



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women Fifty-first session

### Summary record of the 1032nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 22 February 2012, at 3 p.m.

*Chairperson:* Ms. Pimentel

## Contents

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

*Combined third and fourth periodic reports of Algeria* (continued)

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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)**

*Combined third and fourth periodic reports of Algeria (continued)*  
(CEDAW/C/DZA/3-4; CEDAW/C/DZA/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Algeria took places at the Committee table.*

*Articles 1 to 6 (continued)*

2. **Ms. Saheb** (Algeria) said that the school curriculum had been completely overhauled at all education levels and that campaigns to raise awareness of basic human rights had been organized in all schools.

3. **Ms. Houacine** (Algeria) said that computerized systems to collect and analyse data on violence against women were currently available to the customs services and the National Security Directorate. A new system was being tested but would soon be launched nationwide; each State body would be able to introduce its own features to the system.

4. **Ms. Zitoune** (Algeria) said that the membership of the National Advisory Committee on the Promotion and Protection of Human Rights included a number of women, two of whom chaired subcommittees. Steps were being taken to bring the National Advisory Committee's functions and membership requirements into conformity with the standards set by the International Coordinating Committee of National Human Rights Institutions. While the Convention had not been widely disseminated by the National Advisory Committee, its 2012 programme included activities at major universities that would be aimed at increasing young people's awareness of the Convention and encouraging students to take a research interest in the topic.

5. Other activities for 2012 included a number of proposals to examine laws that were not in conformity with international instruments. A subcommittee responsible for mediation regularly helped women in difficulties, such as women victims of violence and women who had not benefited from compensation under the Charter for Peace and National Reconciliation, and liaised with relevant authorities on the women's behalf. The National Advisory Committee had a remit to visit penal and health institutions, had made a number of proposals to promote gender equality in the annual reports submitted to the President of Algeria; it also organized many activities to raise awareness of women's social and economic rights, particularly among rural women in isolated areas.

6. **Ms. Hamrit** (Algeria) said that compensation had been awarded to women victims of the national tragedy under the Charter for Peace and National Reconciliation and a related presidential decree, and committees had been established to hear applications from victims in 48 districts of the country.

7. **Mr. Bouyagoub** (Algeria) said that the representation of women in decision-making roles was constantly evolving, particularly since a speech by the President of Algeria had called for more women in high-level posts. Women could be found at every level of the civil service, justice system and defence sector.

*Articles 7 to 9*

8. **Ms. Pires** said that information available to the Committee suggested that recent legislation introducing quotas for women's representation in the upcoming elections would reduce the percentage of women elected to representative office, possibly to as low as 5 per cent, particularly given that the quota was linked to the number of seats in each

constituency. She asked what results were expected and, specifically, how many women were likely to be elected. Furthermore, she requested information on how the legislation would ensure that women were not placed at the bottom of party lists, potentially preventing them from being elected. She would also welcome clarification as to who was eligible to vote by proxy and whether consent was required from the person on whose behalf it was being requested. She wished to know how the capacity to vote of women with disabilities was assessed.

9. The State party's report (CEDAW/C/DZA/3-4) referred to a number of programmes that offered training and awareness-raising activities to women; it would be interesting to know how the impact of those programmes was evaluated, who received training and how the skills acquired were used. Regarding the registration of civil society organizations, she asked whether associations that received funding from abroad were required to apply for exemptions from provisions governing registration to allow them to continue to receive funding. Although data on women's presence in various institutions was included on pages 66 to 68 of the State party's report, it was incomplete. Comprehensive data, allowing a comparison of the situation of women and men in State institutions would therefore be appreciated.

10. **Ms. Schulz**, while welcoming the amendments made to the Nationality Code and the withdrawal of the State party's reservation to the Convention in that regard, said that article 18, paragraph 3, of the Code, which allowed an Algerian woman who had married a foreign man to renounce her Algerian nationality nonetheless gave rise to concern, since the same possibility was not afforded to an Algerian man who had married a foreign woman. Did the State party intend to amend the Code to ensure equal treatment for men and women with regard to nationality?

11. **Ms. Houacine** (Algeria) said that the average quota for women's representation in elections was 30 per cent. Furthermore, to ease women's integration into parliament, the overall number of members of parliament had been increased from 330 to over 400. The National Strategy for the Promotion and Integration of Women included a national plan of action centred on training and evaluating the effectiveness of training. All relevant agencies had drafted their own action plans and focal points had been established in all ministries to monitor awareness-raising activities.

12. **Mr. Jazaïry** (Algeria) said that currently the National People's Assembly included approximately 8 per cent of women and that it was unlikely that the new legislation on quotas would hamper women's participation. Some sources were seeking to make political points and the opinion that only 5 per cent of those elected under the new legislation would be women appeared unduly pessimistic.

13. **Ms. Benmansour** (Algeria) said that the provisions of article 18, paragraph 3, of the Nationality Code enabled an Algerian woman who married a foreign man to renounce her Algerian nationality. There was no equivalent provision for men.

14. **Ms. Hamrit** (Algeria) said that legislation enacted in 2012 stipulated that proxy voting was allowed only when it was not possible for an individual to vote in person; moreover, the legislation focused on the impossibility of the individual exercising his or her capacity to vote. The registration of associations was based on the principle of partnership and registered the relationship between the association and the State, which was responsible for granting the status of association, taking into account the transparency of the association's activities.

15. **Mr. Jazaïry** (Algeria) said that his delegation would endeavour to provide more data on women in positions of responsibility, as required. Article 18, paragraph 3, of the Nationality Code was intended to ensure that a woman had the option of renouncing Algerian nationality and was thus not prevented from acquiring her husband's nationality.

should his country of origin not recognize dual nationality. The legislator's assumption was that an Algerian man would bring his foreign wife to Algeria, rather than move to her country of origin, and his wife would then be able to gain Algerian nationality, since Algeria recognized dual nationality.

*Articles 10 to 14*

16. **Ms. Zou** Xiaoqiao said that, according to the State party's written replies (CEDAW/C/DZA/3-4/Add.1), schools in remote areas were often so far from children's places of residence that their educational needs could not be met. Given that girls were the first to suffer from that situation, she requested gender-disaggregated data on how many children benefited from Government activities such as the provision of school transport and boarding facilities. The quality of education in rural areas was also a cause for concern and she asked what measures were in place to ensure that girls in rural and urban areas received the same quality of education. Despite the activities of the National Literacy Strategy, rates of illiteracy among women still exceeded those among men. She would be interested to learn how the implementation of the National Strategy would be evaluated and how it would be ensured that further action was taken to benefit women and girls.

17. Given the high rates of repetition and dropout at intermediary and secondary school level noted in the State party's report, the delegation was requested to provide up-to-date geographically disaggregated data on the rates of dropout and repetition as well as information on the comprehensive measures adopted to address the issue. Was there any sexual harassment within the education system?

18. **Mr. Bruun** said that the lack of adequate data made it difficult to evaluate the State party's progress and that, despite recommendations made in the Committee's concluding comments on the second periodic report of Algeria (CEDAW/C/DZA/CC/2), there were no internal mechanisms to assess women's level of participation in the civil service and in the overall labour market. Furthermore, no special temporary measures had been implemented, such as training programmes for women and measures to help reconcile family and work responsibilities. Information on the State party's plans in that regard would therefore be welcome.

19. He asked when the legislation criminalizing sexual harassment in the workplace would be adopted and whether the delegation could assure the Committee that the legislation would provide comprehensive protection. Information available to the Committee indicated that overprotective legislation, such as restricting women's ability to work at night, could be an obstacle to women's participation in the labour force. Thus, information on whether the State party planned to investigate that issue would also be useful.

20. Details of how the observance of the principle of equal pay for equal work was enforced would also be appreciated. Given the Committee's concerns regarding the situation of domestic workers, who were usually women, he asked whether the State party planned to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

21. Restrictions on the freedom of associations presented problems for associations such as trade unions that might offer gender-sensitive training with ILO support, since such support involved receiving funding from abroad. The Committee viewed such measures as an undue restriction of the freedom of association. How was the principle of freedom of association upheld in the State party?

22. **Ms. Rasekh**, while commending Algeria on providing free basic health care for all citizens, said she wondered whether preventive services were provided in addition to curative care. She wished to know more about the outcome and results of the sectoral plan

to combat HIV/AIDS, specifically with regard to the prevention of HIV/AIDS among women. She asked if safe sex education and contraceptives were made available to young people in Algeria. Data on early pregnancies among teenagers would also be welcome. She asked if there were any programmes in place to give unmarried women access to contraceptives, given that it was taboo for them to purchase contraceptives publicly from a pharmacy.

23. She understood that abortion was illegal in Algeria but wished to know whether exceptions were made in cases of rape or incest. She also asked if any public services provided psychosocial support for women victims of violence or abuse, and if health-care workers were trained to assist domestic violence victims and report cases to the police.

