



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 September 2010

Original: English

Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-eighth session

17 January - 4 February 2011

List of issues and questions with regard to the consideration of periodic reports

Algeria

The pre-session working group examined the combined third and fourth periodic report of Algeria (CEDAW/C/DZA/3-4).

General

1. Please provide information on the process of preparing the report. This information should indicate which Government departments and institutions were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations and whether the report was adopted by the Government and submitted to Parliament.

2. Please also indicate whether the concluding observations adopted by the Committee upon the consideration of the second periodic report of Algeria were widely disseminated in the State party, in order to make the people, in particular government officials and politicians, as well as women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the future steps required in this regard (CEDAW/C/DZA/CC/2, para. 49).

Constitutional, legislative and institutional framework

3. Please provide information on the steps taken by the State party to align the definition of discrimination against women with that in article 1 of the Convention, as well as to include provisions on the equal rights of women in line with article 2 (a) of the Convention in the Constitution or in other appropriate legislation, as recommended by the Committee in its previous concluding observations (*ibid.*, para. 22).

4. The report states (CEDAW/C/DZA/3-4, p. 51) that the provisions of the Convention can be directly invoked in Algerian courts. Please provide any examples of cases in which the Convention has been invoked in a tribunal.

5. The report refers (*ibid.*, pp. 12-13) to the efforts undertaken by the State party to implement the Committee's previous recommendation with regard to reservations to articles 2, 15(4) and 16 of the Convention. Please provide more information on the efforts carried out to eliminate these reservations completely, in particular, with regard to reservations 2 and 16, which the Committee considers to be core provisions of the Convention (A/53/38/Rev.1, part two, para. 6). In this regard, the Committee urged 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 (CEDAW/C/DZA/CC/2, para. 24). Please provide information on any initiatives the State party is considering to implement this recommendation.

6. The Committee, in its previous concluding observations, expressed concern with regard to the lack of progress in the review of discriminatory legislation. In this regard, it referred to the Code of Algerian Nationality and the 1984 Family Code and it called upon the State party to establish a clear time frame for the review of those laws (*ibid.*, para. 26). In particular, the Committee referred to 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 (*ibid.*, para. 25). The State party's report refers to the amendments that have been made in this regard. Please clarify the situation with regard to children born to an Algerian woman married to a non-Algerian man. Also, is the State party contemplating the possibility of abolishing polygamy and women's matrimonial guardianship in the State party?

National machinery

7. Please provide detailed and updated information on the national machinery for women in the State party, including human and financial resources allocated to it to effectively address women's needs.

Programmes and Action Plans

8. The report refers to the National Strategy for the Promotion and Integration of Women (equity and equality), presented in 2008 and designed with a view to consolidating the fundamental gains that have been achieved by Algerian women in matters relating to civil, political, economic, social and cultural rights (CEDAW/C/DZA/3-4, p. 34). Please provide information on the present status of the Strategy and indicate which ministries represent the Committee created at ministerial level for this strategy? How do those ministries coordinate their actions in order to achieve the Strategy's objectives? Please also provide information on the follow-up and evaluation system, as well as on indicators established for the Strategy.

Violence against women

9. The Committee, in its previous concluding observations, urged the State party to give high priority to the formulation and adoption of legislation on violence against women, including domestic violence (CEDAW/C/DZA/CC/2, para. 32). Please provide information on any steps taken in that regard. Please also provide detailed and updated information on how many cases of domestic violence have been reported during the period under review, including information on how many perpetrators have been punished for committing such crimes.

10. The Special Rapporteur on Violence against Women, its causes and consequences noted in her mission report to Algeria that "ambiguities in the penal law framework contribute to the problem of intramarital sexual violence" (A/HRC/7/6/Add.2, para. 46). Please indicate any legislative steps taken to clarify in the Penal Code the definition of rape and sexual crimes and the criminalization of marital rape.

11. The report refers to Presidential Decrees No. 06-94 of 28 February 2006 and No. 06-124 of March 2006, (CEDAW/C/DZA/3-4, p. 10). Please provide detailed information on the content of these Decrees and how they implement the recommendations made by the Committee with regard to women victims of physical violence by terrorist groups and wives of disappeared persons. How many of these women have received compensation during the period under review? Please clarify whether the State party has undertaken any study on the effects of terrorism on women and girls as recommended by the Committee (CEDAW/C/DZA/CC/2, para. 20).

12. Please provide statistical information on how many persons were denied amnesty under the Charter on Peace and National Reconciliation for having committed rape (A/HRC/7/6/Add.2, para. 85). Please indicate how many of these persons who were denied amnesty have been prosecuted and their cases investigated and brought to conclusion.

13. The report refers to the 2007-2011 national strategy for combating violence against women (CEDAW/C/DZA/3-4, p. 25). Please provide updated information on the Strategy, including its present status and the resources allocated to it. Please clarify whether recommendations made in the Committee's previous concluding observations (CEDAW/C/DZA/CC/2, para. 32) as well as by other human rights treaty bodies and special procedures were taken into account in its development, such as the recommendations and observations made by the Special Rapporteur on her visit to the country (A/HRC/7/6/Add.2, para. 44).

14. During her visit to the country, the Special Rapporteur on Violence against Women referred to violence against women within the family (*ibid.*, para. 47-52). She stated that "other family members such as fathers, brothers or mothers-in-law are very often also found among the perpetrators". Please provide information on this phenomenon and state whether any reliable figures exist on acts of violence committed by family members. Also please provide information on any initiatives carried out in the State party to raise awareness on violence against women within the family and on the importance of reporting abuse and violence among girls and women.

15. The report refers to shelters that were opened in the State party to protect women victims of violence and those in vulnerable situations (CEDAW/C/DZA/3-4, p. 28). Please provide information on the financial and human resources allocated for these shelters as well as the services provided, including psychosocial counselling. Please indicate how long can women remain in these centres and how their physical protection is ensured once they leave. Please also indicate how calls received from women and girls who are victims of violence are monitored and how they are made aware of the existence of the telephone line, particularly in remote areas.

Trafficking and exploitation of prostitution

16. The report refers to Act No. 09-01 of 25 February 2009 (*ibid.*, p. 60) which amends and supplements the Criminal Code by introducing 12 articles on "Trafficking on persons." Please provide information on how many cases of trafficking in women have been brought to courts and how many perpetrators have been convicted for committing such acts, including acts likely to promote trafficking in persons, such as prostitution and procurement, which are offenses under the criminal code.

17. Please provide detailed information on efforts undertaken in the State party to protect women and girls from trafficking and exploitation of prostitutes. Have any campaigns been carried out to raise the awareness of women and girls as to the importance of reporting?

Political participation and participation in public life

18. Please provide detailed information on programmes and activities carried out in order to solve the issue of underrepresentation of women in political decision-making. Are awareness campaigns being organized to promote the political participation of women?

19. The report refers to the efforts carried out in the State party, including through the National Strategy for the Promotion and Integration to ensure that a reasonable percentage of central directorship and leadership posts in public enterprises are filled by women (ibid., p. 34). Please define “reasonable” and provide information on how this measure has been applied and what has been the result.

20. The report refers to the commission which began its work on 16 April 2009, mandated by the Minister of Justice to draft a new Act implementing the constitutional principles providing for greater participation by women in electoral assemblies (ibid., p. 34). Please provide more information on this commission and its functioning and work.

21. Please indicate whether the State party is contemplating the introduction of temporary special measures to increase the participation of women in relation to the initiatives outlined in questions no. 18, 19 and 20.

Education and stereotypes

22. Please provide detailed information on the 2007-2016 national literacy strategy (ibid., p. 76), including on resources allocated for the implementation of the Strategy and indicators and time frame for meeting its objectives. Please also specify whether this Strategy includes a gender perspective and how it is envisaged that it will reach women and girls in remote areas.

23. Please provide information on the initiatives undertaken by the State party to reduce the high drop-out rates of girls at the intermediate and secondary level of the education system.

24. The report does not contain specific updated information on women in university. Please provide detailed statistical information on women attending university and their fields of study during the period under review. Please include information on initiatives carried out by the State party to eliminate stereotypes in fields of study for women accessing university.

