

## Social Institutions and Gender Index

# Algeria

## SIGI Country Profile

17 of June 2024

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The information and analysis contained in this profile are based on data from the fifth edition of the Social Institutions and Gender Index (SIGI) published in March 2023. The cut-off date for legal data is 31 August 2022; the cut-off date for quantitative data is 1 January 2023.

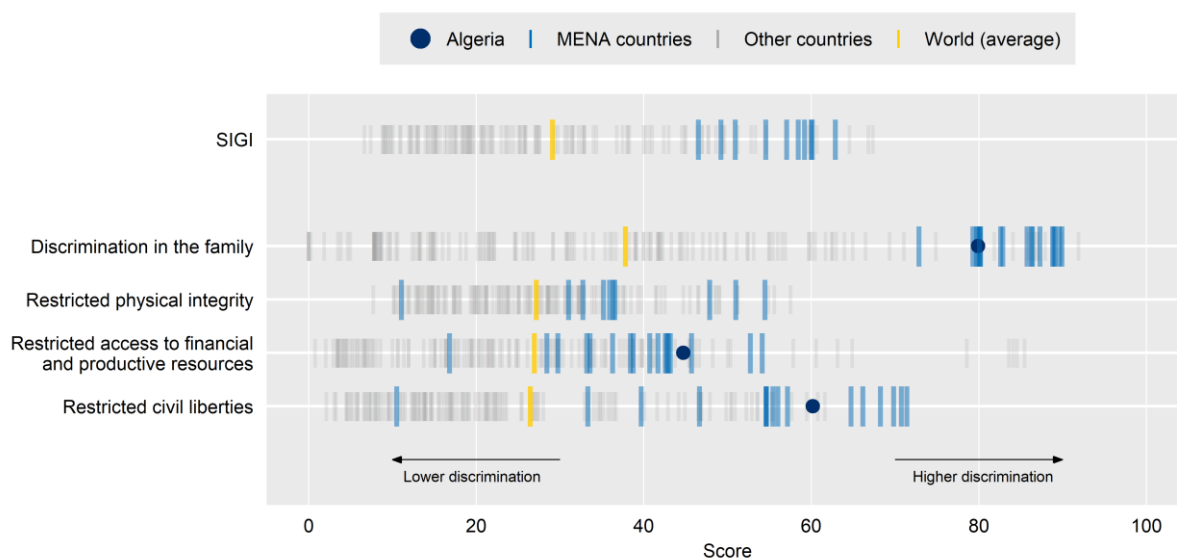
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# Social institutions in Algeria

## The state of gender equality in Algeria

The SIGI 2023 profile for Algeria provides a comprehensive overview of the state of gender equality in the country, as measured by the OECD's Social Institutions and Gender Index (SIGI). The fifth edition of the SIGI, released in 2023, assesses 140 countries based on the level of gender-based discrimination in their social institutions. These discriminatory social institutions encompass both formal and informal laws, as well as social norms and practices that restrict women's and girls' access to rights, justice, empowerment opportunities and resources, thereby undermining their agency and authority.

**Figure 1. SIGI and dimension scores for Algeria, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), "Social Institutions and Gender Index (Edition 2023)", *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

In 2023, Algeria did not obtain a SIGI score due to missing data in the "Restricted physical integrity" dimension (Figure 1). The country is missing data on practices related to violence against women – more specifically, the share of women and girls aged 15-49 who have experienced physical and/or sexual violence by a current or former intimate partner at least once during their lifetime. The country obtained a

score of 80 in the “Discrimination in the family” dimension, followed by “Restricted civil liberties” (60), and “Restricted access to productive and financial resources” (45).<sup>1</sup>

## Legislative framework in Algeria

The legal system is based on Civil law and Islamic law. Article 2 of the Constitution of Algeria recognises Islam as the official religion of the State and Article 10 states that the institutions will not infringe the Islamic morals. The Personal Status Law incorporates provisions derived from the Islamic Sharia (such as the practice of *iddah*<sup>2</sup> regarding divorce). Although not officially recognised by the Constitution, customary law deriving from berbere traditions is applied by the populations living in the Mزاب and Kabylia regions and along the Aures mountains.<sup>3</sup>

Algeria’s Constitution does not recognise or prohibit multiple and intersectional discrimination – an essential provision to enhance gender equality from a legal perspective. Algeria ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>4</sup> in 1996 but holds reservations on Articles 2, 15(4) and 16 as they may contradict Algeria’s Family Code, as well as Article 29(1)<sup>5</sup> Specifically, Article 2 covers the incorporation of the principle of equality between men and women in the Constitution and other appropriate legislations, as well as the elimination of any existing legal discrimination, Article 15(4) covers women’s right to move freely and to choose their residence and domicile, and Article 16 covers equality in marriage and family life. Algeria expresses its willingness to apply the CEDAW as long as it complies with its national legal framework.

Gender-disaggregated, gender-relevant and intersectional data and indicators are essential to better identify policy areas that have strong linkages with gender. In Algeria, there are no applicable legal provisions regulating the production and dissemination of gender statistics.

## Positive highlights and significant challenges since the fourth edition of the SIGI

### Positive highlights

The law in Algeria grants women and men the same rights to own and use land and non-land assets, as well as financial services, but informal laws often undermine women’s access to land and non-land assets in practice. Moreover, Algeria has a strong legal framework that guarantees women and men equal rights in terms of access to justice and political voice. Since 2012, legislated quotas and financial incentives for political parties are in place to promote women’s political participation at the national and local levels. Nevertheless, women’s political representation remains low. Only 8% of members of parliament are women, which highlights the need to better enforce laws and transform discriminatory social norms – 75% of the population thinks that men make better political leaders than women.

<sup>1</sup> Levels of discrimination in the SIGI and its dimensions are assessed based on scores as follows: very low [0-20]; low [20-30]; medium [30-40]; high [40-50]; and very high [50-100].

<sup>2</sup> *Iddah* is the waiting period a married woman must observe after the death of her spouse or after a divorce, during which she may not marry another man.

<sup>3</sup> Khalifoune, T. (2015), “Système juridique en Algérie – Un pluralisme normatif désordonné”, *Revue internationale de droit comparé*, Vol. 67/2, pp. 409-436 , [https://www.persee.fr/doc/ridc\\_0035-3337\\_2015\\_num\\_67\\_2\\_20508](https://www.persee.fr/doc/ridc_0035-3337_2015_num_67_2_20508).

