

## ALGERIA

### CEDAW A/54/38/Rev.1 (1999)

41. The Committee considered the initial report of Algeria (CEDAW/C/DZA/1 and Corr.1 and Add.1) at its 406<sup>th</sup>, 407<sup>th</sup> and 412<sup>th</sup> meetings, on 21 and 26 January 1999 (See CEDAW/C/SR.406, 407 and 412).

#### (a) Introduction by the State party

42. In introducing the report, the representative of Algeria underlined that his country had submitted its initial report only two years after its accession to the Convention, despite the current difficult situation it was facing. That was an indication of the sincere commitment of the Government to human rights and to the advancement of women.

43. The representative noted that Algeria's second Constitution of 1976, proclaimed 13 years after independence, guaranteed for the first time equality before the law. The Constitution of 1989, revised in 1996, reinforced principles of universal human rights, such as freedom of speech and free elections. Article 123 also confirmed the primacy of all international treaties ratified by Algeria over national law, a decision confirmed by the Constitutional Council on 20 August 1998. All civil, penal, administrative and commercial codes conformed to the Constitution and the principles of equality between men and women. However, despite the rapid progress with regard to *de jure* equality, *de facto* equality had not been achieved because of stereotypical attitudes that existed in society.

44. A number of measures had been taken by public authorities as part of the overall policy on women, in particular after the Fourth World Conference on Women (Beijing, 1995). A permanent committee had been established under the auspices of the Ministry of National Solidarity and Family; and to strengthen the national mechanisms for the advancement of women, a secretariat of State upgraded to a Ministry and headed by a woman Minister acted as a focal point for the advancement of women. The Council for the Preservation and Promotion of the Family and the National Women's Council were created in 1996 and 1997 respectively, to ensure the coherence of all policies for the advancement of women. As part of the implementation of the Beijing Platform for Action, Algeria had adopted a national action plan and recently presented a report on the many actions undertaken since the Fourth World Conference on Women.

45. The representative recalled that Algerian women had already played an active role in the struggle for independence, but stereotypical attitudes, exacerbated by illiteracy, were obstacles to achievement of equality with men. A great number of political parties and non-governmental organizations had emerged since the introduction of a pluralist democracy in 1984, but fundamentalist movements and terrorism threatened advances made, particularly where women were concerned.

46. The representative pointed out that education, which was free, had been decisive in women's emancipation, providing access to employment, medical and social services and breaking down

stereotypical attitudes and social obstacles. Certain sectors of employment were now dominated by women, including the magistrature, education and health.

47. The representative noted that domestic violence against women was considered a severe crime by the Constitution and penal code. Many non-governmental organizations also existed to assist battered women. Several initiatives had been taken to care for victims of rape and abduction, including centres to treat women and children traumatized by terrorist violence.

48. The representative informed the Committee that progress had been achieved with regard to equality in political and public life at the national level, although only a few women had reached decision-making positions. Many women were active, including in leadership positions, in political parties, unions and non-governmental organizations. The reform of voting procedures in 1995, which limited voting by proxy to exceptional situations, returned the right to vote to many women whose guardian or husband had customarily voted on their behalf.

49. The economic crisis affecting Algeria since 1986 had resulted in a decline in jobs and had had a negative impact on the employment of women. Women's participation in the labour force was low and informal work at home was increasing. However, the representative noted that under the current social security system women received specific benefits related to maternity and retirement, including 14 weeks of maternity leave at full pay.

50. Family planning services were an integral part of the health programme and had expanded since 1974. Today 99 per cent of women were aware of methods of family planning, and the fertility rate, in particular among the younger age groups, had been significantly reduced.

51. In concluding his presentation, the representative of Algeria emphasized that the ratification of the Convention on the Elimination of All Forms of Discrimination against Women had to be viewed in the context of the political will to encourage the gradual emancipation of women. Accession to the Convention had raised a debate in the country and although accession was accompanied by reservations, it should be seen as a step towards social and normative developments leading to withdrawal of the reservations. In particular, as a result of the accession to the Convention, the Family Code of 1984 was currently being revised and suggested amendments, which could result in removal of reservations, had emerged, as a result both of claims by women's groups and of the evolution of Algerian society.

#### (b) Concluding comments of the Committee Introduction

52. The Committee congratulates the Government of Algeria on the excellent presentation of its initial report, which is in accordance with the Committee's guidelines. The fact that the Government of Algeria submitted its initial report only two years after it acceded to the Convention and notwithstanding the difficult circumstances the country is experiencing, testifies to its political will to improve the status of women and its interest in their emancipation.