Employment

25. The report shows that women constitute only 16.09 per cent of the total employed population, which is still very low. As requested in the concluding observations (CEDAW/D/DZA/CC/2, para. 40), please provide further information on the main impediments women face in entering the labour force and on the initiatives carried out by the State party to tackle these difficulties and promote the participation of women in the workforce, including details on the implementation of the recommendations of the CRASG study in 2006 on the socio-economic integration of women in Algeria (CEDAW/C/DZA/3-4, p. 45).

26. Please provide detailed information on the legal protection and entitlement to social benefits for part-time employed women.

27. The report of the Special Rapporteur on Violence against Women indicates that sexual harassment at work is not adequately addressed by the Labour Code or the Penal Code, which only penalizes a person who abuses authority deriving from his function or position (A/HRC/7/6/Add.2, paras. 75 and 76). Please indicate whether the State party intends to revise the Labour Code to guarantee protection for victims and witnesses of

sexual harassment as well as the Penal Code to criminalize forms of sexual harassment not based on an abuse of authority.

Health

28. Please specify whether there are any programmes that provide sexual and reproductive rights information to women. Is the State party planning to develop a national policy on sexual education? Please provide updated statistical information on the rate of teenage pregnancies in the State party. Please also include updated information on maternal mortality rates.

29. Please provide information on the legal status of abortion in Algeria. Under what circumstances is it permitted? To what extent does illegal abortion contribute to the maternal mortality rates and impact the reproductive health of Algerian women?

30. Please provide detailed data disaggregated by sex and age of persons infected by HIV/AIDS in the State party. Please provide detailed information on all the initiatives carried out in the country to address the fact that women of reproductive age are among the groups most affected by HIV/AIDS (CEDAW/C/DZA/3-4, p. 89). Are awareness-raising campaigns specifically addressed to women being organized on the spread of HIV/AIDS?

Economic empowerment

31. The report refers to a new microcredit management mechanism created in 2004 in the form of a financial institution aimed at, inter alia, identifying applications from women (ibid., p. 53-54). Please provide more information on how this mechanism deals with the needs of women. Are there any specific programmes under this mechanism directly addressed to women encouraging them to establish businesses and improve their access to markets? Please provide statistical information, disaggregated by sex and age on how many people have benefitted from microcredit during the period under review.

Migrant women and girls

32. Please provide updated and detailed information on the situation of migration of women and girls in Algeria, both internally and internationally, including information about the number and profile of migrant women and girls, and steps being taken to protect migrant women from abuse, exploitation and violence.

Rural women

33. Please provide more information on how the needs and concerns of rural women and their rights under the Convention are fully integrated in the formulation and implementation of policies and programmes in the State party. Also, please clarify whether the State party is considering applying temporary special measures, whenever necessary, so as to accelerate the realization of substantive equality of rural women, in accordance with article 4, paragraph 1 of the Convention and general recommendation 25 as well the concluding observations (CEDAW/C/DZA/CC/2, para. 42).

Disadvantaged groups of women

34. Please provide information on the situation of women with disabilities and older women, in particular in rural areas, in relation to access to health services, education and social protection measures. Please also provide information on street women and single mothers in the State party.

Marriage and family relations

35. The report makes reference to the debate with regards to a National Strategy on the Family (CEDAW/C/DZA/3-4, p. 59). Please provide updated and detailed information on this Strategy, including its present status and expected duration. Please also provide information on any committee or body created or established for its development. Please also provide information on how this Strategy takes into account the rights of women under the Convention.

36. The report indicates that “the grounds on which a wife may sue for divorce have been broadened” (ibid., p. 15). Please provide the list of grounds on which women can seek divorce. Based on information made available to the Committee, please clarify the practice of the “khol”, monetary compensation paid by the woman to her husband to obtain a divorce without justification and its impact on the woman’s property rights as well as any other shared assets.

Optional Protocol and amendment to article 20, paragraph 1 of the Convention

37. Please indicate any progress made with respect to accession to the Optional Protocol to the Convention and the amendment to article 20, paragraph 1, of the Convention.
