible conditions than those included in the new law, but most women's rights activists argue that polygamy should be banned altogether.

Although these conservative provisions regarding polygamy and the necessity of a wali have been widely criticized, it seems that the government is reluctant to change them further due to pressure from conservative Islamist groups and their constituents.<sup>16</sup> Since President Bouteflika's election in 1999, the government and these Islamist groups have operated under a tacit agreement whereby the former refrains from enacting reforms on sensitive social issues and the latter withhold criticism on other matters.

Article 19 of the amended family code legally entitles both spouses to make stipulations, either within the marital contract or in another instrument, that guarantee them certain rights within the marriage. The article specifically mentions the right to set conditions regarding polygamy and the right to work.<sup>17</sup> The marital rights and duties of men and women differ, although the duty of a wife to obey her husband has been removed from the new code.<sup>18</sup> Article 78 requires men to provide financial maintenance for their wives. For their part, wives must breastfeed and rear the children, and have only supplemental and poorly defined authority within the family. Upon divorce, however, the parental authority of a mother with custody of her children is fully acknowledged under Article 87. Despite this change, many administrative agents still refuse to let such women

travel abroad with their children without the father's authorization. The new code allows paternity to be established through DNA testing, and if a couple was married at the time of the child's conception, the husband is obliged to acknowledge paternity. Article 64 grants the mother custody of male children only until age 10 and of female children until they reach marriage age.

While men may initiate divorce without explanation, women filing for divorce must generally cite one or more of 10 specific reasons, such as abandonment for a year without justification.<sup>19</sup> Should a woman wish to initiate a divorce for other reasons, her only option is *khula*, the traditional Islamic practice that permits a woman to unilaterally initiate divorce if she pays the husband a sum of money.<sup>20</sup> Under Article 37 of the family code, each spouse retains his or her own property upon marriage, and they can agree to hold their new property in common or determine their respective shares through stipulations in the marriage contract or a separate document. Household properties in dispute upon divorce are divided according to rules specified under Article 73. The law entitles husbands to keep property that is "for exclusive male use," and wives to keep exclusively "female" items, without specifying how such items are to be defined. While men are automatically granted the "male" objects, in practice judges may arbitrarily require women to prove that they bought the "female" items over which they claim ownership.

Article 72 of the family code guarantees that, upon divorce, women who retain primary custody over their children will receive proper housing. This is a major improvement from the 1984 code, under which men kept the marital home upon divorce, often forcing divorced women and their children onto the streets. However, because of the current housing crisis, many judges allow divorced men to keep the house if they offer equivalent funding to their ex-wives and children. Consequently, unemployed men or those with low incomes provide too little money to allow their ex-wives and children to find decent housing. Some argue that this new rule encourages divorced men to more vehemently invoke their custody rights, because divorced women who do not retain custody of their children (and those without children) are not entitled to alimony or housing. Women who remarry after divorce lose custody of their existing children.

Women's rights groups have indicated that the 2005 amendments to the family code have not been properly implemented. For instance, because women tend to be unaware of the new code and judges are often reluctant

to implement it, some judges still require that a bride's father act as wali or permit marriages by proxy. Article 7 bis, which requires prospective spouses to present health certificates to prevent the spread of disease, has been interpreted by some officials as an obligation for women to present a virginity certificate. And although the new code prevents imams from conducting religious marriage ceremonies unless the spouses submit a civil contract first, some couples try to avoid this requirement. When such marriages end in divorce, women lack the protections of a marital contract.

Article 34 of the constitution prohibits all violations of human dignity, while Articles 342 and 343 of the penal code criminalize most forms of sex trafficking and exploitation of minors. Little data exists on the extent of domestic slavery and human trafficking in Algeria. From the government's perspective, the issue of human trafficking is secondary to the more pressing question of illegal immigration from sub-Saharan Africa. According to a report published in 2007 by the U.S. State Department, of the 15,000 illegal sub-Saharan African immigrants residing in Algeria, about 9,000 were victims of trafficking, sexual exploitation, or involuntary forms of servitude.<sup>21</sup> The report also found that the government did not adequately distinguish between human trafficking and illegal immigration, though it is possible that this will change under a new antitrafficking law approved in January 2009.

The government must protect all persons under Article 24 of the constitution, and security has significantly improved in the past 10 years. Nonetheless, women remain vulnerable to different forms of violence. Domestic abuse is not specifically prohibited by law, and because society considers it a private matter, it remains difficult to combat. As one women's rights activist put it, within the private sphere of the home, "women escape the protection of the law and men escape the sentence of the law."<sup>22</sup> A national survey commissioned in 2006 by the Ministry in Charge of the Family and Women's Affairs found that some 10 percent of the female respondents were exposed "daily" or "often" to physical abuse, while 31.4 percent were regularly exposed to threats of violence.<sup>23</sup> However, these figures are generally considered to be much lower than the actual incidences of domestic violence and threats. Women tend to avoid reporting abuse or going to court for fear that they will incur further violence or face hostile judges. According to one lawyer, a specialist in domestic violence, victims "are attacked twice, one time by their husband and another time by the judge."<sup>24</sup>

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International organizations including Amnesty International have also raised concerns about the treatment of irregular immigrants in “waiting centers,”<sup>25</sup> and the condition of male and female refugees from Western Sahara.<sup>26</sup> While no policies specifically discriminate against women within these groups, the violence and other harsh living conditions of waiting centers and refugee camps often affect women more severely than men.

