

***The Algerian Women from Struggle to Emancipation.***

**Nawal kadi**

**University of Tahri Mohamed Bechar.**

**Faculty of letters and foreign languages.**

**Lab: Etudes Sahariennes.**

**Country: Algeria**

**Email: [kadi.nawal@univ-bechar.dz](mailto:kadi.nawal@univ-bechar.dz)**

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**Abstract:**

There is no doubt that the presence of Algerian woman as a strong figure in Algerian society constitutes a decisive turning point in the social and economic changes that Algeria has been experiencing since sixty years of its liberation. Algerian women's ability to keep pace with development is widely recognized as a testament to their significant role in various fields, including family, work, and political life. The role of women in Algerian society, their significant impact on the ongoing changes, and their readiness to participate in the workforce at the same level as men are important indicators. Thus, this article focuses specifically on highlighting the status and role of women, as well as the preparedness of the Algerian state to support this idea. On the other hand, it also addresses the various obstacles that impede the implementation of policies and procedures aimed at emphasizing and promoting the role of Algerian women, as outlined in international agreements.

**Keywords:** Algerian women, society, social and economic changes, Algerian government, women's role, international agreement.

**Introduction:**

Women have been considered one of the pillars of society since their inception. Many have attempted to define women, as they are perceived as the softest beings, occupying everyone's thoughts regardless of their location. Many writers and researchers defined women, each according to his specialization. Some of them defined her from the perspective of art as a gentle being full of feelings and emotions; others defined her from the perspective of society as a mother, wife, sister, and friend who is one of the most important pillars of society and who contributes to creating and evaluating it. In addition, if we talk about literature, then some of them find their shadow in women, and the most prominent is that they are affectionate and sometimes super powerful, as lionesses vigorously defend their rights, while others see her as the basis and source of love and reassurance. The definition of women varies according to different concepts

and orientations, but everyone agrees that women are the basis of society. Few people perceive women as mere bodies, viewing them from a backward perspective, limiting their role in society to pregnancy and child rearing, and seeing them only as tools to make men super happy. Furthermore, the definition of women varies across different societies and the factors that influence them separately. These factors may include religion, traditions and customs, as well as formative economic factors and other concepts that can influence women's status. However, reality defines women as half of society, or more, because they are the source of life, and without their presence, life ceases. If you prepare her, you enumerate a people of good races.

Women play an essential role in society, and they have shown this throughout the ages. Their responsibilities extend beyond simple household chores and child rearing. The history of Algerian women is full of professional achievements. From the manual and literal work they performed during the French occupation, Algerian women now occupy prestigious positions. There is no doubt that the increasing presence of Algerian women in public life is one of the pillars of the social and economic change undergone by Algeria since sixty years of its independence. Keeping pace with the Algerian woman on the path of change is a reflection of her role and effectiveness in various fields. The percentage of working women has increased significantly in Algeria in recent years, except that most of them occupy titles as teachers, doctors, or lawyers, and the percentage of working women is still on the rise, whether in cities or the countryside, which explains the enormous change in many concepts in Algerian society. The advancement of women and their mobilisation as full, integral participants in the development process is a main priority, which is on the agenda of the Algerian Government. This issue is being addressed through a fresh vision to narrow the gap between men and women's respective contributions towards the development process, strengthening the contribution of women and safeguarding their rights in society.

### **I. The Status of Algerian Women: A picture of contrasts.**

Algerian women's standing has changed dramatically over the years, transitioning from a traditional, more restricted role to one of expanded rights and participation in various spheres of life. Nonetheless, there has been inconsistent development, and challenges persist.

#### **I.1. Pre-independence period (before 1962):**

Algerian women faced the constraints of traditional roles as a result of colonialism, colonial policies, and traditional Islamic beliefs. In the domestic sphere, they are primarily responsible for upholding the family and organizing the house. Prior to colonialism, Algerian societies were predominantly patriarchal. Men occupied positions of power and decision-making both inside the family and in the community. Women were not allowed to actively participate in public life. Their capabilities were severely limited. Even if some of them would have wanted to take part, they were not permitted, as they were supposed to obey the seclusion restrictions. On behalf of the numerous shortcomings in women's education, girls have relatively limited opportunities for further education. This factor contributed to the high rate of illiteracy

among them. However, the French government did develop laws and educational options that were secular in nature, but these were mostly available to the small urban elite. Traditional Algerian society resisted the so-called French contribution. Women lived under traditional Islamic norms and had relatively few legal rights. When it comes to marriage, divorce, inheritance, and child custody, these secular viewpoints, which men typically hold are also applied to women, frequently favouring men and putting women in a submissive role. Algerian women were the target of some emancipation campaigns. Nevertheless, colonial goals overshadowed genuine concern for resolving women's issues. The French colonial era (1830-1962) had a profound effect on Algerian society. It is super crucial to remember that women's rights, autonomy, and general involvement in public life were severely restricted. Their engagement in the struggle against colonialism was restricted to endorsing and defending national identity and resistance.