<sup>4</sup> United Nations (1979), *Convention on the Elimination of All Forms of Discrimination Against Women*, United Nations, New York, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

<sup>5</sup> United Nations (2023), “Status of Treaties: Chapter IV- 8. Convention on the Elimination of All Forms of Discrimination against Women”, *Treaty Collection*, United Nations, New York, [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-8&chapter=4](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4).

## ! Significant challenges

Discriminatory social institutions undermine women's rights and opportunities in many spheres of their lives. The Family Law contains discriminatory provisions that restrict women's rights to be legal guardians of their children, to file for divorce, and to inherit on equal grounds as men. Moreover, the legal framework on violence against women does not comprehensively protect women and girls, providing for reduced penalties in cases of "honour crimes" and failing to criminalise marital rape. The absence of data on the prevalence of violence against women limits the ability to design effective policies to prevent and eradicate it. In the economic sphere, the law restricts women's opportunities by not granting them the same rights as men to work at night. Discriminatory attitudes and traditional gender roles further undermine women's economic empowerment. For instance, 60% of the population agrees that men should have priority to a job when they are scarce, and women spend 6 times more time on unpaid care and domestic work than men do.

## Summary of results for Algeria

<b>Discrimination in the family</b>	Unit	Value
Laws on child marriage	Score	50
Girl child marriage rate <sup>1</sup>	%	3.3
Boy child marriage rate <sup>1</sup>	%	0.5
Laws on household responsibilities	Score	75
Share of the population that agrees or strongly agrees that “if a woman earns more than her husband, it is a problem”	%	40.5
Share of the population that agrees or strongly agrees that “when a mother works for pay, the children will suffer”	%	79
Female-to-male ratio of time spent on unpaid care and domestic work	Ratio	5.8
Number of hours spent by men on unpaid care and domestic work in a 24-hour period	Hours	0.9
Number of hours spent by women on unpaid care and domestic work in a 24-hour period	Hours	5.2
Laws on divorce	Score	100
Laws on inheritance	Score	100

<b>Restricted physical integrity</b>	Unit	Value
Laws on violence against women	Score	75
Share of women who consider a husband to be justified in hitting or beating his wife under certain circumstances	%	25
Lifetime intimate-partner violence rate <sup>2</sup>	%	-
12-month intimate-partner violence rate <sup>2</sup>	%	-
Laws on female genital mutilation	%	25
Share of the female population who has heard about female genital mutilation and think the practice should continue	%	-
Prevalence of female genital mutilation (% of women aged 15-49 years who have undergone FGM)	%	-
Boy-to-girl ratio at birth (natural = 105) <sup>3</sup>	Ratio	104.2
Laws on reproductive autonomy	Score	75
Unmet needs for family planning <sup>4</sup>	%	10.8

<b>Restricted access to productive and financial resources</b>	Unit	Value
Laws on land assets	Score	25
Share of women among landowners	%	-
Laws on non-land assets	Score	25
Share of women among house owners	%	-
Laws on financial assets	Score	0
Share of women among bank account owners	%	34.7
Laws on workplace rights	Score	100
Share of the population declaring that “when jobs are scarce, men should have more right to a job than women”	%	59.9
Share of the population declaring that “men make better business executives than women do”	%	62.7
Share of women among managers	%	8.4
Share of firms with a woman as top manager	%	-

<b>Restricted civil liberties</b>	Unit	Value
Laws on citizenship rights	Score	100
Laws on political voice	Score	0
Share of the population declaring that “men make better political leaders than women do”	%	74.6
Share of women in Parliament (lower chamber)	%	8.1
Laws on freedom of movement	Score	75
Share of women among those who declare not feeling safe walking alone at night in the city or area where they live	%	77.7
Laws on access to justice	Score	0
Share of women among those who declare not having confidence in the judicial system and courts of their country	%	38

Note: Scores of legal variables range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

<sup>1</sup> % of girls/boys aged 15-19 years who have been or are still married, divorced, widowed or in an informal union.

<sup>2</sup> % of ever-partnered women and girls who have experienced physical and/or sexual violence by a current or former intimate partner during their lifetime/over the previous 12 months. Population base for lifetime IPV: 15-49 years. Population base for 12-month IPV: 15 years and older.

<sup>3</sup> A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

<sup>4</sup> % of married or in-union women of reproductive age who want to either stop or delay childbearing but are not using any contraception method.

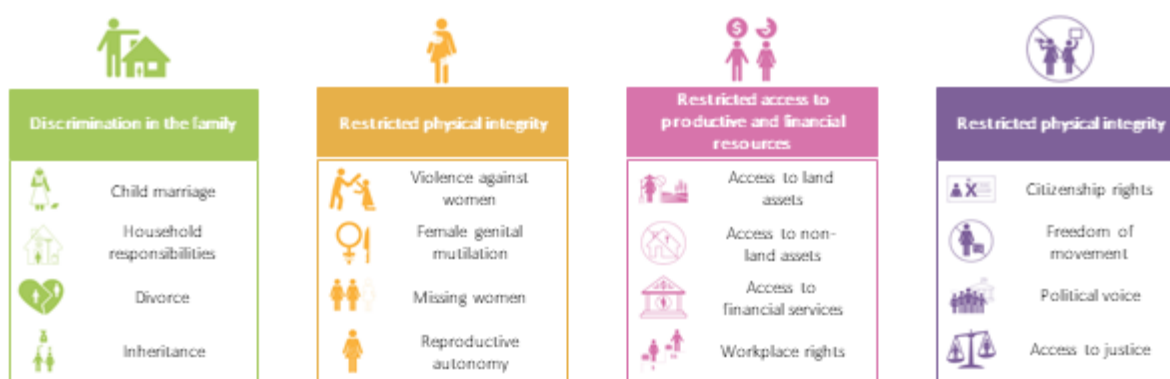
Source: OECD Development Centre/OECD (2023), “Gender, Institutions and Development Database”, <https://doi.org/10.1787/7b0af638-en>.