Civil society actors have fiercely and openly taken up issues related to women’s autonomy and security. The debate regarding the family code has continued after 2005, and organizations such as the Children of Fadhma n’Soumer Association, which advocates the abolition of the family code, have published booklets detailing the contradictions and drawbacks of the code. Associations of this type complain about the government-imposed limitations on the scope of their message and audience, as well as their financial constraints and failure to coordinate with one another. The family code debate has developed a hostile tone, marked by a divide between conservatives who claim to defend Islamic tradition and the secular or Islamic progressive groups.

Because domestic violence is no longer considered a taboo subject, the government has launched a national strategy aimed at combating the problem and consolidating initiatives taken by various domestic civil society organizations. The Ministry of National Solidarity and Family operates the National Shelter, a home for female victims of domestic violence located in Bou Ismail. Nongovernmental organizations (NGOs) such as SOS Women in Distress and RACHDA also operate shelters in Algiers, but they rely mostly on international and private donations for funding, and their capacity is limited. The Wassila Network provides assistance to victims of domestic violence by offering judicial and psychological counseling.<sup>27</sup> Women’s rights groups emphasize the importance of defining psychological and verbal violence in addition to physical abuse, in conformity with the Arab Human Rights Charter.

Civil society actors are also working to bring closure to the families of those who disappeared during the Black Decade, although recent developments have hindered their work. The Collective of the Families of the Disappeared in Algeria (CFDA), an NGO led by Nassera Dutour, has long advocated the formation of a commission that would fully investigate each disappearance. In 2003, an ad hoc commission appointed by the government found 6,146 cases in which state agents were allegedly responsible for the disappearance of an individual. The 2005 Charter for Peace

and National Reconciliation came as a major disappointment to victims' families. Indeed, Articles 45 and 46 of the charter, and the subsequent 2006 decree implementing it (Law 06-01), grant full immunity to security forces and effectively criminalize those refuse to put the matter behind them. Since the charter's adoption, the work of organizations such as the CFDA has been fiercely restricted. Several demonstrations and reunions have been banned, and mothers of the victims have been beaten by the police during protests.<sup>28</sup>

### *Recommendations*

- ❖ The government, in conjunction with related civil society actors, should launch an awareness campaign regarding the rights granted to women under the 2005 amendments to the family code. This information initiative should focus on local and personal stories, which have been described as more persuasive to the public than the mere presentation of legal norms.
- ❖ All parties and groups, despite their sometimes opposing ideologies, should work together to resolve the remaining contradictions of the new code, notably those involving divorce, polygamy, and the need for a wali.<sup>29</sup>
- ❖ National and international human rights groups should continue to advocate for a thorough investigation into the thousands of alleged forced disappearances during the Black Decade.
- ❖ Domestic violence should be criminalized, and prosecution should continue even if the victim forgives her abuser. A 2003 Spanish law, which contains such a provision and also calls for judges to respond to domestic violence complaints within 72 hours, has often been cited as a model.

## **ECONOMIC RIGHTS AND EQUAL OPPORTUNITY**

In the last five years, women's economic rights and opportunities have improved in some respects. The amended family code gave women the ability to establish the separation of goods in their marriage contracts. Although the inheritance law is still governed by Shari'a, practices and opinions related to inheritance are changing. Women's literacy, enrollment in universities, and employment are steadily increasing. And since 2004, the penal code has criminalized sexual harassment. However, the effects of

negative stereotypes and habits remain a major obstacle to women's economic empowerment.

The constitution and the family code protect the right of Algerian women to own and independently use land and property, although social norms encourage women to let men make ownership decisions. An article of the family code that required women to obey their husbands was amended in 2005, but upon divorce a woman must bring evidence that she participated in the funding of items she wants to keep. Article 37 of the amended family code permits the prospective bride and groom to add a provision in their marriage contract establishing the separation of their goods.

