



Convention on the Elimination of All Forms of Discrimination against Women

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Summary record of the 406th meeting

Held at Headquarters, New York, on Thursday, 21 January 1999, at 10 a.m.

Chairperson: Ms. González

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The meeting was called to order at 10.30 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Initial report of Algeria (CEDAW/C/DZA/1 and Add.1)

1. *At the invitation of the Chairperson, Mr. Baali (Algeria) took a place at the Committee table.*
2. **Mr. Baali** (Algeria) said that his delegation was honoured to submit Algeria's initial report to the Committee at a time when the international community was about to mark the twentieth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women. The fact that Algeria was submitting its initial report barely two years after acceding to the Convention bore witness to its sincere commitment to the observance of human rights in general and of women's rights in particular. Since the report covered only the period since 1962, when Algeria had attained independence, and therefore reflected only the progress made in a single generation, the accomplishments it documented were modest in comparison to what remained to be done.
3. Having been deprived of their rights under colonialism, Algerians had been particularly eager to build a strong State and to place themselves at the forefront of the struggle for freedom, justice and progress. It had been necessary not only to set up State institutions, build schools, hospitals, housing and infrastructure and create jobs, but also to make up for centuries of neglect in the areas of social legislation, protection of the individual and integration of women into the country's political, economic, cultural and social life. Rapid progress had been made in those areas, but the emergence of a fundamentalist movement that had resorted to terrorist violence had compelled Algerian women and men to renew their struggle to ensure the prevalence of democratic values. Currently, terrorism was no longer a threat and fundamentalism's influence on society was clearly receding. Moreover, Algeria's new head of Government had recently asserted his commitment to correcting the historical injustices which Algerian women had suffered by taking bold steps to increase women's access to education and employment.

4. Education had undoubtedly been the most decisive factor in enabling women to take their rightful place in society. Because large amounts of resources had been invested in the education sector since Algeria's independence, the illiteracy rate had fallen from more than 80 per cent to 31 per cent and school enrolment had risen from less than 1 million to over 7 million. As a result, women would gain opportunities for improving their standard of living, and prejudices and social constraints affecting their development would be overcome. The State's development strategies also covered the areas of health care, employment and training, and included specific actions to improve women's living conditions. Those efforts were complemented by the emergence of a particularly active civil society that included a dynamic and enterprising women's movement consisting of dozens of organizations working at the national and local levels.

5. Algeria's first Constitution had upheld the principle of gender equality by specifying that the country had acceded to the Universal Declaration of Human Rights. The second Constitution, proclaimed in 1976, had introduced additional guarantees, including the guarantee of equality before the law. The 1989 Constitution, which had been revised in 1996, had expanded upon those principles by including provisions on political and trade union pluralism, strengthening the freedom of expression, information and association, providing for election to public office by direct universal suffrage and giving international treaties and conventions primacy over domestic law.

6. With respect to article 2 of the Convention, several articles of the Constitution established the principle of gender equality in terms of equality before the law, equal protection under the law and equal access to public office, employment and the justice system. In line with those provisions, the principle of gender equality had also been incorporated into the Civil, Criminal, Administrative, Commercial and Electoral Codes. Any new law that did not prohibit discrimination against women could be annulled by the Constitutional Council. At the same time, despite the rapid evolution of Algerian society, certain social constraints continued to hamper the elimination of all forms of discrimination against women.

7. With respect to article 3, legislative and regulatory provisions promoted equal treatment of women and men in the areas of education, vocational

training, health care and employment. With respect to national machinery, a standing committee had been established in June 1996 within the Ministry of Solidarity and the Family, following the workshops held in 1996 on the advancement and protection of women, the conclusions of which had been submitted to the public authorities for follow-up. In line with the recommendations formulated at the Beijing Conference, the Secretariat of Solidarity and the Family had been made a full Ministry; it was currently headed by a woman and served as the focal point for all efforts to promote the advancement of women and the family. The Council for the Preservation and Promotion of the Family and the National Women's Council supervised the implementation of a coherent policy for women and participated in the definition of a comprehensive strategy for meeting women's needs. Nonetheless, discrimination against women had not yet been eliminated, particularly in terms of access to positions at the decision-making level.

