

COI Focus

ALGERIA Forced Marriage

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All the sources used are briefly mentioned in a footnote and described in detail in a bibliography at the end of the document. Sources which have been consulted but which were not used are listed as consulted sources. In exceptional cases, sources are not mentioned by name. When specific information from this document is used, the user is asked to quote the source mentioned in the bibliography.

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List of abbreviations

- CIDDEF : Centre d'information et de documentation sur les droits de l'enfant et de la femme
[Information and Documentation Centre on Children's and Women's Rights]
- CNPPDH : Commission nationale de promotion et de protection des droits de l'homme
[National Commission for the Promotion and Protection of Human Rights]
- CNRS : Centre national de la recherche scientifique
[National Centre for Scientific Research]
- CREAD : Centre de recherche en économie appliquée pour le développement
[Centre for Applied Economic Research in Development]
- DSJ : Direction de la sécurité et de la justice
[Security and Justice Directorate]
- FARD : Femmes algériennes revendiquant leurs droits
[Algerian Women Claiming their Rights]
- GAMS : Groupe pour l'abolition des mutilations sexuelles féminines, des mariages forcés et autres pratiques traditionnelles néfastes à la santé des femmes et des enfants
[Group for the Abolition of Feminine Sexual Mutilation, Forced Marriage and Other Traditional Practices Harmful to Women's and Children's Health]
- UNESCO : United Nations Organisation for Education, Science and Culture
- UNFPA : United Nations Population Fund
- USDOS : United States Department of State

Introduction

The practice of forced marriage in Algeria is not attracting much attention from human rights observers, even though it continues to this day. This document provides an overview of the main aspects of the subject. Research was carried out from 8 April to 13 June 2016 and covers the period from 2010 until June 2016.

Information for this report comes mainly from the Algerian and international press on-line, public reports by different international agencies and non-governmental organisations (NGOs), and lectures presented and contacts made at a seminar on child marriage in Algiers on 16 May 2016. Cedoca attended this seminar, which took place on 16 May 2016 and was organised by the Centre d'information et de documentation sur les droits de l'enfant et de la femme (CIDDEF)¹, an information centre recommended to Cedoca by several academic and diplomatic contacts for its independence and reliability. A whole issue of CIDDEF quarterly, available on the internet, is dedicated to this seminar².

In the first part, some definitions of forced marriage will be presented, with the absence of consent or of the meeting of wills as a central element. The second part discusses different types and traits of forced marriage in Algeria. The legal framework will be analysed in the third part, and comments from analysts will also be included. The fourth part presents some figures regarding the prevalence of early marriage, as found in the latest Multiple Indicators Cluster Survey in Algeria. The fifth part stresses the influence of religion and of the interpretation of sacred texts. Regarding the legal framework, we examine in the sixth part whether there are any legal provisions that can be used to avoid forced marriage. The seventh part presents some government or civil society initiatives to help victims of forced marriage. Finally, the possibilities for a single woman to find housing and an income will be examined in the eighth part of this report.

Cedoca interviewed the following persons for this study:

- Nadia Ait-Zai, lawyer and president of the Centre d'information et de documentation sur les droits de l'enfant et de la femme (CIDDEF) ;
- Fatiha Baghdadi, lawyer and member of the Algerian Commission nationale de promotion et de protection des droits de l'homme (CNPPDH) for the Eastern part of the country, who answered in her capacity as a lawyer (to preserve her commitment and her obligation of discretion as a member of the CNPPDH);
- Mériem Bélaala, president of SOS Femmes en détresse, an association providing help to women in need;
- Fatma Boufenik, lecturer at the University of Oran and founder of the women's rights association Femmes algériennes revendiquant leurs droits (FARD);
- Ounissa Daoudi Stiti, lecturer at the law and political science faculty of the University of Tizi-Ouzou;
- Dalila Iamarene Djerbaldu, sociologist, feminist and member of the Wassila network;
- Cherifa Kheddar, president of the Association Djazairouna des familles victimes du terrorisme and spokesperson of the Observatoire de la violence contre les femmes ;

¹ CIDEFF [site web], s.d., [url](#)

² CIDDEF, 2016, [url](#)

- Fatima-Zohra Sebaa-Delladj, psychologist, lecturer at Oran 2 University, president of the Conseil national famille-femme³ and Special Rapporteur on child marriage for the African Union.

³ The *Conseil national famille-femme* is an advisory body under the Ministry of National Solidarity, Family Affairs and the Status of Women, created in November 2006 to “make proposals on issues related to families and women” (Ministère de la Solidarité nationale, de la Famille et de la Condition de la femme, 03/2014, [url](#))

1. Definitions

Some attempts at defining forced marriage are presented below. They come from official bodies, international organisations and NGOs involved with this issue.

According to a study from 2005 on forced marriage in the member states of the Council of Europe, published in CIDDEF's quarterly and authored by Edwige Rude-Antoine, Doctor in Law and Research Director at France's National Centre for Scientific Research (CNRS):

"The term 'forced marriage' covers various notions: servile marriage, arranged marriage, traditional marriage, customary marriage, marriage of convenience, child marriage, early marriage, fictitious marriage, bogus marriage, ostensible marriage, fraudulent marriage, fake marriage, putative marriage, nationality marriage, undesired marriage, all of which refer to the issue of consent. As these multiple aspects play a part between the promise of marriage and the wedding celebrations, they can interfere and overlap, so that a precise definition of 'forced marriage' is difficult to give."⁴

In her study, Edwige Rude-Antoine also explains that "the will expressed when a marriage is being concluded does not only consist of the words spoken at that moment but depends also on all the circumstances leading to and otherwise related to the explicit statement of consent". She adds that "fear or apprehension may neutralise any wish to resist, which does not mean that there is genuine consent" and that "it is not always possible to present evidence of moral pressure which puts a person in a state of vulnerability and renders them unable to oppose marriage".⁵

According to the UN General Secretary, in a study from 2006 on violence against women:

"A forced marriage is a marriage that lacks the free and valid consent of at least one of the parties involved. In its most severe form, forced marriage may involve threatening behaviour, abduction, imprisonment, physical violence, rape and, in some cases, murder."⁶

According to the British government, in an information document of 2013 on forced marriage for professionals supporting victims:

"A forced marriage is where one or both people do not (or in cases of people with learning or physical disabilities, cannot) consent to the marriage and pressure or abuse is used. [...] The pressure put on people to marry against their will can be physical (including threats, actual physical violence and sexual violence) or emotional and psychological (for example, when someone is made to feel like they're bringing shame on their family). Financial abuse (taking your wages or not giving you any money) can also be a factor."⁷

The Swiss Federal Council stated in a report of 2005 on the suppression of forced or arranged marriages that:

"According to the dominant theory, a forced marriage is contracted against the free will of at least one of the partners. Pressures can be exerted in various ways on the forced partner, e.g. threats, emotional blackmail and other humiliating or inhibiting acts. In the most extreme cases, forced marriage may involve physical, sexual or psychological violence, abduction, imprisonment, or even murder. An arranged marriage is a marriage initiated by a third party but entered into with the free consent of both parties."⁸

⁴ CIDDEF (Rude-Antoine E.), 03/2006

⁵ CIDDEF (Rude-Antoine E.), 03/2006

⁶ Secrétariat général des Nations unies, 02/07/2006, [url](#)

⁷ Foreign and Commonwealth Office and Home Office, 18/02/2013, [url](#)

⁸ Conseil fédéral suisse, 2005, [url](#)

In Switzerland, the Canton of Fribourg's Directorate for Security and Justice (DSJ), which is responsible for the control and integration of migrants, published a report in 2010 on forced and arranged marriages in the canton. According to this source:

"In the public debate as well as among experts, there is a tendency to lump together forced marriage and arranged marriage, from the idea that any external influence on the future husband and wife infringes on their freedom of choice or that the decisive criterion is the subjective experience of the person concerned regarding any pressure she may undergo from her social environment. In this case, marriage does not result from a free dialogue between partners.

However, when legal provisions on this matter are examined more closely, the difference appears clearly: a forced marriage contains an element of constraint whereas an arranged marriage does not. A forced marriage is contracted without the free consent of at least one of the parties. The determining factor to decide whether there is an element of constraint is the subjective experience of the person under pressure. This pressure may take the form of emotional blackmail or the demand to conform to traditional family values.

It is important to note that even if this distinction is much more subtle in practice than it appears in theory, because pressure on the future husband and wife, including in some cases emotional blackmail, can be so strong that even if they are supposed to have the last word in the decision whether to marry or not, they do not really have a choice."⁹

The DSJ also provides a definition taken from a British organization which raises awareness on forced marriage. In order to distinguish between forced and arranged marriage, a series of concrete situations have been outlined, numbered 1 to 8. On this spectrum, which is detailed below, arranged marriage corresponds to situation 4 and forced marriage to situation 8.