Algeria's inheritance law is based on the Maliki school of Islamic jurisprudence, under which a daughter is entitled to the equivalent of half her brother's share of inheritance. When a woman has no brother, the share that would have gone to a brother is divided among other male relatives. Most women's rights activists oppose the current inheritance scheme, but those in favor of it argue that men are responsible for the material well-being of their wives and daughters under Islamic law and therefore need an extra share of inheritance. Many families circumvent the inequities of the inheritance law by giving portions of estates to daughters while the owner is still alive, a practice that some government officials have criticized as a form of tax evasion. If the government regulates these lifetime donations more rigidly without making a corresponding amendment to the inheritance law, families could have greater difficulty ensuring that their daughters receive equal shares. Some women are pressured by male relatives to give up their legal share of inheritance to keep land and other property in the male line of the family, but the situation is improving slowly, and there is considerable variation from place to place. A recent survey by the Center for Information and Documentation on Children's and Women's Rights (CIDDEF) showed that 76 percent of teenagers (ages 14–17) and 59 percent of adults (aged 18 and over) are in favor of equal inheritance rights. Among the male population, 38 percent of adults and 50 percent of teenagers share this opinion.<sup>30</sup>

Children between the ages of 6 and 16 must attend school, which is free under Article 53 of the constitution. A 2006 national education survey found that 96.3 percent of girls and 96.9 percent of boys received primary education.<sup>31</sup> However, the study showed that more girls than boys obtain secondary and postsecondary education. Fifty-seven percent of girls between ages 16 and 19 enrolled in secondary education, compared with

only 43 percent of boys of the same age; the figures for higher education were 25.4 percent and 18.4 percent, respectively. Enrollment statistics collected by the World Bank show an overall improvement for both girls and boys between 2000 and 2007, although the gains for girls appeared somewhat larger, and primary enrollment for both declined slightly from 2004 to 2007.<sup>32</sup>

Despite gains in education, illiteracy rates among women remain high in certain areas of the country.<sup>33</sup> According to the 2006 national education survey, 31.6 percent of 10-year-old girls and 16.5 percent of 10-year-old boys were illiterate, while 34 percent of women living in rural areas had never been to school. The literacy rate for adult women (aged 15 and above) has improved from 60.1 percent in 2004 to 66.4 percent in 2007, compared with 79.6 percent and 84.3 percent for adult males, according to the World Bank. In 2009, the government launched a national strategy to eliminate illiteracy by 2015. The Ministry of Education requires employers to educate their illiterate employees, although this rule is only sporadically enforced. Several women's organizations close to the government, such as Horizons for Algerian Women (HFA), have made eradicating illiteracy their priority. HFA has launched literacy programs in several of the country's 48 provinces (*wilayat*), and women who have received a certificate of literacy from one of their programs are able to secure jobs more easily.

In an effort to promote gender sensitivity from a young age, women's rights organizations have drawn attention to the persistence of negative or patriarchal stereotypes in textbooks and the views of both male and female teachers. They have had little success in ameliorating this problem, however.

The significant representation of women at the university level has not produced a corresponding representation in the labor market. According to a 2006 national survey, only 18.7 percent of women were employed, with 60 percent working in the public sector and 40 percent in the private sector.<sup>34</sup> The latter consisted of 18.5 percent working in the formal sector and 21.5 percent in the informal sector, where women earn low wages and have no benefits. Urban women tend to be more economically active and represented over 70 percent of employed women in the survey.<sup>35</sup> Statistics compiled by the World Bank, based on International Labor Organization estimates, show a female labor force participation rate of 38.1 percent for 2007, up from 35.5 percent in 2004. The rate for men was 80.7 percent for 2007 and 81.6 percent in 2004.<sup>36</sup>

Algerian women are free to enter into and negotiate business contracts, but according to the 2006 survey, women represent only 4 percent of all business owners.<sup>37</sup> This can be attributed to a lack of incentives, education, and opportunities. Some organizations that work closely with the government, such as the Association of Algerian Female Executives (AFCARE), promote the advancement of women within all sectors of employment. They provide women with information regarding their economic rights and offer project management training. Other organizations launch profit-generating projects at the local level to help women start their own business. The Children of Fadhma n'Soumer Association, for example, has encouraged the creation of small rural cooperatives.

In theory, women may freely choose their profession. Article 55 of the constitution guarantees the right to work for all Algerian citizens, and as discussed in the previous section, women may stipulate the right to work as a precondition in their marriage contracts under Article 19 of the family code. However, women's rights activists argue that Article 19 could be used to undermine the constitutional guarantee, since husbands could argue that their wives gave up the right to work by failing to include it in the marriage contract. Women are present in all sectors of employment, and some even work as taxi drivers, policewomen, or members of the military. However, most employed women work in health care, education, or the legal field. As of 2006, women reportedly represented 50 percent of teachers, 53 percent of medical doctors, and 37 percent of magistrates (prosecutors and judges).<sup>38</sup>

Women also tend to limit their employment options to those located near their parents or husband. It is socially acceptable for female civil servants to move within Algeria for work-related reasons because the government is considered a reliable guardian.<sup>39</sup> However, divorced or single women who migrate inside the country to work in the private sector often suffer from patriarchal prejudices, which label them as immoral. These stereotypes, combined with the resentment toward female employment that comes with the high rate of unemployment among men, limits the actual freedom of movement of women in search of economic opportunity. When individuals in power stoke such negative attitudes, it can lead to incidents like the attack on female migrant workers in Hassi Messaoud.