53. The Committee congratulates the Government for the high level and large size of its delegation, headed by the Permanent Representative to the United Nations, which established a constructive, open and sincere dialogue with members of the Committee, and in its oral presentation give

additional specific and objective information as well as statistical data enabling the Committee to understand the *de jure* and *de facto* situation of Algerian women.

54. The Committee expresses its solidarity with the struggle of Algerian women against all forms of fundamentalism and terrorism. Notwithstanding the extreme violence they have endured, they have managed, with the help of a very active community organization, to put respect for the rights of women and revision of the Family Code high on the national political agenda.

### **Positive aspects**

55. The Committee welcomes the willingness of the Government of Algeria to review reservations to the Convention in the light of the evolution of Algerian society.

56. The Committee notes with satisfaction that the 1996 Algerian Constitution, which gives international treaties, including the Convention, which have been ratified and gazetted, primacy over domestic law.

57. The Committee notes that the Algerian Constitution guarantees equality between men and women in all spheres of life.

58. The Committee notes with satisfaction that the ratification of the Convention has had a positive impact on the lives of Algerian women and Algerian society. Institutional measures, including the establishment of a National Women's Council, a Council for the Preservation and Promotion of the Family and a ministerial department responsible for national solidarity and the family, have also been taken by the Government. This department, which is headed by a woman, is the focal point for all activities undertaken in the areas of the advancement of women and family affairs. The Committee notes that the Government is also considering legal measures, including the amendment of the Family Code.

59. The Committee welcomes the efforts of the Algerian women's non-governmental organizations in raising public awareness and fostering the interest of the Government and legislators in women's issues. The invaluable contribution of women's non-governmental organizations to the elaboration of the Family Code is also commended.

60. The Committee notes with satisfaction that Algerian labour legislation contains specific provisions relating to maternity leave and breast-feeding breaks that protect women from discrimination because of their parental responsibilities.

61. The Committee recognizes the steps taken by the State party with respect to victims of terrorist violence through provision of treatment centres for victims, the establishment of a national intersectoral programme to address the needs of those traumatized by terrorist violence, as well as the provision of compensation for the beneficiaries of victims who have died, for persons who have suffered bodily and material injuries and for victims of accidents occurring within the context of terrorist violence. The Committee also notes the work of community organizations in providing psychological and other assistance for such victims.

62. The Committee welcomes the elimination of proxy votes which had enabled a husband to vote in place of his wife.

63. The Committee noted with satisfaction that women have access without *de jure* discrimination to public and political life and are well represented in these spheres. It notes with satisfaction the large number of women at all levels of the judiciary, and that more than a quarter of the judges are women.

64. The Committee notes with satisfaction that the numerous specific measures taken by the Government to give women equal access to education and training have been a decisive factor in the emancipation of women.

65. The Committee notes with satisfaction that women's health is identified as a priority in the country's health policies and programmes.

### **Factors impeding implementation of the Convention**

66. The Committee notes that the emergence of fundamentalism and the terrorist violence that accompanies it have affected all layers of society, including women and children, and have impeded effective implementation of the Convention.

67. The Committee also notes that the reservations of the State party to articles 2,9,paragraph 2,15, paragraph 4 and 16 are obstacles to the Convention's full implementation.

68. The Committee notes that, although the Constitution guarantees the equality of men and women and provides that the Convention prevails over national legislation, the numerous discriminatory provisions of the Family Code and the persistence of prejudice and patriarchal practices conflict de facto with the principles of the Convention.

### **Principal areas of concern and recommendations**

69. The Committee reiterates its concern at the reservations to the Convention entered by the State party.

70. The Committee urges the State party to expedite the steps necessary for withdrawal of its reservations.

71. The Committee is concerned by the State party's constant citing of religious principles and cultural specificities to justify why the status of women has not kept up with the overall advances of society.

72. The Committee recommends that the State party take measures to ensure that religious and cultural patterns do not inhibit the development of women's position in Algerian society.

73. The Committee is concerned by the social constraints that exist within Algerian society which

keep women in a lower status than men and are not conducive to the elimination of all forms of discrimination against women.

