

WOMEN'S HEALTHCARE

Dr. Nora Baroud

University of Djilali Liabes, Sidi Bel Abbès, Algeria. norabaroud1979@gmail.com
Corresponding author email: norabaroud1979@gmail.com

Received: 17/07/2025 Accepted: 01/12/2025 Published: 02/01/2026

Abstract:

This article addresses women from multiple perspectives, beginning with their definition and their social, religious and cultural status. It explains that women are not merely biological entities, but also have social and intellectual roles which vary according to time and place. The article also presents the views of philosophers and thinkers on women, emphasising the differences in how women are perceived in different civilisations. Furthermore, it discusses women's status in Islam, emphasising that Islam elevated their dignity at all stages of life and affirmed equality between men and women in terms of humanity, moral responsibility and reward. Additionally, it examines women's social rights under Algerian and international legislation, including education, employment, and family formation. It also stresses the state's role in providing educational, health, and social opportunities, as well as supporting women in areas of work and responsibility. It also discusses women's health, their right to disease prevention and ensuring access to family planning. Furthermore, it covers the protection of women from violence in all its forms and refers to the legal penalties stipulated in Algerian legislation. In conclusion, the article argues that caring for women and guaranteeing their fundamental rights is integral to community development and that ongoing challenges require sustained awareness and efforts to ensure women's status and equality.

Keywords: women's rights, women's healthcare, protection of women from violence, protection of women's health.

Introduction

Women have been the subject of considerable debate since ancient times, and remain a significant area of interest for scholars and practitioners of law, sociology, politics and religion. This is because women make up the other half of society.

Women's healthcare is a fundamental component of any society's health system. The aim of women's healthcare is to preserve women's physical, psychological and social well-being at all stages of life, from childhood and puberty through to pregnancy, menopause and beyond.

Thanks to medical and technological progress, women's healthcare has become more advanced and effective. This has improved the early detection of health problems and the timely provision of appropriate treatment. Accordingly, this article will address the definition of women, their status and their social rights and healthcare needs.

First Section: Conceptual Grounding of 'Woman'

A woman is an adult female human. However, the concept of 'woman' is not limited to this simple biological definition. Rather, it extends to linguistic, social, cultural and philosophical dimensions. Linguistically, the term 'woman' contrasts with 'man' and signifies maturity. Socially, women perform multiple evolving roles that vary according to time and place. Culturally, women embody symbols and meanings ranging from tenderness to strength. In human thought, women are considered essential agents who possess rights as well as responsibilities.

Thus, the concept of womanhood is a complex construct that goes beyond physical nature to reflect women's position and role in human life.

First Requirement: The Concept of "Woman" and Her Status

Subsection One: Definition of Woman

Linguistically, the Arabic term

The word ‘woman’ refers to the female, with the plural being ‘نساء / نسوة / نسوان’. A woman is described as a man’s life partner. It is said: woman —plural women—meaning the female of man.

In Arabic lexicons, the word is also explained through related senses. For example:

- “نساء” is a form that can be understood as an intensification of “nisyān” (forgetfulness), or as rapid forgetfulness (as reflected in some lexical accounts).

- (نساء): the plural of ‘woman’ — meaning female members of the human race, in contrast to men.

- (نسوة / نسوء): Further plural forms are mentioned in the language¹.

Arabic usage also emphasises the idea that ‘behind every great man there is a woman’. In this context, Arabic refers to a female as a woman once she is married or has passed the stage of adolescence and youth. The term evolves according to age: girl → young boy (or youth designation in some contexts) → young woman → woman → elderly woman.

The concept of women in the Qur’an is also reflected in the following verse:

“Does man think that he will be left neglected?” (Al-Qiyamah 75:36).

The passage explaining human creation reads:

“Was he not a drop of semen poured out... then a clot... then He fashioned and proportioned... and made from it the two kinds, the male and the female” (Qur’an, Al-Qiyamah 75:37–39)².

