



**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

Summary record of the 407th meeting

Held at Headquarters, New York, on Thursday, 21 January 1999 at 3 p.m.

Chairperson: Ms. González

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

*Initial report of Algeria (CEDAW/C/DZA/1)
(continued)*

1. *At the invitation of the Chairperson, Mr. Baali (Algeria) took a place at the Committee table.*

Article 2

2. **Ms. Khan** commended Algeria's desire to protect women's rights by establishing a progressive society. Although Algeria was one of the few countries where the Convention prevailed over domestic law, it had made so many reservations to the Convention that it had nullified the Convention's effect on the lives of Algerian women. Its reservation to article 2 was particularly baffling, since the constitutional provision prohibiting gender discrimination was already being implemented. That was not an isolated instance: Algeria's human rights mechanisms were sometimes at odds with its domestic legislation and policies. The Algerian Government had not been successful in protecting women from violence perpetrated by terrorists or others. It had also introduced a regressive family code that assigned women a minor role in family matters. The Shariah, or Islam itself, should not be used as an excuse for depriving women of their rights.

3. She requested information on the role and mandate of the Council for the Preservation and Promotion of the Family and the relationship between the Ministry of Solidarity and the Family, the National Human Rights Monitoring Agency and the National Women's Council. In particular, she wished to know how women's rights within the family were defined and how discrepancies between the Constitution and the Convention were reconciled, given that the Convention had been incorporated into Algeria's domestic legislation. She asked what measures had been taken to identify persons who engaged in violence against women. It would be interesting to know whether the armed forces had been infiltrated, and how those found guilty of violence against women were punished. She wished to know what measures the National Human Rights Monitoring Agency had taken in the interest of mobilizing public opinion to deal with

the problem. The delegation of Algeria should inform the Committee how long Algeria intended to maintain its reservations to article 2.

4. **Ms. Myakayaka-Manzini** urged Algeria to withdraw its reservations to the Convention since, by maintaining them, it contravened its own Constitution, which prohibited gender discrimination. She requested information on the place of the Family Code in Algerian legislation and on the amendments to the Code being considered by the Government. She hoped that the Government would heed the women's groups that were putting forward their own proposals for amendments. Additional information should be provided on the various government institutions that monitored discrimination against women in Algeria and on the relationship between women's groups and Algeria's human rights bodies.

5. **Ms. Manalo** said that neither the Family Code nor the Code of Algerian Nationality was consistent with the Convention. Custom, tradition and religion could not justify Algeria's continuing discrimination against women. The proposed amendments to the Family Code were hardly an improvement on what they were to replace. She encouraged Algeria to take measures to ensure the full implementation of the Convention.

6. **Ms. Goonesekere** said that the Family Code did not reflect the principle of equality proclaimed in the Constitution. Failure to recognize a woman's equality in the family had an impact on her role in public life. Algeria should therefore reconsider its reservations to articles 2 and 9. In view of the ongoing civil conflict, which had exposed women and children to violence, she wondered how long Algeria could maintain its commitment to human rights. Although Algerian legislation had been amended to allow abortion following a rape, no information had been given on the incidence of custodial violence or rape; the Algerian delegation should explain what action the Government had taken to counteract such violence. In particular, she wished to know whether there had been any court cases and if so, whether they had resulted in convictions. She also wondered how women were affected when the male head of a household was killed or disappeared. Did the State provide any assistance in such cases and were there any crisis centres, counselling facilities or other support structures?

7. On the subject of torture, which was prohibited by the Algerian Constitution, she asked what access women had to the courts when they had a complaint against the police. She wished to know to what extent women had been able to invoke domestic remedies and whether they had had recourse to international forums. While she welcomed the fact that Algeria gave a child the right to inherit nationality from its mother, it was regrettable that there were still some exceptions.