24. **Ms. Jahan** said that she wished to know how the progress achieved through the Rural Development and Renewal Programme was monitored and its impact was evaluated. She requested further rural development data disaggregated by gender and specific examples of how women were encouraged to participate in development planning in rural areas. She noted that rural women still faced obstacles hindering their access to medical care, credit and funding. In remote areas it was difficult for them to access schools and even safe drinking water.

25. She asked what percentage of the national budget was allocated to rural development, and how much of that allocation targeted rural women. She wondered what measures were in place to address poverty among rural women and to assist women who had suffered from violence during the period of civil unrest. She would be interested to know why the rural population of Algeria was so young, with 70 per cent of rural inhabitants under 30 years of age.

26. With regard to ownership of and access to land, she asked what the Government was doing to promote access to justice for rural women and to establish the primacy of the Constitution and statutory laws over prevailing traditional practices. Had the Government considered involving local imams and other leaders in efforts to raise awareness of those issues?

27. **Ms. Saheb** (Algeria) said that enormous progress had been achieved through measures to improve access to quality education in rural areas. During the 2010/11 school year, 4,565 additional school buses had been allocated to rural areas, and school building standards and methods for recruiting teaching staff had been made uniform throughout the country. The construction of new schools in rural areas had resulted in a clear reduction of dropout rates, as parents no longer had to choose which of their children they would send to school. Consequently, girls now represented a higher percentage of students in school.

28. Other measures that had helped to reduce dropout and repeat rates included remedial classes, expanded classes for students with special needs, and targeted intervention to improve examination scores in underperforming districts. School attendance was required from age 6 to 16, so the statistics on dropouts included only children within that age bracket. Sexual harassment did occur in schools, but very rarely, and the State took punitive measures against the perpetrators.

29. It was true that in the 2005/06 school year the dropout rate in rural areas had been high, in part because there had not been enough schools and some teachers had refused to teach in those areas. However, thanks to the building of new schools and improved conditions for teachers, the quality of education in rural areas was now the same as in the cities.

30. **Ms. Loukriz** (Algeria) said that the official statistics on employment were issued by the National Statistics Office, while additional statistics on labour and social security issues

could be obtained from the national agencies responsible for employment, youth employment and unemployment benefits.

31. Current legal provisions required all employers in both the public and private sectors to provide equal pay for work of equal value for men and women without discrimination. Studies were to be conducted on gender-sensitive budgeting and the situation of women in the workplace as part of a joint programme for equality and equity. The social security system provided working women with 14 weeks of maternity leave with full pay and full payment of their birth-related medical expenses. Women who did not work but whose husbands contributed to the social security system also received maternity benefits.

32. **Ms. Kedad** (Algeria) said that the care provided by the health-care system was both curative and preventive in nature. Polyclinics were now widespread, with one for every 23,000 inhabitants, and they provided essentially preventive treatment. There were currently 7 specialized cancer treatment centres in the country, and by 2014, that number would be increased to 22. There were no gaps in health coverage in rural areas, apart from two districts in the far south with scattered populations.

33. Preventive mental health services were provided primarily through polyclinics and specialized units known as intermediate mental health centres. The health system adopted an integrated approach to mental health, taking account of related factors such as drug abuse. The same approach was used in reproductive health services provided specifically for young people, which involved not only the health-care sector, but also other relevant ministries and civil society.

34. Similarly, centres providing free, voluntary and anonymous HIV testing worked in close collaboration with, for example, patients associations and the national agency to combat drug abuse. The Ministry of Religious Affairs and Charitable Endowments had issued guidelines on HIV/AIDS awareness-training for imams. Associations working in HIV/AIDS prevention had conducted peer training programmes to raise awareness among vulnerable groups such as sex workers. Awareness-raising and voluntary testing were also conducted in prisons, and more than 2,500 prisoners had participated in those activities.

35. The current legislation provided for therapeutic abortion primarily in cases where the health of the mother was in danger, but relevant draft legislation would, if passed, provide for further exceptions in cases where the health of the unborn child was at risk.

36. The Government did not distribute free condoms to young people, but it did work in collaboration with associations to prevent high-risk sexual behaviour among young people.

37. **Mr. Jazaïry** (Algeria) said that the life expectancy in Algeria was 75 years for women and 74 for men, which was comparable to many industrialized nations.