# Results across the SIGI's four dimensions

The SIGI measures gender-based discrimination across four dimensions covering the major socio-economic areas that affect women and girls throughout their lifetime:



- The **“Discrimination in the family”** dimension captures social institutions that limit women’s decision-making power and weaken their status in the household and the family.
- The **“Restricted physical integrity”** dimension captures social institutions that increase women’s and girls’ vulnerability to multiple forms of violence and limit their control over their reproductive autonomy.
- The **“Restricted access to productive and financial resources”** dimension captures social institutions that limit women’s economic opportunities and rights.
- The **“Restricted civil liberties”** dimension captures social institutions restricting women’s access to, and participation and voice in, the public and political spheres.

Figure 2. Conceptual framework of the fifth edition of the SIGI



Each dimension builds on four indicators which, in turn, build on one to three variables depending on data availability (Figure 2). This section features the results by dimension, examining the pertinent social norms, practices and legal frameworks for each indicator.

The legal information collected through the *SIGI 2023 Legal Survey* covers both formal and codified laws, as well as informal laws. The information is assessed based on whether the law protects women’s rights or not, and is icon-coded as follows:

-  : The legal framework protects women’s rights.
-  : The legal framework does not fully protect women’s rights.

There is no universal agreement on what informal laws refer to, given contextual differences across time and place, as well as distinct disciplinary or theoretical approaches. In the context of the SIGI, informal laws (customary, traditional or religious laws/rules) describe mechanisms that operate outside the formal legal system of state-based laws. Informal laws vary from one community to another and are generally uncodified and unwritten. In some cases, informal laws may reflect unequal power dynamics within a given community and discriminatory social norms, with adverse consequences on women and girls and other vulnerable groups. Informal laws are unsteady and have been adapted over time in response to external factors.

For example, customary laws are laws that are embodied in customs, rules or traditions and accepted by members of the community as binding but remain adaptable, dynamic and flexible.<sup>6</sup> The CEDAW General Recommendation No. 33 also recognises indigenous laws.<sup>7</sup> These are similar to customary laws but are often given a distinct identity in recognition of the specific international standards related to the rights and protections of indigenous peoples and their justice systems. Informal religious laws may refer to norms that are derived from interpretations of codified religious texts and/or longstanding traditions.

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<sup>6</sup> United Nations (2018), "Module 1: The Theory and Practice of Women's Access to Justice Programming", *A Practitioner's Toolkit on Women's Access to Justice Programming*, UN Women, UNDP, UNDOC and OHCHR, New York, Vienna and Geneva, [https://www.ohchr.org/sites/default/files/Documents/Publications/PractitionerToolkit/WA2J\\_Module1.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/PractitionerToolkit/WA2J_Module1.pdf).

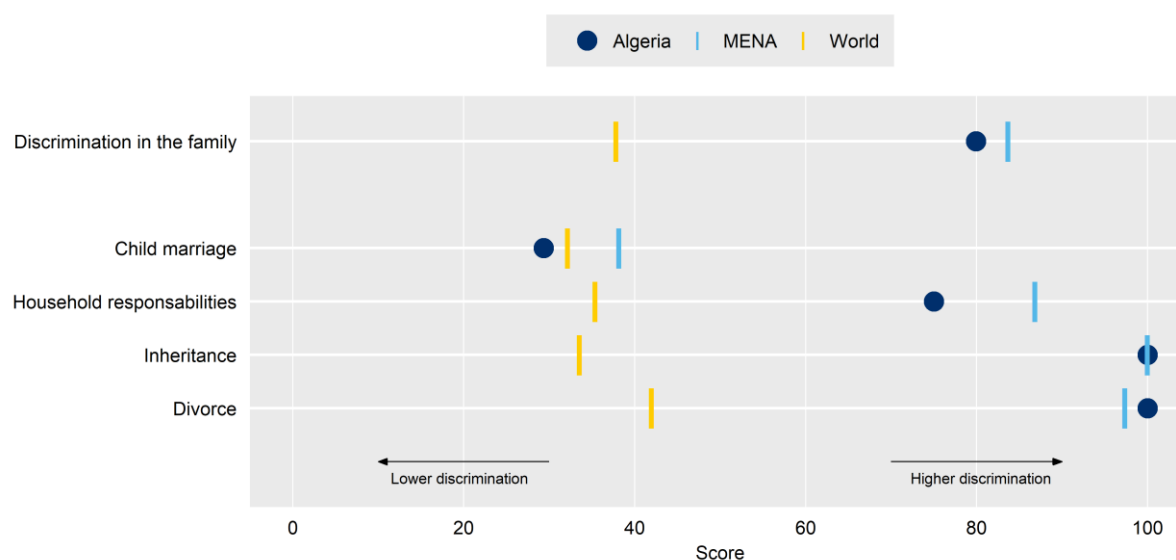
<sup>7</sup> UN Committee on the Elimination of Discrimination against Women (2015), "General recommendation No. 33 on women's access to justice", *CEDAW/C/GC/33*, United Nations, New York, <https://digitallibrary.un.org/record/807253>.

## Discrimination in the family

Algeria exhibits very high levels of discrimination within the family with a score of 80, compared to a world average of 38 and an average score of 84 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Algeria experience the highest levels of discrimination in the “Inheritance” and “Divorce” indicators with scores of 100 for both, followed by “Household responsibilities” with a score of 75. The lowest levels of discrimination are found in the “Child marriage” indicator with a score of 29.

**Figure 3. Discrimination in the family scores for Algeria, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/333beb96e-en>.

## Child marriage

### Practices related to child marriage

Child marriage remains limited in Algeria. In 2023, 3% of girls aged 15-19 were or are still married, divorced, widowed or in an informal union, compared to 0.5% of boys. In addition, 4% of women aged 20-24 were married or in a union before the age of 18,<sup>8</sup> compared to a world average of 26% and an average of 17% in the MENA region – based on countries for which data are available.

### Legal frameworks concerning child marriage

<sup>8</sup> This indicator corresponds to SDG indicator 5.3.1



Algeria's Family Code of 1984, as amended in 2005,<sup>9</sup> establishes the minimum legal age of marriage for women and men at 19 years. However, Article 7 of the Family Code authorises individuals to get married before this legal age with the authorisation of a judge, in case of necessity or interest, when the capacity of both parties has been established. Article 11 of the Family Code also mandates that women require the presence of their male guardian (*wali*) – their father or another close male relative – during the marriage proceedings.