Article 3

8. **Ms. Ouedraogo** said that, while the report was extremely objective, it did not provide sufficient information on the functions of the National Women's Council. She asked what the Council's budget was and whether its mandate was adequate to its responsibilities. She also wondered whether there was any national plan or policy for the promotion of women and, if so, whether women had been consulted and involved in its development. The Algerian delegation should provide specific information on what practical measures had been taken to ensure implementation of legislation on behalf of women. She wondered whether any national programme had been established to address the extremely high illiteracy rate in rural areas, and, if so, information should be provided on its impact. National women's movements, which had existed prior to Algeria's ratification of the Convention, had undoubtedly done much to promote the cause of women, and she requested information in that regard.

Article 4

9. **Ms. Abaka** said that the implementation of article 4 was extremely important in developing countries. According to the report, Algerian legislation prohibited the employment of women in dangerous, unhealthy or injurious work or in night work, and did not permit any limitation on rights or advantages on the basis of sex. Those restrictions did not constitute temporary special measures, nor did they accelerate de facto equality between men and women. On the contrary, they constituted a barrier to women's equal access to employment, in violation of article 11 of the Convention. Since article 4 could easily be misused, the Committee had prepared two general recommendations on the subject. The general recommendations formed part of the Committee's

jurisprudence, and many Governments had been guided by them in their implementation of the Convention.

10. **Ms. Corti**, supported by **Ms. Myakayaka-Manzini**, said that she concurred with Ms. Abaka's views. The Algerian delegation should explain how the special provisions for women constituted "positive discrimination". In the light of the high unemployment rate, particularly among women, she wondered whether the Government had considered temporary measures to encourage the employment of women or promote training.

Article 5

11. **Ms. Ferrer** said that patriarchal practices and deep-rooted prejudices persist in Algeria, and it appeared that the Government did not have any specific programmes to meet its obligations under article 5. Universal education, however, was a good first step towards equality.

12. She would welcome information on the differences in the remuneration of male and female workers and on the employment situation of married women. With regard to the individual rights of Algerian women, she wondered what, if any, specific programmes had been established by the Government to modify traditional patterns of social and cultural behaviour by promoting equality between the sexes in Parliament, the armed forces, the judiciary and the civil service, as well as at the grass-roots level in both rural and urban communities. It would also be interesting to know what role Algerian women played in decision-making in the national news media.

13. On the question of terrorist violence against women, she wished to know what steps were being taken to educate the population so that victims would no longer be marginalized and repudiated by society.

14. **Ms. Kim Yung-chung** said that only education could modify entrenched cultural attitudes of discrimination against women. She wondered what public-awareness programmes the Government had established to root out prejudice against women, whether textbooks had been appropriately revised at all levels of the educational system and whether men were being encouraged to assume a greater share of domestic responsibilities. Finally, it would be useful to know what role was being played by the media in eliminating prejudices based on stereotypes of male and female roles in society.

15. **Ms. Corti** asked what measures were being taken to alleviate the psychological shock suffered by women who had lost their sons or husbands to terrorist violence, and whether the Government compensated widows for their loss. She also wondered how the question of the custody of surviving children was dealt with. She requested information on the steps being taken to protect Algerian children from paedophilia and incest.

16. **Ms. Ouedraogo** asked what action was being taken by the Government to modify the cultural pattern of male dominance over women both in the workplace and in society at large. On the subject of physical violence against women, she asked whether a comprehensive strategy was being prepared to ensure greater security for women through education, communication and the promotion of social dialogue.

17. **Ms. Schöpp-Schilling** wished to know what steps the Government was taking to educate the public about the need to prevent domestic violence against women. The Government should also promote programmes to facilitate the reintegration into society of women who had been victims of political and terrorist violence.

Article 6

18. **Ms. Hazelle** expressed concern that the Family Code did not provide that cruelty and physical violence against women could constitute grounds for divorce. The Criminal Code contained specific provisions for the punishment of those who committed violence against minors, and it would be helpful to know how a “minor” was defined and whether the Code also punished those who committed violence against women. On the question of rape and sexual violence against women, she asked whether women who became pregnant as a result of rape had the right to an abortion and whether there were any data on the number of abortions performed and the number of cases of sexual or physical violence against women that had been reported. Lastly, she wished to know when the proposed amendments to the Family Code would enter into force.

19. **Ms. Ferrer** said that the Committee would welcome clarification of the provisions of articles 333 to 335 of the Criminal Code, which dealt with the punishment of immoral acts.