### **I.2-Post-independence (1962 onwards):**

Algeria got its independence and sovereignty in 1962, ending 132 years of French colonial rule and occupation. This is known as the "post-independence" era. "The colonial encounter, in Algeria as elsewhere, was constitutively marked by violence."<sup>1</sup> (McDougall, 2006, p. 6) After a long and brutal war with French forces, Algeria started to figure out its future as an independent country ruled by Arab-Muslim Algerian natives. This was a very important turning point in history, when Algeria as one nation started to involve several key developments, such as a new political party under the leadership of the National Liberation Front (NLF). Algeria's National Liberation Front (NLF) party led the independence war and helped build a new political structure and national identity. This was one of the most important steps in the process of building the country's identity after it gained its independence. It took the NLF eight years to lead Algeria's war of freedom against French colonial rule, and they emerged victorious. With the two first presidents, Ahmed Ben Bella (1962-1965) and Houari Boumediene (1965-1978), the NLF went from being a revolutionary liberation force to becoming Algeria's main political party after the country attained its independence in 1962. The NLF's top priority was consolidating its authority and constructing a new Algerian national identity that was not based on French colonial oppression

*" There was a fundamental, though unacknowledged, tension in Algerian nationalism between a conception of the nation as will, a dream to be inscribed in reality through human agency, and as essence, a prior, deep truth requiring revelation to those who have not known it, and recognizing by those who deny it. The former, voluntarist notion was that of Algeria's populist, revolutionary nationalism embodied in the emigrant worker's party, the PPA ( Parti du peuple algérien), whose internal strife eventually gave birth to the NLF".<sup>2</sup> (McDougall, 2006, p. 15)*

Mohamed Harbi, a veteran militant of the party, writes:

***“In fact, the Algerian nation- and the old nationalists themselves are beginning to realise this- never existed save as the will of a minority of étatistes, the militants of the PPA. Blocked in their development, a group of them (would) decide to force the course of history, unify the Algerians through the NLF, here by persuasion, there by violence, bringing them to see themselves as belonging to Algeria rather than to a party or a region.”***<sup>3</sup> (Harbi, 2016, p. 24)

In the social sphere, the Algerian government under the NLF initially worked to modernize and develop the country by supporting women's liberation and equal rights for men. It promoted women's emancipation and gender equality as part of its nation-building efforts. However, progress was slow and uneven in practice. Therefore, as part of the country's growth, the NLF (National Liberation Front) administration pledged to enhance women's rights as soon as it obtained independence in 1962. Women who participated in the liberation struggle were celebrated as national heroes, with 10,949 fighting women, 3.1% of all those taking part in active combat<sup>4</sup>. (Amrane-Minne, 1999, p. 62)

“Following the independence, the women who took part in the national struggle suddenly disappeared from public view. When all those who had fought in the war of independence were called upon to build the new State, women were badly represented”<sup>5</sup> (Amrane-Minne, 1999, p. 68)

However, tensions quickly arose between Algerian societies' more traditional and conservative secular sectors and modernising forces, slowing women's progress. As a result, women faced greater barriers to advancement. There is no doubt, however, that Algerian Women benefited greatly from significant opportunities, particularly in education, employment, and political participation. More women are entering college, and girls now have better access to elementary and secondary education.

“The gains were impressive: by 1994-45, 46 per-cent of primary and 50 per-cent of secondary school students were girls; half of university graduates were women; 50 per-cent of doctors and only 48 per-cent of nurses”

The entry into professions previously dominated by men, such as medicine, law, and teaching. “One-third of judges and 30 percent of lawyers were women.”<sup>6</sup> (Meredeth, 2002, p. 891)

“Other cultural and social spheres rights gained such as the visibility of women in political parties and associations such as : (Voix des femmes) (the voice of women), (Cris de femmes) (Cries of Women) (Pour l'égalité des droits de l'homme et de la femme) (equal rights for men and women), (Pour le triomphe des droits de la femme) (The triumph of women's rights), and (Pour l'émancipation de la femme) (The emancipation of women)”<sup>7</sup> (Amrane-Minne, 1999, pp. 72,73)

The establishment of those associations came with the new constitution of 1989, which allowed women to participate in politicized associations. It was a turning point for Algerian women who wanted to be listened to by the authorities, and to express their ideas in a free way.

Women also gained other political rights like the right to vote and stand for election in 1962. Some of them were elected to the National Assembly, and even were presented as candidates at elections. "In May 1991, 70 women figured on the lists for municipal elections, and 57 in December 1992 for the legislative elections".<sup>8</sup> (Amrane-Minne, 1999, p. 73)

However, the family code adopted in 1984 formalized discrimination such as a wife obeying her husband, and many basic human rights were removed. According to Nadine Claire Algerian, a feminist talks to Sophie Laws, a collective member of "Trouble and Strife", a British feminist journal. Nadine speaks about an alarming recent change in the situation of women in Algeria.

***"A "Family Code" Law has been introduced which removes many of women's basic human rights."***<sup>9</sup> (Claire, 1985, pp. 5-23)

The family code, officially called Le Code de la Famille, was a legal framework regulating personal status laws related to marriage, divorce, inheritance, and child custody enacted by the Algerian government in 1984. The code essentially undermined and nullified any legal gains women had achieved in the immediate post-independence years related to civil liberties and equal rights. While the NLF government claimed the code would preserve Algeria's Arab-Islamic cultural authenticity, critics saw it as a political capitulation to fundamentalist pressure that betrayed women's revolutionary participation. Nadine states in her interview that the Family Code of 1984 or the Fourth Project was a big betrayal of the Algerian women. She said, "It is said that is inspired by Koranic Law, but as well all know religion is always used by the ruling class. So is (tradition). In fact, what in religion and tradition meets their needs for controlling the people is given importance while other aspects are neglected."<sup>10</sup> (Claire, 1985, p. 5)