Thus, human beings are created from a drop, then a clot. God then fashioned and proportioned them and made two types: male and female. In Arabic, the word for ‘woman’ (امرأة) is the feminine form of ‘man’ (امرئ). In Lisan al-‘Arab, it is stated: ‘Imra’ah means feminising imri’.³’ Some linguists also note that the Arabs have different forms for ‘imra’ah’ and that multiple linguistic readings of ‘woman’ are reported in Arabic usage, such as: ‘his wife’, ‘his feminine form’ in lexical contexts, or related variants. A woman is defined as an adult female human being, just as a man is defined as an adult male human being. However, the definition is inevitably shaped by cultural context when cultures differ. The Arabic term for ‘woman’ is therefore used to either distinguish the biological difference between the sexes or the social roles assigned to women and men in different cultures.

There is also variation in how philosophers define the concept of ‘woman’. For example, in Plato’s view, a woman is essentially a man, and the only difference is superficial — analogous to the distinction between a bald man and a man with hair.

Aristotle regarded women as the result of a kind of biological deviation or imperfection produced by nature. He suggested that if the process of creation had occurred properly, the outcome would have been male, not female. Similar claims are attributed to Sigmund Freud, who described women as human beings whose inner drives (such as aggression and envy) are repressed and not easily understood by others⁴.

Darwin⁵, in turn, believed — indeed, he held it as a certainty — that women are less intelligent, a trait he believed to be reflective of earlier, less advanced stages of civilisation. Based on this belief, he concluded that women are generally inferior to men in physical, intellectual and artistic capacities.

By reference to legislation, whether international or domestic, we observe a legislative gap concerning the definition of ‘woman’. Neither international instruments nor Algerian law provide a definitive statement of what ‘woman’ means; rather, they have limited themselves to enacting laws that protect women’s rights and social status.

Subsection Two: The Status of Women in Islam

Islam elevates the status of women, honours them, and grants each sex its corresponding rights and duties. Throughout their different stages of life, it honours women by assigning them a place that is appropriate to the characteristics of each stage.

Islam honours women as daughters by promoting equality between the sexes. It honours women as wives, describing them in the Qur’an as *sakinah* (a dwelling/comfort) and characterising the relationship between spouses as one of affection and mercy, as stated in the following verse:

“And among His signs is that He created for you spouses from among yourselves, so that you may find tranquillity in them, and He placed affection and mercy between you.” Indeed, in that are signs for a people who reflect.⁶ (Qur’an).

Islam honours women as mothers, granting them a status that even precedes that of the father. This is reflected in a hadith narrated by Abu Hurayrah, in which a man asked the Prophet: “Who is most deserving of my good companionship?” The Prophet replied: “Your mother.”

The man asked again, and the Prophet replied: “Your mother.”

When the man asked a third time, the Prophet replied: “Your mother.”

When the man asked again, the Prophet said: “Your father.”⁷”

Islam further affirms the equality of men and women in terms of their shared humanity, as stated in the Qur’an:

“O mankind, fear your Lord, who created you from one soul and created its mate from it, and from them both dispersed many men and women. And be mindful of Allah, through whom you ask one another, and of the wombs.” Indeed, Allah is ever over you, an observer.⁸” (Qur’an).

Moreover, Islam establishes equality between the two sexes with regard to moral responsibility and reward. The Qur’an says:

“Whoever does righteous deeds, whether male or female, while being a believer, We will surely cause them to live a good life, and We will surely reward them according to the best of what they used to do.”⁹” (Qur’an).

Second Requirement: Women’s social rights

Under both Islamic legislation and positive (civil) legislation, women are granted rights that require respect and prohibit any infringement upon their dignity. Several such rights are outlined below, beginning with family-related rights.

Subsection One: A Woman’s Right to Form a Family

Linguistically, the family) is defined as a shield and a stronghold’. (‘the man’s family’) refers to his kin and close relations through whom he is strengthened. It has also been said that it means the man’s relatives on his father’s side.

In sociology, the family is also defined as “a structured social group consisting of a man and a woman, joined by a marital bond, along with their children”.

This definition appears to adopt the modern pattern to which the family has evolved. Historically, the term referred to the tribe or clan , but it now refers to the family unit, which is understood as: ‘a social organisation formed by individuals connected to one another through social, ethical, kinship (blood) and spiritual ties’¹⁰.