20. **Ms. Regazzoli** requested information on national policies relating to prostitution among women and

children in Algeria and on the Government’s plans to reduce that phenomenon. She also wished to know how many fundamentalist groups the Government had identified and what its policy towards them was, particularly in view of the fact that rape had become a weapon in the hands of such groups.

21. **Ms. Manalo** said that statistics should be provided on the incidence of domestic, social or terrorist-related violence against women in Algeria. The Committee would also welcome information on specific measures being taken by the Government to combat such violence; such measures included educating women about their rights, establishing shelters for battered women, launching programmes to facilitate the reintegration of abused women into society and educating law-enforcement authorities to prevent the abuse of women by police officers.

Article 7

22. **Ms. Corti** wished to know the political parties of the 13 women who had been elected to Parliament. She also requested information on Parliament’s reaction to the ongoing efforts to promote greater equality between men and women.

23. **Ms. Kim Yung-chung** expressed satisfaction at the increasingly active role being played by women in public affairs. She would welcome further information on the functions and mandates of the Council of the Nation and the National Transition Council. More specifically, she wished to know how many members constituted the Council of the Nation, the ratio of men to women in the Council and the qualifications for membership.

Article 9

24. **Ms. Goonesekere** said that the Algerian Government should consider the relationship between the legislative provisions on equal rights to nationality and the core issue of discrimination against women. According to the report, the child of an Algerian mother and foreign father could acquire Algerian citizenship through naturalization provided that the Minister of Justice did not object, and she wondered whether there were any guidelines for the exercise of that discretionary power by the Minister of Justice.

Article 10

25. **Ms. Gabr** welcomed the fact that Algeria's initial report had been drafted in accordance with the Committee's reporting guidelines. Algeria's accession to the Convention reflected the Government's commitment to respect the provisions of the Convention. While it was still too early to assess the results of the legislative and practical measures taken by the Government, she hoped that future reports would provide specific information on that subject.

26. There was no doubt that legislation provided the basis for promoting women's rights, and she welcomed the fact that the international instruments to which Algeria was a party took precedence over its domestic law. However, in developing countries like Algeria, social issues were equally important. Legislative change must take into account both traditional practice and political expediency. On the other hand, change in such areas as education and health required only the Government's willingness to establish the appropriate political, social and economic programmes. She hoped that the Algerian delegation would discuss its Government's plans to improve the situation of women in those areas.

27. **Ms. Kim Yung-chung** said that she had been pleased to read in the report that girls accounted for over 55 per cent of successful candidates for the baccalaureate. The Algerian delegation should provide statistics on the number of women graduates who had found jobs in their areas of specialization and the number of women who held university teaching posts, particularly in non-traditional fields. She also wished to know how women managed to balance their careers with their family responsibilities.

28. **Ms. Myakayaka-Manzini** asked what special measures were being taken by the Government to ensure equality in education. She also wished to know how compulsory education for young women was being enforced, and what measures were being taken to ensure that sports and physical education were accessible to all. The full participation of women and girls in physical education should not be impeded by such matters as dress regulations. Lastly, she asked whether it was culturally acceptable for women to participate in all sports.

Article 11

29. **Ms. Corti** requested information on gender-disaggregated income. She enquired whether the salary equality provided for in national legislation had been put into practice. In view of the tendency to devalue the aptitude of female workers, the failure of Act 90-11 of 21 April 1990 to protect women against discrimination based on skills and merit clearly necessitated a review. She wished to know what measures were being taken to halt the sharp rise in female unemployment, since women had been most affected by the general deterioration of the labour market and the restrictions that the International Monetary Fund had imposed on Algeria. Further, she asked why so many women over the age of 30 left work. The fact that women workers tended to be more highly educated only facilitated the implementation of the special temporary measures provided for under article 4. She wondered whether the predominance of women in the tertiary sector was attributable to the lack of job opportunities for women in the other sectors, or to women's insufficient access to training. The fact that a significant percentage of women worked at home and that such work, even when remunerated, was not declared, amounted to blatant discrimination. She wished to know what disadvantaged social groups were eligible for financial support, and what was the source of that support. She enquired whether the labour market discriminated in any way against single mothers.