Despite continuous campaigns by women's groups, the discriminatory provisions of the 1984 Family Code largely remained in force for decades until partial reforms in 2005. Its contentious legacy exemplified the struggle between secularists and Islamists over codifying women's status in post-independence Algeria. Ferial Lalami states, "The 2005 order by which the code was revised made only slight amendments to the provisions on divorce."<sup>11</sup> (Lalami, 2017, p. 83)

Post-independence period saw a pushback against women's emancipation as well as the codification of discriminatory practices, despite some improvements in women's access to education and employment prospects. The struggle for women's rights continues to be a complex and ongoing process in Algeria, shaped indeed by the interplay of nationalist, religious, and feminist discourses.

### I-3- Recent development “late 20<sup>th</sup> and early 21<sup>st</sup> century”:

Following Algeria's 1962 independence, women had significantly more opportunities to work and attend education. Nevertheless, there are still barriers and uneven progress. The topic of women's rights is sensitive and constantly changing. Due to the tensions between traditional values and modernisation the process slow down. Women's rights and development were challenged by discriminatory policies that favour the rights of males over those of women. The rights of Algerian women have gradually advanced as a result of a number of factors, including social movements at the local level, international pressure, and shifting societal views. Despite all the obstacles women encountered, this period has witnessed advancements in the law as well as a rise in women's visibility and political representation in a variety of societal areas. Among the most notable modifications were the amendments to the Family Code. The family code has been the target of opponents for years. The administration of President Abdelaziz Bouteflika implemented the modifications to the Algerian Family Code. These changes marked a turning point in the nation's efforts to advance women's rights. While the contentious 1984 Code was not entirely updated, the changes resulted in several significant advancements. The legal marriage age was raised to 19 for both men and women in order to bring it closer to the age of majority. Polygamy was illegal and required permission from the court as well as the first wife's agreement. Through a procedure known as "khulu," women can file for divorce without their husband's consent, but they will have to make reparations. The legislation also enhances women's rights to child custody and enables them to pass on their nationality to their offspring. In addition, women now have more freedom to choose their husbands thanks to the relaxation of the requirement for a male guardian (wali) for adult women. As noted by Sanja Kelly and Julia Breslin:

***“The new code has brought some 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.”***<sup>12</sup> (Sanja Kelly, 2010, p. 8)

Simultaneously with these legislative reforms, there was a broader cultural shift. Women are now more likely than men to pursue higher education, and they do so in a wider range of programs. Higher education for Algerian women has substantially improved and altered, particularly in recent years. Gender gaps in

higher education have drastically reversed since Algeria's independence in 1962. Female participation in higher education has increased steadily and significantly. This is a significant departure from the first few years after independence, when girls were under-represented in schools. According to the WORLD BANK GROUP, Gender Data Portal for Statistics, which provides the most comprehensive global data on education, as of 2023, 93.4% of girls completed lower secondary school in Algeria.<sup>13</sup> (Group, April 24, 2024, p. 2) During the post-independence period, the number of girls attending school was minimal. This more than just a numerical increase. Algerian women have been progressive across various sectors such as medicine, education, and social sciences, with female students often outperforming their male counterparts academically. It is interesting to highlight that this is a renaissance of education with far-reaching effects for Algerian society, as it challenges the norms of gender equality and calls for rebuilding the different aspects of the country's economy and social landscape. However, it should be noted that this progress, despite all the recent endeavours, has not yet led to parity in the workforce or at the managerial level for women, which suggests that while education has been an effective means of bringing change, it is but one component in the broader struggle for gender equality in Algeria. In Algeria, the labour force participation rate among females is 16.8% and among males is 67% for 2023.<sup>14</sup> (Group, April 24, 2024, p. 3)

While the achievements of Algerian women in recent years are significant, and have created important foundations for improving gender equality, they have not yet resulted in comprehensive progress across all areas of society. These achievements represent crucial steps forward, but sustained efforts are needed to translate them into broader societal change and full gender equality.

## **II- Challenges in Implementing Women's Rights Policies in Algeria:**

It is fascinating to note that these endeavours, despite their notable and incremental nature, are not uniformly present in all sectors of society. The advancements that have been achieved are not the outcome of a single action but rather the result of years of consistent, unwavering work. We need to make further efforts to ensure that we extend these accomplishments to the wider society and achieve full gender equality. Despite being a signatory to the majority of international instruments related to women's rights, Algeria has not achieved a lot in the implementation of policies intended to improve the status of women. As is often the case in Arab countries, the situation in practice is significantly more complex, even though the new Algerian constitution and law explicitly declare equality of rights and non-discrimination. The complex cultural, social, and political factors in Algeria account for the apparent contradiction between the formal adoption of international standards of women's rights and their access to education, employment, and political leadership positions, on the one hand, and their failure to be implemented in practice. In contempt of these reforms, the transformation of these exceptional laws into genuine improvements for Algerian women has been hindered by the absence of political will. Tenacious patriarchal cultures, discriminatory family

code, and limitations on civil society observations also pose challenges. This section will examine the primary obstacles that impeded the implementation of women's rights policies in Algeria and the extent to which they are clashing with the nation's political obligation. This identification will serve as a foundation for comprehending the multifaceted process that underlie the endeavour to bridge the distance between the formal recognition of international norms by the Algerian government and the lived realities of women in the country.