8. With respect to article 4, Algerian labour legislation contained provisions that could be viewed as a form of positive discrimination, since they prohibited the employment of women in dangerous, unhealthy or injurious work. Moreover, women could choose to retire at the age of 55 instead of 60 without losing any of their pension benefits, which were the same as those of men. Other provisions of labour law that protected women were the prohibition against employing women for night work or requiring them to work on legal holidays, the prohibition against dismissing female workers during the pre- or post-natal period, the time allowed for breastfeeding (two hours a day for the first six months and one hour a day for the following six months), the requirement of full pay during maternity leave and the law allowing women to take leave in order to raise a child under the age of five or one that had a condition requiring continuous care, which also provided that periods of absence for reasons of maternity should be considered as periods of work. Such legislation was based on constitutional provisions and international standards, and it protected workers' rights to collective bargaining, social security, pensions, occupational health and safety, periods of rest and recourse to strikes. Moreover, it provided that any discriminatory provisions of conventions, collective agreements or labour contracts were null and void and that such discrimination was punishable by law. The fact that part-time work was legally regulated

could help to foster women's employment, given the particular features of the Algerian family.

9. With respect to article 5, the education of millions of Algerians since the country had attained independence was gradually overcoming the prejudices which, until recently, had sometimes even prevented girls from attending school once they reached puberty. However, such attitudes were harder to change in rural areas. The public authorities had emphasized school enrolment as a means of promoting girls' and women's integration into society. Although the results achieved were still insufficient, it should be noted that some previously "male" sectors, such as the magistracy and the education and health sectors, were currently almost dominated by women.

10. The public authorities were developing a policy to set up boarding schools for girls in Saharan zones and for the children of nomads. Girls accounted for 50 per cent of the pupils enrolled for the 1997-1998 school year; thousands of them benefited from school canteens and free school supplies, and school buses were gradually being provided to transport pupils living in isolated areas. Nearly all schools were co-educational, schooling was free of charge, all students had access to all fields of study and physical education was mandatory. However, recent studies had revealed shortcomings in the quality and performance of the education system, and the number of schools was still insufficient.

11. Domestic violence, in the form of physical and psychological abuse, continued to affect many women in Algeria, even though the Constitution strictly prohibited such violence and the Criminal Code prescribed severe penalties in such cases. Unfortunately, many of those women chose to suffer in silence instead of filing complaints in the courts. Battered women could petition for divorce under the Family Code; such petitions were granted if it was established that the woman had been subjected to physical violence. While punishment of the perpetrators was a necessary means of combating domestic violence, only society as a whole, through educational and awareness-raising efforts aimed primarily at women themselves, could substantially reduce the incidence of physical violence.

12. Women's associations had proved very effective in helping women to deal with the justice system. For reasons that were mainly socio-economic, violence

against women was continuing to decline because of a positive change in attitudes, the role of the media, education and communication within the family. Moreover, the amendments to the Family Code restricting the practice of polygamy had further improved the position of women.

13. Positive change in traditional patterns, however, had been sidetracked by terrorism. Algerian women were exposed to that form of indiscriminate violence at all levels of society, and systematic rapes and abductions had added to their burden. In confronting terrorism, the State had established a greater presence on the ground and had mobilized the people to reject the Fascist and backward social views that supported it. Centres to assist the victims of terrorism had been established, and in cooperation with the United Nations Children's Fund (UNICEF), the Government had sponsored a seminar on psychological support for children traumatized by terrorist violence. In response to the many cases of rape of abducted women, the Government had also authorized abortion under the same conditions as abortion for therapeutic purposes. Finally, since September 1998, new programmes had been introduced beginning at the primary school level on the culture of peace, tolerance and the rejection of violence.