- "1) Parents start to think about their child getting married.
- 2) Parents begin to talk about their child's marriage, perhaps suggesting or looking for potential partners.
- 3) The topic of marriage is freely discussed, resulting in a mutual acceptance or rejection of ideas or options.
- 4) An agreement to marry is made. Whilst the families of those who are marrying are involved in the process, the final decision lies with those who are to be married. Arranged marriage takes place.
- 5) Marriage is discussed, but with no mutual acceptance or rejection of ideas.
- 6) There is pressure to marry, which may take the form of emotional blackmail or appeals to conform to traditional family roles and values.
- 7) Demands to accept a marriage proposal are accompanied by physical, mental and/or emotional pressure and violence.
- 8) The people concerned are manoeuvred into going through the marriage ceremony against their will. Forced marriage takes place."¹⁰

A French women's rights organisation, the Groupe de femmes pour l'abolition des mutilations sexuelles, des mariages forcés et autres pratiques traditionnelles néfastes à la santé des femmes et des enfants (GAMS), gives the following definition of forced marriage:

⁹ DSJ, 2010, [url](#)

¹⁰ DSJ, 2010, [url](#)

“Consent, or rather the lack of consent, i.e. the use of constraint, is a fundamental concept in the problem of forced marriage. That’s why the National Gams Federation, following other institutions and associations denouncing this form of violence against women and teenage girls, considers as forced marriage any marriage, civil, religious or traditional, organised by family members and in which one of the spouses (sometimes both) has been subjected to pressure and/or violence.

In other words, forced marriage concerns boys as well as girls, even though for the latter, its possible effects, such as rape, are gender-specific and for the former, negotiation is often more easy.”¹¹

2. The Algerian Context

During the CIDDEF seminar, Zoubir Adous, sociologist and researcher at the Centre de recherche en économie appliquée pour le développement (CREAD), described some trends in the Maghreb countries concerning forced marriage. According to him, economic, social or political crises cause an increase in forced marriage. This issue is fundamentally related to the status of women and their traditional role as wife and mother. A woman bears the family’s honour and the family will try to get rid of a woman who is not married, sometimes on the basis of a wrong interpretation of religious texts.¹²

In a report from 2013, Balsam, Algeria’s national network of consultation centres on violence against women, writes that 60 cases of attempted forced marriage and 42 cases of forced marriage had been reported between 2008 and 2013.¹³

According to the same source, other women testified about arranged marriages “to which young women only consent because of family pressure, which can be especially strong on young women who stopped school early or women who are getting older.”¹⁴

In an interview with the daily paper *Jeune indépendant*, Jamila Aït Abbas, who published an autobiography on the subject in 2003, explained that there are three kinds of forced marriages in Algeria:

- “Forced marriage in which the bride is taken from the host country to the country of origin,
- Forced marriage in which the marriage is celebrated in the country, with all the decisions taken for the bride,
- Cases in which the girl says yes, which are the most difficult because these girls endure emotional pressure from the entire family.”¹⁵

Mériem Bélaala (Association Femmes en détresse), was asked by Cedoca at the CIDDEF seminar if a woman has the possibility to refuse a marriage strongly desired by her parents. She answered that she can resist family pressure only for a limited period of time. She also mentioned that it is impossible for a single woman to find rented accommodation.¹⁶

Mourad Kezzar, a journalist with the daily paper *Liberté* who investigated the issue of forced marriage in December 2014,¹⁷ distinguishes four types of forced marriages, which he presented at

¹¹ GAMS, s.d., [url](#)

¹² Arous Z., researcher at CREAD [Unpublished lecture transcribed by Cedoca], 16/05/2016

¹³ Réseau national des centres d’écoute sur les violences contre les femmes, 12/2013, [url](#)

¹⁴ Réseau national des centres d’écoute sur les violences contre les femmes, 12/2013, [url](#)

¹⁵ CIDDEF (Rude-Antoine E.), 03/2006

¹⁶ Bélaala M., president of SOS Femmes en détresse, interview, Algiers, 16/05/2016

¹⁷ *Liberté* (Kezzar M.), 12/2014, [url](#)

the CIDDEF seminar. The first occurs when the young woman becomes pregnant due to a lack of sexual education. He calls this a "reparation marriage". The second type is the "marriage of security", when families exercise pressure on their offspring because they fear celibacy for them. The third type are "economic marriages", for instance the marriage of minors in the Constantine shantytowns because subsidised housing was going to be allotted to families, which encouraged weddings in order to gain eligibility. The fourth type is marriages within certain professional groups ("corporations" in Kezzar's own words) and families. For some parents, to "give their girl" in marriage, even when she is still a minor, to a man of the same or a higher social status is a guarantee to maintaining or raising their own status. Mourad Kezzar calls this a "confirmation marriage".¹⁸

In these four cases, Mourad Kezzar notes that "marriage as the result of the conscious wish of two persons to realise their own social status and to live together in harmony is absent".¹⁹

Other special cases of forced marriage have also been observed in the Algerian context.

According to a member of an LGBTI organisation interviewed on 1 October 2015 in Algiers by a staff member of the British embassy, there are many forced marriages affecting the LGBTI community. Lesbians are primarily affected.²⁰ In November 2013, the Immigration and Refugee Board of Canada also collected testimonies pointing in a similar direction.²¹

After her conversion to Catholicism, an Algerian woman declared on the website of Open Doors, a British charity serving "persecuted Christians" that parents sometimes force their Christian daughter to marry a Muslim man.²²

In the lecture she gave at the CIDDEF seminar, Mériem Bélaala (SOS Femmes en détresse) explained that her association has dealt with eight cases of adolescent girls who were victims of forced marriage since 2013. She is aware that there are other cases but does not know more about them. These eight cases often share similar traits: the family head is either widowed or divorced and the young girl no longer goes to school, even if she had excellent results. She represents a risk for her family, who fears she will be associating with boys or will get pregnant. Bélaala insisted that this risk is a very strong factor.²³

Among those eight cases, six had to do with girls who possessed dual citizenship. Dual citizenship is an interesting asset for the future husband and increases the negotiation capacity of the girl's family. In this case, according to Bélaala, the girl is subjected to moral and physical violence (confinement or beatings) and her relatives, especially male relatives, may use different ploys to trick her into marriage. Their mother is also under pressure to accept the family's matrimonial plans for her daughter and her ID documents are sometimes confiscated because there is no law forbidding confiscation of documents between spouses. Only two of these cases could be solved when the girl reached the age of 18 and was able to contact her consulate.²⁴

According to the *El Watan* newspaper, a 17-year old committed suicide in October 2014 in protest as she was going to be married against her will.²⁵ Similar cases have come to the notice of the Immigration and Refugee Board of Canada between 2011 and 2013.²⁶

¹⁸ Kezzar M., journalist with the daily paper *Liberté*, [unpublished lecture transcribed by Cedoca], 16/05/2016

¹⁹ Kezzar M., journalist with the daily paper *Liberté*, [unpublished lecture transcribed by Cedoca], 16/05/2016

²⁰ Home Office, 02/2016, [url](#)

²¹ Commission de l'immigration et du statut de réfugiés au Canada, 29/11/2013, [url](#)

²² Open Doors, 22/01/2015, [url](#)

²³ Bélaala M., president of SOS Femmes en détresse, interview, Algiers, 16/05/2016

²⁴ Bélaala M., president of SOS Femmes en détresse [unpublished lecture transcribed by Cedoca], 16/05/2016

²⁵ *El Watan* (Amellal F.), 03/10/2014, [url](#)

²⁶ Commission de l'immigration et du statut de réfugiés au Canada, 29/11/2013, [url](#)

According to the February 2014 report of the US Department of State (USDOS) on the human rights situation in Algeria, a man was arrested on 5 June 2013 after killing his niece who had eloped with her boyfriend to avoid being married by force. Her uncle wanted to avenge the family honour.²⁷

3. Legal Framework

3.1. International law

3.1.1. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

Algeria has neither signed nor ratified the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, which entered into force in December 1964.²⁸

3.1.2. Convention on the Elimination of All Forms of Discrimination against Women

In 1996, Algeria ratified, with a number of reservations, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).²⁹

One of the reservations concerned the convention's provisions on marriage, more specifically article 16, which aims to eliminate "discrimination against women in all matters relating to marriage and family relations [...]":

"The Government of the People's Democratic Republic of Algeria declares that the provisions of article 16 concerning equal rights for men and women in all matters relating to marriage, both during marriage and at its dissolution, should not contradict the provisions of the Algerian Family Code."³⁰

