



**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 412th meeting**

Held at Headquarters, New York, on Tuesday, 26 January 1999, at 10 a.m.

*Chairperson:* Ms. Gonzalez

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*The meeting was called to order at 10.05 a.m.*

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

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

1. *At the invitation of the Chairperson, Mr. Baali, Ms. Mohand Amer, Ms. Benassine, Ms. Benabdellah, Ms. Boumghar, Ms. Kerkeb, Ms. Benkhelil and Ms. Barki (Algeria) took places at the Committee table.*

2. **Mr. Baali** (Algeria), replying to questions that had been raised, said that the Constitution of Algeria guaranteed equality of the sexes and explicitly recognized the precedence of international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, over Algerian law. His delegation was determined to translate legislation on the equality of women into reality. It was also committed to the progressive removal of its reservations and had displayed a great deal of flexibility in that regard. He wished to reassure the Committee that the reservation entered with regard to article 2 applied to the first paragraph only and that the reservation made with respect to article 16 applied only to certain portions of paragraph 1; that position would doubtless be transformed by the current and future revisions of the Family Code. Article 15, paragraph 4, however, was inconsistent with article 44 of the Constitution and article 37 of the Family Code. He also expected changes to be made in the Nationality Code.

3. The status of Algerian women had evolved considerably since the 1980s, particularly in such vital areas as education, health and participation in political life. The problems persisting in the area of employment, in particular, were attributable to the slow process of changing attitudes and to women's late entry into the labour market and the political arena. Algeria had an active women's movement, a thriving intellectual class, a cosmopolitan society open to the outside world, particularly Europe and the other Arab countries, and a fiercely independent press. While reiterating his Government's commitment to revise texts considered to be discriminatory, he expressed confidence in the general evolution of Algerian society towards greater emancipation and the increased equality of women. He also agreed with Ms. Khan and

Ms. Aouij on the changing nature of the Shariah (Islamic law) and the need for it to be responsive to the evolution of society, that, unfortunately, had not been the case in the Muslim world for a long time.

4. In response to the question concerning indigenous women, he noted that there were no indigenous populations in Algeria or in other countries of the Maghreb. Thus, no statistics on ethnic groups were available. With regard to the phenomenon of violence, he acknowledged that domestic violence did exist in Algerian society but that its incidence was diminishing as a result of changing attitudes, education, the efforts of the women's movement and the severity of the justice system. Terrorist violence, which had targeted all sectors of society on the basis of an antiquated interpretation of Islam, had been defeated and the fundamentalism which fuelled it was waning. With the exception of a few isolated areas, security had been restored to Algeria and, by and large, Algerian society was on the path towards modernization.

5. **Ms. Mohand Amer** (Algeria), referring to article 2 of the Convention, said that the principle of non-discrimination was enshrined in the Constitution. Accordingly, Algerian women held government posts; had the right to vote and to run for office, including the office of President; could establish and lead political parties or associations; enjoyed freedom of opinion and association; had access to the court system; could freely choose their place of residence and enjoyed freedom of movement within the country; benefited from all social services; had access to vocational training, including training for traditionally male professions; had access to health services; and could enter into contracts and obtain mortgages and bank loans. In fact, the percentage of young women who had obtained loans had doubled between 1994 and 1995. Women also had access to employment and the right to career development, equal pay, legal holidays and retirement benefits.

6. The precedence of international instruments over the Constitution of Algeria had been established by decision of the Constitutional Council in August 1989. In that connection, the Convention on the Elimination of All Forms of Discrimination against Women could be invoked in the Algerian courts, with the exception of articles on which reservations had been entered.

7. The Constitutional Council was responsible for ensuring the constitutionality of laws and statutes and

their compatibility with international instruments, and for supervising elections. Questions of personal status were dealt with in the Family Code and fell within the purview of the Parliament. Since Islam was the State religion, the Family Code was based largely on the Shariah.

8. Referring to article 3, she said that the Convention in its entirety had been published in the *Journal Officiel* of the Republic in 1996 and that the debates in the National People's Assembly on issues relating to the Convention were also a matter of public record. The work of the Committee, including the current session, was fully covered in the Algerian press and the other mass media. In addition, the provisions of the Convention were incorporated into the curricula of various law faculties and the National Magistrates College and were the subject of seminars organized on the occasion of the annual observance of Human Rights Day and, in particular, Women's Day. A Chair in Human Rights had been established at Oran University by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Observatoire National des Droits de l'Homme (National Human Rights Monitoring Agency), which acted as an advisory body, regularly organized seminars and workshops in cooperation with the voluntary associations. All citizens were entitled to bring actions in court if any provision of the Convention was violated. Thus far, perhaps owing to the fact that Algeria had ratified the Convention so recently, there were no cases on record.

9. As background to the specific measures taken to implement the Convention, she wished to explain the roles of the various government mechanisms for the advancement of women. The Ministry of Solidarity and the Family provided input to government policy-makers in that area. It designed programmes for the protection and promotion of the family; carried out specific actions for the benefit of children, youth, women, elderly persons and vulnerable sectors of society, in collaboration with government agencies and voluntary associations; and, through the National Women's Council and the Council for the Preservation and Promotion of the Family, provided advisory services to the Government.

10. The National Women's Council, established in March 1998, was the major policy advisory body in Algeria. As such, it submitted strategy proposals and recommendations; monitored and evaluated

programmes for the advancement of women; and collaborated with the regional and international women's movement. The Council was headed by a woman. Its members, representing ministerial departments, government advisory bodies, labour, management and voluntary associations, were appointed by the President of the Republic.

11. The Council for the Preservation and Promotion of the Family, within the Ministry of Solidarity and the Family, participated in the formulation of national policy on the family; promoted information programmes for families; and, in collaboration with the relevant agencies, proposed local activities and special programmes to benefit families. The Council was composed of representatives of various ministries and national associations.

12. Government policy was indeed based on a national plan of action, formulated by a committee within the Ministry of Solidarity and the Family. The plan of action was based on recommendations issuing from workshops organized in April 1996, with the participation of more than 70 social and humanitarian organizations representing urban and rural women. It took into account the Beijing Platform for Action and covered the areas of education, training, health, employment, communication, development and the prevention of violence. A number of specific programmes for poorer families were financed by a Special National Solidarity Fund. One such programme promoted the education and training of girls from poor families by financing their school supplies, textbooks and transportation. Thus far, it had benefited more than 1.5 million girls in the 1998/99 school year. Assistance had been provided to 4,000 persons with motor disabilities, including 400 young women, under a programme of correspondence courses for disabled persons from poor households. Under a special health programme, medicines, family planning services and contraceptives were provided to disadvantaged persons who had no medical insurance; nearly 9,000 women had benefited from the programme. In 1997 and 1998, 1,553 jobs in microenterprises, mainly in the areas of crafts and agriculture, had been created for disadvantaged female heads of households. Another special programme for families guaranteed access to adequate shelter.

13. Clarifying the role and mandate of the Council of the Nation and the Council of State, she said that the Council of the Nation was a legislative organ while the

Council of State was a judicial organ. The Council of the Nation was a house of parliament comparable to the Senate in other countries. Two thirds of its members were elected by the Communal and Departmental people's assemblies and one third were appointed by the President of the Republic. Of the eight women members of the Council of the Nation, three had been elected and five had been appointed. Three of them acted as chairpersons of various Council Commissions. The female members of the Council often displayed solidarity in voting on women's issues in the sessions of the Council's human rights commission. The Council of State, established in June 1998, ensured the harmonization of administrative case law throughout the country and enforced the law. It was composed solely of magistrates appointed by the President of the Republic, including 16 women.

14. **Ms. Benhassine** (Algeria) said that her delegation had heeded the Committee's recommendations with regard to article 4 and would take them into account in preparing its first periodic report. Her Government had already taken steps to increase the presence of women in traditionally male occupations, such as the National Police, which had recruited 700 women, partly in an effort to be more responsive to women victims of violence. Women currently accounted for 22.24 per cent of police officials in Algeria and that figure was expected to increase in the next two years. Her Government practised positive discrimination in affording protection to women who worked at night and performed heavy manual labour, in accordance with the relevant international conventions.

15. Turning to article 5, she said that compulsory education, together with the introduction of co-education throughout the elementary school system and in the vast majority of secondary schools, had done much to modify social and cultural patterns of conduct. In higher education, her Government's efforts to promote the recruitment of women to a broader range of professions had led to the gradual feminization of subjects which had traditionally been male preserves. Thus, in the academic year 1997/98, women had accounted for more than half of students of the sciences and almost one third of students of technology and veterinary sciences. A national commission had been established to revise the school curriculum within the context of the ongoing reform of the education system; human rights education had been incorporated

into the civics syllabus, and new images of women and the family were being promoted in courses on health, environmental and population questions. School textbooks had been undergoing continual revision since the 1970s with a view to achieving the progressive elimination of gender stereotypes. Girls enjoyed the same access to sports facilities as their male counterparts, and there were no special requirements regarding their dress.

16. Women were well represented in the media, including in decision-making posts. They accounted for up to 50 per cent of the staff of certain independent newspapers and as many as two thirds of radio journalists.

17. Algerian law did not distinguish between victims of violence on grounds of gender. Accordingly, it contained no special provisions in respect of violence against women, nor were there any statistics regarding the criminal prosecution of the perpetrators. Data collated by the police were somewhat fragmentary, giving only an overview of the incidence of certain types of violence against women. In 1996, 279 assaults, 195 indecent assaults and 99 rapes had been reported. Domestic violence remained a taboo in Algeria, as in many other societies. However, it had been the subject of a number of university research projects and colloquiums. The National Institute of Public Health was currently conducting a survey of health-care providers in the private and public sectors with a view to gaining a more accurate picture of the incidence of sexual violence against women. A similar survey on domestic violence was planned for 1999. Women who had been victims of violence received legal assistance and medical attention, specifically an examination by a doctor, and, in cases of sexual violence, by a gynaecologist. Also, women's organizations were providing counselling and had set up telephone helplines and shelters for women at risk. There had been much progress in the levels of care and support provided for children who had been victims of sexual violence. It should be noted in that context that the age of majority was 18.

18. There were over 750 women prisoners in Algeria, of whom approximately 3 per cent were juveniles. When a mother was incarcerated, she was entitled to keep her child with her until the child reached the age of 2. Violence against women prisoners by members of the prison staff occurred very rarely, and, as in cases of

abuse of patients by medical personnel, was severely punished.

19. As to terrorist violence, victims, or their families, were entitled to compensation in respect of physical injury or damage to property as a result of either an act of terrorism or an accident occurring in the course of the fight against terrorism. Her Government had disbursed some US\$ 100 million in compensation to date. The children of the victims also received assistance with their schooling, in obtaining accommodation and in seeking employment. A number of measures had been taken to address the psychological needs of victims, including the development of special programmes for families and the establishment of centres for the care and support of women who had been raped by terrorists and children who had been traumatized by terrorist incidents. All services were provided free of charge. A national intersectoral programme had recently been launched with the support of the United Nations Children's Fund (UNICEF) with a view to integrating those initiatives in a comprehensive, coordinated strategy. A priority of the programme was the provision of training for those working with victims of terrorism.

20. **Ms. Benabdellah** (Algeria), referring to article 6, said that, while prostitution was not criminalized, Algerian legislation provided for harsh penalties against those who knowingly aided, encouraged, assisted or protected prostitution or solicitation for purposes of prostitution.

21. Sexual harassment was considered to be a form of psychological violence, which could lead to physical violence. In cases of sexual harassment, the Criminal Code provided for penalties ranging from a fine to a custodial sentence. It was for the State prosecutor to determine which acts constituted sexual harassment.

22. Turning to article 7, she said that there were 13 women deputies in the National People's Assembly, representing five political parties or movements. While they had not formed a women's caucus, they had many common concerns. Within the political parties, women's presence was no longer confined to the rank and file, a number of women having been elected to executive and decision-making bodies. There were two women party leaders, one of whom had declared her intention to be a candidate in the forthcoming presidential elections.

23. With regard to article 9, she reiterated that the Code of Algerian Nationality made no distinction between men and women with respect to the general conditions for acquisition or loss of nationality, and neither marriage to a foreigner nor a husband's change of nationality during marriage could change a women's nationality, or render her stateless, or oblige her to take the nationality of her husband. Generally, children were deemed to have the nationality of their father, in accordance with the principle of *jus sanguinis*, reflecting the fact that, like many Mediterranean countries, Algeria was a patriarchal society. The practice, which was not deliberately discriminatory, was intended to serve the best interests of the child. It must be borne in mind that Algerian citizenship was defined by law, which was subject to reform. The Code of Algerian Nationality had been adopted 30 years earlier in a very different historical and sociological context.

24. **Ms. Boumghar** (Algeria), replying to the questions relating to article 10, said that equality of access to education was guaranteed by a law of 1976, which also stated that education was compulsory for children between the ages of 6 and 16, irrespective of gender, and must be provided free of charge. Her Government had recently submitted to the legislature for consideration a bill providing for penalties applicable in the case of parents or guardians who prevented their children's attendance at school. It had also taken a series of measures to sustain the marked increase in enrolment rates among girls in elementary and secondary schools over the past three decades, including the construction of new schools, particularly in rural areas, and the provision of school canteens, buses and boarding facilities to enable children from remote areas to attend school. Recognizing that the cost of education might act as a disincentive, her Government provided textbooks, school equipment and uniforms free of charge to disadvantaged children.

25. There had been a significant increase in the number of women teachers in both elementary and secondary schools. In higher education, the proportion of women teachers had doubled in the past decade. The relatively low number of women head teachers was attributable to the fact that, while women enjoyed equal access to administrative posts, they often preferred to remain in the classroom because of such factors as the increased workload and the negligible gain in salary in such posts. By contrast, women

accounted for more than half of the guidance and vocational counsellors.

26. **Ms. Kerkeb** (Algeria), speaking on article 11, said that, while the participation of women in the labour market remained low, at 16 per cent, that figure was rising steadily despite the current economic crisis and the high levels of unemployment. Under Algerian labour laws, all discrimination against women on the grounds of marital status was prohibited. It was true that more than half of the active female population was single, but her Government had taken a number of measures to enable married women to remain in employment. For instance, in 1992, it had permitted private sector entities to establish crèches and kindergartens with a view to expanding the existing network. Child care was also provided by registered childminders who were regulated by the State. New mothers were entitled to two hours' paid leave per day for the purpose of nursing their babies for the first six months after the birth and one hour per day for the next six months. Women's marital status had no effect on their right to social security.

27. With respect to recruitment, the right to equal access to employment without distinction on grounds of sex was guaranteed by law. In 1997, almost 60 per cent of recruits to the civil service had been women. There was no requirement that a woman applying for a post should seek the permission of her husband or parents. All employers had to conclude a collective agreement with their employees, which was submitted to the labour inspectorate for approval. Any clause of such an agreement which was deemed discriminatory was declared null and void, while the drafting of such a clause was punishable by a fine or imprisonment, in the case of a repeat offence.

28. The educational level of working women was higher than that of men probably as a result of the successful efforts to promote the education and training of girls. Women's preference for work in the services sector could be explained both by their desire for stable employment and by the low level of development in the production sector. Equal pay for men and women was provided by law and was strictly enforced in Algeria. A significant number of women worked at home and, since December 1998, that type of employment had also been covered by social security benefits. Part-time work also enjoyed the same social benefits as full-time employment.

29. Women working while pregnant were given full reimbursement for related medical care and protection against certain risks in the workplace. They received 14 weeks of maternity leave at full pay. Women's unemployment was being addressed as part of a package of measures aimed at both men and women in the 16-to-36 age group. Single mothers received state protection and free and anonymous medical care. Their status could not be used to prevent them from working and receiving family benefits like all workers.

30. **Ms. Benkhelil** (Algeria), in response to a number of questions which had been raised in connection with article 6, said that the rate of use of modern contraceptive methods had grown from 1.5 per cent in 1970 to 49 per cent in 1995. The most widely used contraceptive method in Algeria was the birth control pill, followed by the intra-uterine device (IUD). Among natural methods, extended breastfeeding was the most widely used. The average duration of contraceptive use had increased significantly, from 25.2 months in 1986 to 31.5 months in 1995. The participation of men in contraception was strongly encouraged, both as a means of combating sexually transmitted diseases and AIDS and for family planning. In rural areas, the well-developed network of agricultural extension agents was being used to raise awareness of modern contraceptive methods.

31. Pregnancy and post-natal care were an integral part of basic health services. Because women were less likely to seek post-natal care, the national programme to combat maternal and perinatal mortality was emphasizing post-natal follow-up. Haemorrhage was responsible for about one quarter of maternal deaths, and was the priority area of intervention. Infant mortality had declined significantly since independence; it was 54.5 per thousand in 1996. The national programme to combat infant mortality had emphasized vaccination and, by 1995, 93 per cent of children of both sexes had been vaccinated. The most frequent causes of infant mortality were acute respiratory infections (ARI), diarrhoea and measles. There had been a recent increase in neonatal mortality, which had led to a readjustment in the national programme.

32. With regard to the question of abortion, only therapeutic abortion conducted in a medical setting to preserve the health of the mother was legal. The definition of the mother's health, however, also included her psychological well-being. The consent of

the woman was, of course, required and the opinion of a general practitioner must be supported by that of a specialist. The decline in the number of abortions — from 8.6 per cent of pregnancies in 1990 to 6.1 per cent in 1995 — might indicate better maternity care.

33. Regarding the health-care concerns of elderly women, demographic change was leading to the ageing of the population and those concerns had been made part of national health policy. Health care for menopausal women was included under reproductive health.

34. As for the number of doctors, 9,652 of the 19,595 in the public health sector and 4,100 of the 8,195 in the private sector were women. Women's health issues had also been a major field of research during the 1990s.

35. On the subject of drug addiction among women, two studies conducted in 1990 and 1997 indicated that the rate of drug use among young women was very low. Nevertheless, efforts to combat drug abuse were an integral part of national health policy. The share of the State budget allocated to the health sector was one of the largest, along with education. The health-care budget for 1998 was approximately \$660 million, or 7 per cent of the budget.

36. Health-care workers, doctors and midwives received training in ethics as part of their professional education. Health policy was developed by the Ministry of Health in cooperation with other Ministries, in recognition of its intersectoral nature. Non-governmental organizations were also involved in the process, as they could express the needs of civil society. Health-care programmes had been decentralized to the regional level in the mid-1990s.

37. With regard to the age of marriage, the Family Code established the legal age of marriage at 18 years for women and 21 years for men. In practice, however, the average age of marriage was estimated at 26.3 years for women and 30 years for men. The rise in the age of marriage applied in urban and rural areas alike.

38. Demographic change had been rapid during the first two decades after independence, with a doubling of the population between 1962 and 1984. A voluntary population control policy had been adopted beginning in 1983 and there had been a noticeable slowing in growth since the end of the 1980s. Fertility rates had fallen to 3.14 children per woman in 1997. Algeria

expected to reach the fertility rate of 2.1 — the rate necessary to maintain its population — around 2010.

39. Population programmes were aimed at improving access to reproductive health care by emphasizing, in particular, disadvantaged areas and information, education, communication activities targeting various sectors of the population such as youth, men and rural communities, and by relating demographic policy to other social policies and research in related fields. Family planning, the cornerstone of those efforts, was part of the overall reproductive health-care programme, which included safe motherhood, the prevention of sexually transmitted diseases, and the treatment of infertility and genital cancers. All participation in family planning programmes was voluntary; no coercion was involved. Indeed, voluntary participation was a factor in bringing about a lasting change in family planning practices and was an element of the Cairo Programme of Action and the Beijing Platform for Action. Finally, the Government had made population policy a priority and was committed to making it an essential element of the national development policy.

40. **Ms. Kerkeb** (Algeria), referring to article 13, said that State policy with regard to the social safety net and assistance to vulnerable women was based on a social safety net made up of benefits allocated from the State budget for direct income support to individuals and families. It consisted of grants made to elderly and disabled persons who were unable to work and of benefits provided to persons without an income or to heads of households in exchange for work in public service jobs organized by local communities. Women represented 38.8 per cent of recipients of the latter type of benefit.

41. Welfare benefits consisted of a financial contribution from the State to support disadvantaged persons. