

## **Algeria, CEDAW, A/60/38 part I (2005)**

119. The Committee considered the second periodic report of Algeria (CEDAW/C/DZA/2) at its 667th and 668th meetings, on 11 January 2005 (see CEDAW/C/SR.667 and 668).

### **Introduction by the State party**

120. In his introduction, the representative of Algeria stated that the situation in his country in 2005 was not the same as it had been in 1999, when the initial report had been submitted. Algeria had endured a long decade of ordeals in terms of terrorist crime, of which women were among the main targets. With the policy of civil concord which had accelerated the normalization of the security situation, terrorism — on the decline — today no longer constituted a serious threat to the country's institutions and people.

121. The principle of equality between women and men was guaranteed by the Constitution and various legal codes. For example, no legislative or regulatory provision prohibited or restricted participation by women in political life. There had been an increase in the number of women candidates in the 2002 elections. Thanks to the abolition of proxy voting, the decline in terrorist violence and women's determination to affirm their citizenship by exercising the vote, significant numbers of women had taken part in the recent presidential election. It should also be noted that, although the number of women elected to office remained small, there had been a considerable increase in the number of women in senior civil service posts.

122. Free and compulsory education without discrimination on the basis of gender was fundamental to women's emancipation. The percentage of young women attending institutes, senior schools and universities had increased from 39.5 per cent in 1990 to 55.4 per cent in 2003. Textbooks had been revised. Social and cultural attitudes were gradually changing and negative attitudes towards women along with stereotypes of them were declining.

123. In the field of labour and economic emancipation, the number of women in paid employment had grown considerably, including in rural areas, although the overall percentage remained low. Women were well represented in teaching, education, medicine, pharmacy and the judiciary. The principle of gender equality was applied in the areas of social security and pensions. Maternal and childcare services were well developed. The representative noted that family planning policies had increased women's life expectancy by two years, reduced infant and maternal mortality and cut the fertility rate for couples.

124. Domestic violence was no longer a taboo subject. The availability of information on that issue had improved and counselling centres had been established for abused women. The offence of sexual harassment had been incorporated into the revised Penal Code and victims were now able to assert their rights. The Government had invited the Special Rapporteur on violence against women, its causes and consequences to visit Algeria.

125. The changes which had taken place in society and the ratification of international agreements, such as the Convention on the Elimination of All Forms of Discrimination against Women, made it necessary to revise the Family Code. On 8 March 2004, the President of the Republic had requested the Government to take the necessary steps to bring the national legislation into line with developments in international law and to review the appropriateness of the reservations that Algeria had entered when it ratified the Convention.

126. The Code of Algerian Nationality was being revised to address the grievances expressed by Algerian society and to bring the relevant legislation into line with international conventions ratified by Algeria. A draft law had been submitted by the Government to amend and complement the Code and to enshrine the principle of gender equality.

127. The representative of Algeria said that the Family Code, the basic instrument governing family relationships, had remained unchanged since 1984 and a revision had therefore become necessary. In 2003, the President of the Republic had initiated a revision designed to strengthen the legal mechanism currently in force so as to enable women to free themselves from social constraints and to fully and effectively enjoy the rights guaranteed by the Constitution. The revision of the Family Code and the Code of Algerian Nationality should make it possible to consider lifting most of the reservations that Algeria had entered when it ratified the Convention. The amendments set at 19 years the age at which both men and women could lawfully be married. They also provided for mutual consent to marriage, the abolition of legal guardianship and a revision of divorce laws to ensure better protection for children.

128. In conclusion, Algeria was firmly committed to modernity and progress and attached great importance to gradually bringing its national legislation into line with the provisions of the Convention.

## **Concluding comments of the Committee**

### **Introduction**

129. The Committee expresses its appreciation to the State party for its second periodic report, for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation made in response to the questions posed by the Committee.

130. The Committee welcomes the State party's delegation, made up of representatives of different ministries with responsibility for several areas of the Convention, and appreciates the constructive dialogue held between the delegation and the members of the Committee.

### **Positive aspects**

131. The Committee appreciates the progress achieved in the area of women's health, including the decrease in maternal and infant mortality and the increase in women's life expectancy.

132. The Committee notes with satisfaction the increase in women's enrolment in institutions of higher learning, from 39.5 per cent in 1990 to approximately 55.4 per cent in 2003. It also appreciates that girls now comprise 57.53 per cent of students in secondary education.

133. The Committee welcomes the increasing number of women in the judiciary, who now account for approximately one third of magistrates, and in leadership posts, such as the presidency of the State Council, courts and tribunals.

134. The Committee notes the improvement in women's participation in public life and welcomes the inclusion of four women ministers in the current Government.

135. The Committee commends the State party for including the offence of sexual harassment in the revised Penal Code.

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

**136. The Committee notes the State party's obligation for the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

137. The Committee regrets that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in its previous concluding comments, adopted in 1999 (see A/54/38/Rev.1, chap. IV, Sect. B.1). In particular, the Committee finds that its concern about the consequences of the physical violence suffered by women at the hands of terrorist groups, expressed in paragraph 77 of those concluding comments, and the situation of wives of disappeared persons, expressed in paragraph 81, have been insufficiently addressed.

**138. The Committee reiterates these concerns and recommendations and urges the State party to implement the recommendations without delay, as well as to undertake comprehensive studies on the effects of terrorism on women and girls.**

139. While noting that the Constitution, in its articles 29 and 31, stipulates equality before the law without discrimination, including on the basis of sex, the Committee is concerned that the State party's legislation does not contain a definition of discrimination in accordance with article 1 of the Convention, nor provisions on equal rights of women in line with article 2 (a) of the Convention.