However, the Algerian legislator settled the matter by defining the family in Article 2 of the Family Code (Code de la famille), which states:

‘The family is the basic unit of society and consists of persons brought together by a marital bond and a relationship of kinship.’¹¹

Given the definition of family, it follows that a woman has the right to start a family through marriage. Marriage is a consensual contract between a man and a woman, entered into in accordance with religious and legal requirements. The aims of marriage are to establish a family based on affection, mercy and cooperation, to protect the spouses and to preserve lineage. Marriage is preceded by an engagement/marriage proposal .

This is addressed by the Algerian legislator in the amended and supplementary Order No. 05-02 relating to the Family Code. In the second part, entitled ‘On Marriage’, Article 7 provides that:

‘The legal capacity of a man or woman to marry is established upon reaching the age of nineteen (19), and a judge may authorise marriage before this age only if there is a legitimate interest or necessity, provided that the capacity of both parties to marry has been verified.’

The family is the fundamental pillar upon which any society is built, and the foundation of human life. Human life cannot be sustained without a man and a woman who share the same origin and nature. Therefore, the family must be cared for and supported so that its structure may endure and be protected from influences that would burden and destabilise it¹².

Protecting the family also requires providing it with special care, as indicated by the Qur’an:

‘...They are a garment for you and you are a garment for them...’¹³

Marriage is the only means of forming a family, the cornerstone of society — the place where human beings are born, grow and develop, adopting its qualities and ways. This is supported by the hadith of the Prophet (peace be upon him): “Every child is born upon fitrah (natural disposition).”

Subsection Two: Women’s Right to Education and Employment

The Algerian legislator has affirmed the principle of equality between the sexes in education at all levels, as well as equal access to the world of work.

First: Women's Right to Education

Most of Algeria's constitutions enshrine the principle of equality between males and females, meaning equality in education at all levels, from primary to university. This issue has been given great importance, especially in light of Algeria's experience throughout its 132-year colonial period. This resulted in widespread illiteracy, with the illiteracy rate reaching 85% on the eve of independence. However, thanks to efforts made by the state, particularly after the establishment of the National Office for the Eradication of Illiteracy and Adult Education in 2007, with operations beginning in 2008, illiteracy rates fell significantly. By 2018, the national illiteracy rate had fallen to 11%.

Furthermore, the amended Constitution of 2020 provides in Article 65 that:

'The right to education is guaranteed, and the State shall continuously ensure the improvement of its quality. Public education is free, subject to the conditions defined by law'¹⁴.

There are also legal provisions designed to consolidate the right to education and training, most notably Order No. 76/35 on the organisation of education and training, which states in Article 4 that:

Order No. 76/35 on the organisation of education and training, which states in Article 4 that:

'Every Algerian has the right to education and training, and this right shall be ensured by the extension of basic education...'¹⁵

The State provides continuing education and training for citizens who wish to pursue it, regardless of age, gender or occupation¹⁶.

Within the framework of regulatory texts, Decree No. 76/66, dated 16/04/1976, concerning the compulsory nature of education, stipulates in Article 2 that:

'It is the duty of parents, guardians and all persons responsible for the care of children of school age to enrol them in the local school; thus, the same opportunity shall be granted to all boys and girls who have reached the age of six.'

Likewise, Framework Law No. 08/04 on National Education affirms that the State is responsible for guaranteeing education for every Algerian, male or female, regardless of gender, social status or geographical location. Therefore, the right to education applies equally to girls and boys, as well as to the wealthy and the poor.

The aforementioned Framework Law on National Education further emphasises that education is a productive and strategic investment, constituting a top priority for the state. The state must recruit the necessary competencies and resources to meet the social demand for national education because people represent society's capital and must be developed¹⁷.

The practical realisation of this right on an equal basis is ensured through Article 11, which provides that:

'The right to education is embodied in the extension of basic education and the guarantee of equal opportunities with respect to schooling conditions and continuation of studies after basic education.'

Article 12 of the Constitution emphasises that education is mandatory for all girls and boys, and parents (or guardians) who violate this provision are subject to penalties¹⁸.

