



2021 Regional Index on Violence against Women and Girls (VAWG)

National Report – Algeria

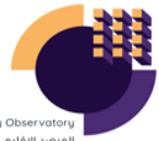
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Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSOs	Civil Society Organisations
IMATC	Inter-Ministerial Anti-Trafficking Committee
MoH	Ministry of Health
MoSFWA	Ministry of National Solidarity, Family and Women's Affairs
RCSO	Regional Civil Society Observatory on VAWG
UfM	Union for Mediterranean
VAWG	Violence Against Women and Girls



Introduction

The purpose of this report is to analyse the outcomes of the 2021 Regional Index on Violence Against Women and Girls (VAWG) for Algeria. The report presents the position of the State on the international women's rights covenants, and its commitment to implement them through the alignment of the Constitution and national laws to these covenants. Furthermore, the report presents the measures and the services on the ground that ensure the appropriate enforcement of these laws. It also provides recommendations to improve the protection of women from VAWG.

Algeria scored 30.7 out of 100 points in the 2021 Regional Index on VAWG. Algeria has made major steps towards combating VAWG in last decades. It ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but still maintains reservations to several article of the agreement which are articles: 2, 15, 16, and 29.

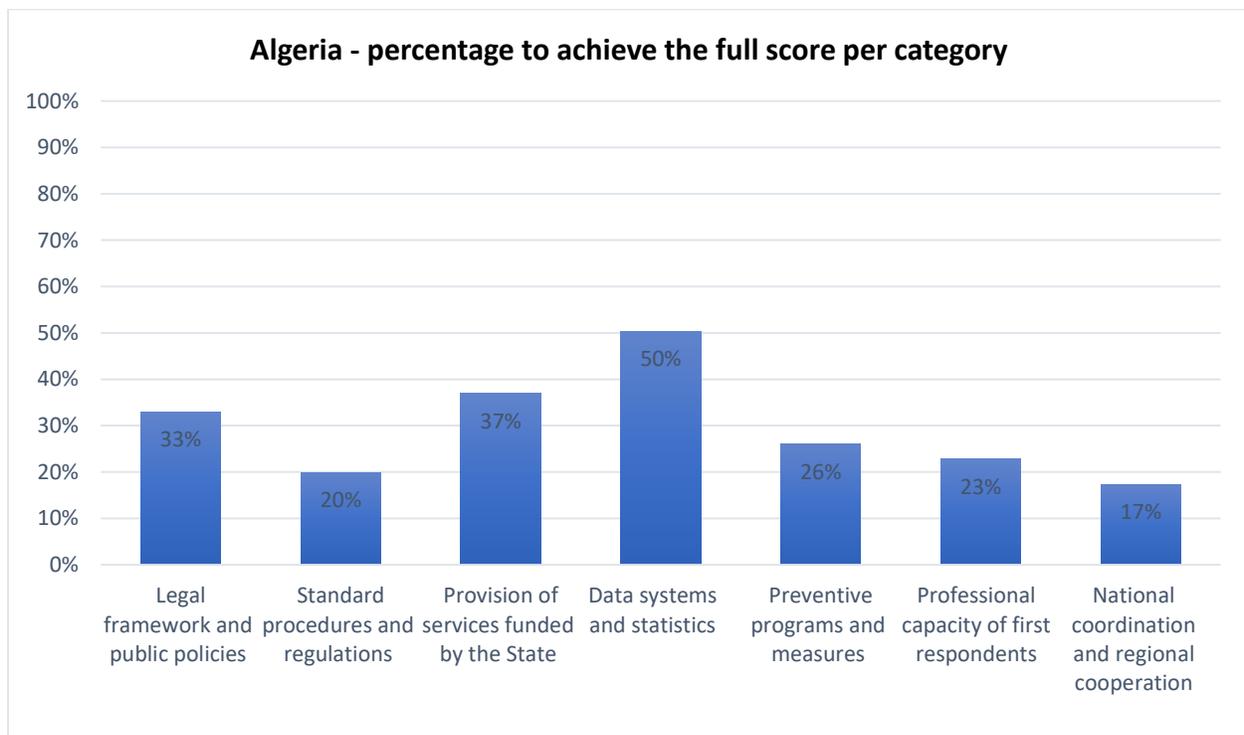
The last positive legal changes were made in 2020 in which the Constitution was amended to include specific provisions on women's rights and gender equality. Article 68 guarantees equality between women and men in the labour market, and encourages appointing women in leadership positions. A number of measures focused on combating gender inequality have been enacted, including an amendment of the family law and increasing the quotas for women in the election lists to the People's National Assembly and municipalities to become 30%.

Algeria launched the National Strategy on Combating Violence Against Women in 2007. The strategy called for protecting women and creating special units to help victims of violence find longer-term shelters.

Specialised services are provided to women victims of VAWG in 2 State-run shelters. There are cooperation mechanisms between police, hospitals, and other government institutions for referring VAWG cases. The cooperation is arranged by the Ministry of National Solidarity, Family and Women's Affairs (MoSFWA) and includes the institutional information system on violence against women that was created to consolidate and exchange all data related to the cases of VAWG. The same Ministry leads the national awareness raising campaigns on combating VAWG.

Score Analysis

This section provides analysis of the scores under each category. The scores achieved for each indicator in relation to the weights assigned are shown in the diagrams. The section also highlights the main gaps and provides recommendations to tackle these gaps and improve the prevention and protection of women from VAWG as well as panelising adequately the perpetrators. The Index methodology is available on the website of Regional Civil Society Observatory on VAWG (RCSO) at [Methodology of 2021 Regional Index on VAWG](#).



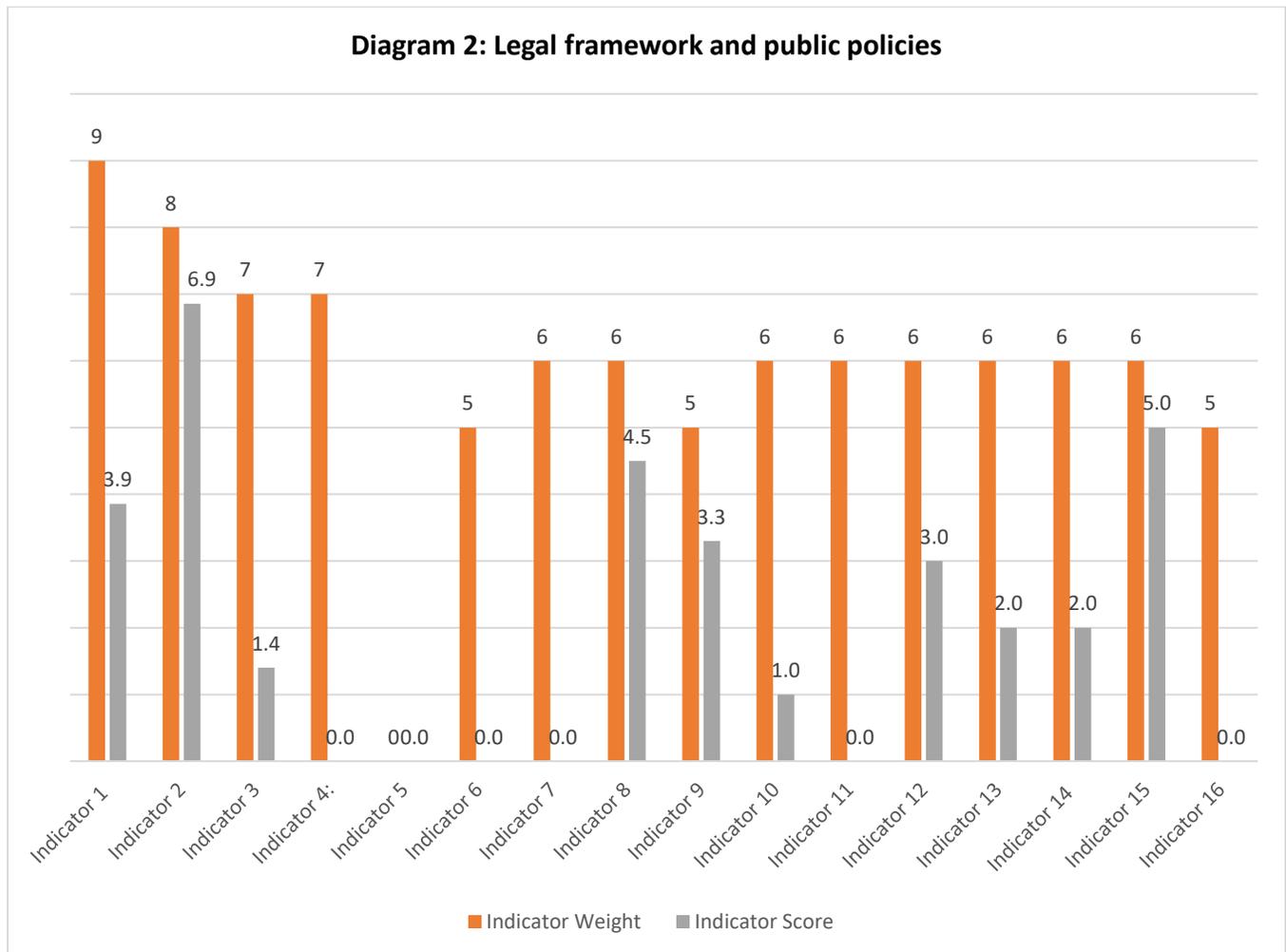
Algeria - Final Index Score

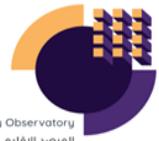
30.7 points

Legal Framework and Public Policies

The category of legal framework and public policies got 33% as level of achievement. The category examines the legal framework and public policies on women’s rights, and its conformity with international standards, in particular CEDAW. It addresses laws specifically designed to combat VAWG, where such laws exist. It also concerns public policies and national strategies to combat VAWG. The category includes 16 indicators and 88 sub-indicators.

The diagram below shows the weight and the score achieved for the indicators under this category.





Indicator 1: Ratification of all articles CEDAW

Indicator 2: Alignment of the Constitution with all international legal obligations pertaining to women's rights

Indicator 3: Compliance of laws with all international legal obligations pertaining women's rights

Indicator 4: existence of specific law/s that address specific form or type of VAWG

Indicator 5: Existence of comprehensive law criminalising all forms of VAWG

Indicator 6: The definition of VAWG in legislation is in line with the UN resolutions on women rights

Indicator 7: Existence of parliamentary oversight role on the implementation of laws pertaining to VAWG

Indicator 8: The laws provide support to all victims of VAWG including legal aid

Indicator 9: The laws ensure the right of women to sexual and reproductive health and freedom on their own bodies

Indicator 10: The existing laws, including family laws, whether civil, customary or religious, protect women and girls from partners, male relatives, and current and ex-spouses who cause VAWG

Indicator 11: Existence of legal framework that offers women legal protection from marital rape

Indicator 12: Existence of legal framework offers women legal protection from harassment in the public space and work place

Indicator 13: Existing laws, in the absence of comprehensive law on VAWG, criminalise honour crimes and prohibit harmful practices such as FGM, early marriage

Indicator 14: The laws ensure the punishment of rapist regardless of the acceptance to marry his victim

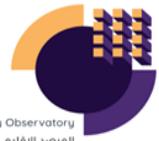
Indicator 15: There is a national strategy for preventing and combating VAWG with adequate resources, budget, and monitoring and evaluation plan

Indicator 16: The national health policies address VAWG.

The first indicator on the ratification of CEDAW scored 3.9 out of 9 points. Algeria has ratified CEDAW, but it still has reservations to several articles. These include: article 2 relating to policy measures regarding the elimination of discrimination against women; article 15 (4) relating to equal rights of women regarding the law relating to the movement of persons and the freedom to choose their residence and domicile; article 16 relating to equality between women and men in all matters relating to marriage and family relations; article 29 relating to administration of the Convention and arbitration in the event of dispute over the application of treaty provisions.

The Constitution prohibits discrimination based on sex explicitly as article 37 provides for the right to equality before the law and the prohibition of discrimination based on sex. Article 68 provides that "the State is obliged to guarantee equality between women and men in the labour market, and to encourage appointing women in leadership positions in public departments, administrations and institutions". All these constitutional positive changes lie behind the high score of Algeria (6.86 out of 8 points) achieved for indicator 2.

In 2005, the nationality law was amended to grant women equality in passing on their nationality to their children or a foreign spouse. The penal code was amended in 2015 to address gaps on criminalisation of violence against women by criminalising some forms of domestic violence. The law makes assault against a spouse or ex-spouse punishable by up to 20 years in prison, depending on the victim's injuries, and by a life sentence if the attack results in death. It also expanded the scope of sexual harassment, strengthened penalties for it, and criminalised harassment in public spaces.



While these amendments are an important step forward, the laws contain several shortcomings, and comprehensive legislation is still needed for an effective and coordinated response to VAWG. Moreover, the positive legislative changes are still being achieved at slow rate and coincide with the existence of discriminatory laws against women and girls.

The legal age of marriage is 18, however judges may in special cases allow earlier marriage. Marital rape is not recognised or criminalised in the penal code. Regarding, “honour crimes”, article 279 of the penal code provides that a person who kills or injures his or her spouse benefits from mitigating circumstances if his or her spouse was caught in an act of adultery. For these reasons Indicator 3 scored only 1.4 out of 7 points.

In terms of strategies for combating VAWG, Algeria launched the National Strategy on Combating Violence Against Women in 2007. The strategy called for protecting women and creating special units to help victims of violence find longer-term shelters.

Gaps:

- Existence of reservations to articles 2,15,16, and 29 of CEDAW.
- The Constitution does not adopt a gender-sensitive language in all its articles.
- Lack of a specific and comprehensive law on combating VAWG.
- Absence of clear criminalisation of marital rape.
- Existence of certain legal exceptions wherein judges can allow child marriage.

Recommendations:

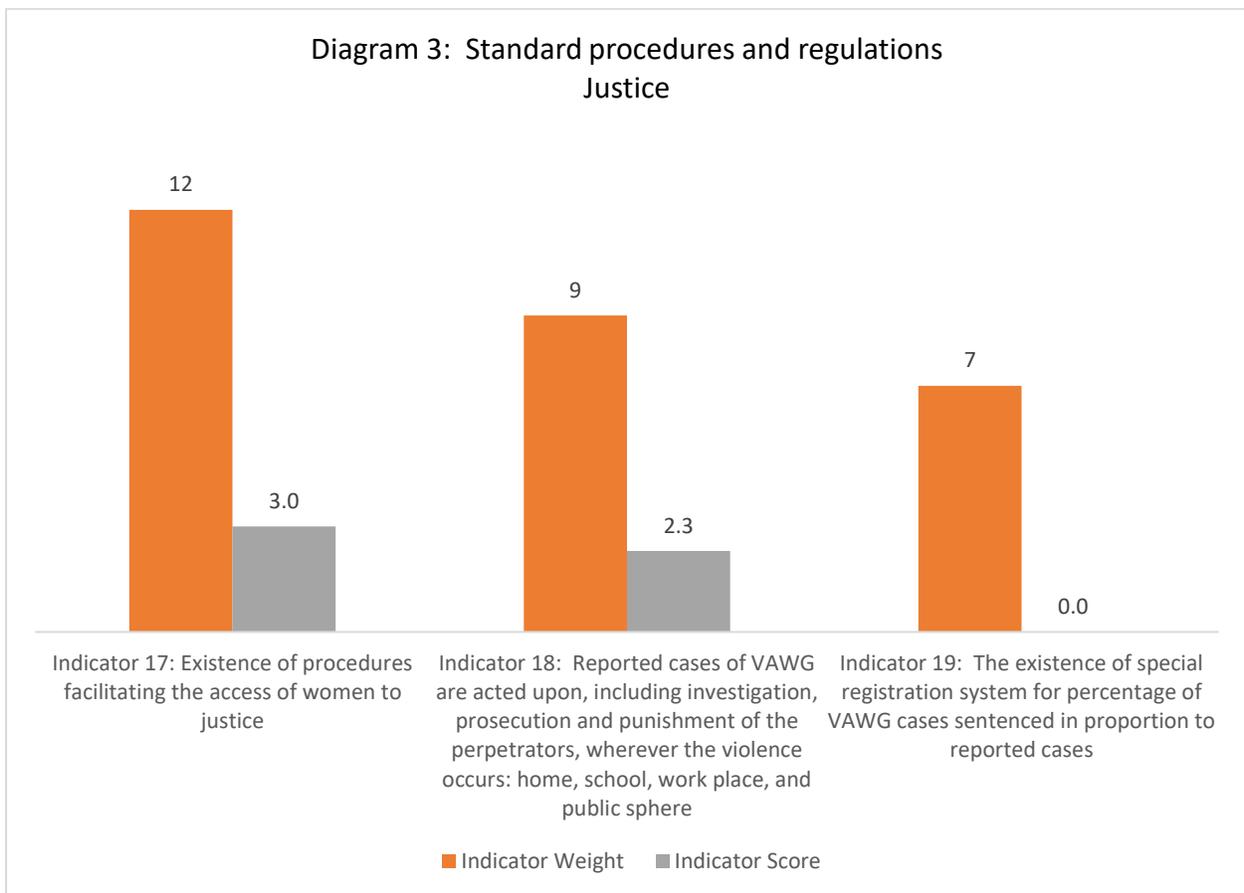
- Lift reservations to the articles of CEDAW.
- Use a gender-sensitive language in the Constitution.
- Enact a comprehensive law to combat violence against women that includes comprehensive definition of VAWG comprising marital rape.
- Criminalise marital rape explicitly.
- Remove the judges’ discretionary power that authorises child marriages.

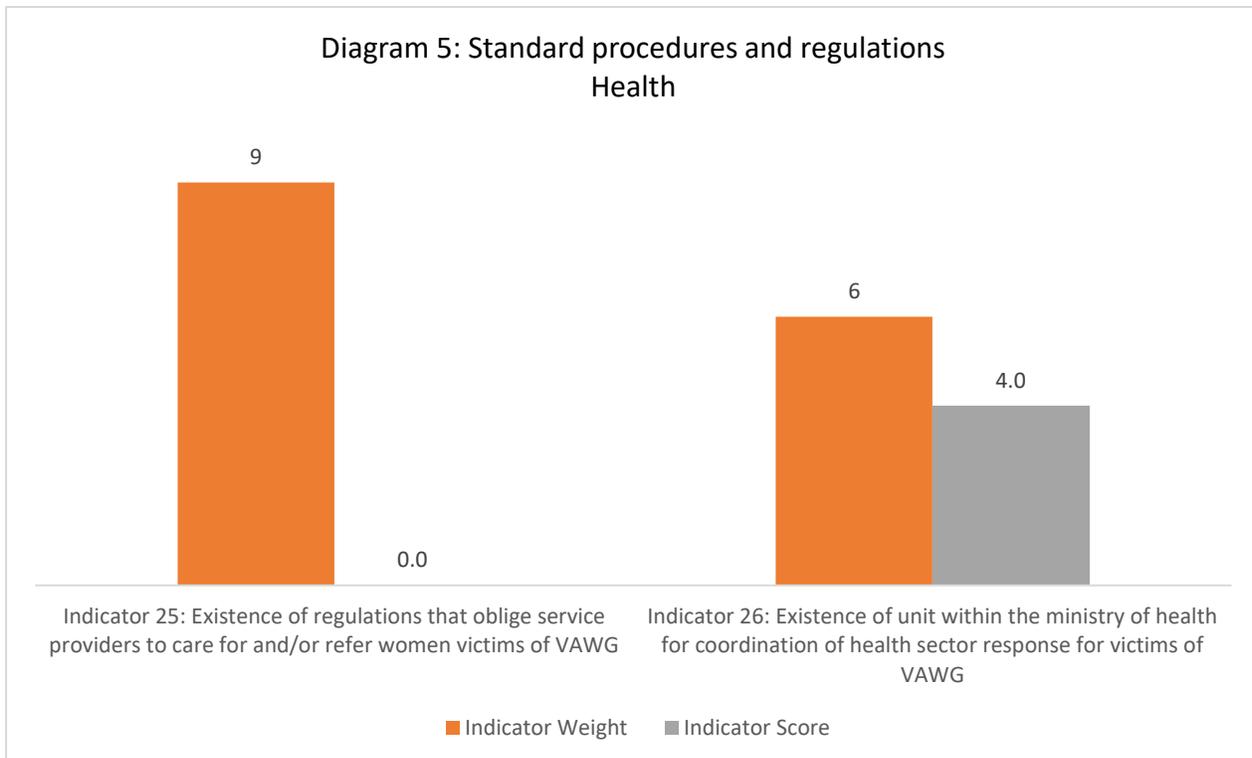
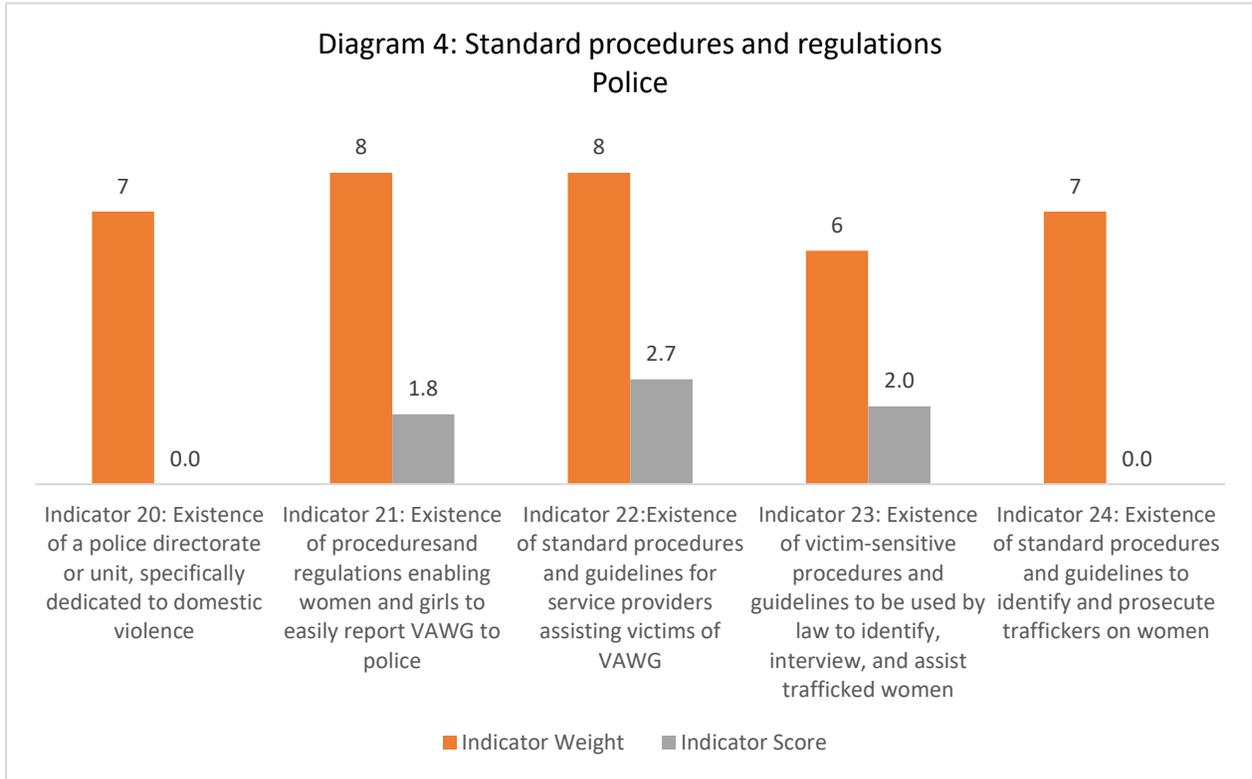
Standard Procedures and Guidelines