## **II-1- Identifying the Gaps between Algerian Laws and International Agreements:**

Though Algeria is on the right track towards the improvement of women's rights and its domestic laws compliance with the international charters. Some discrepancies between its domestic laws and conventions like (The Convention on the Elimination of All Forms of Discrimination against Women) CEDAW persist.<sup>15</sup> (General Assembly Resolution, 1981, p. article 27(1)) These disparities are especially noticeable in the fields of Family law, protection from violence, and economic activity.

Algeria has shown its capacity to support the international women's rights instruments, especially through the signing of the Convention on the Elimination of All Forms of Discrimination against Women. The country ratified CEDAW on 22 January 1996 by Presidential Decree No. 96-51,<sup>16</sup> (United Nations Distr, 1998, p. article 18) signalling its dedication to advancing gender equality and women's rights on the global stage. The provisions of this international instrument entered into force for Algeria on 19 June 1996, and have since that date been part of national legislation.<sup>17</sup> (United Nations Distr, 1998, p. 3) This commitment was further reinforced in 2005 when Algeria ratified the optional protocol to CEDAW, allowing individuals to bring complaints directly to the CEDAW committee.<sup>18</sup> (CEDAW/PSWG, 2005, p. 1) Algeria has since submitted regular reports to the CEDAW committee, outlining its progress and challenges in implementing the convention's provisions. The country has also made efforts to align its national legislation with CEDAW principles, as evidenced by reforms to the Family Code in 2005 and the introduction of a law criminalizing domestic violence in 2015.<sup>19</sup> (Benziane, 2021, pp. 287-306)

### **II-I-1- The discrepancies between Algerian Family Laws and CEDAW:**

#### **II-I-1-a- The Family Code:**

Consequently, notwithstanding the brought about reforms in 2005, the Algerian family code still remains satisfactory to a certain extent and remains a major issue

if benchmarked against the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Although Algeria ratified CEDAW in 1996, the Family code still follows an Islamic law understanding that contradicts most of the provisions of CEDAW because, while Algeria is an Islamic country, the religion remains influential to this law despite the fact that many people in Algeria use it to overrule some rights that women may have. The differences are more apparent in such spheres as marriage, divorce, and inheritance. CEDAW's Article 16 calls for equal rights in entering and dissolving marriage<sup>20</sup> (General Assembly Resolution, 1981, pp. 6,7), while at the same time the Algerian code continues to uphold a male guardian approval of woman marriage, allowing a man to divorce unilaterally through repudiation, a right the woman does not enjoy. As Zahia Smail Salhi stated: "Women cannot arrange their own marriage contracts unless represented by a matrimonial guardian (Article 11), and they have no right to apply for divorce. While a man needs only to desire a divorce to get one, it is made a most difficult, if not impossible, thing to be obtained by women."<sup>21</sup> (Smail Salhi, 2003, p. 30) Furthermore, the code also preserves the right of an equal divorce. Women pay for their freedom through a process known as (Khol'a). "Women may obtain divorce only by submitting to the practice of Khol'a, (Article 54), which allows women to divorce on the condition that they give up any claim to alimony."<sup>22</sup> (Smail Salhi, 2003, p. 30)

Another unequal right is the right of inheritance, when women receive half the share of their male counterparts, directly contradicting CEDAW's call in article 13 (a) for equal economic rights.<sup>23</sup> (General Assembly Resolution, 1981, p. 5) I know that we belong to a Muslim country where the religion works in parallel with the law. So no arguments that we are following the Islamic sharia of what Allah Almighty said in the Koran, but is always fair to state that men of today are not men of yesterday, which means that some of them are taking this clause for their benefit. Whenever there is unequal division of property across the genders, the reason given is that men are more reliable, the breadwinners of the family. Today, women work in the same capacity as men, or even more than they do if we consider housework. The continuation of these inequalities in the family code underlines the problems that Algeria still encounters in relation to CEDAW compliance. While the 2005 reforms brought some improvements, such as raising the minimum age of marriage to 19 for both sexes,<sup>24</sup> (Populaire, 2007, p. 17) and requiring judicial approval for polygamy,<sup>25</sup> (Populaire, 2007, p. 17) they fell short of establishing full gender equality as mandated by CEDAW. These disparities are magnified by the fact that Algeria has reserved on the specific articles of CEDAW's convention. Particularly article 16, which pertains to the Algerian family code, thus negating the CEDAW's efficacy in the critical areas of women's rights while acknowledging the perpetual conflict between international human rights and national laws, particularly where they are framed within the religious and cultural jurisdiction.

#### **II-I-1-b- The Nationality Law:**

Despite the 2005 enactment of a new law on nationality, the Algerian national law still exhibits some disparities when compared to international treaties on gender equality, particularly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The 2005 amendment eased the restrictions in the Algerian law and made it better to conform to article 9 of the CEDAW's convention, but the inequalities still exist.

***“States parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.”***

Under the article 9, women can retain or acquire the same nationality as men and children. In marriage, the husband's nationality will not determine the nationality of the woman under the jurisdiction. When confronted with the Algerian nationality law, the family code of 1984 prohibits a woman from passing on her nationality to her children if she marries a foreigner. As Zahia Smail Salhi states: “Women have no right to pass their name, nationality, or religion to their children, and if they marry a foreigner they are crossed out of the country's registration book altogether.”<sup>26</sup> (Smail Salhi, 2003, p. 30) The amended nationality law has recognized Algerian women's right to pass their citizenship to their children when the father is not Algerian.