Regarding vocational training, a girl may enter after the compulsory stage of basic education at the age of 16 if she is unable to continue her studies or if she chooses vocational training to obtain professional qualifications. The vocational training sector in Algeria has witnessed significant development in this regard. It is open to all, regardless of background, except for legal conditions relating to age and educational level.

Vocational training may be residential, meaning it is conducted within institutions established for this purpose, such as vocational training and apprenticeship centres. Similarly, women can benefit from apprenticeship training, acquiring the theoretical component at the apprenticeship centre and the practical component at the host institution¹⁹.

In this regard, it is important to note that the Algerian Constitution, in its aforementioned Article 65, affirms the free and compulsory nature of education. But what does "free" and "compulsory" education mean?

A. Free education

In Algeria, free education is a constitutional right. This right was first enshrined in the 1963 Constitution, in Article 4, and was subsequently included in the 1976, 1989 and 1996 Constitutions, in Articles 66 (paragraph 2), 50 (paragraph 2) and 53 (paragraph 2) respectively. The right is currently enshrined in the 2016 Constitution, in Article 65 (paragraph 2), which states: “Public education shall be free under the conditions determined by law”.

Most legal and regulatory texts have affirmed the principle of free education. This began with Order No. 76/35, Article 7, which states: ‘Education shall be free at all levels and in all educational institutions, whatever their type.’

Decree No. 76/67 further reaffirmed free education in Article 3, stating: ‘In addition to free education, pupils may obtain educational and school materials, as well as social services that contribute to the proper conduct of educational activities, at the lowest cost (a symbolic amount).²⁰’

In recent years, to further strengthen free education, the state has introduced the free distribution of textbooks to support and encourage indigent students to pursue their studies. School canteens were also set up for this group as part of efforts to combat poverty and reduce school dropout rates²¹.

Furthermore, Presidential Decree No. 01/238 introduced a special scholarship for impoverished children, orphans, children affected by terrorism, low-income earners and disabled people. Initially set at 2,000 DZD, this amount was increased to 3,000 DZD in 2010/2011²². Executive Decree No. 25/168, dated 22 June 2025 and published in the Official Gazette, subsequently set out the conditions and procedures for benefiting from the special scholarship, which is valued at 5,000 DZD.

B. Compulsory education

Compulsory education is not optional. It is enshrined in international instruments and national constitutions. Since the Constitution of 1963, Algeria has consistently entrenched this principle in its constitutions, including in Articles 18, 66, 50 and 53(3) (in the 1996 Constitution as amended) and 65(3) (in the 2016 Constitution). The latter states: “Basic education shall be compulsory”.

Additionally, Article 65 of the 2020 Algerian Constitution provides for free and compulsory education, implying that any obstacle preventing women from accessing education is prohibited.

The same constitution guarantees citizens’ right to equality before the law in Article 34. This obliges the authorities to protect women’s right to education against any form of discrimination.

This principle has also been reaffirmed in legal texts such as Order No. 76/35, Article 5, which states: ‘Education shall be compulsory for all children from the age of six until the age of sixteen.’

Executive Decree No. 76/66, in Article 8, further emphasises this rule by stating that failure by parents or guardians to comply with compulsory education constitutes an infringement and results in a warning. In the event of a recurrence, a financial fine shall be imposed²³.

Second: women’s right to work

Algerian legislation has moved beyond all inherited provisions that restrict women from working. These provisions contradict not only international legitimacy, but also Islamic law. Islamic law does not prohibit women from working; rather, it affirms their rights as equals to men, as stated in the saying of the Prophet (peace and blessings be upon him): “Women are the counterparts of men in terms of legal rulings”²⁴.

The 2016 Constitution, in Article 69, further confirmed the right to work for both men and women, stating: “All citizens shall have the right to work.”

Thus, the first milestone for women entering the world of work is employment. By ‘employment’ here, we mean the phase preceding the actual start of work. From the right to work, other related rights derive, namely the right to pay, the right to promotion and the right to training.

A. The right to pay

Wages constitute one of the most fundamental rights of workers and one of the principal obligations of employers. This is why wages are afforded strict protection across various legislative frameworks.