The Committee on the Elimination of Discrimination against Women considers this reservation to be incompatible with the object and purpose of the Convention.³¹

3.1.3. African Charter on Human and Peoples' Rights

As most other countries of the African Union, Algeria signed (1986) and ratified (1987) the African Charter on Human and Peoples' Rights.³² Article 18 states that:

"The State shall ensure the elimination of all discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions."³³

²⁷ USDOS, 27/02/2014, [url](#)

²⁸ Collection des traités des Nations unies, s.d., [url](#)

²⁹ Collection des traités des Nations unies, 22/04/2016, [url](#) ; Haut-Commissariat des droits de l'homme des Nations unies, s.d., [url](#)

³⁰ Collection des traités des Nations unies, 22/04/2016, [url](#)

³¹ Comité pour l'élimination de la discrimination à l'égard des femmes, 23/03/2012, [url](#)

³² Commission africaine des droits de l'homme et des peuples, s.d., [url](#)

³³ Commission africaine des droits de l'homme et des peuples, 1981, [url](#)

3.1.4. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was signed by Algeria in 2003 but has not yet been ratified. 14 other AU member states have signed but not ratified this protocol, whereas 36 have both signed and ratified it and 3 have neither signed nor ratified it.³⁴ Article 6 of the protocol enjoins signatory states to enact appropriate national legislative measures to guarantee that no marriage shall take place without the free and full consent of both parties.³⁵

3.1.5. Other African Union Charters

The African Charter on the Rights and Welfare of the Child was adopted in July 1990. As its name suggests, this charter aims at protecting and promoting children's rights in Africa, especially the rights of girls. Article 21 of the charter prohibits child marriage and the betrothal of girls and boys and enjoins signatory states to take effective action to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.³⁶ Algeria signed this charter in 1999 and ratified it in 2003.³⁷

The African Youth Charter is another instrument through which the African Union encourages member states to implement policies promoting and protecting children's and youths' rights.³⁸ For the Youth Charter to come into force, AU member states have to ratify it and insert its provisions in their domestic legal framework. Algeria has not yet ratified it.³⁹

Finally, in April 2015, the African Union, through its heads of state and government, drafted a common declaration on the campaign to end child marriage in Africa, proposing 17 measures for concrete commitments to be taken against child marriage.⁴⁰

3.1.6. Implementation of International Commitments

Asked by Cedoca for information on the possibilities for women at risk of being forcibly married to seek protection, Fatiha Baghdad, lawyer and member of the Algerian Commission nationale de promotion et de protection des droits de l'homme (CNPPDH) for the Eastern part of the country, answered in an e-mail of 2 June 2016 that "Algerian lawmakers abide by the international commitments imposed by the international conventions to which Algeria is a signatory, despite reservations of some sectors of Algerian society, who are attached to their own social and religious customs and traditions."⁴¹

Other sources, for instance the United Nations Organisation for Education, Science, and Culture (UNESCO), emphasise that despite the fact that there is a genuine and constantly reaffirmed political will, "it is very difficult to translate into concrete actions the content of [international] instruments protecting women's rights."⁴²

³⁴ Commission africaine des droits de l'homme et des peuples, s.d., [url](#)

³⁵ Commission africaine des droits de l'homme et des peuples, 11/07/2003, [url](#)

³⁶ Commission africaine des droits de l'homme et des peuples, 07/1990, [url](#)

³⁷ Commission africaine des droits de l'homme et des peuples, s.d., [url](#)

³⁸ Union africaine, 02/07/2006, [url](#)

³⁹ Union africaine, 07/06/2016, [url](#)

⁴⁰ Union africaine, 04/2016, [url](#)

⁴¹ Baghdadi F., lawyer and member of the CNPPDH for the Eastern part of Algeria, e-mail, 02/06/2016

⁴² United Nations Organization for Education, Science and Culture (UNESCO), 2010, [url](#)

3.2 Domestic law

3.2.1. Constitution

The Algerian constitution grants equal social and political rights to women and men (articles 32 and 34).⁴³

3.2.2. Family Code

The 1984 Family Code⁴⁴ was amended in 2005 “in order to disconnect it from the most rigid interpretations of Islamic law” according to the French *La Croix* newspaper⁴⁵. These amendments fix the age of marriage at 19 for both men and women, require the bride’s consent for the establishment of a marriage contract and eliminate the possibility of marriage by proxy⁴⁶.

3.2.2.1. Minimum Age

Formerly, the minimum age to enter into marriage was 21 for men and 18 for women. Article 7 of the Family Code fixes this minimum age at 19 for both men and women.⁴⁷ The age of legal majority is also 19 in Algeria.⁴⁸

However, according to this same article 7, “the judge can still grant special permission for people under the age limit for reasons of interest or in case of necessity, when both spouses’ aptitude for marriage has been established ».⁴⁹

In her lecture at the CIDDEF seminar, Nadia Ait-Zai, lawyer and CIDDEF’s president, pointed out that the legislator failed to give more specific details about cases falling under this article. According to case law, the term “reasons of interest” refers to pregnancy. As for “cases of necessity”, according to several judicial decisions analysed by her, this notion refers to traditional marriages of spouses younger than 19.⁵⁰

Nadia Ait-Zai also analysed several court rulings granting permission to wed persons younger than 19 and noticed that the judges referred to articles 3 and 7 but never to article 13, which requires the consent of the minor and prohibits the *wali* (legal guardian), which can be her father or another person, to force the minor under his guardianship to marry against her will.⁵¹

At the CIDDEF seminar in May 2016, Ounissa Daoudi Stiti (University of Tizi-Ouzou) explained that the aim of article 7 is to “guarantee the protection of minor girls and to prevent forced or arranged marriages”.⁵²

Article 7 also requires “both spouses to be apt for marriage”. Nadia Ait-Zai cannot say whether this refers to sexual aptitude or to the aptitude to create a family and to take on family responsibilities,

⁴³ *Loi n°16-01 du 26 Jomada El Oula 1437 correspondant au 6 mars 2016 portant révision constitutionnelle*, 07/03/2016, [url](#)

⁴⁴ From Algeria’s independence 1962 to 1984, family disputes fell under the Civil Status Code and the Civil Code.

⁴⁵ *La Croix* (Kadi A.), 25/03/2015, [url](#)

⁴⁶ *Ministère de la Solidarité nationale, de la famille et de la condition de la femme*, 2014, [url](#)

⁴⁷ *Loi n°84-11 du 09 juin 1984 portant code de la famille, modifiée et complétée*, 27/02/2005, [url](#)

⁴⁸ USDOS, 05/06/2015, [url](#)

⁴⁹ *Loi n°84-11 du 09 juin 1984 portant code de la famille, modifiée et complétée*, 27/02/2005, [url](#)

⁵⁰ Ait-Zai N., president of CIDDEF [unpublished lecture transcribed by Cedoca], 16/05/2016

⁵¹ Ait-Zai N., president of CIDDEF [unpublished lecture transcribed by Cedoca], 16/05/2016

⁵² Daoudi Stiti O., lecturer at the law and political science faculty of the University of Tizi-Ouzou [unpublished lecture transcribed by Cedoca], 16/05/2016

for instance. Moreover, the law does not fix a minimum age for the judge's special permission. The rulings analysed by Ait-Zai show that permission was granted to minors aged 14 to 18.⁵³

The CIDDEF asked several municipal offices in Algiers to communicate the number of special permissions granted between 2010 and 2016 for the marriage of minors. By way of example, the Hussein Dey town council issued 14 such rulings, the Saloula town council 9, the Baba Hassen town council 23 and the Mahelma town council 25.⁵⁴

Ounissa Daoudi Stiti (University of Tizi-Ouzou) stressed that only a judge can grant such special permission, upon a request from the legal representative of the minor to the president of the court, who then auditions the minor and checks the validity of the reasons for marrying. Daoudi Stiti added that the judge also has to make sure that both parties have the will to engage durably into matrimony and not only in answer to an emergency or to a temporary situation. The judge has also to ask for a medical expert opinion before deciding on the matter by way of a ruling that is not subject to appeal.⁵⁵

During the discussions at the CIDDEF seminar, Fatima-Zohra Sebaa-Delladj (Oran University, African Union and Conseil national famille-femme) pointed out that even though the minor girl is formally asked by the judge if she consents to marry, in practice we see that the girl will not dare to say no in front of a figure of authority such as the judge and in the presence of several male family members.⁵⁶

Zoubir Arous (CREAD) noted at the CIDDEF Seminar that judges sometimes grant special permission without meeting the future bride. They do not act in the interest of the minor but in the interest of her family.⁵⁷

Also at the CIDDEF seminar, the journalist Mourad Kezzar explained that many child marriages are only officially declared once the spouses have reached their majority.⁵⁸

3.2.2.2. Consent

Articles 9, 10, 13 and 33 of the Family Code insist on prior consent to marriage, which is therefore a constitutive element of a legally valid marriage. A marriage denounced before a judge as forced shall be annulled because one of the elements for entering into matrimony is vitiated (article 33).⁵⁹

Nadia Ait-Zai added at the CIDDEF seminar that the Supreme Court has already annulled several marriages because of a lack of consent. In this case, annulment is a civil sanction and not a penal one.⁶⁰

In a report to the African Human Rights Commission, the Algerian government stated for its part that forced marriage is no longer possible in Algeria, as marriage is now a consensual contract which both spouses have to consent to and marriage by proxy has been totally eliminated.⁶¹

⁵³ Ait-Zai N., president of CIDDEF [unpublished lecture transcribed by Cedoca], 16/05/2016

⁵⁴ Ait-Zai N., president of CIDDEF [unpublished lecture transcribed by Cedoca], 16/05/2016

⁵⁵ Daoudi Stiti O., lecturer at the law and political science faculty of the University of Tizi-Ouzou [unpublished lecture transcribed by Cedoca], 16/05/2016

⁵⁶ Sebaa-Delladj F.-Z., psychologist, lecturer at Oran 2 University, president of the *Conseil national famille-femme* and Special Rapporteur on child marriage for the African Union [unpublished lecture transcribed by Cedoca], 16/05/2016

⁵⁷ Arous Z., researcher at CREAD [unpublished lecture transcribed by Cedoca], 16/05/2016

⁵⁸ Kezzar M., journalist with the *Liberté* newspaper [unpublished lecture transcribed by Cedoca] 16/05/2016

⁵⁹ *Loi n°84-11 du 09 juin 1984 portant code de la famille, modifiée et complétée*, 27/02/2005, [url](#)

⁶⁰ Ait-Zai N., president of the *Centre d'information et de documentation sur les droits de l'enfant et de la femme* (Ciddef) [unpublished lecture transcribed by Cedoca], Algeria, 16/05/2016

⁶¹ République algérienne démocratique et populaire, 2014, [url](#)

3.2.2.3 The role of the legal guardian

Fathers have no longer the right of *jabr*, i.e. the right to force their daughter into matrimony.⁶² The 2005 amendments to the Family Code also forbid the *wali* (legal guardian, either the father or another close relative) to force into marriage the minor under his guardianship (article 13). These amendments also prevent marriage by proxy.⁶³

However, even an adult woman has to marry in the presence of her *wali*, i.e. her father or a close relative or another person of her choosing. The marriage of a minor is contracted through the *wali*. If the bride has no *wali*, the judge shall act as her *wali* (article 11).⁶⁴

According to a UNESCO report from 2010 about family law in the Maghreb countries, the amended Algerian Family Code “maintains the presence of the woman’s guardian in the event of her marriage, even as it introduces a false possibility for the woman concerned to choose her guardian.”⁶⁵

According to the CIDDEF these amendments reduce the role of the guardian “to that of a mere third witness” although the guardian’s mandatory presence still reduces the legal capacity of women.⁶⁶

On the other hand, the Committee on the Elimination of Discrimination against Women expressed its concern that “the discriminatory provisions in the Family Code will continue to apply, bearing witness to the legal inferiority of women in several domains.” The committee notes in particular “the obligation for women who want to enter into marriage to have a guardian [*wali*]”.⁶⁷

Soumia Salhi, former head of the Women’s Committee of the Union générale des travailleurs algériens (UGTA), a trade union close to the government, and the Association pour l’émancipation de la femme (AEF), pointed out in an interview with La Croix in March 2015 that in some regions, women are still required to marry in the presence of their father.⁶⁸

3.2.2.4. Divorce

Article 48 of the Family Code states that “divorce is effected at the behest of the husband, by mutual consent of both spouses or at the request of the wife within the limits set forth in articles 53 and 54”.⁶⁹

Article 53 of the Family Code defines several cases in which a wife can ask for a divorce, such as “a disability preventing the accomplishment of the purpose of marriage” and “the husband’s absence for more than one year without valid excuse and without payment of any spousal support.” Article 54 sets forth the legal conditions for a wife to end her marriage, for which she will have to pay a financial compensation.⁷⁰

3.2.2.5. Some comments

Rashida Manjoo, UN Special Rapporteur on Violence against Women, reported in a report in May 2011, after a mission to Algeria that:

“The challenges in terms of interpreting and implementing the 2005 amendments regarding marriage, polygamy and divorce remain a source of grave concern. These provisions are often

⁶² Ait-Zai N., president of the *Centre d’information et de documentation sur les droits de l’enfant et de la femme* (Ciddef), e-mail, 01/05/2016

⁶³ Comité pour l’élimination de la discrimination à l’égard des femmes, 23/03/2012, [url](#)

⁶⁴ République algérienne démocratique et populaire, 2007, [url](#)

⁶⁵ United Nations Organization for Education, Science and Culture (UNESCO), 2010, [url](#)

⁶⁶ Centre d’information et de documentation sur les droits de l’enfant et de la femme (Ciddef), 2012, [url](#)

⁶⁷ Comité pour l’élimination de la discrimination à l’égard des femmes, 23/03/2012, [url](#)

⁶⁸ La Croix (Kadi A.), 25/03/2015, [url](#)

⁶⁹ *Loi n°84-11 du 09 juin 1984 portant code de la famille, modifiée et complétée*, 27/02/2005, [url](#)

⁷⁰ *Loi n°84-11 du 09 juin 1984 portant code de la famille, modifiée et complétée*, 27/02/2005, [url](#)

interpreted and applied in a way that disregards or contradicts the spirit of the law, leading to still more discrimination and injustice.”⁷¹

The aforementioned UNESCO report, published in 2010, notes a certain discrepancy as to the legal status of women in Algeria:

“At the constitutional level, in the matter of civil and political rights, gender equality is guaranteed: the principle is enounced that women are full citizens [...]. As for their personal status, which falls under the Family Code, which, it is important to note, is the only legal construct referring to the sharia, the position and the role of women are still constrained because mentalities only change very slowly. The revision of the Family Code, resulting from pressures from women’s associations and from the government’s strong commitment to introduce elements of non-discrimination and gender equality in a gradual but irreversible process as far as personal status is concerned, and also the very nature of the proposed amendments, can without doubt bring about the lifting of the reservations relating to provisions of the CEDAW.”⁷²

Other institutions, such as the Euro-Mediterranean Human Rights Network, have condemned the discrimination against women resulting from the Algerian Family Code with regard to marriage.⁷³

In March 2015, on the occasion of International Women’s Day, president Bouteflika announced that he wanted to change the Family Code. According to the French La Croix newspaper, a majority of women’s associations are demanding the abrogation of the current Family Code, which they consider strongly influenced by Islamic law. This opinion is also shared by some political parties, such as the Rassemblement pour la culture et la démocratie (RCD)⁷⁴, the Front des forces socialistes (FFS) and the Parti des travailleurs (PT).⁷⁵ On the same occasion, president Bouteflika also called for a reassessment of the reservations expressed by Algeria on some articles of the Convention on the Elimination of all Forms of Discrimination against Women (see 3.1.2).⁷⁶

3.2.3. Penal Code

Article 326 of the Algerian Penal Code reads:

“When a minor abducted or corrupted in this manner has wed her abductor, the abductor can only be prosecuted following a complaint by the persons who have authority to ask for the marriage to be annulled and can only be sentenced after the marriage has been officially annulled.”⁷⁷

Under this article, the perpetrator of a rape can avoid prosecution if he marries his victim, who is therefore at risk to be forcibly married, according to Amnesty International (AI).⁷⁸

In her lecture at the CIDDEF seminar, Ounissa Daoudi Stiti (University of Tizi-Ouzou) explained that this provision legalises rape, although no explicit reference is made to the legal notion of rape or sexual aggression, and punishes the minor victim of sexual violence in forcing her to marry her

⁷¹ Assemblée générale des droits de l’homme, 19/05/2011, [url](#)

⁷² UNESCO, 2010, [url](#)

⁷³ EuroMed Droits, 02/02/2016, [url](#)

⁷⁴ La Croix (Kadi A.), 25/03/2015, [url](#)

⁷⁵ Jeune Afrique (Hamma S.), 09/03/2015, [url](#)

⁷⁶ APS, 08/03/2015, [url](#)

⁷⁷ Code pénal - Algérie, [url](#)

⁷⁸ AI, 25/11/2014, [url](#)

aggressor instead of protecting her and bringing the perpetrator before the courts. Daoudi Stiti concluded that this is tantamount to forced marriage.⁷⁹

According to Nadia Ait-Zai (president of CIDDEF), who commented article 326 at the CIDDEF seminar of 16 May 2016, this article is often used to protect family honour. It enables the family to find a husband for their daughter, in spite of what she went through. Pressure to apply this article sometimes comes from the parents or the judge..⁸⁰

4. Early marriage

Although early marriage is a subset of forced marriage, both are sometimes grouped in the same category, as in Canada which uses the category of "child, early and forced marriage".⁸¹ However, early marriage is the only kind of forced marriage on which Cedoca could find statistical data.

Referring to data from the general population and housing census as well as from multiple indicator cluster surveys, Marie-France Grangaud (consultant with the CIDDEF) has noticed that after Algeria's independence, the average marriage age rapidly increased in rural and urban areas, from 20 years in 1977 to 29 in 2008.⁸²

However marriages, especially of minor girls, are not always registered. According to Grangaud, the increase in the average marriage age masks important disparities between regions and social groups.⁸³

The most recent multiple indicator cluster survey, MICS4, published in June 2015, was carried out in 2012-2013 by the Ministry of Health, Population and Hospital Reform and UNICEF, seven years after the minimum age for marriage was fixed at 19 for both partners. The results show that 3.1 % of women aged 15 to 19 are married. The survey also examined the median age at first marriage with regard to several sociodemographic characteristics such as region of residence, region of origin, education level and economic well-being.⁸⁴

4.1. Region of residence

The percentage of women who were married before the legal minimum age shows strong variation according to the region of residence (called "*espace de programmation territoriale*" in the MICS4⁸⁵, i.e. territorial planning area). This percentage is markedly higher in the North-West (the so-called "Oranie" region), in the central and western Hauts Plateaux and in the south. It is considerably lower in the east.⁸⁶

⁷⁹ Daoudi Stiti O., lecturer at the law and political science faculty of the University of Tizi-Ouzou [unpublished lecture transcribed by Cedoca], 16/05/2016

⁸⁰ Ait-Zai N., president of the CIDDEF [unpublished lecture transcribed by Cedoca], 16/05/2016

⁸¹ Gouvernement du Canada, 22/01/2016, [url](#)

⁸² Grangaud M.-F., consultant with the *Centre d'information et de documentation sur les droits de l'enfant et de la femme* (Ciddef) [unpublished lecture transcribed by Cedoca], 16/05/2016

⁸³ Grangaud M.-F., consultant with the *Centre d'information et de documentation sur les droits de l'enfant et de la femme* (Ciddef) [unpublished lecture transcribed by Cedoca], 16/05/2016

⁸⁴ Ministère de la Santé, de la Population et de la Réforme hospitalière, 2015, pp. 192-193 [url](#)

⁸⁵ Each *espace de programmation territoriale* includes several administrative divisions (wilayas).

⁸⁶ Ministère de la Santé, de la Population et de la Réforme hospitalière, 2015, pp. 192-193 [url](#)

<i>Espace de programmation territoriale</i>	Percentage
North Centre (Alger, Blida, Boumerdes, Tipaza, Bouira, Médéa, Tizi Ouzou, Béjaïa, Chlef and Ain Defla)	2.3
North-East (Annaba, Constantine, Skikda, Jijel, Mila, Souk Ahras, El Tarf and Guelma)	0.5
North-West (Oran, Tlemcen, Mostaganem, Ain Témouchent, Relizane, Sidi Bel Abbès and Mascara)	5.0
Hauts Plateaux Centre (Djelfa, Laghouat and M'Sila)	4.5
Hauts Plateaux East (Sétif, Batna, Khenchela, Bordj Bou Arréridj, Oum El Bouaghi, Tébessa)	2.9
Hauts Plateaux West (Tiaret, Saida, Tissemsilt, Naâma, El Bayadh)	4.4
South (Béchar, Tindouf, Adrar Ghardaïa, Biskra, El Oued, Ouargla, Tamanrasset, Illizi)	4.1

Percentage of women between 15 and 19 who were married at the time of the survey, per region⁸⁷

A map indicating the different regions can be found in appendix 2.

In an article published in 2014 in the *Liberté* newspaper, the journalist Mourad Kezzar, estimated the number of marriages involving a minor at 110 in 2012, 80 in 2013 and 50 in 2014⁸⁸. At the CIDDEF seminar, Mr Kezzar also pointed out that at least one marriage of a minor is registered every week in Constantine (North-East).⁸⁹ In the same article, he also wrote that in Algeria's south, mainly among nomad communities, "marriage of minors is part of traditional customs and has unanimous approval".⁹⁰

At the CIDDEF seminar, Ouahiba Sakani, assistant representative at the United Nations Population Fund (UNFPA), expressed her scepticism about the survey's results and pointed out that early marriage is commonly practiced in the south of Algeria, where pressures to respect family rules are very strong.⁹¹

4.2. Urban/rural residence

According to the MISC4, married minor girls are more often found in rural areas (4.2 %) than in urban ones (2.5 %).⁹² The Committee on the Elimination of Discrimination against Women also noticed in 2012 that women in rural areas are particularly affected by early marriages.⁹³

4.3. Education level

Early marriage of women correlates with their education level: as from the intermediate level the percentage drops dramatically.⁹⁴

⁸⁷ Based on MICS4 data from: Ministère de la Santé, de la Population et de la Réforme hospitalière, 2015, pp. 192-193, [url](#)

⁸⁸ *Liberté* (Kezzar M.), 12/2014, [url](#)

⁸⁹ Kezzar M., journalist with the *Liberté* newspaper [unpublished lecture transcribed by Cedoca], 16/05/2016

⁹⁰ *Liberté* (Kezzar M.), 12/2014, [url](#)

⁹¹ Ouahiba S.I, Assistant Representative at UNFPA [unpublished lecture transcribed by Cedoca], 16/05/2016

⁹² Ministère de la Santé, de la Population et de la Réforme hospitalière, 2015, pp. 192-193, [url](#)

⁹³ Comité pour l'élimination de la discrimination à l'égard des femmes, 23/03/2012, [url](#)

⁹⁴ Ministère de la Santé, de la Population et de la Réforme hospitalière, 2015, pp. 192-193, [url](#)

Education level	Percentage
No formal education	11.9
Primary school	14.9
Middle school	3.6
Secondary school	1.4
Higher education	0.1

Percentage of women between 15 and 19 who were married at the time of the survey, according to education level⁹⁵

4.4. Level of economic well-being

The criterion of wealth seems to have less influence on early marriage, even though there are twice as many early married women among the poorest 20 % than among the wealthiest 20 %. For intermediary categories, variation is lower.⁹⁶

Wealth quintile	Percentage
Poorest	4.0
Second	3.2
Middle	3.8
Fourth	2.6
Wealthiest	1.9

Percentage of women between 15 and 19 who were married at the time of the survey, according to wealth quintile⁹⁷

According to the MISC4,

“The research suggests that minors are vulnerable to marriage through the interaction of many factors. Poverty, the protection of girls, family honour and the family’s ability to ensure a stable life in socially unstable times are considered important factors in determining the risk for a young girl to be married while she’s still a child.”⁹⁸

Referring to socio-demographic factors, Marie-France Grangaud summed up the results of the survey as follows: “women younger than 19 who are already married live in rural areas, come from poor families in the west or the south of the country and did not go beyond primary school.”⁹⁹

⁹⁵ Based on MICS4 data from: Ministère de la Santé, de la Population et de la Réforme hospitalière, 2015, pp. 192-193, [url](#)

⁹⁶ Ministère de la Santé, de la Population et de la Réforme hospitalière, 2015, pp. 192-193, [url](#)

⁹⁷ Based on MICS4 data from: Ministère de la Santé, de la Population et de la Réforme hospitalière, 2015, pp. 192-193, [url](#)

⁹⁸ Ministère de la Santé, de la Population et de la Réforme hospitalière, 2015, pp. 192-193, [url](#)

⁹⁹ Grangaud M.-F., CIDDEF [unpublished lecture transcribed by Cedoca], 16/05/2016

5. The religious point of view

According to the October 2015 report of the US State Department on religious freedom in Algeria, more than 99 % of the population are Sunni Muslims.¹⁰⁰

At the CIDDEF seminar, Said Djabelkheir, director and chief editor of the Arabic version of *Ouled Sidi* (a website dedicated to religion and currently no longer operational), researcher in Islamic science and expert on Sufism, underlined the fact that every social attitude is supposed to have its source in sacred texts or in their interpretation. He cited two Quranic verses, verse 4, chapter 65 (on repudiation) and verse 6, chapter 4 (on women), that are interpreted in various ways. In some interpretations the Coran authorises child marriage, and the rise of fundamentalism and Salafism in Algeria could boost these interpretations, according to Djabelkheir.¹⁰¹

Fatma Alioua (Wassila network) and Fatima-Zohra Sebaa-Delladj (University of Oran, African Union and Conseil national famille-femme) also stressed during the discussions at the CIDDEF seminar that Algerian society is growing more conservative.