“ Est considéré comme Algérien l'enfant né de père algérien ou de mère algérienne.” “A child born to an Algerian father or mother is considered to be Algerian”<sup>27</sup> (Ordonnance n°70-86, 2005, p. 3)

According to Article 6 of the amended Nationality law, Algerian women's right to transmit their nationality to their children was finally approved. The modified code stipulates that a child is considered Algerian when born to a father or a mother of Algerian citizenship.<sup>28</sup> (perrière, 2005, p. 1)

We can see that for instance, the law is not retroactive, potentially leaving children born before 2005 to Algerian mothers and foreign fathers without automatic Algerian nationality. Additionally, unlike Muslim Algerian men, Algerian Muslim women are not permitted to marry non-Muslims.<sup>29</sup> (perrière, 2005, p. 38) In addition, they were not allowed to pass their nationality to foreign spouses, contradicting to CEDAW's principles of gender equality in nationality matters:

***“States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women***

*equal rights with men with respect to the nationality of their children.*"<sup>30</sup> (General Assembly Resolution, 1981, pp. Article 16, Page,3.)

In light of the amendments adopted, the Algerian government approved the citizenship to foreigners when they marry Algerian women, with accordance of the Nationality Law in Article 9:

*" La nationalité algérienne peut s'acquérir par le mariage avec un Algérien ou avec une Algérienne. " Algerian nationality can be acquired by marriage to an Algerian man or woman "*<sup>31</sup> (Ordonnance n°70-86, 2005, p. 4)

Furthermore, the implementation of the law reveals gaps between legislative intent and practical application especially when Article 26 from the Nationality law subjects the provision mentioned in Article 6 to the approval of the Ministry of Justice.<sup>32</sup> (Ordonnance n°70-86, 2005, p. Article 26) Algerian women are also facing discrimination, and experience administrative barriers when wanting to transmit their nationality to their offspring, which does not conform to non-discrimination provisions in international treaties. Such differences indicate that there is still a conflict between Algeria's formal conformity to international law and the gendered nationality law in practice. As maintained by men, calling for additional changes to ensure that gender equality is attained in this area.

In conclusion, despite the progress made for the reform of the Algerian family code and nationality law, gaps remain evident if measured with the standards outlined in CEDAW. Even though it has been amended, the family code still contains some provisions. Provisions that are not fully equal between men and women, especially concerning marriage and divorce. Likewise, the nationality law, which was amended in 2005 to allow women to transmit their citizenship status to their children, continues to perpetuate gender discrimination. These gaps highlight the fact that there remains a need to reconcile national laws with international human rights standards. These differences clearly highlight the interaction between cultural and religious values in some specific situations when some people wish to use religion and cultural traditions as their tools to eliminate the progress women have made and the principles of gender equality that are stipulated in the international treaties. In the following steps, it will be important to work on these discrepancies to meet the requirements of the country's legal system and the international obligations undertaken in matters of gender equality in family and nationality.

## **II-2- Harmonizing Algerian women's Rights: From global standards to local implementation.**

### **II-2-1- Aligning and Implementing: Advancing Algerian Women's Rights in The Global Context.**

Reflecting Algerian women's rights with international human rights is important in achieving women's equality, but the practice of such rights that defines their effectiveness. While the ratification of international conventions and the modification of national laws remain crucial, they lose their significance if they are not effectively implemented at the local level. The challenge and opportunity in this case therefore reside in collapsing these legal frameworks into real gains for Algerian women. As Kahina Bouagache states: "On paper, Algeria's laws appear ideal. The constitution clearly states, 'All citizens are equal before the law. No discrimination shall prevail because of birth, race, sex, 'etc. However, despite advancements in the letter of the law, women's footholds have been shirking for over two decades."<sup>33</sup> (Kahina, 2021) The author here discusses the discrepancies between Algeria's legal framework and the actual implementation of women's rights, highlighting the gap between the laws on paper and the lived experience of women.

For effective implementation, there is a need to launch a public enlightenment campaign, sensitise officials, provide structures to support, and develop dynamic mechanisms that would ensure accountability. "Governments must engage with women's human rights defenders and women's civil society organizations, and activists. It must use that cooperation to strengthen gender balance at different institutional levels, starting with modernization of educational curriculums."<sup>34</sup> (Kahina, 2021)

These efforts guarantee that women fully understand their rights, possess the necessary tools to assert them, and have the opportunity to access resources in the event of a violation. "Recognition is better treated as a matter of justice, and thus of morality, than as a matter of the good life."<sup>35</sup> (Fraser, 2018, p. 87) The article highlights that women as I mentioned before must be aware of their rights and recognitions, and it is not just a matter of living but a matter of justice instead. As also noted by associate professor Nacima Ourahmoune and assistant professor Hounaida Jurdi "Women who defied the cultural framing of gender were delegitimised, policed, silenced, or subjected to some form of verbal violence."<sup>36</sup> (Nacima, 2023, p. 9)