Pay is a core element of the employment contract, representing the monetary or in-kind consideration received by the worker in return for their work.

This definition is reflected in Article 80 of Law No. 90/11, which states: ‘The worker shall have the right to wages in consideration of the work performed, and shall receive a salary or income that is proportionate to the results of the work.’²⁵

This article makes it clear that wages may take the form of either a salary or an income. Accordingly, Article 81 of Law No. 90/11 adds that: ‘For the purposes of this Law, the term “salary” means the basic pay resulting from the professional classification within the employing entity, the allowances granted by virtue of seniority, and payment for overtime hours.’²⁶

B. The right to promotion

Promotion is one of the fundamental rights granted to workers. It is intended to encourage workers to progress and develop professionally, improving their living conditions by raising their job status, which entails an increase in pay, as well as their professional and moral standing.

Workers, particularly working women, are entitled to professional promotion in accordance with Article 61 of Law No. 90/11 (Labour Law), which states that: “The implementation of promotion within the progression of the qualification scale or within the step-by-step classification shall be carried out according to the positions available and depending on the worker’s aptitude and merit”

This approach has also been established through judicial practice in numerous decisions issued by the Supreme Court (Court of Cassation) in the Social Chamber, beginning with Decision No. 70670 dated 20/01/1992, which states: ‘If it is established that the worker has benefited from promotion and the conditions for appropriate training are met, promotion is subject to the existence of a vacant position within the classification levels equivalent to the new qualification. This must be determined by granting the worker a promotion to such a position...’²⁷

Furthermore, Algerian legislation encourages the promotion of women into employment positions. This is reflected in Article 68 of the 2016 Constitution, which states: ‘The State shall work to promote parity between men and women in the employment market. The State shall encourage the promotion of women into positions of responsibility in public institutions and administrations, and at the level of institutions.’²⁸

Likewise, Article 68 of the 2020 constitutional amendment reaffirms the promotion of women into positions of responsibility, which requires education²⁹.

Second topic: Healthcare for women

Healthcare is a fundamental right, alongside the rights to education and employment. It is therefore a highly significant resource and one of the most important concerns in the field of development across different societies.

The legislator has given particular importance to women’s right to healthcare because they are considered more vulnerable, being more quickly exposed to diseases and epidemics.

First requirement: Women’s Right to Health Care

The World Health Organization has defined health as follows: “a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity”. Accordingly, health may be understood as the absence of illness.

First Branch: Women’s Right to Healthcare at the International Level

The right to health was first recognised internationally with the establishment of the World Health Organization in 1946. The WHO Constitution states that everyone has the right to the highest possible standard of health, regardless of race, religion, political beliefs, economic or social status³⁰.

Furthermore, the Universal Declaration of Human Rights linked healthcare to achieving an adequate standard of living, which involves providing individuals with food, clothing and housing, as well as protecting them against circumstances such as sudden illness, disability, unemployment and old age. It also specifically addressed motherhood and childhood, which require special care³¹.

The Convention on the Elimination of All Forms of Discrimination against Women (1979) devoted Article 12 to women’s right to healthcare and required states to take measures to eliminate

discrimination against women in the exercise of that right. Specifically, the States Parties to the Convention undertake to:

- Eliminate discrimination against women in the field of healthcare, in order to ensure access to healthcare services, including those related to family planning, on an equal footing with men.

States Parties shall ensure that women have access to appropriate services relating to pregnancy, childbirth and the postnatal period, including free services where necessary. They shall also ensure adequate nutrition during pregnancy and lactation.

Healthcare for individuals, particularly women, aims to improve living standards and conditions in environmental and industrial spheres. This includes preventing epidemic and occupational diseases, as well as treating them and providing special care for motherhood and childhood. This requires efforts to reduce maternal and neonatal mortality rates, and to ensure children grow up healthy³².

Second Branch: Women's Right to Health Care at the National Level

The right to healthcare for all citizens, including women, is recognised in most national constitutions, as well as in Law No. 18-11 relating to health law. Article 12 of this law stipulates that: The State shall work to ensure the realisation of the right to health as a fundamental human right at all levels, through the expansion of the public sector to cover the entire national territory³³.

