

Algeria

1. Discrimination in the family

a) Overarching legal framework for marriage

Under Article 2 of the Constitution, Islam is the official religion of the State (Constitution of the People's Democratic Republic of Algeria, 2016: Article 2). All family relations, including marriage and divorce, are governed by the Family Code, which is based on Islamic (*Shari'a*) law (Code de la Famille, 2007). The Family Code applies to all Algerians and all foreigners married to an Algerian (Code de la Famille, 2007: Article 31).

Women and men do not share the same rights to enter into marriage. While marriage is based on consent as per Articles 4 and 9 of the Family Code, women require the permission of their male guardian (*wali*) – their father or another male relative of their choosing – for the marriage to be contracted (Code de la Famille, 2007: Article 4, 9 bis). Forced marriages are prohibited on the basis that marriages based on “flawed” consent are annulled (Code de la Famille, 2007: Article 33). A *wali* may not, moreover, compel a woman to marry without her consent (Code de la Famille, 2007: Article 13). No legal sanctions could be located regarding those facilitating or undertaking such marriages.

Under Article 26 of the Family Code, widows are prohibited from marrying their father or son in laws (Code de la Famille, 2007: Article 26). There are no provisions prohibiting levirate marriage.

The law does not recognise customary or religious marriages per se, since they must first be registered by the Ministry of Religious Affairs. Section III (Articles 18-22) of the Family Code outlines that the marriage must take place in accordance with civil law, and within the conditions stipulated within the code (Code de la Famille, 2007: Articles 18, 19, 21, 22). The Marriage Act relating to order n° 70-20 du 19 février 1970 of the Civil Code moreover stipulates that this must be done by a civil registrar (Acte de Mariage, n.d.).

b) Child marriage

The legal age of marriage is 19 years old for both men and women, according to Article 7 of the Family Code amended in 2005 (Code de la Famille, 2007: Article 7). Exceptions to this may be granted by a judge in special cases, although the Family Code demands that this may only be done once the aptitude of the two parties to get married is asserted (Code de la Famille, 2007: Article 7).

Child marriage is also prohibited under Articles 13 and 33 of the Family Code on the basis of “flawed” consent (Code de la Famille, 2007: Articles 13, 33). Article 13 of the code prohibits the *wali* from forcing minors under their care into marriage without their consent (Code de la Famille, 2007: Article 13). However, no legal provisions could be found regarding sanctions or penalties for those facilitating such marriages (World Bank, 2016).

Couples are required to present a government-issued marriage certificate from The Ministry of Religious Affairs prior to obtaining consent from imams to get married in religious ceremonies (Marriage Laws Around the World, 2016:1).

While child marriage is still practised in some rural areas in religious ceremonies, the prevalence of these marriages in Algeria is very low (United Nations, Department of Economic and Social Affairs, Population Division, 2015).

c) Household responsibilities

Following amendments made in 2005, the law no longer requires a woman to obey her husband, replacing this with joint spousal duties for the husband and wife (Code de la Famille, 2007: Article 36; World Bank, 2016).

There are no legal provisions regarding a woman's ability to be head of the household or the right to choose where to live (World Bank, 2016). However, unmarried women seeking to settle risk stigmatisation due to prevailing discriminatory practices regarding a woman's ability to choose where to live (Canada: Immigration and Refugee Board of Canada, 2015).

The father is the legal guardian of the children, except in urgent cases where he is absent or unable to exercise guardianship (Code de la Famille, 2007: Article 87). The mother becomes the legal guardian if the father dies (Code de la Famille, 2007: Article 87). Under Article 36 of the Family Code, parents are jointly responsible for the upbringing and interests of their children (Code de la Famille, 2007: Article 36).

In its list of questions submitted to the CEDAW committee, the *Centre d'information et de documentation sur les droits de l'enfant et de la femme (CIDDEF)*, *la FIDH et la Coalition pour l'égalité sans réserves* indicated the law regarding guardianship of children is very 'vague' and in practice means that it is very difficult for a woman to prove absence of the father (FIDH - Worldwide Movement for Human Rights, 2010).

d) Divorce

Men and women have different rights regarding their ability to initiate divorce as per the Family Code, although in all cases a request for divorce must be submitted to the judge (Code de la Famille, 2007: Article 49). Before granting divorce, the judge will attempt to reconcile the spouses, although in cases where the husband has abused his right to divorce, the judge will require him to pay financial compensation to his wife (Code de la Famille, 2007: Articles 49, 52).