Article 84 of the employment code of 1990 guarantees equal pay for men and women who have equal qualifications and perform equal tasks.<sup>40</sup> The code outlaws all forms of gender-based discrimination in employment

contracts. Employers in both the private and public sectors are bound to provide three months of paid maternity leave, two hours per day for breastfeeding, and retirement benefits. Women are eligible for retirement at age 55, compared with 60 for men. Women can also receive one year of early retirement for each child (up to three children) that she raised for nine years.<sup>41</sup> Despite these employment benefits, many women choose to stop working when they get married. According to the 2006 national survey, 49 percent of women with private-sector jobs stopped working when they got married, and 16.3 percent of those in the public sector did the same. Less than 30 percent of women interviewed opposed the idea of working, suggesting that most women would be interested in employment if they had the opportunity. The women surveyed identified several factors that deterred them from pursuing or maintaining employment, including transportation problems, family pressure, wages, child care obstacles, discrimination, and sexual harassment.<sup>42</sup>

In 2004, the penal code was amended to criminalize sexual harassment under Article 341 bis. However, this amendment disappointed women's organizations in that it only criminalized sexual harassment based on abuse of authority, apparently leaving many forms of abuse, including harassment by peers, unaddressed. It is likely that most cases of harassment go unreported, but 4,500 complaints of violence and harassment were filed with the police between January and June 2008.<sup>43</sup> Single women, whether divorced, widowed, or never married, are the most common victims of harassment. Most women refrain from going to court, either for fear of being ostracized by their family and colleagues or because they are not informed of their rights. Complainants must present evidence of the harassment, but their colleagues are usually afraid to testify on their behalf for fear of reprisal firings or countersuits accusing them of defamation. In November 2008, two female employees at the Bank of Algeria spoke to the newspaper *Djazair News* about their claim to have been harassed on the job. Their employer countersued, and the court handed them a two-month suspended jail sentence, in addition to fines and damages, for defamation.<sup>44</sup>

### *Recommendations*

- ❖ The government should fund cooperative projects at the local level and facilitate the provision of credit to women who want to start or expand their own businesses. These could include agricultural projects such as those promoted by the Children of Fadhma n'Soumer Association, but

the effort should address the full range of economic activities in which employed urban women are already involved.

- ❖ The government should enact legislation extending the ban on sexual harassment to all relevant behavior that creates a hostile working environment for women. The law should include specific protections barring retaliation against complainants and witnesses. Meanwhile, both civil society actors and the government should launch an awareness-raising campaign on the existing ban, and judges should receive training on how to properly adjudicate cases.
- ❖ The government should foster a public debate and discussions among experts on how to make inheritance law fair for women while respecting religious norms.
- ❖ The government should offer special financial incentives for poor families to send both male and female children to school through completion of the secondary level. Officials should also consult with local women's NGOs on how to eliminate negative gender stereotypes from school curriculums in a manner that is respectful of Algerian culture and in accord with Islamic traditions.
- ❖ The government should launch an initiative that encourages both job seekers and employers to raise women's representation in decision-making positions to a level that matches their substantial educational achievements.

## POLITICAL RIGHTS AND CIVIC VOICE

Restrictions on the political and civil rights of women are just one aspect of the broader limitations affecting the public sphere in Algeria. The freedoms of expression and association are restricted by a government that is heavily influenced by the military and the ruling FLN party. If a woman belongs to an influential group, she may wield more power than men belonging to a less important group. Thus the activism of privileged women belonging to powerful clans tends to overshadow more discreet forms of activism by civil society. Whatever their affiliations, women remain severely underrepresented in the executive branch, the parliament, and local government bodies.

Algerian women were granted the right to vote and run for office in 1962. A multiparty system was established by the 1989 constitution, and since then women and men have actively participated in politics within the

limits imposed by the state of emergency and the constraints defined by the Ministry of Interior.

The most recent parliamentary elections took place in May 2007, and female candidates won 30 of the 389 seats in the National People's Assembly, the lower house of parliament. Most of the women elected are members of the FLN, which led the voting with 136 seats overall, and the Workers' Party, which is led by a woman, Louisa Hanoune, and took 26 seats overall. This representation of just 7.7 percent is a slight improvement over the previous elections in 2002, in which women secured little more than 6 percent of the chamber. As of the end of 2008, women held only 4 of the 144 seats in the Council of the Nation, the upper house; this chamber is one-third appointed by the president and two-thirds indirectly elected by local and provincial officials.<sup>45</sup> Women hold only about 5 percent of the seats in the country's local popular assemblies.

Women are fairly well represented in the judiciary, making up over a third of the country's prosecutors and judges. However, few women work in the top ranks of the executive branch, and only 3 of 35 cabinet members are women: Khalida Toumi is the minister of culture, Nouara Saâdia Djaafar is a delegate minister at the Ministry of National Solidarity and Family, and Souad Bendjaballah is a delegate minister at the Ministry of Higher Education and Research. Hanoune, the Workers' Party leader, was the only woman to run for president in 2004 and April 2009, taking roughly 1 percent and 4 percent of the vote, respectively. She notably finished second in the 2009 election, as the incumbent, President Bouteflika, was credited with over 90 percent of the vote amid fraud allegations from the opposition.<sup>46</sup> Although she does not define herself as the "candidate of women," Hanoune advocates the abolition of the family code, a position generally endorsed by women's rights activists.