Question	Answer	Assessment
What is the legal age of marriage for men?	19	✓
What is the legal age of marriage for women?	19	✓
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of parent and/or legal guardian?	No	✓
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of judge or court?	Yes	!
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of another person or institution?	No	✓
Does the legal age of marriage apply to all groups of women?	Yes	✓
Are there informal laws (customary, traditional or religious laws/rules) that allow or encourage the early marriage of girls?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Household responsibilities

### Practices and social norms related to household responsibilities

In Algeria, domestic responsibilities disproportionately fall on women's shoulders. On average, women dedicate 5.2 hours per day to unpaid care and domestic tasks – such as caring for household members, preparing food and cleaning – compared to 0.9 hour for men. This translates into women dedicating 5.8 times more time on unpaid care and domestic work than men.<sup>10</sup> In comparison, the world average ratio is 2.6 and the average ratio for the MENA region is 5.9 – based on countries for which data are available.

These differences are rooted in discriminatory social norms that confine women to the household. In Algeria, 40% of the population thinks that if a woman earns more than her husband, it is almost certain to cause problems. Moreover, 79% of the population agrees that children will suffer if the mother has a paid job outside the home, compared to a world average of 56% and an average of 70% in the MENA region. Likewise, 70% of the population thinks that being a housewife is just as fulfilling as working for pay.

### Legal frameworks concerning household responsibilities

Article 87 of the Family Code of 1984, as amended in 2005,<sup>11</sup> establishes that the father is the legal guardian (*tuteur*) of a minor child, regardless of whether the parents are married or not. Legal guardianship is passed onto the mother in case of the death of the father, if he is absent or unable to perform his guardianship.

Question	Answer	Assessment
Does the law provide women with the same rights as men to be "head of household" or "head of family"?	Yes	✓
Does the law provide women with the same rights as men to be the legal guardians of their children during marriage?	No	!

<sup>9</sup> Republic of Algeria (2005), "Ordonnance No. 05-02 du 18 Moharram 1426 correspondant au 27 février 2005 modifiant et complétant la loi No. 84-11 du 9 juin 1984 portant code de la famille", *Journal Officiel No. 15 of 27/05/2005*.

<sup>10</sup> This indicator corresponds to SDG indicator 5.4.1

<sup>11</sup> Republic of Algeria (2005), "Ordonnance No. 05-02 du 18 Moharram 1426 correspondant au 27 février 2005 modifiant et complétant la loi No. 84-11 du 9 juin 1984 portant code de la famille", *Journal Officiel No. 15 of 27/05/2005*.

Question	Answer	Assessment
Does the law provide women with the same rights as men to be legal guardians of their children in informal unions?	No	!
Regarding women's legal rights to be recognised as head of household or head of family, does the law apply to all groups of women?	Yes	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being recognised as the head of household?	No	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children?	No	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to the choice of where to live?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Divorce

### Legal frameworks concerning divorce

Algeria's Family Code introduces several restrictions regarding women's rights to initiate a divorce and finalise it. Articles 48 to 57 of the Family Code,<sup>12</sup> establish multiple grounds under which a man or a woman is authorised to file for a divorce, with different requirements, grounds and causes for women and men. In particular, Article 48 establishes that a man can seek divorce according to his own will and regardless of the circumstances whereas a woman can only do it within the limits of the cases stipulated by Articles 53 and 54 of the Family Code. Article 64 of the Family Code also establishes that, in case of divorce, child custody is vested in priority in the mother, and then in the father.

Question	Answer	Assessment
Do women and men have the same rights to initiate/file for a divorce?	No	!
Can women and men finalise a divorce or annulment with the same requirements?	No	!
Do women and men have the same rights to child custody following a divorce?	No	!
Regarding divorce, does the law apply to all groups of women?	Yes	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to initiating divorce?	No	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children after divorce?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Inheritance

### Legal frameworks concerning inheritance rights

Chapter 2 of the Family Code of 1984<sup>13</sup> establishes different inheritance rights between women and men. Among others, Articles 144, 147, 153 and 155 of the Family Code stipulate that female heirs receive half of the share devolved to male heirs. Article 138 also excludes apostates from the inheritance, effectively preventing non-Muslim daughters to inherit in the same way as Muslim daughters.

Question	Answer	Assessment
Do daughters and sons have the same rights to inherit?	No	!
Do female and male surviving spouses have the same rights to inherit?	No	!

<sup>12</sup> Republic of Algeria (2005), "Ordonnance No. 05-02 du 18 Moharram 1426 correspondant au 27 février 2005 modifiant et complétant la loi No. 84-11 du 9 juin 1984 portant code de la famille", *Journal Officiel No. 15 of 27/05/2005*.

<sup>13</sup> Republic of Algeria (1984), "Loi No. 84-11 du 9 juin 1984 portant code de la famille", *Journal Officiel No. 24 of 12/06/1984*.

Question	Answer	Assessment
Regarding inheritance rights of daughters, does the law apply to all groups of women?	Yes	✓
Regarding inheritance rights of female surviving spouses, does the law apply to all groups of women?	Yes	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between sons and daughters when it comes to inheritance?	No	✓
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between male and female surviving spouses when it comes to inheritance?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

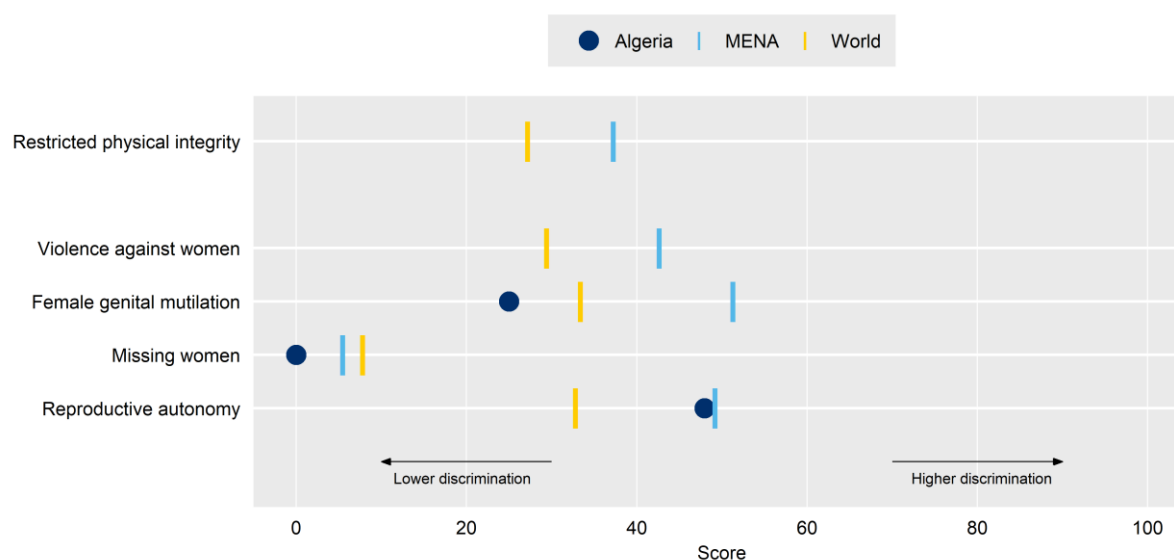
Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Restricted physical integrity