A wife seeking a divorce must have grounds for doing so in accordance with the conditions stipulated within the Family Code: in case of abandonment, failure to pay alimony, or violation of the marriage contract, for example (Code de la Famille, 2007: Article 53). Women may alternatively seek a no-fault divorce (*khol'â*), which exempts them from providing justification, although this requires them to pay financial compensation to the husband; the level of which is determined by the judge (Code de la Famille, 2007: Article 54).

Following initiation of divorce, the couple is required to observe a waiting (*'idda*) period, during which a husband must pay alimony monies to the wife for a minimum of three months (Code de la Famille, 2007: Articles 58, 61). The purpose of the waiting period is to ensure that the woman is not pregnant, otherwise the husband may be required to pay alimony until the delivery of her unborn child (Code de la Famille, 2007: Article 60).

Changes in 2005 saw reforms in custody laws whereby guardianship is awarded to the custodian parent, irrespective of their gender (Code de la Famille, 2007: Article 87; Yassari, Möller and Gallala-Arndt, 2017: 348). Where the mother has been granted custody, she is permitted to remain in the matrimonial home with her children pending the outcome of the judicial hearing regarding housing (Code de la Famille, 2007: Article 72). While being employed cannot be a sufficient reason to deny mothers custody of their children, they automatically lose their custodial rights in case of remarriage (Code de la Famille, 2007: Articles 67, 66).

An Amnesty (2014) report notes that women who initiate a divorce and do not have children have no right to the conjugal home (Amnesty International, 2014: 19). In practice this can deter women survivors of domestic violence from seeking a divorce, as doing so risks them being made homeless (Amnesty International, 2014: 19).

Non-compliance of husbands with regards alimony payments has also been cited as a barrier to women exercising their right to divorce, although a state fund has since been established to financially assist women (Amnesty International, 2014: 7).

e) Inheritance

Inheritance law is governed by *Shari'a*, which allocates the estate according to a share system. The law does not discriminate between land and non-land assets. Daughters are entitled to the equivalent of half of their brother's share of inheritance (Code de la Famille, 2007: Articles 144-148; Marzouki, 2010: 15). Where they do not have any brothers, the share that would have gone to the brother is redistributed among the other male relatives (Code de la Famille, 2007: Articles 144-148; Marzouki, 2010: 15). According to statutory law, siblings giving up their claims to the family property have a right to compensation under Article 202 of the Family Code and 351 of the Civil Code (Code de la Famille, 2007: Articles 184; Code Civil, 2007: Article 351; FAO, n.d.).

Furthermore, surviving spouses have different inheritance rights depending on whether they are female or male. Female surviving spouses are entitled to half of the amount of male surviving spouses where their spouse has descendants (Code de la Famille, 2007: Articles 145-146). Non-Muslim spouses cannot inherit from Muslim husbands according to Article 138 of the Family Code, which denies inheritance to those considered "apostates" (Code de la Famille, 2007: Article 138; (Free Thought Report, 2016).

In practice, some women are pressured by their male relatives to relinquish their legal share of inheritance to other male relatives (Marzouki, 2010: 15). However there are reports that many families bypass these laws by making living wills, and granting portions of their estates to their daughters while they are still alive (Marzouki, 2010: 15).

The law governing the right to make a will extends to those aged 19 years old or greater and in good mental health. It does not make exceptions for women (Code de la Famille, 2007: Articles 184, 186).

2. Restricted Physical integrity

a) Violence against women

While Algeria signed the Maputo protocol in December 2003, it has not yet been ratified (African Commission on Human and Peoples' Rights, 2017). There is no overarching legal framework governing violence against women, although there are individual laws concerning rape and sexual violence (Amnesty International, 2014).

b) Domestic violence

Domestic violence is a criminal offense under Law No. 15-19 of December 2015, which saw reforms to the Penal Code and made assault to a spouse punishable by up to 20 years in prison for injuries, and a life sentence for injuries resulting in death (Loi n° 15-19, 2015: Article 266 bis). The law is intended to apply to both current and former spouses, although it does not extend to relatives, unmarried couples or other household members (Loi n° 15-19, 2015: Article 266 bis; Human Rights Watch, 2017). The law applies equally to spouses living in the same or separate residences (Loi n° 15-19, 2015: Article 266 bis, 266 bis 1).