38. **Ms. Abdiche** (Algeria) said that the Rural Development and Renewal Programme employed a bottom-up approach and encouraged grass-roots participation among rural women at every stage of development projects. Rural community development units had been established to help women increase their family's income through projects they themselves created. The units served as a forum for the exchange of information and consultation involving, *inter alia*, local administrations, civil society, associations, facilitators and the women themselves. From 2009 to 2011, more than 3,000 projects had been carried out under that programme, benefiting approximately 600,000 rural households.

39. In the farming sector a programme had also been established in 2009 to fund projects proposed by individuals raising livestock and keeping bees. The individuals granted funding under that programme included some 230 women, who received credit on the same footing as men without discrimination. Individual projects in rural areas were also financed through various funds, *inter alia*, to encourage investment in agriculture and to combat desertification.

40. In 2008, a system of interest-free credit had been established to support rural households in farming and other rural activities. As at May 2011, beneficiaries of that credit totalled 27,000, of whom almost 400 were women. Approximately 37,000 women owned private farmland.

41. **Mr. Jazaïry** (Algeria) said that, unfortunately, his delegation did not have information available on the percentage of the rural population under 30 years of age. The general population was very young throughout the whole region of North Africa and, if the proportion of young people was higher in rural areas, it was perhaps due to a higher birth rate.

42. **Ms. Bailey** asked what was the age range for secondary level education. She wondered whether the high dropout rate among girls between intermediate and secondary levels was due to a lack of capacity at the higher level.

43. **Ms. Jahan** said that she wished to know more about rural women's access to decision-making processes, including their participation in local elections and government. She asked what measures had been adopted to prevent women refugees and asylum-seekers from falling victim to human trafficking and sexual and gender-based violence. What safeguards were in place to ensure access to education, health care and the justice system for the children of refugees and asylum-seekers? Did the State party intend to ratify the 1961 Convention on the Reduction of Statelessness, given the increasing number of asylum-seekers in Algeria?

44. **Ms. Rasekh** asked why there were disparities in access to health care between the different regions in Algeria. She requested information on the role played by the imams in HIV/AIDS prevention and awareness-raising and asked why HIV/AIDS was on the rise in the State party despite the preventive programmes in place. She wished to know whether measures had been adopted to ensure that refugee women and girls were not subjected to sexual and gender-based violence and that victims and survivors had access to shelters, medical and psychological care and the law enforcement and judicial authorities.

45. **Mr. Jazaïry** (Algeria) said that the high dropout rate among schoolgirls at the secondary level was more likely to be because education was no longer compulsory after the intermediate level than due to a lack of capacity at the higher level.

46. **Ms. Saheb** (Algeria) said that the age range at the intermediate level was 15 to 16. Many students did not continue to the secondary level because they started work or professional training. The figures for 2010/11 were expected to show a marked increase in the number of girls at the secondary level; a 58 per cent attendance by girls had already been recorded for 2010.

47. **Ms. Hamrit** (Algeria) said that legislative and local elections were coming up and new legislation introduced to increase the numbers of women on electoral lists and encourage political parties to include women at both the grass-roots and leadership levels would ensure greater participation by women. Legislation on asylum-seekers was enshrined in the Algerian Constitution and the State party had ratified the 1951 Geneva Convention relating to the Status of Refugees. Moreover, a special bureau of the Ministry of Foreign Affairs was responsible for protecting refugees and handling asylum applications. Child refugees enjoyed the same rights as Algerian children and language was the only issue, as the languages of instruction in Algerian schools were Arabic, French and English only.

48. **Mr. Saadi** (Algeria) said that national legislation guaranteed that refugees were entitled to all basic services. Accession to the 1961 Convention on the Reduction of Statelessness was currently under consideration.

49. **Ms. Kedad** (Algeria) said that HIV/AIDS was not on the increase in Algeria, although epidemics had been observed among specific vulnerable groups such as sex

workers, young people and women of reproductive age. The current infection rate was 0.1 per cent. The latest unofficial data showed a maternal death rate of 46 per thousand mothers, although there were disparities in nationwide maternal mortality rates and the statistics included hospital deaths only. With regard to health coverage, on average, there was 1 specialist per 2,500 inhabitants and 1 general practitioner per 800 inhabitants, although there were disparities in rural areas.