Algeria did not obtain a score in the “Restricted physical integrity” dimension because of missing data points in certain underlying variables – namely the share of women who have experienced intimate-partner violence at least once over the last 12 months or during their lifetime.

Nevertheless, scores could be calculated in the remaining indicators of the dimension. In this dimension, women and girls in Algeria experience the highest levels of discrimination in the “Reproductive autonomy” indicator with a score of 48, followed by “Female genital mutilation” with a score of 25. No discrimination is found in the “Missing women” indicator with a score of 0.

**Figure 4. Restricted physical integrity scores for Algeria, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

## Violence against women

### Practices and social norms related to violence against women

There are no available data in Algeria that are comparable to other countries on the prevalence of intimate-partner violence against women – whether it is calculated over their lifetime or during the last 12 months.

Nevertheless, the social acceptance of intimate-partner violence is substantial. In 2023, 25% of women aged 15-49 think that it is justified for a husband to hit or beat his wife under certain circumstances, such as burning the food, arguing with the spouse, going out without telling him, neglecting the children, or refusing to have sex. In comparison, 30% of women hold these discriminatory attitudes worldwide, as well as across the MENA region – based on countries for which data are available.

### Legal frameworks concerning violence against women

Algeria does not have a dedicated law addressing all forms of violence against women. Different forms of violence against women (such as domestic violence or sexual violence) are covered in separate or general pieces of legislation. The Penal Code includes reduced penalties in cases of so-called “honour crimes”. Article 279 of the Penal Code<sup>14</sup> establishes that murder, wounds and blows are excusable if they are committed by one of the spouses on his/her spouse when he/she catches him/her in the act of adultery. Moreover, although Article 336 of the Penal Code criminalises rape, the definition of rape is not based on the notion of consent and does not specifically cover marital rape. Finally, Article 341 bis. defines and criminalises sexual harassment but does not mention sexual harassment in the context of online activities or the internet.

Question	Answer	Assessment
Is there a law specifically addressing violence against women?	No	!
If there is a specific law addressing violence against women, are there specific provisions for investigation, prosecution and punishment of the perpetrator?	n.a.	n.a.
If there is a specific law addressing violence against women, are there specific provisions for protection and support services for victims/survivors?	n.a.	n.a.
Does the law include reduced penalties in case of so-called “honour crimes”?	Yes	!
<b>Domestic violence</b>		
Is domestic violence a criminal offence?	Yes	✓
Does domestic violence legislation cover physical abuse?	Yes	✓
Does domestic violence legislation cover sexual abuse?	Yes	✓
Does domestic violence legislation cover psychological abuse?	Yes	✓
Does domestic violence legislation cover economic abuse?	Yes	✓
Are there any exceptions included in informal laws (traditional, religious, and/or customary rules/laws) that reduce penalties for domestic violence?	No	✓
<b>Rape</b>		
Is rape a criminal offence?	Yes	✓
Is the legal definition of rape based on lack of consent?	No	!
If the legal definition of rape is based on lack of consent, does this require proof of physical force?	n.a.	n.a.
If the legal definition of rape is based on lack of consent, does this require proof of penetration?	n.a.	n.a.
Does the legal definition of rape include marital rape?	No	!
Does the law permit the reduction or removal of legal punishment if the perpetrator marries the victim?	No	✓
<b>Sexual harassment</b>		
Does the law prohibit sexual harassment?	Yes	✓
Does the law on sexual harassment include criminal penalties?	Yes	✓
Do legal protections from sexual harassment apply in the workplace?	Yes	✓
Do legal protections from sexual harassment apply in educational establishments?	Yes	✓
Do legal protections from sexual harassment apply in public spaces?	Yes	✓
Do legal protections from sexual harassment apply online / on the internet?	No	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Female genital mutilation

### Practices and social norms related to female genital mutilation and cutting (FGM/C)

Female genital mutilation and cutting (FGM/C) is traditionally concentrated in a limited number of countries that have been well-identified and documented by international organisations at the forefront of the fight against this harmful practice. Yet, evidence highlights that FGM/C takes place across all regions, among indigenous and/or diaspora communities originating from countries where FGM/C is known to be common.

<sup>14</sup> Republic of Algeria (1966), “Ordonnance No. 66-156 du 8 juin 1966 portant code pénal”, *Journal Officiel No. 49 of 11/06/1966*.

In some contexts, girls are taken across national borders to undergo FGM/C in a country where the legislation against the practice is either non-existent or less strict.<sup>15</sup>

There are no available data in Algeria that are comparable to other countries on practices and social norms related to female genital mutilation and cutting.

### Legal frameworks concerning female genital mutilation and cutting (FGM/C)

Articles 264 and 265 of the Penal Code<sup>16</sup> allows to prosecute FGM/C acts on broad grounds, namely under acts of mutilation. However, the law does not criminalise FGM/C on narrow grounds.

Question	Answer	Assessment
Does the law criminalise FGM/C on broad or narrow grounds?	Yes	✓
Does the law criminalise FGM/C on narrow grounds only?	No	!
Are there informal laws (customary, traditional or religious laws) that allow or encourage FGM/C?	No	✓
Does the law take precedence over informal laws (customary, traditional or religious laws) that allow, condone or prescribe FGM?	n.a.	n.a.