30. **Ms. Manalo** said that, although there seemed to be an egalitarian attitude towards working women in Algeria, women represented only a tiny fraction of the workforce. She enquired what special measures the Government envisaged to raise female employment and encourage women to enter professions previously restricted to men. The Committee would appreciate gender-disaggregated data including details about professions dominated by men or women. Any information on recent progress by women in gaining access to jobs previously dominated by men would be appreciated. She asked whether women were entitled by law to equal pay for equal work or to equal pay for equal value of work. Further, she enquired whether a woman's job security was compromised by her marital status or pregnancy. She wondered what legislative protection was afforded to working women during pregnancy and breastfeeding, and what childcare facilities were available in the public and private

sectors. Lastly, she wished to know what measures had been taken to address sexual harassment and violence against women in the workplace.

31. **Ms. Schöpp-Schilling**, referring to the recently amended Family Code, asked whether a husband's consent was still required before a woman could be employed, since that would constitute a breach of article 1 of the Convention. She asked whether Act 90-11 of 21 April 1996 covered both intentional and unintentional discrimination, and whether there were any plans to incorporate the definition of "discrimination" as contained in the Convention into Algerian legislation. She requested information on any court cases in which a woman had invoked that definition. She asked whether the public and the judiciary had been made aware that the Convention differentiated between intentional and unintentional discrimination. Since part-time work tended to be women's work, and since that type of work lent itself to unintentional discrimination, measures must be taken to ensure that part-time women workers enjoyed the same rights as men. The Algerian Government might wish to refer to European Union directives when drafting relevant legislation in that area.

32. Although women's employment in the home might appear beneficial to men, it did not work in practice, since women could not simultaneously work and take care of children. She asked whether the Government envisaged any job-creation schemes or special measures for retraining unemployed women. It was paradoxical that, while younger women in Algeria were now better educated, employment opportunities for those women appeared to be restricted. In that connection, she enquired whether Algeria intended to adopt temporary special measures to accelerate de facto equality. Algeria might also consider reviewing its protective labour legislation to ensure that it did not constitute an obstacle to the employment of women.

33. **Ms. Abaka** said that, while Algeria's national population policy was commendable, she regretted that the report did not contain any information on the most commonly used methods of contraception. She enquired whether men were involved in family planning programmes as educators or beneficiaries, and whether women and men preferred long- or short-term methods of contraception. According to the report, 96 per cent of women in the major cities received attention during their pregnancies as compared to only 46 per cent in rural areas, and she wished to know what

special measures were being taken to close that gap. The Algerian Government was to be commended on its efforts to improve the nutrition of women, which was of particular importance during pregnancy. However, the report failed to identify the major causes of maternal mortality and morbidity and infant mortality. She wished to know how patients requiring medical interventions as a result of induced abortions were treated in hospital.

34. The report failed to provide a situational analysis of such issues as violence, mental health, occupational health and safety, the girl-child, older women and other vulnerable groups. While female life expectancy was high, the report provided no information about the quality of life of older women. She asked whether the State was conducting any participatory research on specific issues of women's health in local communities, especially among poor urban and rural women. The report also failed to provide data on substance abuse, which had health as well as social implications. She wished to know what percentage of the State's national budget was devoted to health and how efficient the health-care system was.

35. She wondered whether women's health issues, including ethics and human rights issues, were included in the training for physicians and other health-care workers. Given the holistic nature of health issues, she enquired whether health policy was developed in coordination with other relevant government departments. In view of the health implications of child marriages, it would be useful to know whether the necessary prohibitory legislation had been enacted. Lastly, she asked whether the Government had implemented fair procedures for hearing complaints and imposing sanctions on health-care professionals guilty of sexually abusing female patients.