Current legislation encompasses (and penalises) physical, sexual, psychological and economic harm under Articles 266 bis, 222 bis 1, 330 bis and 333 bis 3 (Loi n° 15-19, 2015). The penal code stipulates varying degrees of punishment depending on the severity of the harm endured (Human Rights Watch, 2017: 32). The law does not, however, forbid conciliation in cases of domestic violence. Indeed, the perpetrator may even face a reduced sentence or evade punishment altogether in cases where they are pardoned by the survivor (Loi n° 15-19, 2015: Article 266 bis, 266 bis 1, 330 bis).

The National Strategy on Combating Violence Against Women, coordinated by the Ministry for the Family and the Status of Women, was adopted in 2007, following consultations with other ministries and UN bodies (Human Rights Watch, 2017). While the strategy calls for the creation of special units that can refer survivors of violence onto longer-term shelters, it does not foresee the establishment of these shelters as such (Stratégie Nationale de Lutte contre la Violence à l'égard des Femmes, n.d.; Human Rights Watch, 2017). The strategy includes a commitment to gender-sensitive budgeting in the general budget with the aim of gender equality, although this is not explicitly related to gender-based violence (Stratégie Nationale de Lutte contre la Violence à l'égard des Femmes, n.d.).

However, state-run shelters are governed by Decree N° 04-182 of 2004, which mandates their creation and organisation (Décret N° 04-182, 2004; Human Rights Watch, 2017: 20). The purpose of these shelters is to provide temporary accommodation and assure medical, psychological and social assistance to survivors of domestic violence (Décret N° 04-182, 2004: Article 5). The decree permits women aged between 19 and 65 years old to stay at the shelters for a maximum of 4 days (Décret N° 04-182, 2004: Article 6).

The strategy calls for the creation of new mechanisms to register complaints from women of domestic violence and affirms a commitment to include gender-sensitive budgeting in the overall budget (Stratégie Nationale de Lutte contre la Violence à l'égard des Femmes, n.d.: 18, 28). In addition, it foresees the development of protocol to handle and supports survivors of violence, as well as the creation of guidelines concerning forensic evidence on domestic violence (Stratégie Nationale de Lutte contre la Violence à l'égard des Femmes, n.d.; Human Rights International, 2017). The strategy also calls for awareness-raising, advocacy and education campaigns; promoting collaboration with civil society organisations to end gender-based violence (Stratégie Nationale de Lutte contre la Violence à l'égard des Femmes, n.d.).

However, a Human Rights Watch (2017) report notes that implementation and progress of the strategy to date is unclear (Human Rights International, 2017). The report moreover cites a number of barriers in reporting or penalising domestic abuse, including: treatment and discouragement from police officers in responding to complaints of domestic abuse and violence; a lack of due diligence and follow-up carried out by police during the course of the investigation, which risks losing valuable evidence; the reliance among forensic specialists on physical assessments of abuse that overlook other forms of abuse or abuse spanning multiple instances; and a lack of enforcement regarding criminal sentences (Human Rights International, 2017).

In addition, the report notes other factors that prevent abuse survivors from coming forward, including economic precariousness and financial dependence on perpetrators, and being coerced by family members, police and friends to drop criminal charges due to the social stigma attached to reporting abuse (Human Rights International, 2017). Furthermore, the legal framework does not include any protection measures, such as restraining orders for perpetrators of domestic violence (Human Rights International, 2017: 4).

c) Rape

Sexual violence is criminalised under Article 333 bis 2 and 3 of the Penal Code, with a maximum penalty of three years' imprisonment and a fine for assault committed with violence, coercion, or threat of violence against the sexual integrity of the victim (Loi n° 15-19, 2015: Articles 333 bis 2 and 3). The penalty increases to five years if the victim is aged below 16 years or if the perpetrator is a direct male relative (*mahrim*) (Loi n° 15-19, 2015: Article 5).

Under Article 336 of the Penal Code, rape is punishable by up to ten years' imprisonment, and up to 20 years if the victim is less than 18 years old (Penal Code, 2015: Article 336). Rape is not, however, defined in the law, and marital rape is not explicitly criminalised (Human Rights International, 2017: 45). A wife or partner can nevertheless file a complaint under Article 336 of the Penal Code (Penal Code, 2015: Article 336). The penalty for rape increases to a maximum of 20 years' imprisonment in cases where it has been committed by more than one perpetrator (Penal Code, 2015: Article 337).

Certain provisions in the legal framework allow for perpetrators to evade punishment by marrying the victim. Under Article 326 of the Penal Code, any person who abducts or corrupts a minor (i.e. aged below 18 years) faces imprisonment between one and five years (Penal Code, 2015: Article 326). The

law additionally stipulates, however, that criminal proceedings may be dropped where the perpetrator marries the child, unless the marriage is declared void (Penal Code, 2015: Article 326; Human Rights Watch, 2017: 52).

d) Sexual harassment

Law no. 15-19 of 2005 expanded the scope of sexual harassment and imposed harsher penalties (Loi n° 15-19, 2015: Article 341 bis). Sexual harassment is defined as any act committed by someone abusing their position in office, with the aim of obtaining sexual favours from the victim. The maximum penalty for sexual harassment is a fine and three years' imprisonment (Loi n° 15-19, 2015: Article 341 bis). No national action plan could be located regarding enforcing these laws on sexual harassment.

Article 333 bis 2 additionally criminalises the act of harassing a woman in a public place that threatens her "modesty" (Loi n° 15-19, 2015: Article 333 bis 2). The act is punishable by up to six months in prison and a fine, doubling if the victim is less than 16 years old (Loi n° 15-19, 2015: Article 333 bis 2).

e) Female genital mutilation

There is no law criminalising FGM, and there is no evidence to suggest that it is practised in Algeria (The African Child Policy Forum, 2013).

f) Abortion

Abortion is legal only if it is necessary to preserve the woman's life (Penal Code, 2015: Article 308). The law stipulates that a medical practitioner must carry out the abortion, and that they are moreover required to submit their opinion to the administrative authorities (Penal Code, 2015: Article 308). Under Article 72 of the 1985 law on the protection and promotion of health, abortion may also be carried out to preserve the woman's mental and physical health (Loi n° 85-05, 1985: Article 72). Abortion is not permitted in case of incest or rape, and a woman seeking an abortion unlawfully faces up to two years' imprisonment (Penal Code, 2015: Article 308).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Access to private property is enshrined in the Constitution (Constitution of the People's Democratic Republic of Algeria, 2016: Article 64). Articles 674, 676 and 677 of the Civil Code guarantee the right to use and enjoy private property without legal exception (Code Civil, 2007: Articles 674, 676 and 677). Algeria has not ratified ILO Convention 169 (ILO, 2016).

Married couples retain separate rights to property according to the Family Code (Code de la Famille, 2007: Article 37). Spouses enjoy the right to retain property acquired prior to marriage, and to make use of it as they see fit (Code de la Famille, 2007: Article 37). The Family Code nevertheless recognises property acquired during marriage, although ownership must be divided and agreed upon by the married couple themselves (Code de la Famille, 2007: Article 37).

Upon dissolution of the marriage, the law dictates that husbands are entitled to keep property that is "exclusively for male use" while wives lay claim to property "exclusively for female use" (Code de la

Famille, 2007: Article 73; Marzouki, 2010). It does not, however, specify how this division is to be determined (Marzouki, 2010).

Land rights (including ownership, use and decision-making) are governed by a series of individual laws and decrees spanning different periods relating to Algeria's history, including laws created during colonial rule and later during its post-independent years (FAO n.d.). The law permits ownership and usage of the land, although the definition of use is undefined and remains vague (FAO, n.d.). None of the laws contain gender-specific provisions or make reference to women's rights vis-à-vis land tenure and usage, or access to productive resources (FAO, n.d.).

Land rights are enforced by boundary commissions, which operate at the local level under the supervision of a magistrate; however, the extent of women's participation in these commissions remains unclear (FAO, n.d.).

Women's access to property and land is constrained by various discriminatory practices, in particular those relating to inheritance. The FAO (n.d.) notes that women – in particular married women – often face social pressure to relinquish their share of inheritance to other male relatives of the family, such as brothers. In addition, weak legal provisions and low awareness of their legal rights inhibit women from exercising their land rights (FAO, n.d.).

The African Women's Rights Observatory also suggests that Algerian women are often too poor to buy or lease land independently, while traditional social values impede women's ability to exercise their economic independence (United Nations Economic Commission for Africa, 2012). Moreover, women tend to be marginalised from rural decision-making, while crop and livestock production tend to be controlled by men (Meguellati-Kanoun et al., 2014: 31-32). Women who travel within the country seeking work or travel alone face stigmatisation, particularly in rural areas (Marzouki, 2010: 9). Although Algeria went through a period of widespread land redistribution, it remains unclear the extent to which this benefited or targeted women (Namubiru-Mwaura, 2014: 18). Moreover, no evidence could be found of any initiatives working to boost ownership or joint land titles.

An inter-sectoral committee responsible for the promotion and protection of rural women was created in 2012 as part of the National Strategy for Integration and Promotion of Women 2012-2014 (People's Democratic Republic of Algeria: Achievements of Algerian Women, n.d.). An action plan was devised to support the livelihoods of rural women, through awareness-raising, capacity-building and training, support to project implementation and to the marketing of local products made by rural women (People's Democratic Republic of Algeria: Achievements of Algerian Women, n.d.). Local commissions were set up in 48 of Algeria's provinces (*wilayas*) to support implementation of the action plan (People's Democratic Republic of Algeria: Achievements of Algerian Women, n.d.).

b) Secure access to formal financial resources

Women and men are able to enter into and sign contracts under the same conditions and obligations (Code Civil, 2007: Articles 40,45 and 46; FAO, n.d.). No legal restrictions could be found regarding a woman's right to open a bank account or access credit at a formal financial institution (World Bank 2016).

In a regional study carried out by the IFC, Algerian women business owners cited high levels of gender-based discrimination when accessing financial institutions, and reported feeling unwelcome in the banking environment (IFC, 2013: 41-42). This chimes with other reports indicating that while legally permitted, women face insurmountable challenges accessing credit and bank loans (Canada: Immigration and Refugee Board of Canada, 2015).

The National Microcredit Management Agency (ANCEM), run by the Ministry of National Solidarity, Family and Status of Women, aims to strengthen women's access to finance and economic empowerment (ANGEM - Agence Nationale de Gestion du Micro-crédit, n.d.). They offer financial and other support to women entrepreneurs and local artisanal producers, and assist in marketing their products that have been part-financed through micro loans and other forms of micro-credit. In addition, they offer training and management advice, and strengthen links with the banking and finance industries (ANGEM - Agence Nationale de Gestion du Micro-crédit, n.d.).

The National Agency to Support Youth Employment (ANSEJ - Agence Nationale de Soutien à l'Emploi des Jeunes) is another example of an initiative supporting SME owners and youth entrepreneurs (ANSEJ - Agence Nationale de Soutien à l'Emploi des Jeunes, n.d.). A recent government report (2016) indicates that 10% of the projects financed by ANSEJ in 2015 were led or run by women (Ministère de l'Industrie et des Mines, 2016: n.p.).

c) Workplace rights

Algeria has ratified ILO Conventions 100 (Equal Remuneration) and 111 (Discrimination in Employment and Occupation) (ILO, 2016). Article 69 of the Constitution guarantees men and women the right to work, and non-discrimination in employment (other than on grounds of aptitude or merit) is prohibited under the terms of the Labour Law of 1990 (Constitution of the People's Democratic Republic of Algeria, 2016: Article 69; Loi n° 90-11, 1990: Article 6).

The Labour Law of 1990 stipulates that exceptions can be made if the nature of the work and job description justify their exemption (Loi n° 90-11, 1990: Article 29). In addition, employers must ensure that the work is appropriate to the physical capacity of women (Loi n° 88-107, 1988: Article 11). Women are prohibited from working between 9pm and 5am (Loi n° 90-11, 1990: Article 29).