Note: The SIGI methodology assesses laws on FGM/C according to two scenarios: (1) criminalisation on narrow grounds includes laws that contain criminal penalties for acts of “female genital mutilation”, “permanent altering/removal of external genitalia”, “female circumcision”, “excision”, “infibulation” and “genital mutilation”; (2) criminalisation on broad grounds includes “mutilation”, “harming of a person’s organs”, “serious bodily injury” and “bodily injury/hurt/assault.” The presence of informal laws that allow or encourage FGM/C is proxied by the existence of nationally representative data on FGM/C or the existence of indirect estimates (usually used in countries where FGM/C is mainly practiced by diaspora communities), small-scale studies, or anecdotal evidence and media reports as reported by Equality Now, the End FGM European Network and the US End FGM/C Network in 2020.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>, and Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

### Missing women

#### Practices related to missing women

The “Missing women” indicator captures whether there are any existing imbalances in the natural sex ratio between girls and boys aged 0-4 due to pre- and postnatal gender-biased sex selection. These imbalances can result from sex-selective abortions, female infanticide, and/or inadequate healthcare and nutrition for girls. A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

In Algeria, the “missing women” phenomenon is not an issue. The boy-to-girl sex ratio for children aged 0-4 is estimated at 104.2, which means that there are approximately 104.2 boys aged 0-4 for 100 girls of the same age, which is in line with a natural sex ratio at birth.

### Reproductive autonomy

#### Practices related to women’s reproductive autonomy

<sup>15</sup> Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

<sup>16</sup> Republic of Algeria (1966), “Ordonnance No. 66-156 du 8 juin 1966 portant code pénal”, *Journal Officiel No. 49 of 11/06/1966*.

Unmet needs for family planning are calculated as the proportion of women of reproductive age (15-49 years), married or in union, who wish to interrupt or delay childbearing but do not use any method of contraception.

In Algeria, the gap between women's reproductive intentions and their contraceptive behaviour exists, with 11% of women aged 15-49 who declare having an unmet need for family planning, compared to a world average of 12% and an average of 13% in the MENA region – based on countries for which data are available.

### Legal frameworks concerning women's reproductive autonomy

Women's reproductive autonomy can be restricted by laws that prohibit the access to safe and legal abortion under essential circumstances (in cases of rape, incest, threats to the life or health of the pregnant woman and severe foetal impairment).<sup>17</sup> Evidence shows that the share of unsafe abortions is higher in countries with restrictive abortion laws. Unsafe abortions are a leading but preventable cause of maternal mortality and millions of girls and women are hospitalised every year following complications of unsafe abortion procedures.<sup>18</sup>

Article 304 of the Penal Code<sup>19</sup> prohibits and criminalises abortion. However, Article 308 of the Penal Code introduces legal exceptions, namely if abortion is necessary to save the mother's life and provided it is performed by a doctor with the approval of the administrative authority. Article 77 of Law No. 18-11 on health of 2018<sup>20</sup> further authorises therapeutic abortion if it is essential to preserve the physical or mental health of the mother.

Question	Answer	Assessment
Is abortion illegal under any circumstances?	No	✓
Is abortion legally permitted in cases where: it is essential to save the woman's life?	Yes	✓
Is abortion legally permitted in cases where: it is essential to preserve the physical health of the woman?	Yes	✓
Is abortion legally permitted in cases where: it is essential to preserve the mental health of the woman?	Yes	✓
Is abortion legally permitted in cases where: pregnancy is the result of rape or statutory rape?	No	!
Is abortion legally permitted in cases where: pregnancy is the result of incest?	No	!
Is abortion legally permitted in cases where: social and economic reasons do not allow the mother to sustain a pregnancy?	No	!
Is abortion legally permitted in cases where: foetal impairment?	No	!
Does a woman require the approval of a medical practitioner to seek a legal abortion?	Yes	!
Does the law require the approval of the father of the foetus to seek a legal abortion?	No	✓
Is there any national plan or policy that provide universal access to family planning services?	Yes	✓
Is there any law or national policy that provide free or subsidised access to contraception?	No	!
Does the national school curricula include mandatory and comprehensive sexuality education?	No	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

<sup>17</sup> CEDAW (2022), *Access to safe and legal abortion: Urgent call for United States to adhere to women's rights convention*, <https://www.ohchr.org/en/statements/2022/07/access-safe-and-legal-abortion-urgent-call-united-states-adhere-womens-rights>.

<sup>18</sup> UNFPA (2022), *State of World Population 2022: Seeing the Unseen - The Case for Action in the Neglected Crisis of Unintended Pregnancy*, UNFPA, Geneva, <https://doi.org/10.18356/9789210015004>.

<sup>19</sup> Republic of Algeria (1966), "Ordonnance No. 66-156 du 8 juin 1966 portant code pénal", *Journal Officiel No. 49 of 11/06/1966*.

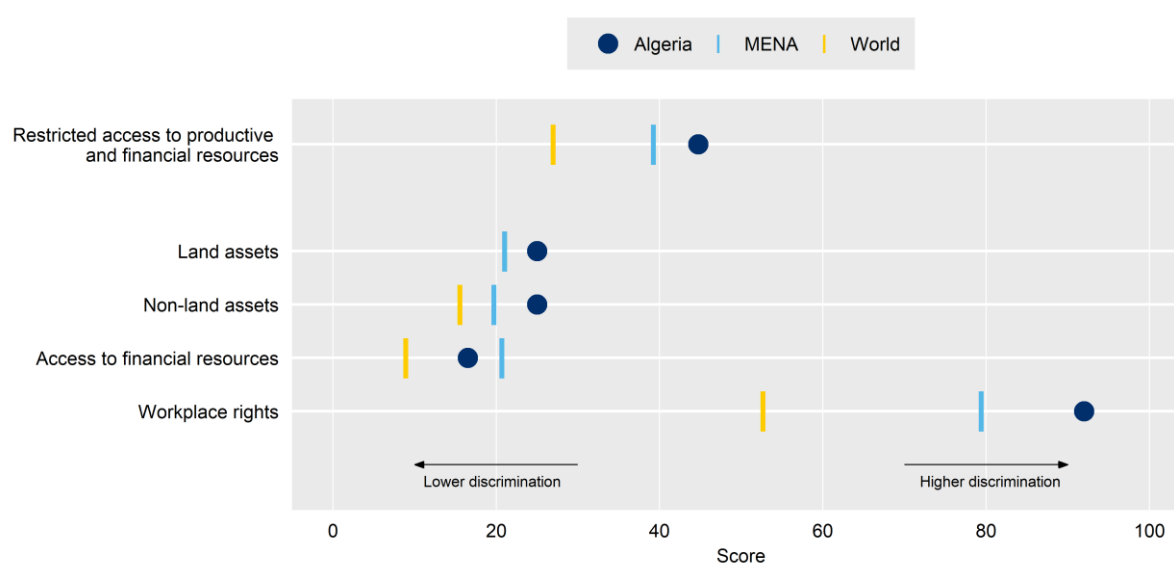
<sup>20</sup> Republic of Algeria (2018), "Loi No. 18-11 du 18 Chaoual 1439 correspondant au 2 juillet 2018 relative à la santé", *Journal Officiel No. 46 of 29/07/2018*.