Thus, the health law establishes the right to health as a fundamental human right, regardless of sex.

Furthermore, the Algerian state strives to eliminate disparities in access to healthcare services and to integrate the public and private healthcare sectors, in accordance with Article 16 of Law No. 18-11.

Second requirement: Goals Set in the Field of Health

The most important health goals for women are protecting them from diseases, improving their health and living conditions, and improving industrial and sanitary conditions.

First Branch: Prevention of Diseases

Infectious diseases and diseases transmitted through bodily contact are often associated with secrecy and shame by those who suffer from them. For this reason, the state is committed to raising awareness and educating the public about the dangers of such diseases and how to avoid, prevent and treat them.

The State must take general measures to ensure that all its beneficiaries have access to healthcare without discrimination, including preventing, combating and treating epidemic and occupational diseases. This is achieved through awareness campaigns and by taking preventive measures regarding diseases and the factors causing them. It also involves ensuring that everyone in the population is subject to free mandatory vaccination to prevent communicable diseases.

Those infected with these diseases receive curative or hospitalisation-related treatment, while individuals who have been in contact with patients are placed under medical and health monitoring. They may also receive preventive treatment.

The most important diseases that may affect women include acquired immunodeficiency syndrome (AIDS/SIDA) and breast cancer³⁴.

First: Acquired immunodeficiency syndrome (AIDS/SIDA)

Syndrome de l'immunodéficience acquise

There is currently no definitive cure for AIDS that can combat the virus and stop the spread of the epidemic, particularly in developing countries. Therefore, the spread of the HIV virus must be prevented. Women are among the groups most at risk of contracting this disease. Specialists state that the virus is transmitted through three main routes:

1. Through sexual contact.
2. Through contact with blood or contaminated blood products.
3. From mother to child during pregnancy, with an additional risk in the case of breastfeeding.

Once the mode of transmission of the virus in a given community is known, it becomes possible to counter it, provided individuals are sufficiently aware. For example, individuals should use condoms, reduce the number of sexual partners, sterilise injection equipment and avoid sharing injection devices. However, specialists emphasise that prevention efforts must take into account the needs of women and girls and support them as much as possible because they are often more exposed to infection. For

example, women may marry older men or engage in sexual relationships with older men, which increases the likelihood of infection³⁵.

In addition, Article 38 of Law No. 18-11 provides that: ‘Persons infected with transmissible diseases, and persons who are in contact with them and may constitute a source of infection, shall be subject to appropriate preventive and control measures.’³⁶

The Algerian legislator also considers acquired immunodeficiency syndrome (AIDS) to be a transmissible disease and requires that its detection and testing be confidential and free of charge. This is stated in Article 37 of Law No. 18-11, which provides: ‘The list of transmissible diseases for which screening/testing shall be confidential and free of charge shall be set by regulation, including sexually transmitted diseases.’³⁷

Secondly, breast cancer:

Breast cancer is a type of cancer that develops in breast tissue. Signs include changes in breast shape, lumps in the breast, nipple discharge and red, scaly patches.

This disease has recently become increasingly widespread among women, leading physicians to perform surgery to remove the breast in order to excise the tumour.

Secondly: improving environmental and industrial health conditions

Article 12(2) of the International Covenant on Economic, Social and Cultural Rights states that States Parties must take measures to ensure the highest attainable standard of physical and mental health, including those related to environmental and industrial conditions.

Likewise, Law No. 18-11 on Health states in Chapter Four, entitled ‘Protection of the Environment and the Ecosystem’, that it is the duty of the state to monitor and oversee compliance with standards relating to the quality of water, air and food. These articles also stipulate that water intended for drinking, personal hygiene, domestic use, irrigation and swimming must meet the standards set out in the relevant regulations.

In recent years, the state has given considerable attention to public cleanliness and the planning and development of regions. Accordingly, whenever authorisations are granted to local regional authorities, funding is provided to create specific financial positions for sanitation workers, with the aim of ensuring a healthy environment for all citizens³⁸.

The Third Requirement: Measures to Protect Women’s Health

Measures aimed at protecting women’s health include making treatment free of charge, as well as family planning with regard to births.