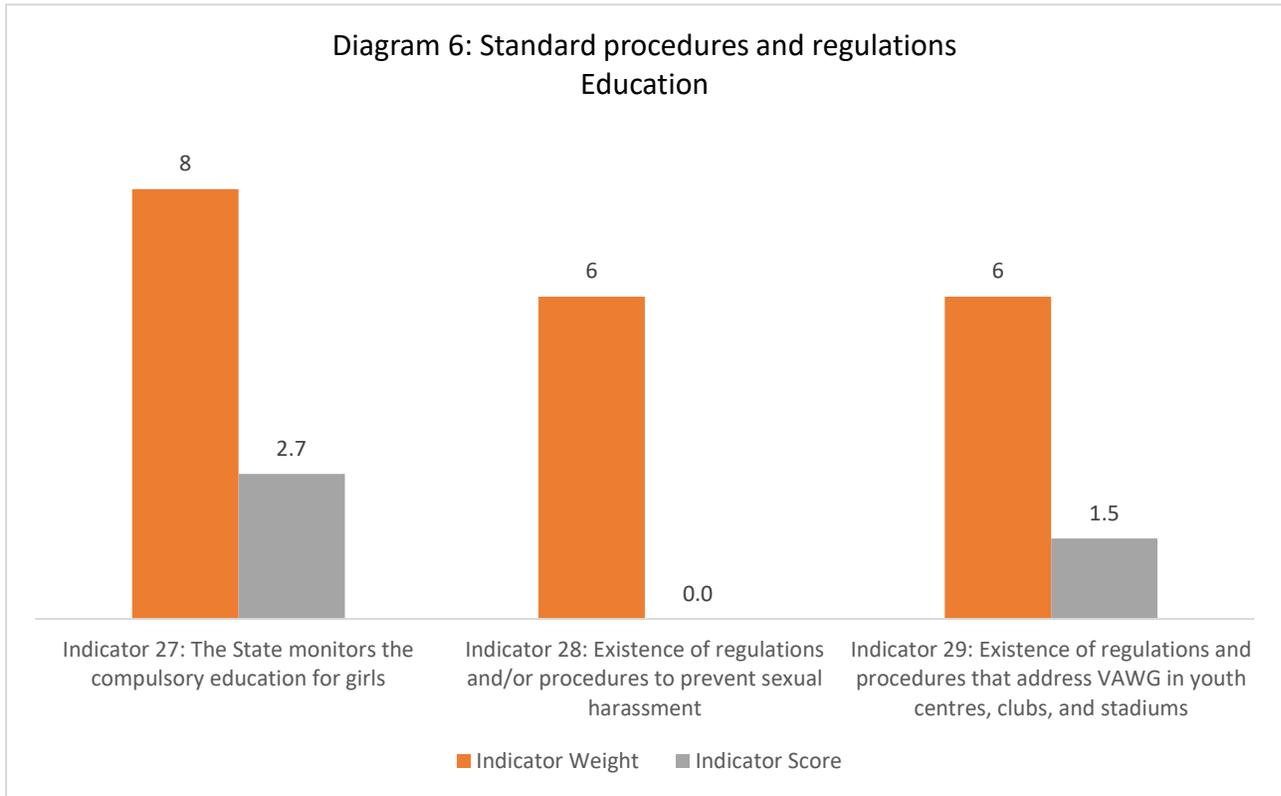
The category of standard procedures and guidelines got 20% as level of achievement. The category deals with police and judicial procedures put in place, whether in terms of the opportunities for victims to report offences or the obligation to inform the authorities of such offences by persons who are aware of them, and the existence of a guide for professionals, in

order to unify and simplify procedures. This category consists of 13 indicators and 54 sub-indicators.

The diagrams below show the weights and the scores achieved for the indicators under this category.





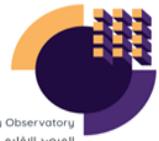


There are procedures for facilitating the access of women victims of VAWG to full justice, and women victims of VAWG can benefit of free legal aid. However, there is no specialised court that adopts specific procedures for cases of VAWG. For these reasons, indicator 17 scored 3 out of 12 points.

There are victim-sensitive procedures and guidelines adopted by police to identify, and assist trafficked women for sexual purpose. In 2016, a presidential decree established the Inter-Ministerial Anti-Trafficking Committee (IMATC) under the auspices of the Prime Minister’s Office. The Committee coordinates implementation of the National Anti-Trafficking Action Plan.

The formal channels of reporting systems include the MoSFWA, police and courts. There are regulations that oblige service providers including those in the health sector to care for and refer women victims. The public health law was amended in 2018 to oblige the services providers including doctors and nurses to report VAWG cases.

In terms of health services, women victims can receive treatment for free including forensic medicine and psychiatry. The Ministry of Health (MoH) and MoSFWA have a coordination



department under the Directorate of Public Health to coordinate health sector response to VAWG.

Regarding education, indicator 26 scored 2.7 out of 8 points. This is due to the existence of mechanisms to monitor the compulsory education for girl. Meanwhile, there are no regulations and procedures that specifically address VAWG in the youth centres, clubs, and stadiums.

Gaps:

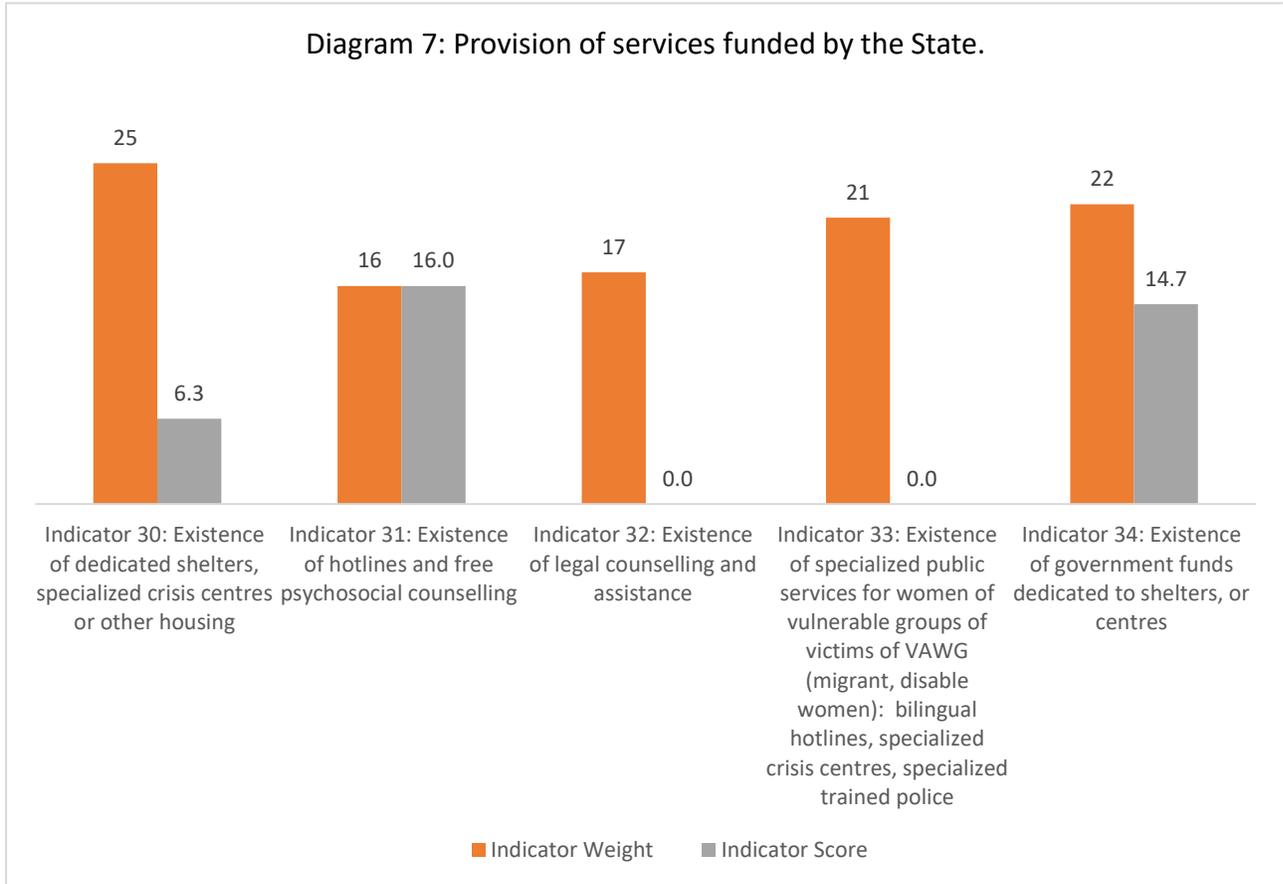
- Lack of a specialised courts to deal with cases of VAWG.
- Lack of a special registration system for cases of VAWG for documenting the reported and sentenced VAWG cases.
- Lack of specific directorate under police dedicated to deal with VAWG cases and domestic violence.
- Lack of regulations and measures to prevent sexual harassment, especially in clubs and sports.