The article examines the struggle of Algerian women for gender equality and recognition, highlighting their significant participation in social movements despite remaining marginalised politically, economically, and socially. Moreover, positive outcomes of the empowered women's rights and policies came to light; these policies would change society when executed effectively. With enhanced education, employment, and decision-making opportunities, Algerian women contribute strongly to social and economic development in the country. This not only reinforces the quality of human lives but also fortifies families, communities, and the whole nation as well. Through the purposeful and efficient local realisation of international standards and newly adopted national legislation, Algeria has the potential to make these documents truly come alive and create a more just society; at the same time, it can further solidify its adherence to the fight against violence, both within the country's borders and internationally. To contribute to the

improvement of gender equality in the country, it is necessary to bring Algerian women's rights into compliance with the norms outlined at the international level and then ensure their proper operation at the national level. This harmony, which aligns continental and international instruments with Algerian laws, and its implementation, which takes into account the challenges faced by Algerian women in their daily lives, are deemed satisfactory. This dual strategy for harmonisation and implementation recognises both the legal and contextual position of Algerian women. However, some factors limit the transfusion of policy into practice. Poor translation of policy implementation into practice remains a challenge, even though there has been a great improvement in the existing area. Therefore, it is crucial to mobilize greater efforts towards further reform, strengthening of the institutional framework, and social advocacy. Through realisation and correct positioning of the women's rights policies and strategies under consideration, Algeria would not only enhance the welfare of women and girls, but also enhance its standing as a progressive force, in global society with special reference to the MENA region. There is much still that has to be done to guarantee women in Algeria full gender equality, but the groundwork has been laid, and with sustained efforts, Algeria can go a long way toward recognising the rights and liberties of its female citizens.

#### **II-2-2-From Policy to Practice: Barriers and Challenges in Implementing Women's Rights Policies in Algeria:**

Currently, relations of power in this field have changed slightly in the past few decades, with Algeria beginning to introduce gender equality laws. The country is also a member of international treaties that it has ratified; it has also changed its constitution in order to enhance the position of women and it has enacted laws concerning political liberties, employment bias, and violence against women. Such legislation demonstrates the Algerian government's commitment to enhancing women's status in society and adhering to international democracy's gender equity requirements. However, there is a gap between the formulation of policies on the one hand and implementation processes on the other. Despite the legal evolutions of Algerian legislation, Algerian women continue to face several challenges before they can fully enforce them. These challenges range from cultural factors to organizational issues, as well as socio-economic factors. This is a clear example of the vision of the law and the actual change, and thus gives a provoking outlook on the problem of social change and the abuse of legislation usage. This lack of correlation between policy formulation and enforcement raises many questions. Asking questions about the current methods employed and the challenges that should be overcome in order to improve the situation. It is, therefore, important to understand how these methods can be transcended to enable the implementation of women's rights. Therefore, the structure of the legal, social, and institutional environment in which Algerians live cannot be fully grasped, but their everyday lives can indeed. I believe this analysis is critical for describing how progress could be made beyond these barriers to the state where women have not only been given rights on paper but also put in practice.

#### A-Brief Overview of the Current Policy Landscape:

Over the last several decades, Algeria has achieved significant milestones in articulating practices for the promotion of female rights.<sup>37</sup> (Polulaire, 2020, p. Article. 37) Indeed, the legal framework of the nation contains constitutional provisions to ensure that women have equal rights with men and contains special legislation in the political field, employment opportunities, and physical assault. Notable among these is the 2015 law criminalizing domestic violence. In 2015, parliament adopted amendments to the penal code specifically criminalizing some forms of domestic violence. Assault against one's spouse or former spouse is punishable by 10 to 20 years in prison and assault resulting in death is punishable by life imprisonment.

*“Quiconque volontairement, cause des blessures ou porte des coups à son conjoint est puni ainsi qu’il suit :*

*3- de la réclusion à temps de dix (10) à vingt (20) ans, si les blessures et les coups ont été suivis de mutilation, amputation ou privation de l’usage d’un membre, cécité, perte d’un œil ou autres infirmités permanentes.*

*4- de la réclusion à perpétuité, si les coups portés ou les blessures faites volontairement, mais sans intention de donner la mort, l’ont occasionnée.*

*L’infraction est établie, que l’auteur réside ou pas dans le même domicile que la victime. L’infraction est également établie si les violences sont commises par l’ex-conjoint et qu’il s’avère qu’elles sont en rapport avec la précédente relation de mariage. »*

*“Anyone who wilfully wounds or beats his or her spouse shall be punished as follows:*

*3- From ten (10) to twenty (20) years imprisonment, if the wounds or blows are followed by mutilation, amputation, or deprivation of the use of a limb, loss of an eye, or other permanent disability.*

*4- Life imprisonment, if the blows or wounds inflicted voluntarily, but without the intention of causing death, caused it.*

*The offence is established whether the perpetrator lives in the same household as the victim. The offence is also established if the violence is committed by the ex-spouse and it turns out to be related to the previous marital relationship.”*<sup>38</sup> (n°66-156, 2015, p. Art.266 bis.)

However, the legislation fails to include provisions for domestic violence preventive measures like the protection orders. Thus, while the legislation of 2015 was a significant step toward the recognition of domestic violence as a criminal offence, serious gaps were still present within the system to protect women from abuse in Algeria. A lot of work has to be done in order to improve the status of women's rights. The constitutional amendments of 2016 enhanced the provisions of gender equality and required the state to promote women's rights in many sectors. Algeria's decision to alter its constitution in 2016 was a giant step in the

door when women were accorded rights as the constitution emphasized equality and non-discrimination.

**Article 32**

*“All citizens shall be equal before the law. No pretext for discrimination based on birth, race, gender, opinion, or any other personal or social condition or situation shall be admissible.”*

**Article 34**

*“The institution shall seek to ensure equality of rights and duties of all citizens by removing the obstacles impeding the development of the human personality and preventing the productive participation of all in the political, economic, social, and cultural life.”*

**Article 35**

*“The state shall work towards promoting the political rights of women by increasing their chances of access to representation in elected assemblies.”*

**Article 36**

*“The state shall work towards promoting equity in terms of opportunities between men and women in the job market. The state shall encourage the promotion of women to positions of responsibility in public institutions and administrations, as well as in enterprises.”<sup>39</sup> (n°76, 2002-2008-2016, pp. Article( 32-34-35-36))*

It is necessary to underline that the amendments to the constitution of 2016 also introduced the guarantee of gender equality as a state policy that seeks to eliminate discrimination against women in all aspects of life, political, economic, and social. The amendments also guarantee the representation of women in decision-making processes. It also promotes their representation in various sectors of governance, and the labour market. Article 34 from the 2016 constitutional amendments.<sup>40</sup> (modifiée, 2002-2008-2016, p. Art 34) However, the progress towards achieving gender equality through the aforementioned amendments continues to be limited. Despite some constitutions taking noble steps to embrace human rights, the situation remains unchanged. Critics argue that cultural bias, societal thinking and perception, undermine these rights. Therefore, while the 2016 constitutional amendments represent some progress. The effectiveness of these changes in improving the situation of women's rights in Algeria depends on the dedicated political will, and the commitment of communities to implement these principles

**b- Cultural and Social Barriers:**

In Algeria, deeply rooted cultural and social norms continue to pose significant barriers to women's rights and gender equality. Traditional patriarchal values are often reinforced by conservative interpretations of Islamic teachings. These values influence many aspects of social life because of the rotten mindset of some people who misunderstand the Koran. These norms frequently prioritize women's roles as wives and mothers over their aspirations and rights. “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."<sup>41</sup> (Nadia, 2010, p. 3) As a result, women often face restrictions on their personal autonomy, decision-making power within families, and freedom of movement. The concept of family honour is closely tied to women's behavior. Innocence in following without questioning can limit women's choices and opportunities in different aspects of life. Restrictions are huge, particularly in the south of the country where people are more conservative. Women living there are still struggling to gain their simple rights. As Marnia Lazreg notes: "Women's awareness of the need for change, their aspiration to a better life for themselves and their children are undeniable, even if they are thwarted by cultural, political and economic constraints."<sup>42</sup> (Lazreg, 1994, p. 159) This duality creates a strong barrier to her empowerment.

Furthermore, women frequently face discrimination in the workplace. They encounter it in hiring, promotion, and salary. Without forgetting sexual harassment. As Susan E. Marshall States, "Whereas males are drawn into the cash economy, females continue to labor in marginal, informal sectors which largely deny their opportunities for upward mobility and autonomous social status".<sup>43</sup> (Marshall, 1984, p. 501) The burden of unpaid domestic work and children falls disproportionately on women, limiting their ability to participate in public life as well as the workplace. Social pressure to marry and prioritize family over personal and professional development remains present in many communities. These cultural and social barriers are often deeply ingrained and resistant to change. Because of these obstacles, important challenges stop or slow down the implementation of women's rights policies. It also slows down the progress and the achievement of genuine gender equality in Algeria.

### **c- Institutional and Bureaucratic Obstacles:**

Despite the existence of progressive legislation, as we discussed in the previous sections, obstacles still exist. Institutional and bureaucratic obstacles significantly hinder the advancement of women's rights in Algeria. One of the most pressing issues is the implementation gap between policy and practice. While Algeria has enacted various laws, in favor of gender equality, as we tackled before, the gap is still large. Such as the 2015 law criminalizing domestic violence. Unfortunately, the mechanisms for implementing these laws often fall short of expectations. Numerous factors contribute to the absence of effective law enforcement mechanisms. Lack of resources, training, and qualified personnel in force remains a major shortcoming in many institutions. Marnia Lazreg asserts, "Women are eligible for training abroad, but the bulk of scholarships has generally been awarded to men. At a conference I organized in 1970 for students sent by the government to study geology, physics, engineering and biology, there was no woman in a group of 60."<sup>44</sup> (Lazreg, 1994, p. 159) We do not deny the government's efforts to balance between the two sexes, but bureaucratic obstacles often stop the progress. Cultural and social resistance compounds such obstacles. Deeply rooted conservative attitudes, known as the machismo mindset, can shape the interpretation and

implementation of progressive laws. In addition, it is also a fact that the governmental procedures required for access to legal resources are often complicated. This discourages women from advocating for their rights. Marnia Lazreg states: "A scholarship awarded to a female student at the University of Algiers in 1967 by the African American Institute was cancelled because the Ministry of Education at the time failed to approve it." This is particularly evident in cases of workplace discrimination, where women may face scepticism or dismissal. The underrepresentation of women in key decision-making positions within government institutions and the judiciary also contributes to this problem, as it results in a lack of gender-sensitive perspectives in policy formulation and implementation.<sup>45</sup> (Lazreg, 1994, pp. 158-159) These are all linked problems, which creates a huge gulf between the theory of women's rights enshrined in the legislation and their implementation. It underlines the need for fundamental changes. In the legal framework of gender equality, certain changes have been made that address both legal and sociocultural changes in Algeria.