First Branch: Free Treatment

Free treatment is one of the most important mechanisms for enabling women to access health services for treatment without financial burdens. This, in turn, encourages them to maintain their own health as well as the health of their children.

Article 13 of Law No. 18-11 explicitly allows for free treatment in the public sector. It states: ‘The State guarantees free treatment and ensures access to it for all citizens throughout the national territory. All means of diagnosis, treatment and hospitalisation of patients are implemented in all public health structures, as well as all activities aimed at protecting and promoting their health.’

However, the 2020 Constitution — particularly Article 66 — does not explicitly establish free treatment. Instead, it states: ‘The State shall ensure that treatment conditions are provided for indigent persons, and the State shall guarantee healthcare for citizens, particularly through free treatment and the prevention and combating of infectious and epidemic diseases...’

Furthermore, it has been observed in Algeria that not all women benefit from free treatment. This may be due to the large number of patients in the public sector or delays in screening appointments. Despite the establishment of multiple health facilities, there are insufficient resources, which discourages women from seeking care in the public sector and leads them to use the private sector instead.

Nevertheless, some women suffer from extreme poverty and are unable to afford the private sector, either for diagnosis or treatment.

Accordingly, since the state has permitted the private sector to contribute to providing treatment alongside it, it may impose regulated prices consistent with the financial capacity of citizens in general and women in particular³⁹.

Second branch: Family Planning

In Algeria, several programmes were initiated in the 1970s that achieved tangible results with regard to population control. The government prioritised this through family planning, which involved spacing out pregnancies and giving couples the option to determine the number of children they wanted, as well as spacing out births.

The United Nations organised the International Conference on Population and Development, which was held in Cairo, Arab Republic of Egypt, from 5 to 13 September 1994. In its seventh paragraph, the conference affirmed couples' right to freedom in determining the number of children they wish to have and the spacing between pregnancies⁴⁰.

Thus, family planning makes pregnancies less risky for women and contributes to reducing maternal mortality rates.

Furthermore, family planning is an essential means of reducing population density, which could otherwise have negative impacts on the economy, the environment and development efforts at national and regional levels.

Third Branch: Protecting Women from Violence

Despite the high positions women have reached and the progress they have made in their lives, violence remains a persistent phenomenon that threatens them everywhere: at home, at work, on the street and beyond.

Violence against women is an issue that requires serious attention. It transcends categories, cultures and genders, affecting all countries and cultures, both developed and developing. Despite all that human beings have achieved in terms of progress over the past few years, violence continues to affect vulnerable and disadvantaged groups⁴¹.

Violence against women is defined as "any act that causes or is likely to cause physical, sexual, or psychological harm or suffering, or economic loss. Such acts include threats, the imposition of arbitrary restrictions, and the deprivation of fundamental freedoms in both public and private life. Violence against women generally takes three forms:

Verbal violence, including insults, profanity, humiliation, and threats.

Physical violence, including pushing, beating, wounding and killing.

- Psychological violence, which is the most severe form of violence against women and includes a man's contemptuous view of women.

Violence is often perpetrated by men, such as fathers, brothers, husbands or neighbours, but it can also be committed by women against other women⁴².

The Algerian legislator addresses and penalises violence under the Penal Code. The Code includes provisions to deter anyone who commits acts of violence, whether the perpetrator is female or male. These provisions include legal articles from 264 to 276, and the law provides for stricter penalties.

Footnotes:

¹- Comprehensive Dictionary: Arabic–Arabic Meanings Dictionary.

²- Surat al-Qiyamah: Meccan. Verses: 36–37–38–39.

³- Jannan al-Tamimi, *The Concept of Women Between the Text of Revelation and the Interpretation of Commentators*, 2009, p. 7.

⁴- Sigmund Freud, an Austrian physician and founder of psychoanalysis (1939).

⁵- Charles Robert Darwin, an English natural scientist known for his theory of evolution and the principle of natural selection regarding the origin of humankind. 1882.

⁶- Surat ar-Rum, verse 21.

⁷- Narrated by al-Bukhari and Muslim.