Recommendations:

- Establish a specialised court to deal with cases of VAWG
- Set up special registration system for cases of VAWG.
- Establish specific directorate under Police dedicated to deal with VAWG cases and domestic violence.
- Adopt measures to prevent sexual harassment, especially in sports clubs and games.

Provision of Services Funded by the State

The provision of services funded by the State category got 37% as level of achievement. The category addresses the victims, their physical and psychological care as well as the provision of shelters, legal aid, and hotlines. It includes 6 indicators and 26 sub-indicators.



The government dedicates funds to 2 State-run shelters for women victims of VAWG. There is a third shelter under establishment, but it has not been launched yet. Also, MoSFWA operates reception centres for adolescent girls under the age of 18 years and centres for elderly that receive women who are older than 60 years. However, there is no governmental fund allocated for shelters run by CSOs.

Psychological counselling is provided to women victims within the national shelters. Hotline for women’s complaints is operated under the supervision of the MoSFWA. However, there are no specialised public services to women of marginalised groups victims of VAWG and there is no legal counselling. For these reasons indicator 23 and indicator 33 got 0 scores.

The viability and accessibility of shelters, accommodation centres and other necessary services for women victims remain a major challenge.

Gaps:

- The centralisation of services provided to victims of VAWG and the lack of further distribution across provinces and remote areas.

- Lack of specialised public services to women of marginalised groups and lack of legal counselling services for women victims.

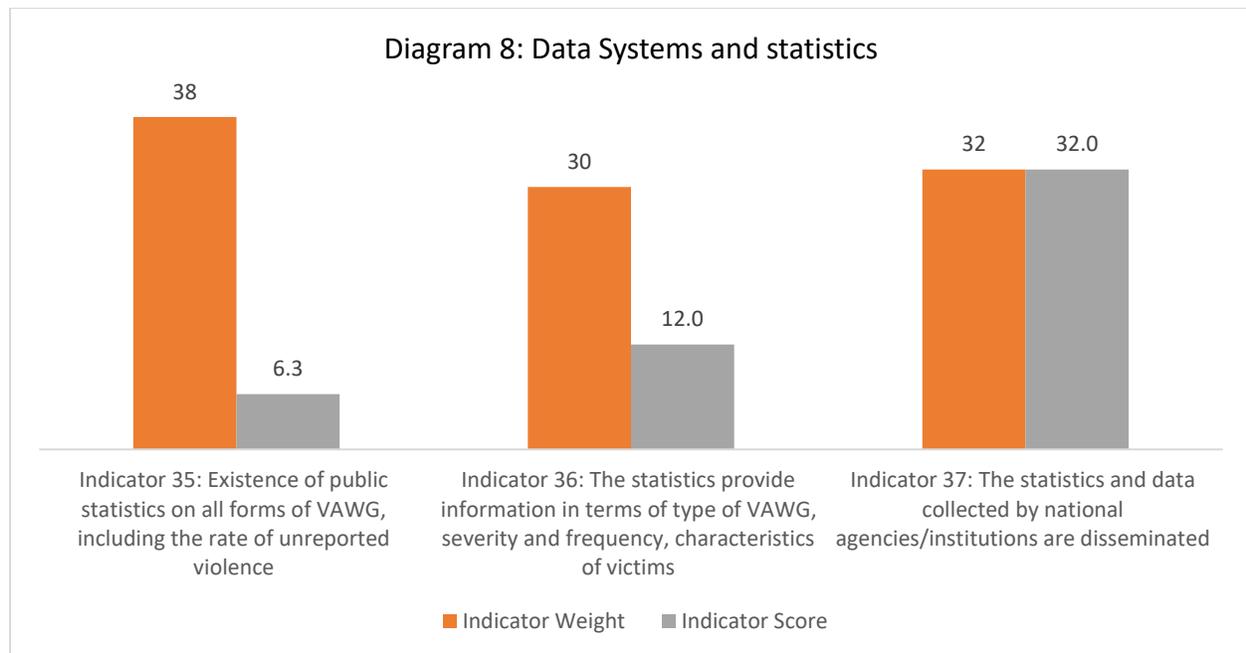
Recommendations:

- Establish new shelters and distribute them proportionally across all governorates to ensure access for victims.
- Provide essential legal and psychological support services free of charge.
- Establish a bilingual hotlines and special services for women of vulnerable groups.

Data System and Statistics

The country achieved 50% of the percentage to reach the full score for the data system and statistics category. The category, is linked to the collection and dissemination of statistics on VAWG and their classification by type of violence and frequency, but also in relation to whether or not they have been the subject of complaints and whether or not these complaints have led to convictions and lawsuits. The category has 3 indicators and 14 sub-indicators.

The diagram below shows the weights and the scores achieved for the indicators under this category.





The National Bureau for Statistics and the police departments provide statistics on VAWG. Indicator 37 achieved full score. However, there are no regular and recent public statistics to measure the rate of all forms of VAWG, including the rate of unreported violence.

Gaps:

- Absence of a national observatory on VAWG.
- Lack of statistics that cover all forms and rates of VAWG.