14. Turning to article 6, he said that under the Penal Code, rape was severely punished by prison terms of from five to ten years. Slavery, involuntary servitude and forced labour were unknown in Algerian society, and Algeria was a party to all the related international conventions. Trafficking in persons and prostitution were also severely punished. Nevertheless, because of difficult economic conditions and the results of structural adjustment, there was a risk that prostitution might increase.

15. With regard to article 7, he said that despite social pressure, religious beliefs and traditions, the participation of Algerian women in public affairs had become a reality. No laws or regulations prevented or restricted women's participation in the political life of the country, and the right to vote and to be elected was guaranteed by the Constitution and the Electoral Code. Unfortunately, however, few women had yet reached the decision-making level, because of entrenched attitudes and the relatively recent involvement of women in political life. Many more women held positions at all levels of government, particularly in the education and justice sectors. The most significant

factor in that change had been the reform of electoral laws in 1995, ending the practice of husbands voting for their wives by proxy. Algerian women also sought to exercise their right to vote as an act of defiance against the terrorist threat to democracy.

16. Concerning article 8, he noted that as in other sectors of the civil service, women and men had equal access to the diplomatic corps. Women could be found in positions of responsibility at all levels of the foreign service and represented Algeria at various international negotiations and meetings. Men and women had equal rights to nationality (article 9) and women were not obliged to take their husband's nationality upon marriage.

17. Turning to article 10, he said that over the past decade the Government had made human resources development a priority as an objective. Activities in that sector had included measures to promote schooling for girls, particularly in disadvantaged areas. Those efforts had resulted in the establishment of a vast network of educational infrastructures and a student population of 7.5 million in 1997-1998. Despite the difficult economic situation, the Government was continuing to invest in education as a priority sector, with the goal of nine years of basic education for all children, both boys and girls.

18. Women were in the majority among employees in the education sector. The number of girls enrolled in higher education had reached 49 per cent of all students during the past decade, and at the secondary level, girls actually outnumbered boys. Women represented 50 per cent of those enrolled in vocational training programmes as well. Although most women were enrolled in programmes in the areas of administration and management, clothing and handicrafts, greater numbers were entering such traditionally masculine areas as architecture, chemistry and computer science.

19. Equal employment opportunity was guaranteed under the Constitution and by labour legislation. In addition, special measures had been taken to promote women's employment. However, the growth in numbers of employed women had been slow, largely owing to the economic crisis brought about by the collapse of oil prices which, in turn, had slowed job creation. There had been some recent growth in the number of women working at home and part-time,

however. Nevertheless, women had not yet reached their potential as a factor in the workforce.

20. Algerian law provided for maternity leave. The extent of women's work at home in the informal sector, which made a significant contribution to household income, was not well known and efforts had been made to explore and formalize that sector in order to prevent exploitation. The Government had recently opened the way for the establishment of child-care centres and kindergartens by private and community groups.

21. Turning to article 12, he said that equal access to health care was guaranteed under the Constitution. The Health Charter, adopted in 1998 to outline the guiding principles of national health policy, had made maternal and child health and primary health care a priority. Family planning had been an integral part of health programmes since 1974. Currently, 99 per cent of women were aware of at least one method of contraception, and its use was constantly growing. More extensive use of family planning and a rise in the age of marriage had led to a reduction in the fertility rate, particularly among the youngest age groups. The drastic decline in teenage pregnancy was an important factor in improving maternal and child health. The growing number of women in health care professions had been a major factor in improving women's access to health care.