Women may participate in political parties at all levels, but they generally constitute no more than 10 percent of most parties' membership. In April 2009, the Ministry of Justice appointed a commission to consider a law that would mandate a quota of 30 to 40 percent for women in all political parties. However, many politically active women are ambivalent about this plan, arguing that the number of women within political parties should not be the sole indicator of women's political empowerment, and that the agenda of each party should be taken into account. For example, Islamist parties generally have more female members than secular parties, but these women often adopt a very conservative stance on gender equality.

Few women hold leadership positions that would allow them to influence policymaking. This is explained by the combined effect of conservative prejudices, the failure of the educational system to steer women toward such careers, and restrictions on the civil liberties of all citizens. The ability of Algerian citizens to participate in political and civic life varies between regions. For example, men and women in Kabylia have often resisted government repression more vehemently than those living in other areas, and the government has consequently responded more harshly there to signs of opposition or criticism from student groups and civil society leaders.

As individuals, Algerian women and men are, in theory, guaranteed freedom of assembly and expression. However, aspects of association law, the precarious security in certain areas of the country, and the fragmentation of women's groups are major obstacles to the development of women's civic and political voice. The 1992 decree establishing the state of emergency requires associations to obtain the governor's permission before holding public demonstrations, which is almost always refused to independent organizations. A law passed on June 18, 2001, also prohibits peaceful marches or public demonstrations in Algiers. Women's issues are increasingly addressed in the media, but often in the form of a sensationalist and polemical discussion that does not necessarily help women's empowerment. Journalists are able to cover these topics so long as they do not criticize the government.

Under Article 7 of association law 90-31, associations, political parties, and labor unions require special authorization (*agrément*) from the Ministry of Interior to legally exist. The government justifies this procedure by citing the state of emergency, and uses it to monitor and restrict the activities of civil liberties advocates. Most legally established women's rights organizations are not rooted deeply in Algerian society, however sincere they might be in their commitments to achieving gender equality. Many are instead incorporated into the clientelist system, catering to the needs of their respective interest groups rather than the collective needs of Algerian women. Because these relatively small and fragmented groups do not present a serious threat to the prevailing system, they encounter little government hostility. The effort to defend the families of victims of forced disappearances is one of the few movements that is connected to society and transcends class or clientelist divides. While it is not defined specifically as a women's movement, its ranks are composed mostly of women.

However, the efforts of organizations like the CFDA are now limited by the 2005 Charter for Peace and National Reconciliation, which effectively outlaws all criticism of the charter by victims' families and human rights activists.

Women's access to information has improved as the number of privately owned and independent French or Arabic newspapers has increased significantly over the past 10 years, and as more households are equipped with Internet access, televisions, and radios. However, most Algerian women, particularly the youth, are not aware of their ability and right to participate in civic and political activities. This is due in part to a high degree of illiteracy in certain areas, as well as social biases against politically and publicly powerful women that are perpetuated through the school system. The residual sense of insecurity due to the Black Decade is also a contributing factor. Many women may be too preoccupied with personal safety and daily needs to seek out information on civic and political affairs, or feel that political involvement could expose them to personal threats. Some activists dismiss these arguments, claiming instead that restrictions imposed by the government and the clientelist social structure are the main factors limiting women's empowerment and restricting their access to information. For example, while Internet access has expanded in recent years, the government actively monitors e-mail and other online content, and service providers can be held criminally responsible for material on websites they host.

### *Recommendations*

- ❖ The government and human rights groups should create common platforms for open discussion where secular nationalists, progressive Islamists, and conservative Islamists can find common ground on women's rights and other important civic issues.
- ❖ The government should officially end the state of emergency and lift the associated restrictions on civil liberties.
- ❖ The need to secure an *agrément*, the main obstacle to the establishment of independent associations, should be abolished.
- ❖ Existing women's rights groups and female members of political parties should form broad coalitions to carry out projects of mutual interest, such as a campaign to encourage young women to vote and run for office, or joint events at which women can consider membership in a variety of organizations.

## SOCIAL AND CULTURAL RIGHTS

Women in Algeria have benefited in recent decades from steady improvements in health care in certain areas, including childbirth and contraception. Early marriages are less common, and fertility rates have declined. However, the delivery of health services is uneven, often depending on the patient's wealth, personal connections, or place of residence. Prevailing cultural attitudes continue to cause serious difficulties for single mothers, who face poverty and a lack of housing. And while the reasons are complex, more women have begun wearing the veil in recent years. Women are well represented in the media, but they face discrimination in promotions and salary, and their ability to influence public perceptions of gender may be limited.