According to the US State Department, the Algerian Ministry of Religious Affairs has made it mandatory for couples to supply a marriage certificate issued by the authorities before an imam is allowed to celebrate their religious marriage.¹⁰² However, *fatiha* marriages are still celebrated without civil registration. According to a December 2013 report on violence against women from the Balsam network:

“These are no longer traditional marriages as commonly practiced three or four decades ago, but marriages which are not registered for various reasons, e.g. polygamy without consent of the first wife... Women who accept such a marriage are weakening their own position and are more often at risk of marital violence.”¹⁰³

Article 30 of the Family Code states that Muslim women are not allowed to marry non-Muslims.¹⁰⁴ Moreover, according to article 8 of the same code, “it is permitted to enter into marriage with more than one wife within the limits set forth by Sharia law if the motive is justified and the conditions and intentions of equity are met” [...].¹⁰⁵

6. Law enforcement and prosecution

6.1. Access to justice

A 2010 UNESCO report on women’s rights in the Maghreb points out that Algerian women face systematic denial of their rights:

“The difficulties to access legal services for financial reasons or because of a lack of information about legal procedures and the means to obtain judicial redress are obvious. Women’s illiteracy is a strong obstacle, as it makes procedures and formalities more difficult to observe (for

¹⁰⁰ USDOS, 14/10/2015, [url](#)

¹⁰¹ Djabelkheir S., director and chief editor of the Arabic version of *Ouled Sidi*, researcher in Islamic science and expert in Sufism [unpublished lecture transcribed by Cedoca], 16/05/2016

¹⁰² United States Department of State (USDOS), 14/04/2016, [url](#)

¹⁰³ Réseau national des centres d’écoute sur les violences contre les femmes, 12/2013, [url](#)

¹⁰⁴ République algérienne démocratique et populaire, 2007, [url](#)

¹⁰⁵ République algérienne démocratique et populaire, 2007, [url](#)

instance, complying with deadlines, following the different stages of a complaint, reading the court records, filling in forms etc.).

The fact that women rarely have the possibility to reach financial independence and/or to exercise revenue control is also an important constraining factor, as this makes it more difficult for women to pay a lawyer's fees, travel costs etc. Moreover, as women are more vulnerable to poverty because of their lack of financial autonomy, their situation is all the more precarious when they are temporarily or definitively separated from their husband.

Finally, families are often very reticent regarding recourse to the courts in order to settle family disputes, which are viewed as a private matter, and they prefer to use traditional conflict-regulating mechanisms outside "official" laws in order to decide in favour or against one of the parties."¹⁰⁶

Cedoca asked Fatima-Zohra Sebaa-Delladj (University of Oran, African Union and Conseil national famille-femme) for her comment on this assessment by UNESCO. In an e-mail on 25 June 2016, she replied that "the difficulty to access legal services for financial reasons is less obvious in the big cities", where judicial aid is provided by the courts or by associations. On the other hand, "illiteracy among women is indeed an important obstacle" but "this concerns elderly women because school is now compulsory until 16. Moreover, they can always find someone willing to help them, for instance a sister, a daughter or a neighbour."¹⁰⁷ Sebaa-Delladj also confirmed that in case of financial dependency, there are not many possibilities to obtain financial help beyond the family. Lastly, Sebaa-Delladj pointed out that traditional conflict-regulating mechanisms are often biased against women, especially women who are not financially independent. In this case, a woman will be asked to be patient and to accept her fate.¹⁰⁸

According to the 2014 Child Rights International Network (CRIN) report on children's access to justice in Algeria, children may bring cases to domestic courts but the presence of a parent or legal guardian is mandatory. The public prosecutor can also act as a guardian if there is no parent or legal guardian.¹⁰⁹

6.2. Prosecution

According to Fatima-Zohra Sebaa-Delladj (University of Oran, African Union and Conseil national famille-femme), imams are not allowed to celebrate marriage if one of the spouses is younger than 19 and two imams are currently prosecuted for having done so.¹¹⁰

Cedoca asked Fatiha Baghdadi (lawyer), Mériem Bélaala (SOS Femmes en détresse), Dalila Iamarene Djerbaldu (Wassila network), Nadia Ait-Zai (CIDDEF) and Fatma Boufenik (University of Oran and FARD) if they knew about cases where the police came to the aid of a woman (minor or adult) who was at risk of being forcibly married or about legal action being taken against persons who forced a woman (minor or adult) to marry.

In an e-mail on 2 June 2016, Fatiha Baghdadi (lawyer) answered in her capacity as a lawyer (to preserve her commitment and her obligation of discretion as a member of the CNPPDH):

¹⁰⁶ United Nations Organization for Education, Science and Culture (UNESCO), 2010, [url](#)

¹⁰⁷ Sebaa-Delladj F.-Z., psychologist, lecturer at Oran 2 University, president of the *Conseil national famille-femme* and Special Rapporteur on child marriage for the African Union, e-mail, 25/06/2016

¹⁰⁸ Sebaa-Delladj F.-Z., psychologist, lecturer at Oran 2 University, president of the *Conseil national famille-femme* and Special Rapporteur on child marriage for the African Union, e-mail, 25/06/2016

¹⁰⁹ CRIN, 04/2014, [url](#)

¹¹⁰ Sebaa-Delladj F.-Z., psychologist, lecturer at Oran 2 University, president of the *Conseil national famille-femme* and Special Rapporteur on child marriage for the African Union [unpublished lecture transcribed by Cedoca], 16/05/2016

“In a patriarchal society where traditional views are still prominent, it is almost inconceivable for a woman or girl to lodge a complaint when she is under threat of a forced marriage. In 36 years practice as a professional lawyer and women’s rights activist, I have never heard about such a complaint, let alone of legal action taken against someone who forced a woman or girl to marry against her will.”¹¹¹

Mériem Bélaala (SOS Femmes en détresse) answered in an e-mail on 2 June 2016:

“the law as such is not bad, as it prohibits the marriage of minor girls, illegal confinement, torture etc. but in practice, as the private sphere is sometimes still regulated in a tribal way, with all the negative consequences of patriarchy, it will be very difficult for anybody to act, as the family still holds complete power within the house. The police or the gendarmerie will not intervene in cases of illegal confinement, moral or physical torture, without an order from the public prosecutor, and this requires a lot of evidence, with the victim risking reprisals if no solution can be found to protect her.”¹¹²

Dalila Iamarene Djerbaldu (Wassila network) answered in an e-mail on 6 June 2016 that her network did not know about any such interventions.¹¹³

Nadia Ait-Zai (CIDDEF) answered in an e-mail of 9 June 2016:

“I never heard about the police intervening in such a case; for the police to intervene, a complaint has to be lodged and the prosecutor has to order the police to intervene.”¹¹⁴

Fatma Boufenik (University of Oran and FARD) explained in an e-mail to Cedoca on 16 June 2016 that her association intervened in one case, where an adult woman had been confined illegally after her return from France in order to be forcibly married. Her association was contacted and an examining magistrate took up the case. The victim was eventually able to return to France. The same examining magistrate also told the FARD association that he had to deal with a number of similar cases in the Mostaganem wilaya (North-West).¹¹⁵

Finally, Mériem Bélaala (SOS Femmes en détresse) explained that if a complaint is lodged with a court, the girl in question is removed from her family, and as there are no facilities to accommodate minors, she ends up in a re-education centre for juvenile delinquents.¹¹⁶

6.3. Mediation

At the CIDDEF Seminar, Cedoca also asked participants if a potential victim of forced marriage could try to negotiate another solution with her family or go to the relevant authorities in order to assert her rights. According to Nadia Ait-Zai, the only participant who provided some elements towards an answer, some girls or women try but many hesitate to do so because of the force of tradition and custom, and the fear to contradict their family. The education level of the victim and the “cultural level” of her parents will play an important part. A possibility for an adult woman is to leave her family before her marriage.¹¹⁷

Cedoca also asked Fatiha Baghdadi (lawyer) by e-mail what are the possibilities for a girl or woman who tries to escape forced marriage. She answered by e-mail on 2 June 2016:

¹¹¹ Baghdadi F., lawyer and member of the CNPPDH for the Eastern part of Algeria, e-mail, 02/06/2016

¹¹² Bélaala M., president of SOS Femmes en détresse, e-mail, 02/06/2016

¹¹³ Iamarene Djerbaldu D., sociologist, feminist and member of the Wassila network, e-mail, 06/06/2016

¹¹⁴ Ait-Zai N., president of CIDDEF, e-mail, 09/06/2016

¹¹⁵ Boufenik F., lecturer at Oran University and founder of FARD, e-mail, 16/06/2016

¹¹⁶ Bélaala M., president of SOS Femmes en détresse [unpublished lecture transcribed by Cedoca], 16/05/2016

¹¹⁷ Ait-Zai N., president of CIDDEF [unpublished lecture transcribed by Cedoca], 16/05/2016

“From a purely legal point of view, there are many mechanisms to protect and defend vulnerable women. The public prosecutor can prosecute any person suspected of imperilling a woman through acts of constraint to force her to marry. Civil society organizations also have the right to act as civil parties in such a case. But in practice, things are completely different: conciliation within the family is always preferred, on the initiative of a family member or a neighbour. Organizations only come next, and they prefer a non-constraining approach, with members acting in their personal capacity and not in the organization’s name.”¹¹⁸

The same question was put to Mériem Bélaala, president of SOS Femmes en détresse. In her e-mail in June 2016, she explained:

“ [...] the biggest problem is illegal confinement. Families commonly prevent their daughter to leave the house and to communicate with the outside world. We have handled cases of girls who have been confined for more than two years, under close surveillance of their relatives. Psychological pressure and violence, which can take many forms, often lead to extreme psychological distress, meaning that the family will try its utmost to render the victim still more vulnerable by various means: *roki*a, which corresponds to an exorcism through the recitation of Quranic verses, then psychiatry, when the victim is very agitated, requiring her placement in a hospital for a short time, where most of the time they receive a treatment which leads to their dependency and submission (five cases over the period 2013-2016).¹¹⁹

About the possibility of constructive mediation, Mériem Bélaala also added that “relatives or clerics do not intervene in family matters. This seldom happens and is generally useless because such interventions concern the family’s honour”.¹²⁰

Cedoca asked Dalila Iamarene Djerbaldu (Wassila network), if her network had dealt with cases of forced marriage. In her e-mail reply on 3 May 2016, she answered that her network never had to deal with a situation where the girl rejected marriage outright and her parents used force, confinement or other illegal means to force her to marry. However, the network had to deal with some cases of girls who finally resigned themselves to marriage, submitting to psychological pressure without confronting their parents head-on.¹²¹

7. Awareness actors

In this chapter, Cedoca examines different initiatives providing help to victims of forced marriage, such as places where they can be heard, as well as shelters and centres providing legal advice. Cedoca also examines some courses of action used by associations dealing with this issue.

7.1. State actors

During a joint mission in Algeria in 2011, the Swedish and Swiss asylum authorities were told by CIDDEF that there were five state-run shelters in Algeria for women victims of violence.¹²²

According to a report on the subject of matrimonial violence written in 2013 by Ounissa Daoudi Stiti for the Algerian Ministry of Higher Education and Scientific Research, there are several state-run reception centres: the National Centre for the Reception of Girls and Women (without child) Victims

¹¹⁸ Baghdadi F., lawyer and member of the CNPPDH for the Eastern part of Algeria, e-mail, 02/06/2016

¹¹⁹ Bélaala M., president of SOS Femmes en détresse, e-mail, 02/06/2016

¹²⁰ Bélaala M., president of SOS Femmes en détresse, e-mail, 02/06/2016

¹²¹ Iamarene Djerbaldu D., sociologist, feminist and member of the Wassila network, e-mail, 03/06/2016

¹²² Federal Department of Justice and Police, Swedish Migration Board, 20/01/2012, [url](#)

of Violence and in Distress at Bou Ismail, Tipaza, the National Centre for the Reception of Girls and Women Victims of Violence and in Distress at Tlemcen and the National Centre for the Reception of Girls and Women Victims of Violence and in Distress at Mostaganem. According to the same report, two other centres were due to open in Annaba and Tizi-Ouzou.¹²³

Cedoca asked the author of the report, Ounissa Daoudi Stiti (University of Tizi-Ouzou) if the reception centres mentioned in her report were still operational. She answered by e-mail on 12 June 2016 that only the centre at Tizi-Ouzou is still at the project stage.¹²⁴

Regarding the public reception centres for women at risk attached to the Ministry of Solidarity, Fatiha Baghdadi stressed in her e-mail of 2 June 2016 that these shelters "are meant for emergency accommodation, especially on an ad hoc basis, for a period not exceeding two months (renewable only once), and they exist only in the big cities of the north."¹²⁵

Cedoca also asked Mériem Bélaala (president of SOS Femmes en détresse) if a minor girl could find protection in one of the state-run shelters. In an e-mail on 2 June 2016, she answered that access to these centres is quite complicated and "they are closed on weekends, public holidays etc. Moreover, you need to go to the police to get a requisition or to a bureau of the Directorate of Social Affairs." M. Bélaala also added that no shelter has a capacity of 50 beds as yet.¹²⁶

7.2. Non-Governmental Organisations

Fatiha Baghdadi wrote in an e-mail on 2 June 2016 that:

"Civil society organizations actively try to change mentalities and habits so as to make them conform to the law. They are not only facing traditional customs but also purely political games by politicians who manipulate traditional and religious feelings."¹²⁷

According to the information collected by the Swedish and Swiss asylum authorities, there is a network of fifteen centres providing psychological and legal advice. Two shelters are run by NGOs (SOS femme en détresse and Rachda), each with a capacity of around fifty beds. CIDDEF also has a network of ten host families.¹²⁸

According to the 2013 report by the Ministry of Higher Education and Scientific Research, the centres run by civil society organizations are the following: a centre for women and children run by SOS Femmes en détresse in Algiers, centres for women and children run by the Rachda association in Algiers, Oran and Constantine, and finally a reception centre for single women with child run by the Wassila network (the reception centre for single women with child at Corso, in the Boumerdes daïra, Boumerdes wilaya).¹²⁹

Cedoca asked Dalila Iamarene Djerbaldu, a member of the Wassila network, if her network also runs a reception centre. In an e-mail on 6 June 2016, she answered that this was not the case but that her network referred women in need to centres her network works with.¹³⁰ Asked by Cedoca about these partner centres, Iamarene Djerbaldu gave the names of the following centres in an e-mail dated 7 June 2016: Dar el Hassana (Bab el Oued, Algiers), Diar Rahma (Birkhadelm, Algiers), Darna

¹²³ Ministère de l'Enseignement supérieur et de la recherche scientifique, 12/2013, [url](#)

¹²⁴ Daoudi Stiti O., lecturer at the Law and Political Science Faculty of the University of Tizi-Ouzou, e-mail, 12/06/2016

¹²⁵ Baghdadi F., lawyer and member of the CNPPDH for the Eastern part of Algeria, e-mail, 02/06/2016

¹²⁶ Bélaala M., president of SOS Femmes en détresse, e-mail, 02/06/2016

¹²⁷ Baghdadi F., lawyer and member of the CNPPDH for the Eastern part of Algeria, e-mail, 02/06/2016

¹²⁸ Federal Department of Justice and Police, Swedish Migration Board, 20/01/2012, [url](#)

¹²⁹ Ministère de l'Enseignement supérieur et de la recherche scientifique, 12/2013, [url](#)

¹³⁰ Iamarene Djerbaldu D., sociologist, feminist and member of the Wassila network, e-mail, 03/05/2016

(Mohammedia, in the suburbs of Alger) and, rarely, the centre run by SOS Femmes en détresse. She also explained that:

“for women from Algiers, sometimes we had to pay for their accommodation in private homes or in hotels and guest houses. For women from other regions, we try to refer them to organizations near their place of residence, for instance the shelter run in Annaba by the Association des femmes algériennes pour le développement (Afad)”.¹³¹

Cedoca also researched whether civil society organisations have to deal with forced marriages and what are the measures they take to address this issue.