Recommendations:

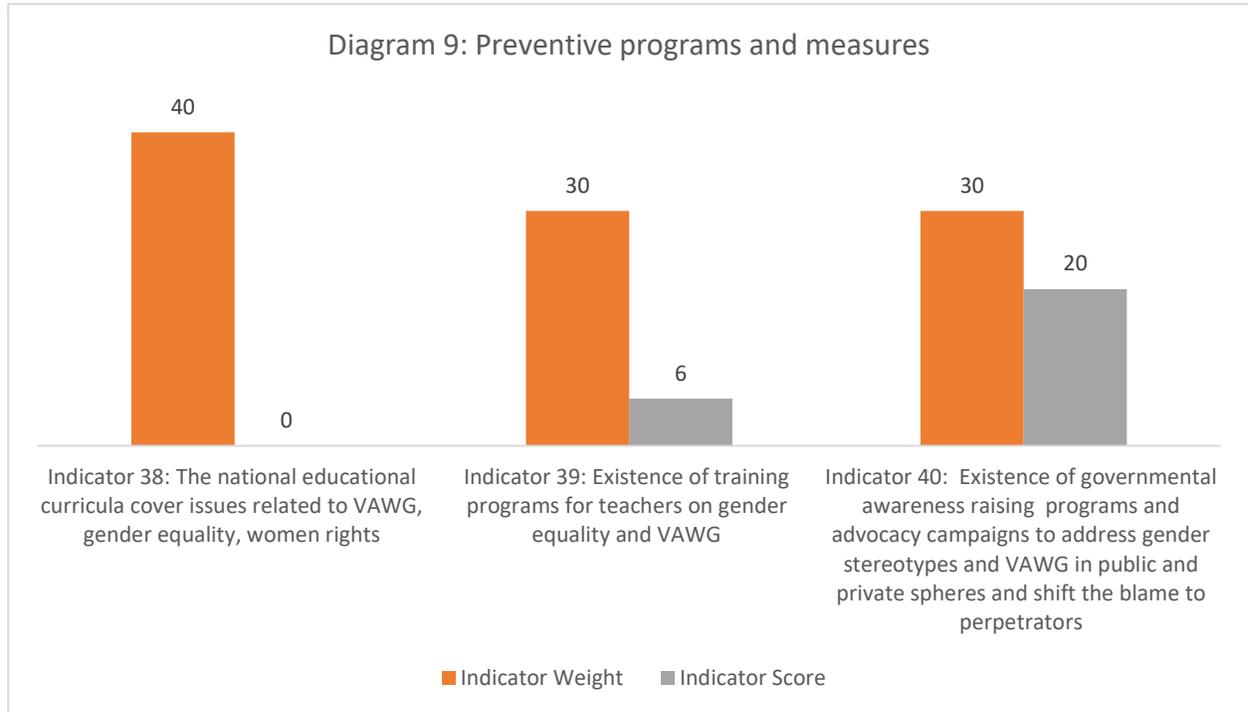
- Establish a national observatory for cases of VAWG.
- Develop statistic on VAWG that cover severity and frequency of VAWG.
- Update and disseminate statistics on VAWG periodically.
- Include the indicators of the Regional Index on VAWG in national surveys.

Preventive Programs and Measures

The preventive programs and measures category secured 26% as level of achievement. The category has 3 indicators and 11 sub-indicators. The category looks at preventive programs and measures, including whether specific training programs for teachers have been set up and whether curricula and handbooks for primary, secondary and university education have integrated issues related to VAWG. This category also looks at national awareness raising, and advocacy campaigns initiated by the governments to address VAWG.

The diagram below shows the weights and the scores achieved for the indicators under this category.

The national educational curricula do not include issues related to VAWG, gender equality, and women rights. In addition, there are no specific programs available for school teachers on gender equality and VAWG.



Indicator 40 scored 20 out of 30 points due to the existence of annual awareness campaigns conducted by MoSFWA.

Gaps:

- Absence of the concept of combating VAWG in educational curricula.
- Insufficient training programs for teachers on equality and VAWG.

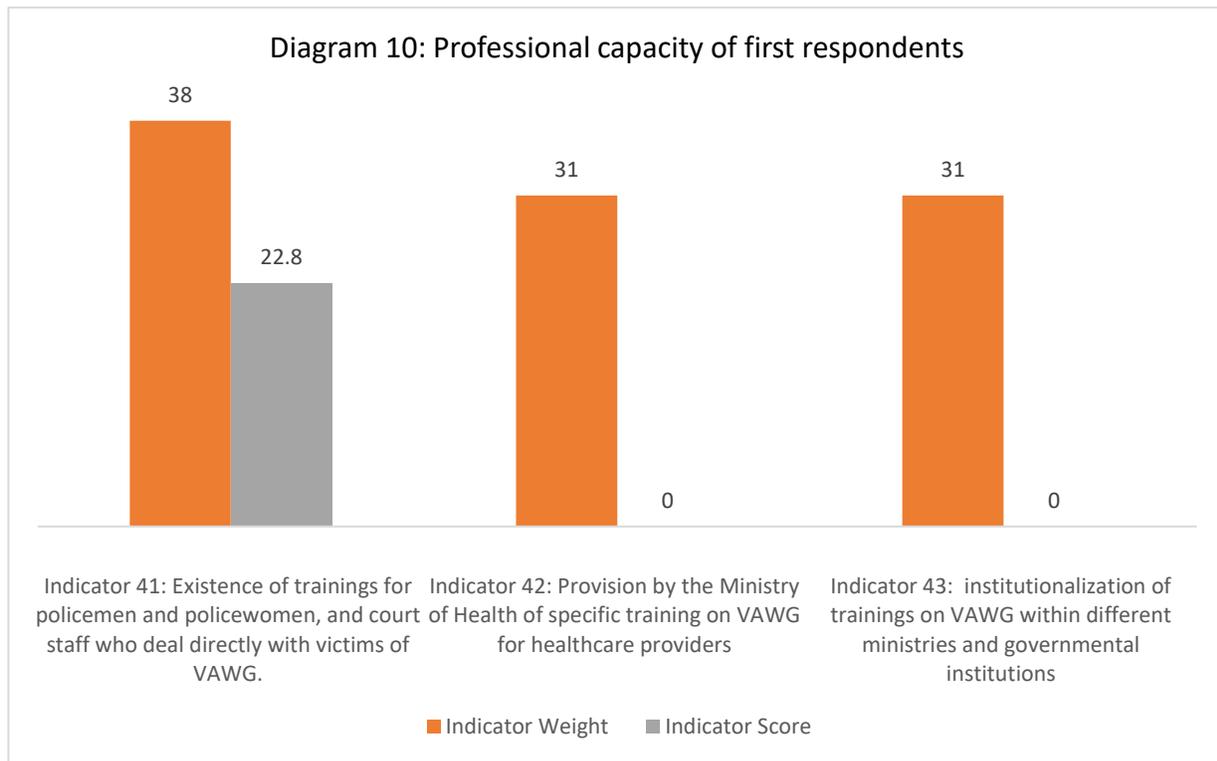
Recommendations:

- Modify educational curricula and incorporate the concept of combating VAWG.
- Expand training programs for teachers and employees in the education sector on combating VAWG.