Algerian women are generally able to make independent decisions regarding their health care and reproductive rights. Married women may receive free contraceptives in public hospitals, and, due to the increased use of contraceptives and the rise in the average age of marriage, fertility rates have dropped from 2.7 births per woman in 2000 to 2.4 in 2007.<sup>47</sup> Abortion is illegal under Articles 304–313 of the penal code, but public health legislation provides exceptions for cases where the mother's physical or mental health is seriously jeopardized.<sup>48</sup> Separately, a 1998 *fatwa* (religious opinion) by the High Islamic Council, an official advisory body, allowed women who had been raped by armed groups to resort to abortion. According to gynecologists and women's rights groups, who would prefer that the issue of abortion be addressed publicly, many women undergo illegal, clandestine abortions. This is due to the limited circumstances under which abortion is legal as well as the shame attached to abortion and pregnancy out of wedlock.

Algerians have enjoyed free, universal health care since 1974, and the rate of births attended by skilled medical professionals increased from 77 percent in 1992 to 95 percent in 2006.<sup>49</sup> In spite of this, the rate of maternal mortality remains high in certain areas, especially in the southern provinces. According to a 2006 survey, only 30.6 percent of mothers benefit from postnatal care.<sup>50</sup> Mothers who have children out of wedlock are vulnerable to poverty and social prejudices. In most cases they are rejected by their families, and they do not benefit from any preferential access to subsidized housing. The few organizations that offer single mothers material help and legal counseling often treat them as "sinners" who must be morally reeducated.

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Article 54 of the constitution enshrines the right to health care for all citizens. The implementation of this right is complicated less by gender disparity than by inequality among economic classes and social groups. Although health care is free, those with wealth and family or social connections to powerful groups have better access to the health system's limited resources than those without such advantages. This inequality can take on a regional character, as some areas are more impoverished and neglected by the state than others.

Harmful practices such as female genital mutilation hardly exist in Algeria. The number of women who are veiled has increased over the past decade, and this is sometimes interpreted as a sign that society is becoming more conservative. However, it is a complex phenomenon that includes an element of personal piety or social activism. Most women, veiled and unveiled, reject the notion that the practice of veiling is incompatible with women's autonomy. The types of veil worn by Algerian women range from those that cover the entire body to the *hijab*, a scarf that covers the head and neck. The most enveloping forms of veil, such as the *burqa*, are rarely worn, and Algerian women view such garments as foreign traditions.

As noted above, the amended family code requires a father to provide housing for his children and divorced wife so long as she retains custody. Women are legally able to obtain their own housing, but it is very difficult in practice. Given the limited housing infrastructure, high rents, and high unemployment rates, women are more vulnerable to poverty than men. This is particularly true for female victims of violence and the wives and children of those who disappeared during the Black Decade. No government program provides psychological help to the latter group, and the financial compensation now offered to them is a source of significant moral and psychological distress for most. As a precondition to receiving benefits, families must sign the death certificate, thereby renouncing the right to investigate the disappearance.

Women are very active at the community level, especially in schools and mosque-related associations. They are also active members of the media, but it is unclear whether they are able to influence media content. Women make up more than 50 percent of employees at public and private media outlets, 74 percent of journalists on television channels, and 88 percent on national radio channels. More than 50 percent of the female journalists interviewed in a 2006 survey had been journalists for over 15 years. Seventy-four percent of female journalists work for daily periodicals, while

16 percent work for weekly magazines. Despite being heavily represented in the workforce, female journalists are discriminated against in terms of salary. At least half work as freelancers and therefore do not receive retirement or health care benefits. Eighty-four percent of female journalists are not affiliated with a union.<sup>51</sup> Women are also less likely to be promoted due to the persistence of prejudices against female leaders and the negative effects of a clientelist social structure on the promotion system.

Scholars and journalists are ambivalent about the ability of women to influence perceptions of gender in media. For instance, domestic violence is increasingly addressed on the front pages of newspapers. Some women's rights advocates consider such coverage to be a positive step toward breaking the taboo against open discussion of the issue, and believe that it is a necessary method of informing the public about the plight of victims. However, other commentators are concerned that increased coverage of this sensational topic is primarily used to sell more newspapers and does not contribute to an improved image of women.<sup>52</sup>

Women's rights associations that concentrate on the advancement of social and cultural rights are able to operate with slightly more freedom than groups advocating for political and civil rights. However, it is difficult to disconnect the agenda of the former from the objectives of the latter. Organizations working to promote women's social and cultural rights complain about the restriction of their freedom of expression, insufficient funding, and fragmentation among groups with similar goals, which prevents the launching of any awareness campaign on a large scale.

### *Recommendations*

- ❖ The media and civil rights activists should propagate narratives about women's emancipation that circumvent the constraints of the typical antagonism between Islamism and secularism. Rather than drawing on experiences from Europe or North America, they could cite the achievements of women in countries with large Muslim populations, such as India or Indonesia.
- ❖ The government should increase spending on health care infrastructure for neglected populations and enlist independent auditors to regularly and publicly assess the delivery of health services nationwide.
- ❖ The government should establish and implement a plan that would address the housing crisis, the effects of which are felt more acutely by women than men. Such measures may encourage victims of violence to

assert their rights more freely, as many currently remain silent for fear of being forced to live on the streets.