22. Since 1995, provision for diagnosis and treatment of sexually transmitted diseases (STDs) and acquired immunodeficiency syndrome (AIDS) had been expanded. As at 31 March 1998, 351 AIDS cases had been detected, of which approximately one quarter were women. Almost three quarters of the women infected were of childbearing age, reflecting the prevalence of sexual transmission, and a number of cases of mother-child transmission had been recorded. The incidence of STDs among the population was not known because, while reporting of sexually transmitted diseases was mandatory, that requirement was not always respected. However, it was estimated at 5 per cent. The prevention of sexual transmission of AIDS was one of the priorities of the medium-term programme of action (1995-1999), and pregnant women were among the target groups. Strategies included diagnosing and treating sexually transmitted diseases as part of reproductive health and family planning activities, and making condoms more widely available. Other measures adopted by his Government

to fight the spread of AIDS were described in the relevant section of the report.

23. Abortion had previously only been permitted on health grounds, but was now available to women who had been raped during acts of terrorism, following a decision by his Government in April 1998. With respect to family planning, it had set a target of achieving universal access to modern contraception by 2015.

24. Algeria's national health policy for the next decade had two aims, namely, the enhancement of the quality of the services provided and the reduction of disparities in access to health care, in keeping with the principles of social justice, equity and solidarity.

25. The social security system made no distinction as to gender. Indeed, women enjoyed special benefits relating to maternity and retirement. Thus, in addition to medical insurance and industrial accident insurance, working women were also entitled to 14 weeks' maternity leave at full pay, as well as full coverage of medical and pharmaceutical costs for the delivery, and could take voluntary retirement at 55, while the legal retirement age was set at 60. With regard to family benefits, employees received family allowances for minor children, and housewives were entitled to a special benefit. The basic legislation governing sports provided for equal access for men and women, but female participation was limited in practice by social constraints and a lack of sports facilities.

26. Women's very real contribution to rural development tended to be overlooked and was not reflected by statistics, since their work was regarded as an extension of their domestic chores. In addition to the general rural problems which afflicted male and female farmers alike, women experienced a number of specific problems, including the burden of combining domestic chores with outside work, the lack of employee status for workers on family farms, and ignorance of their rights because of illiteracy, which was widespread among women over 40. While it would require a long-term effort to overcome those problems, his Government's policy of empowering rural women had already brought about a marked improvement in their situation. A number of women were running farms, and, for the first time, women had become members of rural decision-making bodies, such as chambers of agriculture.

27. The principle of equality before the law was enshrined in the Constitution and had been incorporated in civil, criminal, administrative and commercial legislation. Thus, women enjoyed the same rights as men under the law including the right to conclude contracts, and had full legal capacity to acquire, administer, use and dispose of property. The right to freedom of movement and to free choice of one's domicile was protected by article 44 of the Constitution, which applied equally to men and women, without distinction.

28. Algeria's Family Code was based on the Constitution, which stated that Islam was the religion of the State. The Code defined the family as the basic unit of society. It made registration of marriages mandatory, in place of the traditional oral contract; set the minimum age for marriage at 18 for women and 21 for men; and defined consent of both spouses as a fundamental condition for entering into marriage. The Code reflected the equality of the personal rights of the spouses with respect to the right to choose a family name, a profession and an occupation, and placed no restriction on the right of women to dispose freely of their property. In the event of a husband's death, his wife was entitled, under the Code, to exercise guardianship over her children, which represented an important step forward in light of the tradition that guardianship was the prerogative of the male line. Divorce proceedings could be initiated by either spouse or at their joint request. Since a divorce could only be declared by a court, men could not unilaterally repudiate their wives.

29. Algeria had played an active part in the Fourth World Conference on Women and was committed to the implementation of its recommendations. In January 1998, his Government had submitted to the Division for the Advancement of Women a national plan of action in that regard. The specific measures undertaken by his Government were described in the addendum to the report (CEDAW/C/DZA/1/Add.1). The results achieved thus far were positive.

30. Algeria had expressed reservations with respect to certain articles of the Convention. Those reservations must be seen in the light of his Government's approach to the emancipation of women, which it viewed as a gradual process that could not take place without social change. His Government had hoped to promote such change by acceding to the Convention. Other powerful forces of progress were

women's movements and the independent press, while greater representation of women in the workplace and wider access to education would also help to change attitudes. His Government would address those aspects of Algerian legislation which ran counter to the Convention step by step. It had begun by approving important changes to the Family Code, which had been submitted for consideration to the legislature.