**140. The Committee recommends that a definition of discrimination in line with article 1 of the Convention, as well as provisions on the equal rights of women in line with article 2 (a) of**

**the Convention, be included in the Constitution or in other appropriate legislation.**

141. The Committee reiterates its concern that the State party continues to have reservations to articles 2, 9 (2), 15 (4) and 16. The Committee notes that reservations to articles 2 and 16 are contrary to the object and purpose of the Convention.

**142. The Committee urges the State party to expedite legislative reform, especially of the Family Code, to allow it to proceed to withdraw its reservations to the Convention within a concrete time frame.**

143. The Committee is concerned about the lack of progress in revising discriminatory legislation. In particular, it expresses concern that the revision of the Code of Algerian Nationality established by Order 70-86 of 15 December 1970 and of the 1984 Family Code has not been completed, thus allowing for the persistence of discriminatory provisions that deny women equal rights with men concerning the transmission of nationality, as well as on issues related to marriage and family life, including divorce and child custody. It also expresses concern that the proposed amendments to the Family Code do not include the abolition of polygamy and of women's legal guardianship.

**144. The Committee urges the State party to place high priority on implementing legislative reforms and to step up the process of revising the Code of Algerian Nationality and the Family Code so as to promptly bring them into line with articles 9 and 16 of the Convention. To this end, the Committee calls upon the State party to establish a clear time frame for the review of those laws by the Council of Ministers and for their submission to the National People's Assembly and the Council of the Nation and to increase its efforts to sensitize public opinion regarding the importance of legal reform.**

145. The Committee is concerned that, although women's access to justice is provided for by law, their ability in practice to exercise this right and to bring cases of discrimination before the courts is limited.

**146. The Committee requests the State party to remove impediments women may face in gaining access to justice, including through sensitization about available legal remedies against discrimination, and to monitor the results of such efforts.**

147. The Committee observes a lack of results-oriented information in the report, including sex-disaggregated data.

**148. The Committee recommends the development of a comprehensive data-compilation methodology and urges the State party to compile relevant sex-disaggregated statistics so as to be able to assess the trends and the impact of programmes on the female population and to include such data and related analysis in its next periodic report.**

149. The Committee is concerned about the high incidence of violence against women, including domestic violence, and about the

continuing lack of specific legislation to address and eliminate violence against women.

**150. In the light of its general recommendation 19, the Committee urges the State party to give high priority to the formulation and adoption of legislation on violence against women, including domestic violence, which is a form of discrimination against women and a violation of their human rights. The Committee recommends that the State party implement measures to prevent all forms of violence against women, including domestic violence, through education and awareness raising for law enforcement officials, the judiciary, health providers, social workers and the general public. It also recommends the introduction of measures to provide medical, psychological and legal assistance to victims of violence.**

151. The Committee is also concerned that insufficient progress has been made in achieving de facto equality between women and men in all sectors and about the State party's apparent lack of understanding of the purpose of temporary special measures and the reasons for their application.

**152. The Committee recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all sectors to ensure that women enjoy de facto equality with men.**

153. The Committee expresses concern that discriminatory practices and strong stereotypical attitudes persist about the roles and responsibilities of women and men in the family and in society, hence negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.

**154. The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society. Such efforts should aim to change stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family and society and to strengthen societal support for equality between women and men.**

155. While welcoming the progress achieved over time in women's political participation, the Committee remains concerned about the low level of representation of women in decision-making positions, particularly their political representation at all levels and their representation in the administration and the foreign service.

**156. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life. The Committee also suggests that the State party implement leadership training programmes and carry out**

**awareness-raising campaigns on the importance of women's participation in decision-making, and that it evaluate the impact of such measures.**

157. The Committee notes the absence of information on the situation of women in the informal sector and expresses concern that women constitute only 14.18 per cent of the total employed population.

**158. The Committee requests the State party to undertake studies to assess the situation of women working in the informal sector and to provide, in its next report, detailed information in that regard. The Committee also requests the State party to step up its efforts to address impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities of women and men. The Committee also urges the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 so as to accelerate implementation of article 11 of the Convention.**

159. The Committee notes that insufficient information was provided on the situation of rural women.

**160. The Committee requests the State party to ensure that the needs and concerns of rural women are fully integrated in the formulation and implementation of sectoral policies and programmes, and that temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 are applied whenever necessary so as to accelerate the realization of the substantive equality of rural women. The Committee requests that detailed information on the situation of women in rural areas be provided in its next periodic report, especially concerning the impact of steps taken.**

161. The Committee is concerned about the apparent lack of cooperation of the authorities with non-governmental organizations in the implementation of the Convention, including in follow-up to the concluding comments. The Committee notes with concern that women's non-governmental organizations were not consulted in the process of preparing the report.

**162. The Committee urges the State party to cooperate more effectively with non-governmental organizations in the implementation of the Convention, including in the follow-up to the concluding comments. The Committee further recommends that the State party consult with non-governmental organizations during the preparation of the next periodic report.**

163. The Committee encourages the State party to ratify the **Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

164. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. The Committee invites the State party to submit its third periodic

report, which is due in June 2005, and its fourth periodic report, which is due in June 2009, in a combined report in 2009.

165. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly for the overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

166. The Committee notes that States' adherence to the seven major international human rights instruments, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Algeria to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

167. The Committee requests the wide dissemination in Algeria of the present concluding comments in order to make the people of Algeria, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".