- ❖ The government should provide single mothers with adequate housing subsidies and assistance in accessing health care.

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## NOTES

- <sup>1</sup> However, very lively and noisy debates took place within the National People's Assembly in 1982 and 1984 between opposing political factions. See Boutheina Cheriet, "Islamism and Feminism: Algeria's Rites of Passage to Democracy," in *State and Society in Algeria*, ed. John P. Entelis and Phillip C. Naylor (Boulder: Westview Press, 1992), 171–216.
- <sup>2</sup> Mounira M. Charrad, *State and Women's Rights: The Making of Postcolonial Tunisia, Algeria and Morocco* (Berkeley: University of California Press, 2001), 199.
- <sup>3</sup> Craig S. Smith, "Quake Demolishes Confidence in Algerian Rulers," *New York Times*, May 30, 2003, <http://www.nytimes.com/2003/05/30/world/quake-demolishes-confidence-in-algerian-rulers.html>.
- <sup>4</sup> Order No. 75-58 of September 26, 1975, of the Civil Code (Ministry of Justice), Article 1: "La loi régit toutes les matières auxquelles se rapporte la lettre ou l'esprit de l'une de ses dispositions. En l'absence d'une disposition légale, le juge se prononce selon les principes du droit musulmane et, à défaut, selon la coutume. Le cas échéant, il a recours au droit naturel et aux règles de l'équité."
- <sup>5</sup> A copy of the nationality code, in French and Arabic, is available at [http://www.droit.mjustice.dz/code\\_nation\\_alger.pdf](http://www.droit.mjustice.dz/code_nation_alger.pdf).
- <sup>6</sup> *Viol* is based on the same root as the English word *violence*.
- <sup>7</sup> Amnesty International, "Algeria," in *Amnesty International Report 2009* (London: Amnesty International, 2009), <http://report2009.amnesty.org/en/regions/middle-east-north-africa/algeria>.
- <sup>8</sup> A copy of the code is available at <http://www.droit.mjustice.dz/SOFF.htm>.
- <sup>9</sup> International Centre for Prison Studies, "World Prison Brief," King's College (London), <http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpbcountry.php?country=1> (accessed September 16, 2009).
- <sup>10</sup> See Multilateral Treaties Deposited with the Secretary-General, Status of Treaties, Chapter IV, CEDAW, Endnote 2, [http://treaties.un.org/Pages/ViewDetails.aspx?srcc=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en#2](http://treaties.un.org/Pages/ViewDetails.aspx?srcc=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#2) (accessed September 16, 2009).

- <sup>11</sup> The group is named after Lalla Fadhma n'Soumer, a female leader of the Kabyle anti-colonial struggle who lived from 1830 to 1863.
- <sup>12</sup> Amnesty International, "Algeria."
- <sup>13</sup> Kouider faces up to three years in prison, but the final verdict was postponed indefinitely in May 2008. Prominent Algerian intellectuals launched a petition in March 2009 to defend Kouider and religious freedom generally. The petition, entitled "SOS Libertés," was signed by more than 2,800 persons and published by the Francophone newspaper *El-Watan*.
- <sup>14</sup> The judge will act as wali for any bride who has none.
- <sup>15</sup> *Synthèse de l'enquête nationale sur l'intégration socio-économique de la Femme* [Synthesis of the National Survey on Socio-Economic Integration of Women] (Algiers: Ministry Delegate for the Family and the Status of Women, 2006), <http://www.ministere-familie.gov.dz/?page=Synthese>.
- <sup>16</sup> Florence Beaugé, "En Algérie, le code de la famille maintient la femme sous tutelle" [In Algeria, the Family Code Keeps the Woman Under Guardianship], *Le Monde*, February 25, 2005.
- <sup>17</sup> Under Article 35, if the marriage contract contains stipulations that contradict the contract, the stipulation is void and the contract is valid. Moreover, stipulations may not contradict the law.
- <sup>18</sup> Prior to the 2005 amendments, the duty to obey was found in Article 39 of the family code.
- <sup>19</sup> A woman can initiate a divorce for the following reasons: the husband fails to pay financial maintenance during the three-month period before a divorce initiated by him is finalized; the husband cannot have children; the husband refuses to sleep with his wife for more than four months; the husband has been convicted of a crime; the husband has been absent for one year without giving any reason or without giving any money to the family; any form of "moral mistake"; a continuing disagreement between the spouses; the provisions stipulated in the marriage contract are broken; Article 8 of the family code, which sets the rules for polygamy, is violated; any form of legally acknowledged prejudice.
- <sup>20</sup> Article 54 of the family code allows for khula but leaves the parties to decide the sum owed by the wife to her husband. If they are unable to agree to a sum, the judge will order payment that does not exceed the worth of the proper dowry.
- <sup>21</sup> Office to Monitor and Combat Trafficking in Persons, *Trafficking in Persons Report 2007* (Washington, DC: U.S. Department of State, June 2007), <http://www.state.gov/g/tip/rls/tiprpt/2007/82805.htm>.
- <sup>22</sup> Private interview, Algiers, June 29, 2009.
- <sup>23</sup> Cited in *Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Mission to Algeria* (Geneva: UN Human Rights Council, February 13, 2008), 15, available at <http://www2.ohchr.org/english/issues/women/rapporteur/visits.htm>.
- <sup>24</sup> Private interview, Algiers, June 30, 2009.
- <sup>25</sup> The law 08-11, passed on June 25, 2009, allows for the creation of waiting centers where irregular immigrants can be detained for an indefinite time.