31. Ultimately, it hoped that, as society evolved, it would be able to withdraw all its reservations to the Convention. Those reservations did not impede the exercise by women of their economic, social, cultural, civil and political rights, since neither Algeria's Constitution, nor its Civil, Penal and Commercial Codes discriminated against women, who enjoyed de facto equality in almost every area of public life. The difficulties encountered were largely in the area of women's personal status.

32. With respect to article 2, he said that his Government had applied all its provisions with the exception of paragraph (f), and it was confident that, as attitudes changed, customs and practices would also evolve. The reservation to article 9, paragraph 2 reflected the fact that, under the Code of Algerian Nationality, children could have their mother's nationality only under certain circumstances. His Government was reconsidering its position on article 15, paragraph 4, since there was no conflict between its provisions on freedom of movement and the right of women to choose their place of residence and the relevant provisions of the Algerian Constitution and Family Code. Article 16 was clearly problematic for Muslim countries in which legislation on personal rights was guided by Sharia law. The time was not right at present for the radical changes that would be required to bring Algeria's Family Code into line with the Convention. His Government hoped, however, that as society evolved, it would be possible to amend the Family Code in a gradual manner to take greater account of women's personal rights. Algeria had expressed a reservation to article 29, paragraph 1, because, like many other countries, it did not recognize as compulsory the jurisdiction of the International Court of Justice in legal disputes concerning the interpretation of a treaty.

33. The situation of women in Algeria had improved markedly since the country had regained its independence, particularly with respect to the exercise by women of their political, economic, social and

cultural rights, and they were present in every sphere of political, economic, social and cultural activity. Algeria's accession to the Convention had provided further impetus to women's emancipation and had enabled the Algerian authorities to gain a clearer picture of the problems faced by women. The remaining obstacles to women's equality existed largely in people's minds, rather than in legislation or government policy. With regard to employment, women were still underrepresented in certain sectors. Domestic violence was a problem, but the awareness-raising campaigns initiated by his Government, together with the harsh penalties imposed by the courts, were beginning to bear fruit. The phenomenon of terrorist violence, to which women were particularly vulnerable, was gradually being eradicated. Today, women were campaigning for democracy and their own emancipation, and against terrorism and fundamentalism with the same courage and determination that they had shown during Algeria's struggle for independence. His Government was committed to the process of achieving equal rights for men and women and recognized that full compliance with its obligations under the Convention was an important step towards the realization of that goal. His delegation would listen attentively to the Committee's comment on Algeria's report and undertook to reply to their questions in a frank and objective manner.

34. **The Chairperson** thanked the representative of Algeria for a very frank and complete report and said that she would then invite the Committee experts to make general comments.

35. **Ms. Aouij** pointed out that despite the major role played by women in Algerian society, their status was often still one of inferiority or submission. The country's laws had failed to keep up with the evolution of Algerian society, and the Government must correct those failings in order to promote equal rights for women, not only in education and employment but also in their personal status, in particular through reform of the Family Code, which must be made a national priority. Noting that Islam was a religion of tolerance, she said that the continued promotion of women's rights was the best way to combat religious and political fundamentalism. The international community and the Committee experts expected no less of the Government of Algeria, and she reiterated the Committee's solidarity with the struggle of Algerian women for equal rights and against terrorism.

36. She wondered whether the entire Convention had been published in the *Official Gazette*, whether the provisions of the Convention superseded national laws and whether the Convention had already been cited in the national courts. She noted the proposed amendments to the Family Code mentioned under article 16 and thanked the representative for his explanations of his Government's reservations to the Convention. She was convinced that as Algerian society continued to evolve and as attitudes changed, those reservations could be removed. She was pleased that ratification of the Convention had had a real effect on Algerian women and had accelerated their emancipation.