## Restricted access to productive and financial resources

Algeria exhibits high levels of discrimination within the family with a score of 45, compared to a world average of 27 and an average score of 39 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Algeria experience the highest levels of discrimination in the “Workplace rights” indicator with a score of 92, followed by “Access to land assets” and “Access to non-land assets” with a score of 25 for both indicators. The lowest levels of discrimination in this dimension are found in the “Access to financial services” indicator with a score of 17.

**Figure 5. Restricted access to productive and financial resources scores for Algeria, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

### Access to land assets

#### Practices related to women’s access to secure land assets

In Algeria, there are no available data that are comparable to other countries on practices related to access to land assets.

#### Legal frameworks concerning women’s access to land assets

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own land?	Yes	✓
Does the law provide married women with the same rights as married men to use land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use land?	Yes	✓
Regarding land, does the law apply to all groups of women?	Yes	✓



Question	Answer	Assessment
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of land assets?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Access to non-land assets

### Practices related to women's secure access to non-land assets

In Algeria, there are no available data that are comparable to other countries on practices related to access to non-land assets.

### Legal frameworks concerning women's access to non-land assets

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own property and other non-land assets?	Yes	✓
Does the law provide married women with the same rights as married men to use property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use property and other non-land assets?	Yes	✓
Regarding property and other non-land assets, does the law apply to all groups of women?	Yes	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of non-land assets?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Access to financial services

### Practices related to women's access to formal financial services

Gender imbalances in terms of access to financial services remain an issue in Algeria, and the overall access of the population is low. In 2023, 31% of women have a bank account at a financial institution, compared to 57% of men. This translates into women accounting for only 35% of bank account holders. In comparison, at the global level, 67% of women have a bank account, compared to 72% of men. Across the MENA region, on average, 40% of women have a bank account, compared to 54% of men, translating into women accounting for only 39% of bank account holders.

### Legal frameworks concerning women's access to financial services

Question	Answer	Assessment
Does the law provide women with the same rights as men to open a bank account at a formal financial institution?	Yes	✓
Does the law require married women to obtain the signature and authority of their husband to open a bank account at a formal financial institution?	No	✓
Does the law provide women with the same rights as men to obtain credit?	Yes	✓
Regarding access to formal financial services, does the law apply to all groups of women (regardless of race, ethnicity, caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to opening a bank account?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to obtaining credit?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Workplace rights

### Practices and social norms related to women's workplace rights

Women remain largely excluded from positions with decision-making power in the economic sphere. Women only account for 8% of employees in a managerial position,<sup>21</sup> compared to a world average of 25% and an average of 14% in the MENA region – based on countries for which data are available.

These gender gaps are upheld by discriminatory social norms that establish men as the main breadwinners and more fit to hold leadership positions. In Algeria, 63% of the population believes that men make better business executives than women, compared to a world average of 42% and an average of 60% in the MENA region. Likewise, 60% of the population agrees that when jobs are scarce, men should have more right to a job than women. In comparison, 45% of the population holds these discriminatory attitudes worldwide, and 73% of the people across the MENA region – based on countries for which data are available.

### Legal frameworks concerning women's workplace rights

Article 29 of Law No. 90-11 on labour relations of 1990<sup>22</sup> forbids employers from employing female workers to perform work during the night. A labour inspector can provide special derogations when circumstances require them.

Question	Answer	Assessment
Does the law prohibit discrimination in employment on the basis of sex?	Yes	✓
Does the law mandate equal remuneration for work of equal value?	Yes	✓
Does the law prohibit women from entering certain professions?	No	✓
Does the law allow women to work the same night hours as men?	No	!
Does the law mandate paid maternity leave?	Yes	✓
Does the law mandate paid paternity leave?	Yes	✓
Does the law mandate paid parental leave?	No	!
Does the law require women to have permission from their husband or legal guardian to take a paid job?	No	✓
Does the law require women to have permission from their husband or legal guardian to register a business?	No	✓
Regarding women's legal right to take a paid job or work and/or register a business, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to entering certain professions?	Yes	!
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to take a paid job?	Yes	!
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to register a business?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