Professional Capacity of First Respondents

The category of professional capacity of first respondents got 23% as level of achievement. The category has 3 indicators and 12 sub-indicators. It covers institutional trainings for policemen and policewomen and court staff who deal directly with victims of VAWG as well as the institutionalisation of these trainings.

The diagram below shows the weights and the scores achieved for the indicators under this category.



MoH do not provide regular trainings for health service providers, while trainings are provided intermittently to police sector. Still much trainings are needed for police officials to deal with cases of VAWG. Furthermore, these trainings do not cover all areas and are not totally in line with the international principles.

in terms of institutionalisation, there is no training program on VAWG institutionalised within the ministries and government's institutions. For this reason, indicator 43 got 0 score.

Gaps:

- Lack of institutionalised units within the police, justice, and healthcare sectors to train first respondents on VAWG.

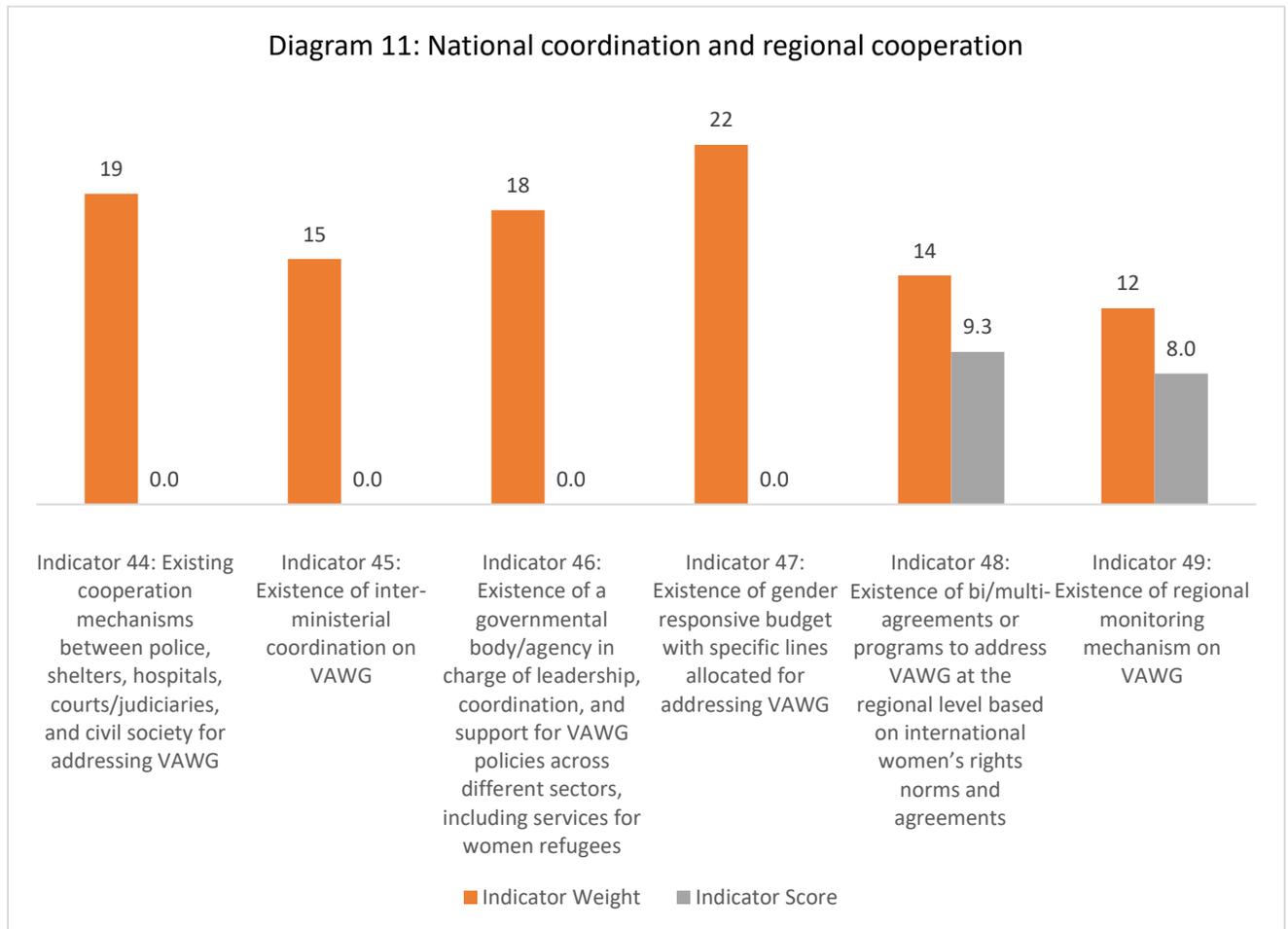
Recommendations:

- Institutionalise trainings for first respondents in the police, justice, and healthcare sectors. These trainings should include all concerned employees and cover all areas.

National Coordination and Regional Cooperation

The category of national coordination and regional cooperation got 17% as level of achievement. The category includes 4 indicators for cooperation mechanisms between police, shelters, hospitals, courts/judiciaries, ministries and civil society on national level, and 2 indicators for regional or international cooperation mechanisms, which have respectively 10 and 6 sub-indicators.

The diagram below shows the weight and the score achieved for the indicators under this category.





The Algerian government does not have a specific budget line dedicated for addressing VAWG.

There is coordination between different governmental actors working on VAWG. The cooperation is arranged by MoSFWA. However, there are no clear cooperation mechanisms.

Gaps:

- Lack of cooperation mechanisms and national referral system for women victims of VAWG.
- Lack of gender responsive budget with specific lines dedicated for combating VAWG.
- Limited cooperation in the region, including in the frame of Union for Mediterranean (UfM) Ministerial Declarations on Strengthening the Role of Women in Society.

Recommendations:

- Establish national referral system for developing coordination between the competent authorities, among ministries and associations.
- Adopt gender responsive budget with specific lines dedicated for combating VAWG.
- Enhance the regional cooperation in the frame of UfM Ministerial Declarations.