⁸- Surat al-Nisa', verse 1.

-
- ⁹- Surat an-Nahl, verse 97.
- ¹⁰- Bilkhadir Sadid, *The Family and Its Protection in Islamic Jurisprudence and Algerian Law: A Comparative Study*, 1st ed., Dar al-Khuldu'niyyah, 1430 AH–2009 CE, pp. 8–9.
- ¹¹- Article 2 of Order No. 05-02, dated 27 February 2005 and relating to Algerian family law.
- ¹²- Article 7 of the aforementioned Order No. 05-02.
- ¹³- Surat al-Baqarah, verse 187.
- ¹⁴- Article 65 of the 2020 Constitution, as published in Official Gazette No. 82 on 30 December 2020 (15 Jumada al-ula 1442 AH).
- ¹⁵- Article 4 of Order No. 76/35, dated 16 April 1976, concerning the organisation of education and training.
- ¹⁶- Hada Hedjimi, 'Legal Protection of Women in Algeria', Master's thesis within the Doctoral School framework, Branch of State and Public Institutions, Faculty of Law, Said Hammadan, Algeria 1, 2013–14, p. 120.
- ¹⁷- Hada, Hedjimi, *Op. cit.*, p. 121.
- ¹⁸- Articles 8–11–12 of Law No. 08/04 dated 23/01/2008, containing the Framework Law on National Education (Official Gazette No. 4).
- ¹⁹- Hada, Hedjimi, *Ibid.* p. 122.
- ²⁰- Article 3 of Decree No. 76/67 dated 16/04/1976 concerning the free provision of education and training.
- ²¹- Hada, Hedjimi, *Op. cit.*, p. 123.
- ²²- Article 1-2 of Presidential Decree No. 01/238 of 19/08/2001, which establishes a special school grant for deprived and underserved schoolchildren, Official Gazette (J.O.R.A.) No. 47, p. 15.
- ²³- Article 8 of Decree No. 76/66 of 16/04/1976 relating to the mandatory nature of basic education (Official Gazette No. 33). Narrated by Abu Dawud.
- ²⁴- Article 80 of Law No. 90/11 of 21/04/1990 relating to the Labour Law.
- ²⁵- Shakaik: Pendants, likenesses, and proverbs in creation and temperaments, as if they were pieces cut from men.
- ²⁶- Article 81 of Law No. 90/11 (the aforementioned).
- ²⁷- Decision No. 70670, issued by the Supreme Court, Social Chamber, dated 20 January 1992.
- ²⁸- Article 36 of the 2016 Constitution, p. 13.
- ²⁹- Hedjimi Hadda, previous reference, p. 81.
- ³⁰- Universal Declaration of Human Rights (1948).
- ³¹- Lassari Abassia, *Rights of Women and Children in International Humanitarian Law*, Dar al-Huda for Printing, Publishing and Distribution, 2006, p. 32.
- ³²- Hedjimi Hadda, previous reference, p. 82.
- ³³- Article 12 of Law No. 18-11 (the aforementioned).
- ³⁴- Hadjimi Hadda, 'Previous reference', p. 86.
- ³⁵- Amor Yahiaoui, *Equality in Rights Between Men and Women in International Law and Algerian Legislation*, Al-Amal for Printing, Publishing and Distribution, Legal Deposit No. 78-2010, p. 77.
- ³⁶- Article 38 of Law No. 18-11 relating to the Health Law, dated 18 Shawwal 1439 H, corresponding to 2 July 2018.
- ³⁷- Article 37 of Law No. 18-11 (the aforementioned).
- ³⁸- Hadjimi Hadda, previous reference, p. 86.
- ³⁹- Hedjimi Hadda, previous reference, p. 88.
- ⁴⁰- Hedjimi Hadda, previous reference, p. 89.
- ⁴¹- Ben Ayad Djalila, 'Protection of Women in Algerian Law and in International Law', Faculty of Law and Political Science, University of Ammar Thelidji—Boumerdès; Seventh International Conference: Tripoli, 19–21 March 2015, 'Women and Civic/Community Peace'.
- ⁴²- Hedjimi Hadda, previous reference, p. 97.