<sup>21</sup> This indicator corresponds to SDG indicator 5.2.2

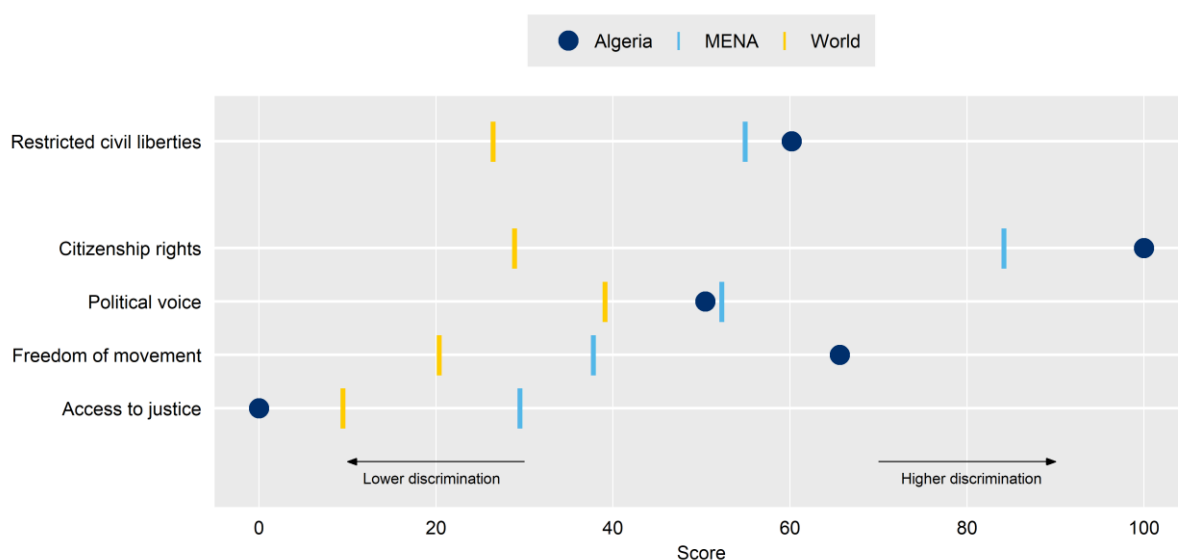
<sup>22</sup> Republic of Algeria (1990), "Loi No. 90-11 du 21 avril 1990 relative aux relations de travail", *Journal Officiel No. 17 of 25/04/1990*.

## Restricted civil liberties

Algeria exhibits very high levels of discrimination within the family with a score of 60, compared to a world average of 26 and an average score of 55 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Algeria experience the highest levels of discrimination in the “Citizenship rights” indicator with a score of 100, followed by the “Freedom of movement” and “Political voice” indicators with scores of 66 and 50, respectively. No discrimination is found in the “Access to justice” indicator with a score of 0.

**Figure 6. Restricted civil liberties scores for Algeria, 2023**



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

## Citizenship rights

### Legal frameworks concerning women’s citizenship rights

Article 18-3 of the Nationality Code of 1970<sup>23</sup> establishes that an Algerian woman loses her nationality when she marries a foreigner and acquires the nationality of her spouse. The same stipulation does not exist for Algerian men marrying a foreigner. Article 32 of the Nationality Code further stipulates that individuals who seek to acquire the Algerian nationality must prove that two generations of ancestors were born in Algeria and were Muslim.

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to acquire nationality?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to acquire nationality?	Yes	✓

<sup>23</sup> Republic of Algeria (1970), “Ordonnance No. 70-86 du 15 décembre 1970 portant code de la nationalité algérienne”, *Journal Officiel No. 105 of 18/12/1970*.

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to change their nationality?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to change their nationality?	Yes	✓
Does the law provide married women with the same rights as married men to retain their nationality?	No	!
Does the law provide unmarried women with the same rights as unmarried men to retain their nationality?	Yes	✓
Does the law provide married women with the same rights as married men to confer nationality to their spouse?	Yes	✓
Does the law provide married women with the same rights as married men to confer nationality to their children?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to confer nationality to their children?	Yes	✓
Regarding women's nationality rights, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?	No	!
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to acquiring, changing, or retaining their nationality?	No	✓
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to conferring nationality to their spouse and/or children?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Freedom of movement

### Practices related to women's freedom of movement

Freedom of movement is recognised as a human right and mobility is essential in everyday life, for instance to reach the workplace or healthcare facilities. In Algeria, women feel more unsafe than men, and a large part of the overall population, notably women, feels that way. Across the country, 52% of women declare not feeling safe walking alone at night in the city or in the area where they live, compared to 14% of men. This translates into women accounting for 78% of those who do not feel safe walking alone at night.

### Legal frameworks concerning women's freedom of movement

Beyond the challenge of ensuring that everyone feels safe enough to move around in public spaces, laws must guarantee women and men the same rights to obtain identification documents and to travel by themselves within and outside of their country.

Algeria's official passport or national ID application form requires married women to state the name of their spouse, which is not a requirement for married men.

Question	Answer	Assessment
Does the government provide national identity cards?	Yes	✓
Can a married woman apply for a national identity card in the same way as a married man? (in terms of rights and procedures)	No	!
Can an unmarried woman apply for a national identity card in the same way as an unmarried man? (in terms of rights and procedures)	Yes	✓
Can a married woman apply for a passport in the same way as a married man (in terms of rights and procedures)?	No	!
Can an unmarried woman apply for a passport in the same way as an unmarried man (in terms of rights and procedures)?	Yes	✓
Regarding identity cards and/or passports, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?	Yes	✓
Does the law provide married women with the same rights as married men to travel outside the country?	Yes	✓
Does the law provide married women with the same rights as married men to travel outside their homes?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to applying for identity cards or passports?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Political voice

### Practices and social norms related to women's political voice

Women's political representation in the country is very low, with women accounting for only 8% of the members of parliament in 2023, compared to a world average of 27% and an average of 17% in the MENA region.

Discriminatory attitudes that exclude women from positions of power in the political sphere are widespread, with 75% of the country's population declaring that men make better political leaders than women.

### Legal frameworks concerning women's political voice

Question	Answer	Assessment
Does the law provide women with the same rights as men to vote?	Yes	✓
Does the law provide women with the same rights as men to hold public and political office in the legislative branch?	Yes	✓
Does the law provide women with the same rights as men to hold public and political office in the executive branch?	Yes	✓
Does the law provide women with the same rights as men to hold public office in the judiciary branch?	Yes	✓
Do constitutional/legislated gender quotas exist to promote women's political representation at the national level?	Yes	✓
Do constitutional/legislated gender quotas exist to promote women's political representation at the local level?	Yes	✓
Does the law provide for special measures other than quotas to promote women's political representation at the national level?	Yes	✓
Does the law provide for special measures other than quotas to promote women's political representation at the local level?	Yes	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to voting?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to holding public office?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

## Access to justice

### Practices related to women's access to justice

In Algeria, 37% of women do not trust the judicial system and courts, compared to 50% of men. This translates into women accounting for 38% of those who do not trust the country's judicial system.

### Legal frameworks concerning women's access to justice

Question	Answer	Assessment
Does the law provide women with the same rights as men to sue?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the civil courts?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the criminal courts?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the family courts?	Yes	✓
Does a woman's testimony carry the same evidentiary weight as a man's in the tribunals?	Yes	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes suing someone?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to providing testimony in court?	No	✓
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to being judges, advocates or other court officers?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.