



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Twentieth session

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Draft report

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Addendum

IV. Consideration of reports submitted by States parties under article 18 of the Convention

B. Consideration of report

1. Initial report

Algeria

1. The Committee considered the initial report of Algeria (CEDAW/C/DZA/1) at its 406th, 407th and 412th meetings, on 21 and 26 January 1999.

2. 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. This was an indication of the sincere commitment of the Government to human rights and to the advancement of women.

3. 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.

4. 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.

5. 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.

6. The representative pointed out that education, which is 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.

7. 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 were taken to care for victims of rape and abduction, including centres to treat women and children traumatized by terrorist violence.

8. 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 few women 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.

9. 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.

10. 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.

11. 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 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.

Concluding comments of the Committee

Introduction

12. The Committee congratulated the Government of Algeria on the excellent presentation of its initial report. The form and content of which was in accordance with the Committee's guidelines. The fact that the Algerian Government was submitting its initial report only two years after it acceded to the Convention and notwithstanding the difficult circumstances the country was experiencing, testified to its political will to improve the status of women and its interest in the latter's emancipation.

13. The Committee congratulated the representative of the State party for having established a constructive, open and sincere dialogue with members of the Committee by providing, both in its oral report and in its answers, specific, objective and statistical information, thereby enabling the Committee to understand the *de jure* and *de facto* situation of Algerian women.

14. The Committee thanked the Algerian Government for sending a large delegation of senior women officials, headed by Her Excellency the Ambassador of Algeria, who by their presence had given Committee members a clear picture of the progress made by Algerian women at the level of education and health and of the many challenges that had yet to be faced, including at the personal status level, in order for Algerian women to have the same rights as men.

15. The Committee expressed its solidarity with the struggle of Algerian women against all forms of fundamentalism and

terrorism. Notwithstanding the extreme violence they had endured, they had managed, with the help of a very active community organization, to put respect for the rights of women and revision of the Family Code on the agenda of national priorities.

Positive aspects

16. The Committee noted with satisfaction that the new provision of the Algerian Constitution, which was adopted in 1996 and which gave any Convention that had been ratified and published an authority that superseded that of domestic law, applied also to the Convention on the Elimination of All Forms of Discrimination against Women.

17. The Committee noted that the Algerian Constitution guaranteed the principle of equality between men and women, including in the areas of political, economic, social and cultural life.

18. The Committee noted with satisfaction that the ratification of the Convention by Algeria had had a positive impact on the lives of women in particular and on all of society in general. This had prompted the Government to take structural measures to establish a National Women's Council and a Council for the Preservation and Promotion of the Family and also to consider amending the Family Code.

19. The Committee welcomed the unremitting efforts of the Algerian non-governmental women's organizations which, by their activities to raise public awareness and get the Government and legislators to take an interest in women's issues, had been able to win public recognition of women's legitimate claims.

20. The Committee also welcomed the participation of non-governmental organizations in the work of the national mechanisms and the invaluable contribution they had made to the draft amendment of the Family Code by their activities to raise public awareness and get the Government and legislators to take an interest in women's issues.

21. The Committee welcomed the establishment of a ministerial department responsible for national solidarity and the family, headed by a woman, which was the focal point for all activities undertaken in the area of the advancement of women and family affairs.

22. The Committee noted with satisfaction that Algerian labour legislation contained specific provisions relating to maternity leave and breastfeeding breaks that protected women from any discrimination.

23. The Committee noted with satisfaction that the State party had taken important steps to deal with the various forms of violence of which women were victims. In order to

ascertain the extent of the phenomenon, two surveys were being conducted on women victims of sexual violence and on victims of domestic violence; they had been initiated by the National Institute of Public Health in collaboration with the Ministry of National Solidarity and the Family. With regard to victims of terrorist violence, the Committee noted with satisfaction that the State party had set up centres to treat the victims and that it compensated the beneficiaries of victims who had died, of persons who had suffered all kinds of bodily and material injury and of victims of accidents occurring within the context of the fight against terrorism. A national intersectoral programme had been set up to treat people traumatized by terrorist violence. Community organizations were also mobilizing to provide victims with psychological and mental assistance.

24. The Committee welcomed the elimination of proxy votes which enabled a husband to vote in place of his wife. A recent electoral law limited proxy voting to very exceptional situations.

25. The Committee noted with satisfaction that women had access without discrimination to public and political life and that women were well represented in political parties, trade unions and associations. The Committee noted with satisfaction the large number of women in the judiciary. More than a quarter of the judges were women, and they were found at all levels. The Committee noted with satisfaction that the numerous specific measures taken by the Government to give women equal access to education and training had been the most decisive factor in the emancipation of women.