#### **d- Educational Challenges:**

Whilst Algeria has made significant progress in improving access to education for girls, persistent educational gaps continue to hinder the full realization of women's rights. At the primary and secondary levels, enrollment rates for girls have increased substantially. The enrollment of girls in primary and secondary education has seen significant increases over the years, reflecting broader changes in societal attitudes towards women's education. Since the country's independence in 1962, education has been free and compulsory for children aged 6 to 16, which has played a crucial role in improving access for girls. "Since Algeria's independence in 1962, the government policy that has been most beneficial to the improvement of the status of women has undoubtedly been the opening of universal access to education, which was made compulsory and free for children between the age of 6 and 16."<sup>46</sup> (Ouadah-Bedidi, 2018, p. 84) The author states that since Algeria's independence in 1962, the government policy has promoted access to girls in education, which made an important step in the enrollment of education for girls in Algeria, reflecting broader societal changes and government commitments to gender equality in education. On the other hand, the evolution of enrollment rates for women in Algeria has increased from (47.20 in 1966 to 97.7 in 2019).<sup>47</sup> (ONS, based on MESSR statistics., Yearbook of Algeria 2019, volume n°30) This shift indicates a remarkable change in continuing their studies in higher education at increasing rates. Statistics show the progress in enrollment in university has shifted from (56.9 in 2004 /05 to 63.3 in 2014).<sup>48</sup> (ONS, based on MESSR statistics., Yearbook of Algeria 2019, volume n°30) However, certain inequalities have followed this shift in education in general and higher education in particular. As Duru-Bellat Marie states " Les inégalités professionnelles et les inégalités de pouvoir entre les hommes et les femmes sont de moins en moins justifiables par des facteurs de type

biologique ou psychologique. La dynamique en cours est probablement irréversible.”<sup>49</sup> (Duru-Bellat, 2005, p. 176) The author proclaims that we cannot reduce the differences in educational trajectories to male domination, which young girls would be fooled by. The latter choose orientations according to what seems to them to be the most relevant in terms of choosing a profession and the vision of their family role”. Also, she explains that the girls are obliged sometimes to select certain fields such as” social and human sciences”, “Humanities and languages”, and “medical sciences”, compared to other fields. This choice is influenced mainly by the ideology of some families and other economic constraints. Admission, recruitment, as well as other specialized fields in higher learning institutions face a big gap. Dropout also knows girls as they advance in school, most especially in rural and poor areas. This pattern is often attributed to a variety of factors, such as early marriage, family responsibilities, and financial constraints. As a result, the number of women who can actively participate in governmental positions is decreasing, which in turn limits the number of women who can access and promote rights-based policies.

In conclusion, the mission from policy to practice in implementing women’s rights in Algeria is fraught with multifaceted challenges. While the current policy landscape demonstrates Algeria’s commitment to gender equality through progressive legislation and international agreements, the realization of these policies faces significant hurdles. Cultural and social barriers, deeply rooted in traditional and patriarchal structures, continue to impede the full implementation of women’s rights policies. These societal attitudes often clash with legal reforms, creating a disconnection between legislative intent and social reality. Simultaneously, institutional and bureaucratic obstacles further complicate the enforcement of women’s rights laws. Inefficiencies in the legal system, lack of gender sensitivity in public institutions, and inadequate resources allocated to women’s issues all contribute to the gap between policy formulation and effective implementation. Moreover, educational gaps persist as a critical barrier to women’s empowerment and the ability to fully benefit from existing rights policies. Despite progress in girls’ access to education, challenges remain in areas such as higher education selection, quality of education in rural areas, addressing gender stereotypes in educational content, and career choices. Addressing these interconnected barriers requires a holistic approach that goes beyond mere policy-making. It calls for comprehensive strategies that target societal attitudes, strengthen institutional capacities, and prioritize women’s education and empowerment. Only through such a multifaceted approach can Algeria bridge the gap between the promise of its women’s rights policies and the lived realities of women across the country. As Algeria continues to strive for gender equality, recognizing and systematically addressing these barriers will be crucial in translating progressive policies into tangible improvements in women’s lives.

### **Conclusion:**

Journey of Algerian women from struggle to emancipation illustrates both the gains accomplished and the pursuit of gender equality. This article has examined the development of women's status in Algeria from pre-independence to post-independence and recent advancements in the twentieth and early twenty-first centuries. This historical approach shows a contrasting image by emphasizing the intricate interplay of traditional norms, colonial legacies, and modernizing influences that have shaped women's experiences in Algerian society. The assessment of obstacles to implementing women's rights policy in Algeria, particularly in light of international accords, highlights the persistent conflict between global standards and local reality. The path is also filled with challenges, including deeply ingrained cultural and societal conventions, institutional and bureaucratic impediments. Looking ahead, the path to true emancipation for Algerian women would necessitate a delicate balance between cultural legacy preservation and the advancement of global human rights ideals. The struggle for emancipation is indeed an ongoing process. It is distinguished by great accomplishments and persistent problems. As the country continues to chart its course in the global environment, the expansion of women's rights remains an important measure of Algeria's progress towards social justice and equality.

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