- <sup>26</sup> United States Committee for Refugees and Immigrants, "Algeria," in *World Refugee Survey 2008* (Arlington, VA: U.S. Committee for Refugees and Immigrants, June 2008), <http://www.refugees.org/countryreports.aspx?id=2116>. Algeria has officially renounced all territorial claims in Western Sahara, but it continues to host roughly 100,000 Sahraoui refugees in camps at Tindouf. The Western Sahara issue remains a point of contention between Algeria and Morocco, which controls the territory.
- <sup>27</sup> The activists of the Wassila Network use the phrase "marital violence" rather than "domestic violence" to emphasize the fact that the violence often takes place between spouses, and to avoid confusing this problem with other issues, such as the use of violence by parents against children. They attribute the high rate of "marital violence" in Algeria to the effects of the terrorist violence that wounded Algerian society during the 1990s, rather than to the prejudices against women that are traditionally cited.
- <sup>28</sup> For example, a workshop scheduled to take place on February 7 and 8, 2008, was banned at the last minute, and several guests from abroad were denied visas. See "17 ans après le putsch : Le combat pour la Vérité et la Justice continue" [17 Years After the Putsch, the Struggle for Truth and Justice Continues], *Algeria Watch*, January 11, 2009, [http://www.algeria-watch.org/fr/aw/combat\\_verite\\_justice.htm](http://www.algeria-watch.org/fr/aw/combat_verite_justice.htm); Amnesty International, "Algeria."
- <sup>29</sup> See for example Global Rights, *Conditions Bien Pensées, Conflits Évités: Promouvoir les Droits Humains des Femmes au Maghreb à travers l'Utilisation Stratégique du Contrat de Mariage* [Terms of Thinking, Conflict Avoided: Promoting Women's Human Rights in the Maghreb Through the Strategic Use of the Marriage Contract] (Rabat: Global Rights, 2009), <http://globalrightsmaghreb.files.wordpress.com/2009/03/livret-de-discussion-maroc-francais.pdf>.
- <sup>30</sup> "Oui pour l'héritage égalitaire, l'abolition de la polygamie et le hidjab" [Yes to Equal Inheritance, Abolition of Polygamy and Hijab], *El-Watan*, March 2, 2009, <http://www.elwatan.com/Oui-pour-l-heritage-egalitaire-l>.
- <sup>31</sup> Cited in *Report of the Special Rapporteur*, 10.
- <sup>32</sup> World Bank, "Genderstats—Education," <http://go.worldbank.org/RHEGN4QHU0>.
- <sup>33</sup> High rates of illiteracy are reported in the provinces of Djelfa, Relizane, Ain Delfa, and Tamanrasset.
- <sup>34</sup> *Synthèse de l'enquête nationale sur l'intégration socio-économique de la Femme*. In 2004, women made up only 14.6 percent of the employed population.
- <sup>35</sup> *Synthèse de l'enquête nationale sur l'intégration socio-économique de la Femme*.
- <sup>36</sup> World Bank, "Genderstats—Labor Force," <http://go.worldbank.org/4PIIORQMS0>.
- <sup>37</sup> *Report of the Special Rapporteur*, 11.
- <sup>38</sup> *Rapport National sur le Développement Humain: Algérie 2006* [National Human Development Report: Algeria 2006] (Algiers: National Economic and Social Council, 2007), 50, [http://hdr.undp.org/en/reports/nationalreports/arabstates/algeria/nhdr\\_2006\\_algeria-fr.pdf](http://hdr.undp.org/en/reports/nationalreports/arabstates/algeria/nhdr_2006_algeria-fr.pdf).
- <sup>39</sup> Dalila Iamarène-Djeral, "Affaire de Hassi Messaoud," *NAQD, Femmes et Citoyenneté*, Fall/Winter 2006, 21.
- <sup>40</sup> "All employers must guarantee, for any work of equal value, equality of salary among workers without discrimination." A copy of this article is available at [http://lexalgeria.free.fr/titre\\_ivtravail.htm](http://lexalgeria.free.fr/titre_ivtravail.htm) (in French).

- <sup>41</sup> See Algerian National Center for Retirement, [http://www.cnr-dz.com/vos\\_droits/retraite\\_normale.php](http://www.cnr-dz.com/vos_droits/retraite_normale.php).
- <sup>42</sup> *Synthèse de l'enquête nationale sur l'intégration socio-économique de la Femme*.
- <sup>43</sup> Amnesty International, "Algeria."
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