26. The Committee noted with satisfaction that women workers were covered by the social security system and enjoyed specific maternity and retirement benefits. Likewise, the flat support allowance benefited 48 per cent of women in disadvantaged categories: the elderly, the disabled or heads of household.

27. The Committee noted with satisfaction that women's health was identified as a priority in the country's health policies and programmes. Prenatal care, family planning, use of modern contraceptive methods and therapeutic abortion and monitoring of young children were the basic principles of the national health policy.

Factors impeding implementation of the Convention

28. The Committee noted that the emergence of fundamentalism and the terrorist violence that accompanied it had affected all layers of society, including women and children, for the past several years and had been a veritable

obstacle which had slowed effective implementation of the Convention.

29. The Committee also noted that the many reservations which the State party had made concerned essential articles of the Convention and jeopardized the latter's full implementation.

30. The Committee noted that, although the Constitution guaranteed that men and women were equal and that the Convention would prevail over national legislation, the numerous discriminatory provisions of the Family Code and the persistence of prejudice and patriarchal practices conflicted *de facto* with the principles of the Convention.

Principal areas of concern and recommendations

31. The Committee is concerned by the many reservations made by the State party which have the effect of suspending the application of the provisions of the Convention to which they relate.

32. The Committee recommends that the State party take immediate steps to withdraw its reservations to essential articles of the Convention, which substantiate the discriminatory provisions of the Family Code. The Committee recommends that the State party take the necessary steps *de jure* and *de facto* to promote a more equal status for women. That is a matter of democracy, human rights and justice. Women are the Government's most objective allies in the plans for a democratic society and the staunchest bulwark against the obscurantist and extremist ideas of the terrorist movements.

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

34. The Committee recommends to the State party that it take an evolutionary approach that would allow for a dynamic interpretation and reading of religious texts and would take into account the imperatives of development as well as the level of development attained by Algerian women, their role, their place and their weight in society.

35. The Committee is concerned by the social constraints that exist within Algerian society and keep women in a lower status than men and are not conducive to the elimination of all forms of discrimination against women.

36. The Committee urges the Government to continue its efforts to repeal inegalitarian laws in order to bring its legislation into line with the provisions of the Convention. While respecting Algeria's stages of political, economic, sociological and cultural development and acknowledging

that popular support is necessary for any reform relating to women's rights, the Committee encourages the Government, non-governmental organizations, intellectuals and the mass media to do everything possible by means of publicity and public awareness campaigns to encourage more enlightened attitudes and accelerate women's emancipation.

37. The Committee notes with concern the preponderance of cultural stereotypes unfavourable to women. It would seem that despite the legislative changes the Government plans to introduce to implement the Convention, paternalistic masculine values and polygamy persist, violating women's fundamental rights.

38. The Committee recommends to the Government that it develop a strategy for legal literacy and training at all levels of society in order to change laws, discriminatory cultural norms and attitudes with a view to ensuring respect for women's rights.

39. 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.

40. 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.

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

42. The Committee recommends to the Government that it take specific legislative and structural steps to shelter women from such attacks. The Committee encourages community organizations to 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 violence be made available to police officers, judges, doctors and the mass media to make their intervention more effective.

43. The Committee is concerned by the large number 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.

44. The Committee calls upon the Algerian Government to help this group of women 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.

45. 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.

46. The Committee recommends to the State party that it revise its legislation governing nationality in order to make it consistent with the provisions of the Convention.

47. The Committee continues to be concerned by the fact that although significant progress has been made in respect of women's education and especially the enrolment of girls in rural and urban areas, Algeria has not yet undertaken a thorough reform of its educational system.

48. The Committee recommends that the Algerian Government consider revising both curricula and textbooks to rid them of stereotypes and negative images of women in order to help change attitudes more quickly and remove obstacles to equality. The Committee recommends that the State party make sure that women teachers and women's non-governmental organizations participate in the rewriting of textbooks.

49. The Committee is concerned at the high level of unemployment among women. This poses a major problem for women's economic independence.

50. The Committee recommends that article 4 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 child-care 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.

51. The Committee found the information contained in the report on rural women and the benefits they obtained from rural development efforts to be insufficient.

52. 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.

53. 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.

54. The Committee is also concerned at the fact that only some of the amendments to the Family Code proposed by organizations of civil society were accepted by the Government for submission to Parliament.

55. The Committee urges the Government to consider these amendments which 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.

56. 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 Algerian Government to continue to widely disseminate, especially to women's and human rights organizations, the text of the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.