*Articles 15 and 16*

50. **Ms. Schulz** said that she wondered whether the requirement for a woman to have a *wali* (marriage guardian) as a precondition to marriage violated her right to full legal capacity. According to Algerian law, the father was automatically granted guardianship of the children until his death, when it passed to the mother if she had not remarried. Given the fact that international treaties took precedence over national legislation, it would be interesting to know whether women could contest the primacy of their husbands in the guardianship of the children. She also wished to know why a woman would lose guardianship of the children if she remarried, which violated the right of the child to sustainable emotional contacts. She requested information on the different grounds for divorce and the possible obstacles to their implementation, and on the recourse women had to *khula'* (unilateral termination of marriage contract), which appeared to be the only avenue open for women to divorce. What were the economic consequences for a woman if she pursued *khula'*? She asked how the provision that the husband must pay the rent on the home if the wife had been granted custody of the children was implemented in practice. She also asked under what circumstances a wife could enforce the departure of her husband from the marital home if he refused to leave, and how it would affect his obligation to pay. She enquired what steps had been taken to address the common problem of fathers defaulting on maintenance payments and whether there was a special fund available to support women and children left homeless and penniless as a consequence.

51. **Ms. Halperin-Kaddari** said that women were discriminated against under Algerian legislation when it came to inheritance and asked whether the State party intended to follow the lead of some of the countries in the region in the interpretation of the inheritance clauses of the sharia. She requested more detailed information on current legislation relating to property following divorce, on the woman's entitlement to a share of the property accumulated during the marriage, even when registered in the husband's name, and on reparations awarded by the courts. If there was no sharing of marital property, were any other post-divorce payments made to recognize the contribution of women to the union besides the concept of reparation? Reportedly the latter was limited and consisted merely of a lump sum of money unrelated to community property or the distribution of marital property. She wished to know why, pursuant to the Family Code, a woman was required to provide two witnesses in divorce cases, while a man was only required to produce one.

52. **Mr. Jazaïry** (Algeria) said that he wished to place on record the fact that the time allocated to the Committee's questions was disproportionately more than that allocated to the State party's responses. If, as a consequence, the Committee failed to receive all the responses it desired, it was the way the meeting was organized that was at fault.

53. **Ms. Benmansour** (Algeria) said that the presence of a *wali* for the conclusion of the marriage contract was simply a formality and a daughter could not be obliged to marry anyone against her will. With regard to guardianship, some progress had been made with the Family Code thus allowing the mother to replace the father in the event of an emergency in everyday civil matters. Divorce by repudiation was no longer practised; the norm was divorce by unilateral request, which was available to both men and women. Women had the right to *khula'* and could obtain a divorce without the consent of their husband, with the courts having no discretionary powers. There were still no plans to

standardize the divorce process and the State party would adhere to unilateral and *khula'* divorce procedures. Nevertheless when a woman asked for a divorce by *khula'*, she could obtain damages plus interest, even if she had filed for divorce. In addition, the new Family Code guaranteed the woman's right to custody of the children regardless of their employment status. The home was considered as part of the alimony and the father was required to pay maintenance and provide decent housing to the wife when she had custody of the children. The amount payable was assessed on the basis of the father's earnings and the number of dependent children. Divorced women were not obliged to leave the marital home until the courts had set a fair rent for her to receive. There was no legislation obliging couples to share the property accumulated over their lifetime. According to the new Family Code, the wife could make her wishes known, for example, on sharing of property and polygamy, when the marriage contract was being drawn up or at a later stage. The requirement for a woman to have two witnesses was not enforced in practice. Women had the right to choose their own *wali* and it was a tradition that people were keen to maintain.

54. **Mr. Jazaïry** (Algeria) thanked the Committee experts for their encouragement and the very positive and constructive dialogue. He commended the Committee on its commitment to promoting women's rights in Algeria, through the careful examination of the report and additional information provided. He hoped that the delegation had adequately clarified the many issues raised. The development of legislation and the political environment in Algeria reflected the Government's commitment to protecting and promoting women's rights and to fostering respect and tolerance, which were the foundations of Algerian society. The Committee's conclusions and recommendations would be closely examined and shared with all those working towards eliminating discrimination against women in Algeria.

55. **The Chairperson** said that the Committee would welcome responses in writing that the delegation had been unable to provide due to time constraints. She commended the delegation on the constructive dialogue, which had helped the Committee better understand the situation of women in Algeria. She encouraged the Government to take the necessary steps to act on the concerns voiced by the Committee so as to ensure a more complete and thorough implementation of the provisions of the Convention for the greater benefit of all women and girls in Algeria.

*The meeting rose at 5.20 p.m.*