Cedoca asked Iamarene Djerbaldu (Wassila network) if victims of forced marriage could call helplines provided by her network. In an e-mail on 6 June 2016, she answered that there are two numbers they can call: 021 33 29 29 and 0560 100 105, from 9 a.m. to 5 p.m. (3 p.m. during Ramadan) every weekday.¹³²

Cedoca also asked Iamarene Djerbaldu what the Wassila network could provide a woman trying to escape from a forced marriage. She answered by e-mail on 7 June 2016:

“The aid we provide is of a psychological nature, to help women to escape their situation by taking courageous decisions, looking for viable solutions. Often, they have children, a job, rent to pay, and this can take years, during which we provide legal aid in court.”¹³³

In her lecture at the CIDDEF seminar, M. Bélaala (SOS Femmes en détresse) also mentioned several difficulties encountered by NGOs. For instance, they are not allowed to provide accommodation to a minor girl without informing the police or a judge. As this means that the girl’s family will automatically be informed, her association sometimes has to take risks that place it close to criminal liability.. For instance, if the daughter runs away, her father can lodge a complaint, and some NGOs’ phone numbers have already been found in their mobile phones. These NGOs were summoned by the police.¹³⁴

Cedoca also contacted Cherifa Kheddar, president of the Association Djazairouna des familles victimes du terrorisme and spokesperson of the Observatoire de la violence contre les femmes. Although her organization, which is based in Blida, was originally created to help victims of terrorism, it now also handles cases of violence of any kind against women. Cedoca asked her if her organization had so far handled cases of forced marriage. Kheddar answered in the negative.¹³⁵

8. Access to housing and employment

Cedoca also collected information on the possibility for women who refuse a forced marriage to find housing and work.

According to Mériem Bélaala (SOS Femmes en détresse), answering a question from Cedoca at the CIDDEF seminar, it is impossible for a single woman to find rented accommodation.¹³⁶ When Cedoca subsequently asked Bélaala by e-mail if this is a legal impossibility, she answered on 2 June 2016:

¹³¹ Iamarene Djerbaldu D., sociologist, feminist and member of the Wassila network, e-mail, 07/06/2016

¹³² Iamarene Djerbaldu D., sociologist, feminist and member of the Wassila network, e-mail, 06/06/2016

¹³³ Iamarene Djerbaldu D., sociologist, feminist and member of the Wassila network, e-mail, 07/06/2016

¹³⁴ Bélaala M., president of SOS Femmes en détresse [unpublished lecture transcribed by Cedoca], 02/06/2016

¹³⁵ Kheddar C. president of the *Association Djazairouna des familles victimes du terrorisme* and spokesperson of the *Observatoire de la violence contre les femmes*, phone conversation, 07/06/2016

¹³⁶ Bélaala M., president of SOS Femmes en détresse, interview, ALgiers, 02/06/2016

“A single woman is of course allowed to own real estate but it is extremely difficult for a single woman, even with very young children, to find rented accommodation. It is not forbidden by law, it’s just part of ingrained attitudes. Most real estate agents will tell you that living alone is strongly disapproved of by families. There is a strict control of the doings of women: the younger they are, the more they will be controlled and stigmatised by their family.”¹³⁷

According to a 2012 CIDDEF report on discrimination against women, women are victims of discrimination when it comes to their access to housing:

“Unmarried women, divorcees or widows are particularly vulnerable to discrimination as regards housing. The commissions in charge of allocating social housing even refuse to consider requests by single women, and social housing is allocated to them extremely rarely.”¹³⁸

Referring to testimonies collected in Oran from members of associations defending civil and equal rights for women, the report also explains that the social and matrimonial position of single women, divorcees or childless women “excludes them almost systematically from rented accommodation.” An often heard argument is that “single women will create ‘trouble with the neighbours’ and risk ‘attracting men’.”¹³⁹

The director of projects at the Ligue algérienne de défense des droits de l’homme (LADDH) also indicated on 16 July 2015 in correspondence with the Research Directorate of the Immigration and Refugee Board of Canada that it is difficult for single or divorced women to find rented accommodation, as landlords consider the ‘morals’ of women who apply for housing in their own name.¹⁴⁰

According to the same source and an associate professor in Sociology and Middle Eastern Studies from the University of Texas in Austin, only a small, albeit growing number of women can afford their own housing.¹⁴¹

As for access to employment, adult women are not required to present a marital or parental authorisation to obtain employment, according to a UNESCO report from 2010.¹⁴² However, the US State Department mentions in April 2016 that women face discrimination in employment and are less likely to receive equal pay for equal work.¹⁴³

¹³⁷ Bélaala M., president of SOS Femmes en détresse, e-mail, 02/06/2016

¹³⁸ CIDDEF, 2012, [url](#)

¹³⁹ CIDDEF, 2012, [url](#)

¹⁴⁰ Commission de l’immigration et du statut de réfugiés au Canada, 13/08/2015, [url](#)

¹⁴¹ Commission de l’immigration et du statut de réfugiés au Canada, 13/08/2015, [url](#)

¹⁴² UNESCO, 2010, [url](#)

¹⁴³ USDOS, 14/04/2016, [url](#)

6. Summary

Consent is the determining factor for a marriage to be considered forced or free, according to most of the sources consulted by Cedoca. Forced marriage takes place in Algeria and the reason invoked is generally the need to marry a daughter who could otherwise bring dishonour upon her family. Other factors, e.g. economic ones can also prove decisive.

Algeria has signed international conventions aimed at combatting forced marriage and has amended its Family Code in 2005 so that the consent of both parties to a marriage is now legally required. However - as pointed out by several participants at the CIDDEF seminar and other sources - because of tradition, various interpretations of the law and of the Quran, as well as the rise of religious fundamentalism, genuine consent by women in marriage remains an issue.

According to the latest multiple survey carried out in 2012-2013 by the Ministry of Health, Population and Hospital Reform, 3.1 % of women were married before the legal minimum age of 19. Two factors bear a decisive influence on the prevalence of early marriage: the level of education and the area of residence. Referring to socio-demographic factors at the CIDDEF seminar, a source summed up the results of the survey as follows: "women younger than 19 who are already married live in rural areas, come from poor families in the west or the south of the country and did not go beyond primary school."

In theory, women and children have access to the courts but, in practice, financial and social constraints limit their capacity to protect their rights and obtain judicial redress. Moreover, the sources consulted by Cedoca have no knowledge of police or legal actions taken in favour of potential or actual victims of forced marriage. A solution within the family is sometimes envisaged.

There are several reception centres run by the government or by civil society organizations that can accommodate women who are victims of violence. However, these centres only exist in big cities, and organizations who assist minor girls can get into trouble with the law.

Moreover, if a woman refuses marriage, sources show that landlords are unlikely to accept single women as tenants. Women do not however need an authorisation from their husband or parents to obtain employment.

Annexes

Annexe 1: percentage of women aged 20 to 49 who were married before the age of 18 (MICS4)¹⁴⁴

		Pourcentage de femmes mariées avant l'âge de 18 ans [2]	Nombre de femmes âgées de 20-49 ans	Pourcentage de femmes de 15-19 ans actuellement mariées [3]	Nombre de femmes de 15-19 ans
Espaces de Programmation Territoriale (EPT)	EPT 1 : Nord Centre	4,7	11304	2,3	1903
	EPT 2 : Nord Est	2,7	4885	0,5	790
	EPT 3 : Nord Ouest	5,6	4936	5,0	965
	EPT 4 : Hauts Plateaux Centre	11,9	2079	4,5	462
	EPT 5 : Hauts Plateaux Est	6,3	4444	2,9	924
	EPT 6 : Hauts Plateaux Ouest	8,0	1769	4,4	375
	EPT 7 : Sud	11,2	2997	4,1	714
Milieu de résidence	Urbain	5,3	20635	2,5	3922
	Rural	7,2	11779	4,2	2210
Age	15-19	na	na	3,1	6133
	20-24	2,5	6781	na	na
	25-29	2,7	6891	na	na
	30-34	3,5	6050	na	na
	35-39	6,0	4865	na	na
	40-44	11,1	4231	na	na
	45-49	17,1	3597	na	na
Instruction de la femme *	Sans instruction	16,4	5433	11,9	124
	Primaire	9,4	5296	14,9	344
	Moyen	4,8	8911	3,6	2199
	Secondaire	1,6	7058	1,4	3115
	Supérieur	0,4	5715	0,1	351
Quintiles de l'indice de richesse	Le plus pauvre	8,1	6324	4,0	1291
	Le Second	6,8	6380	3,2	1157
	Le Moyen	6,5	6542	3,8	1184
	Le quatrième	4,9	6566	2,6	1232
	Le plus riche	3,9	6603	1,9	1268
Total		6,0	32414	3,1	6133

¹⁴⁴ Ministère de la Santé, de la Population et de la Réforme hospitalière, UNICEF, 2015, [url](#)

Annexe 2: Territorial Planning Areas (MICS 4)¹⁴⁵



* : Schéma National d'Aménagement Territorial

¹⁴⁵ Ministère de la Santé, de la Population et de la Réforme hospitalière, UNICEF, 2015, [url](#)

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