36. **Ms. Taya** said that, according to the report, about half of Algeria's population was under age 20 and the fertility rate remained high, even for a developing country. Excessive population growth undermined the fruits of economic achievement, increased unemployment and led to social instability and marginalization of the poor, especially women. She requested a breakdown of the birth rate by rural and urban areas, with particular attention to the situation in urban slums. She also wished to know what measures the Government was taking to address the population problem, and what further measures were being planned at the national level or in cooperation with

international organizations. Information should be provided on problems that had been encountered, in the implementation of such measures, particularly as a result of traditional custom and practice. She asked whether the population explosion in Algeria could be controlled through measures to guarantee women's right to reproductive health or whether other measures, such as the enforcement of a one-child policy, would be necessary.

Article 14

37. **Ms. Ouedraogo** said that the report did not contain sufficient information on the issues referred to in paragraph 2 (a) to (h) of article 14 of the Convention. In particular, ongoing reviews were required to evaluate the needs of rural women in order to ensure that those women also benefited from development. She enquired whether women had access to credit and loan facilities, and whether they could obtain appropriate technology and enjoy ownership of land. In addition to national legislation, further initiatives were needed to encourage women to take out loans or improve their economic status. In rural zones where there was particular resistance to change, there was an even greater need for special programmes. She asked whether any studies had been conducted on rural women's vulnerability to terrorism, and what measures the Government envisaged to improve the security of women in general.

38. Ms. Regazzoli said that the project for "integrating rural women in development", which was being implemented in cooperation with the Food and Agriculture Organization of the United Nations, did not meet the needs of rural women, and she asked what the Government was doing to ensure that rural women played an active role in economic change.

Article 16

39. **Ms. Aouij** said that the Government, a high percentage of whose members were conservative men, had adopted the Family Code on the basis of the Shariah without consulting women. Islam was a religion of tolerance that granted women rights and dignity, and many of its precepts, particularly regarding women's marriage, divorce, inheritance and property rights, had been extremely progressive. Moreover, polygamy had not been invented by the Islamic faith, that practice predated Islam, and the Koran had limited men to a maximum of four wives as a first step towards

curbing that phenomenon. Nothing in the Koran prevented Governments from further restricting or prohibiting polygamy. The Koran must be reinterpreted in light of an understanding of the circumstances that had prevailed at the time of its revelation. Governments must guarantee women their right to consent to marriage, to obtain a divorce under the same conditions as men, to exercise guardianship over their children and to choose their domiciles by mutual agreement with their husbands. It was also necessary to abolish polygamy and women's duty of obedience. The Government should take a more active role in bringing about change in order to meet the needs of development.

40. The wives of disappeared persons often suffered from legislation that prohibited them from assuming guardianship over their children until their husbands' death could be proved, which could be a long and costly process. The Government should encourage such women to form organizations for the defence of their rights, and it should simplify the legal procedures involved in such cases and endeavour to find an equitable solution to that problem as quickly as possible.

41. **Ms. Corti** said that she associated herself with the remarks made by Ms. Aouij. Algeria's many women's organizations should know that the Committee was working with the Government to promote the cause of Algerian women. She hoped that the Committee's general recommendations, particularly those on articles 9, 15 and 16 of the Convention, to which Algeria had made reservations, would be generally disseminated. The Algerian delegation should explain to women parliamentarians and the Government that the promotion of women was a means of strengthening democracy. The fact that Algerian women could occupy high-level government posts but could not register their children in school and were compelled to obey their husbands and fathers was an untenable situation.

42. **Ms. Goonesekere** said that she agreed with other members of the Committee that the Family Code was extremely important with respect to Algeria's implementation of the Convention, particularly since the Code had served as the basis for the Government's reservations to articles 2, 9 and 16. Although the Committee had not received a copy of the Code, it was clear that it contained many enlightened provisions with regard to women's rights to consent to marriage,

obtain a divorce and receive maintenance after divorce. In view of the Government's commitment to health and education and of the impact of its policies in those areas on social indicators for women, she wondered whether a comprehensive review of the Family Code in the light of the Convention and Islamic jurisprudence would not be preferable to a series of piecemeal amendments.

43. **Mr. Baali** (Algeria) said that his delegation hoped that the Committee would identify cases where the Government had misinterpreted or inadequately implemented the Convention. He was particularly grateful to Ms. Abaka for her comments with regard to article 4.

The meeting rose at 5.30 p.m.