37. **Ms. Corti** thanked the representative for a very frank and complete report and paid tribute to the heroism of Algeria in the struggle for liberation, the reconstruction of the country and the current battle against terrorism. She noted the progress made and was pleased that international law was considered to take precedence over national law. She wondered, however, assuming that were the case, and despite the explanations given by the representative, why the Government had made reservations to the Convention. She also suggested that the dichotomy between the civil/political, and personal status of women in Algeria was perhaps reflective of the status of women in Islamic tradition.

38. She wondered whether the Constitutional Council had expressed an opinion on the Family Code, which seemed to be in violation of the Constitution. She hoped that despite the difficult political and economic situation, the emancipation of women would grow with the development of democracy. Contradictions between the theoretical rights of women and their real status in society must be corrected. Failure to do so could lead to instability and even endanger democracy itself.

39. **Ms. Abaka** congratulated the representative on his Government's commitment to implementation of the Convention despite the real difficulties the country was facing. She hoped that the reservations would indeed be lifted, since they were incompatible with guarantees of gender equality. She asked whether, given the fact that international instruments superseded national laws, violations of the Convention had been challenged in national courts. She also noted that, despite claims of equality and amendments to the law, polygamy remained legal, and she wondered whether wives truly had the power to reject polygamy. That

situation must be corrected. She further noted that women still required the permission of their guardian to marry, which was a violation of the spirit and letter of the Convention.

40. She congratulated Algerian women for the important role they had played in the fight for independence and for the role they continued to play during a very difficult period in the country's history, and she expressed the international community's unqualified support for their struggle.

41. **Ms. Regazzoli** echoed the tributes paid to Algerian women by previous speakers and said she was convinced that Algerian women would show the same determination in facing terrorism and fundamentalism.

42. **Ms. Schöpp-Schilling** expressed her satisfaction at the efforts made by the Algerian Government to implement the Beijing Platform and defend equality during a very difficult period and encouraged the Government to continue to act decisively, for example in meeting the needs of rural women. She felt however that in future improved data needed to be made available to the Committee to enable it to evaluate progress more effectively. For example, she noted that 30 per cent of the population of Algeria was non-Arab, specifically Berber, and wondered whether more information was available concerning the situation of Berber women.

43. She asked whether the full text of the Convention had indeed been published in the *Official Gazette*. It was essential for knowledge about the Convention to be widely disseminated, especially when no national anti-discrimination legislation existed. For example, had courses been organized for judges and others involved in applying the law? The notions of both intentional and unintentional discrimination must be broadly understood. Progress had been made in the public sector; however, the Convention also applied to the private sector and to families.

44. The reservations to the Convention must be reviewed. She pointed out that other Islamic countries had made no reservations to article 16, and she wondered why the amendments to the Family Code proposed by women's non-governmental organizations had not been accepted. Further information on that question would help the Committee in making recommendations in the future.

45. **Ms. Acar** stressed that despite the problems posed by terrorism, the recognition, protection and promotion of women's rights was essential and of great symbolic value for a State aspiring to democracy. Fundamentalist Islamic movements used the status of women as a symbol for the type of society they wished to create. Those opposed to such a society must therefore promote women's rights with even greater vigour and urgency. Noting the progress made in the areas of education and political and economic life, she said that the Government of Algeria must continue to be uncompromising and consistent in the implementation of the Convention in all areas, especially family law, without delay.

46. The world and other Islamic women had their eyes on Algeria, which must prove that religion and tradition should not be used as excuses for non-implementation. The State had a responsibility to show that Islam could be adapted to take into account women's rights. Algeria was in a unique position, and she hoped that the Government would show the necessary will to implement the Convention, with a view not only to guaranteeing women's rights, but also to taking a major step towards freeing Muslims from being held hostage by fundamentalist groups.

The meeting rose at 1 p.m.