74. The Committee urges the Government to continue its efforts to repeal in egalitarian laws in order to bring its legislation into line with the provisions of the Convention. The Committee also urges the Government, non-governmental organizations, intellectuals and the mass media to encourage enlightened attitudes and accelerate women's emancipation through publicity and public awareness campaigns.

75. The Committee notes with concern the persistence of cultural stereotypes and patriarchal values as well as polygamy, which violate women's rights.

76. Noting the Government's intention to introduce legislative changes to implement the Convention, the Committee recommends development and implementation of a legal literacy strategy and training for all levels of society in order to address discriminatory cultural norms and attitudes.

77. The Committee is deeply concerned by the large number of women murdered, raped, abducted and subjected to serious physical abuse by terrorist groups in recent years.

78. The Committee calls upon the Government to protect women in accordance with the provision of the Constitution that states that the State is responsible for the safety of persons and property. The Committee recommends that better care be taken of all women and girls who are victims of terrorist violence.

79. The Committee is concerned by the absence of legal texts that specifically protect women who are victims of domestic and sexual violence.

80. The Committee recommends to the Government that it take specific legislative and structural steps to shelter women from such attacks and provide women who are victims of violence with comfort, assistance, advice, guidance and information concerning legal redress. The Committee also recommends that education and awareness training on domestic and sexual violence be made available to police officers, judges, doctors and the mass media to make their intervention more effective.

81. The Committee is concerned by the situation of wives of disappeared persons who can neither legally prove that their husbands are dead, owing to the length and difficulty of the procedure, nor enjoy their status as married women. This results in human and material injuries to these women and their children.

82. The Committee calls upon the Government of Algeria to help this group of women and their families by simplifying, even on a temporary basis, the legal procedure for certification of death so that they can clarify their status, obtain custody of their children and legally dispose of property to which they are entitled.

83. The Committee is concerned by the fact that mothers cannot transmit their nationality to their

children in the same way that fathers can. Citizenship is a fundamental right which men and women must be able to enjoy equally.

84. The Committee recommends the revision of legislation governing nationality in order to make it consistent with the provisions of the Convention.

85. Noting the significant progress that has been made in regard to women's education and the enrolment of girls in schools in rural and urban areas, the Committee is concerned that the reform of the Algerian educational system has not been completed.

86. The Committee recommends that the Algerian Government continue its revision of both curricula and textbooks to rid them of stereotypes and negative images of women in order to help change attitudes more quickly and to remove obstacles to equality. The Committee recommends that the State party ensure that women teachers and women's non-governmental organizations are consulted in the rewriting of textbooks.

87. The Committee is concerned at the low rate of participation of women in the workplace, which poses a major problem for women's economic independence.

88. The Committee recommends that article 4, paragraph 1, of the Convention be implemented through temporary incentives with quantitative targets aimed at increasing women's employment in both the public and private sectors. The Committee recommends the creation of childcare centres and kindergartens in sufficient numbers to allow women to reconcile their family and professional responsibilities. The Committee also recommends that unemployed women be required to participate in traineeships and retraining programmes, including in non-traditional areas, and benefit from job-creation measures to a degree proportional to the unemployment rate for women.

89. The Committee is concerned that the information contained in the report on rural women and the benefits they obtained from rural development efforts was insufficient.

90. The Committee encourages the Government to pay due attention to the needs of rural women by reinforcing their active and participatory role in the formulation, implementation and monitoring of policies and programmes that affect them, particularly in the areas of housing credit, income-generating projects and social security.

91. The Committee is seriously concerned by the fact that the Family Code still contains many discriminatory provisions which deny Algerian women their basic rights, such as free consent to marriage, equal rights to divorce, sharing of family and child-rearing responsibilities, shared child custody rights with fathers, the right to dignity and self-respect and, above all, the elimination of polygamy.

92. The Committee urges the Government to consider the proposed amendments that modify some of the provisions of the Family Code to be an initial step in the process that needs to be undertaken to harmonize the provisions of the Family Code with the text of the Convention and with the principle of equality that is set out in the Algerian Constitution.

93. The Committee requests the Government of Algeria to provide information addressing the concerns raised in these concluding comments in its next periodic report required under article 18 of the Convention.

94. The Committee requests that its conclusions be broadly disseminated in Algeria to make the population of the country, and particularly those working in the civil service and in political circles, aware of the measures that have been taken to ensure women's actual equality and of the further measures that are needed in this regard. It also requests the Government of Algeria to continue to disseminate widely, especially to women's human rights organizations, the text of the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.