Women are entitled to up to 14 weeks' maternity leave at full pay, financed by social security (Loi n° 83-11, 1983: Articles 28 and 29). Paternity leave is granted for up to three days and paid for entirely by the employer (Loi n° 90-11, 1990: Article 54). Pregnant women are protected from unfair dismissal (Loi n° 90-11, 1990: Article 64 and 65).

While there are no legal restrictions regarding a woman choosing to enter certain professions or registering their own businesses (Code de Commerce 2007: Article 8), in practice, women's access to management positions is limited and remains monopolised by men (Canada: Immigration and Refugee Board of Canada, 2015).

Moreover, although the Constitution grants all citizens the right to work, Article 19 of the Family Code stipulates that the right to work is subject to the terms of the marriage contract agreed upon by the spouses at the time of registering their marriage (Code de la Famille, 2007: Article 19). In practice this

means women failing to include this in their contract could be in breach of the terms of the contract and risk losing maintenance payments from their husband (Marzouki, 2010: 17).

4. Restricted Civil liberties

a) Citizenship rights

Non-discrimination is enshrined in Article 32 of the Algerian Constitution, which went through amendments until 2016. The clause states that citizens are equal before the law without discrimination according to birth, race, gender or any other personal or social circumstances or opinions (Constitution of the People's Democratic Republic of Algeria, 2016: Article 32).

Nationality is governed by Algeria's Nationality Code, which was last revised in 2005 (Code de la Nationalité, 2007). Algeria lifted its reservations to CEDAW Article 9 regarding rights to nationality in 2009 (United Nations Treaty Collection, 2017). Men and women have equal rights regarding their ability to acquire, retain or change nationality (Code de la Nationalité, 2007: Chapters 3 and 4). Following legal reforms in 2005, women can confer nationality to their non-native spouse as well as to their children (Code de la Nationalité, 2007: Articles 9 and 6 respectively). These laws apply with retroactive effect.

The law does not stipulate any distinctions between married and unmarried women with regards passing on citizenship to children, although women acquiring the nationality of their non-native spouse lose their right to Algerian nationality (Code de la Nationalité, 2007: Article 18). Children born to unknown parents on Algerian land without known prior nationality are Algerian (Code de la Nationalité, 2007: Article 7).

For those seeking to claim nationality by origin, the law requires evidence of two generations of ancestors born in the country, both of which must be Muslim (Code de la Nationalité, 2007: Article 32). In this respect the law discriminates between Muslim and non-Muslim women seeking to lay claim to Algerian nationality (Manby, 2016: 118).

According to civil law, the father or mother of a newborn child must officially register the birth within five days, or 10 if the birth takes place overseas (Loi n°. 70-20, 1970: Articles 61 and 62). Paternity, however, must be established through valid marriage, meaning that the law does not extend to children born to unmarried couples (Code de la Famille, 2007: Article 40). In practice, children born to unmarried women and single mothers alike face widespread social stigmatisation, and are generally perceived negatively in society (Refugee Documentation Centre of Ireland: Legal Aid Board, 2011).

The Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme is an association that opened in 2002 and works to promote legal awareness of women's and children's rights (CIDDEF - Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme, n.d.). In recent years, CIDDEF has produced a number of guides and posters outlining legal and policy developments relating to women's and children's rights, including reforms to the Family and Nationality Codes (CIDDEF - Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme, n.d.).

Regarding the right to acquire passports, unmarried women share the same rights as unmarried men in applying for these under Loi n° 14-03 relative aux Titres et Documents de voyage (2014). Married women must, however, stipulate the name of their husband on their application form, and are required to include this on their passport (Loi n° 14-03 relative aux Titres et Documents de voyage, 2014; Article 7; Passport Application Form; World Bank, 2016). This is also the case for national identity cards (ID Card Application Form; World Bank, 2016).

National identity documents for children must be submitted by the legal guardian on their behalf, who in the first instance is the father (Code de la Famille, 2007: Article 87; Passport and National Application Form – Annex).

In an attempt to increase the rate of birth registration, particularly among nomadic tribes in Southern Algeria, the Algerian government issued a decree in 1973 permitting delayed registration from five to 60 days for those from Southern Algerian descent (Décret No 73-161, 1973; République Algérienne Démocratique et Populaire, 2013). In addition, a Commission was created in the Southern provinces of Tamanrasset and Tindouf to handle cases of birth registration (République Algérienne Démocratique et Populaire, 2013)

While guardianship laws no longer subject women's free movement of travel to the permission of the male guardian, some women report of their spouses or in-laws restricting their movement outside the home (Human Rights Watch, 2017). Moreover, women are not permitted to leave with her children without her husband's permission (Marzouki, 2010).

b) Voting

All citizens satisfying the legal requirements have the right to vote and stand for election (Constitution of the People's Democratic Republic of Algeria, 2016: Article 62). Rights to vote and run for elected office are equal for men and women aged over 18 years old alike, following order 97-07 in 1997 relating to the electoral system (Ordonnance 97-07, 1997: Article 5).

A European Parliamentary report (2013) notes that women have traditionally been excluded from public life owing to deep-rooted views regarding their role within the private sphere (Bakowski, 2013: n.p.).

The Ministry of interior has launched an awareness-raising campaign to encourage voters to take part in the 2017 legislative elections (Ministère de l'Intérieur et de Collectivités locales, 2017). In addition to a televised campaign, the Ministry has published guides on their website intended to simplify understanding of the election process, as well as videos targeting women voters and highlighting the importance of exercising their vote (Ministère de l'Intérieur et de Collectivités locales, 2017).

c) Political voice

All citizens have the constitutional right to stand for elected office (Constitution of the People's Democratic Republic of Algeria, 2016: Article 62). The Constitution additionally promotes the participation of women in the political sphere and strives to increase their chances of being represented in elected office (Constitution of the People's Democratic Republic of Algeria, 2016: Article 35).

In addition, Law 12-03 of 2012 stipulates quotas of women representatives on candidate lists in both national and local elections (Loi organique no 12-03, 2012: Article 2). Lists in violation of this provision risk being rejected (Loi organique no 12-03, 2012: Article 5).

The law also includes provisions to strengthen the political participation of women through training and support. Article 11 of the 2012 law demands that parties train elites to assume public responsibilities and to promote women's political rights (Loi organique no 12-03, 2012: Article 11).

However, it has been noted that these measures are insufficient as many political parties lack specific strategies encouraging women to stand as candidates and fail to make any attempt to attract women (Ait-Zai, 2014: 234). Other barriers include inflexibility around accommodating childcare arrangements, and conflict from incumbent representatives in promoting equal participation (Ait-Zai, 2014: 239-40).

d) Access to justice

Under Article 32 of the Constitution, all citizens are equal before the law (Constitution of the People's Democratic Republic of Algeria, 2016: Article 32). Recent amendments to the Constitution also include a clause indicating the right to legal assistance for those without the means ("deprived persons") to pursue legal proceedings (Constitution of the People's Democratic Republic of Algeria, 2016: Article 57). No legal provisions could be found regarding a woman's right to sue and be sued.

No legal restrictions could be located regarding the weight attributed to a woman's testimony in court vis-à-vis a man's (World Bank, 2016). In practice, however, the Ministry of Justice considers the testimony of two female witnesses to be equal to that of one male witness in criminal cases (Marzouki, 2010). In addition, the penal code contains provisions that stipulate different sentences for men and women in particular circumstances (Marzouki, 2010).

The law criminalises harassment and sexual harassment of women in public places (Law no.15-19 2015, and freedom of assembly is guaranteed in Article 49 of the Constitution (Constitution of the People's Democratic Republic of Algeria, 2016: Article 49). Protection against arbitrary detention is guaranteed by Articles 54-58 of the Constitution (Constitution of the People's Democratic Republic of Algeria, 2016: Articles 54-58).

While there is a law governing the production and dissemination of national statistics, there are no specific provisions relating to gender or sex disaggregated data (Décret législatif n° 94-01, 1994). There is also no single human rights commission or body responsible for ensuring gender equality; the FAO notes, however, that there are gender focal points mainstreamed within the ministries (FAO, n.d.).

According to a Freedom House report (2010), women are fairly well represented in the judiciary as judges and lawyers (Marzouki, 2010: 20). However, the report acknowledges the multiple barriers women face in accessing justice, including: low awareness of their legal rights; the arbitrary manner in which laws are applied (and which discriminate against women, particularly in matters concerning the Family Code); and the financial cost of initiating legal proceedings (Marzouki, 2010: 5).

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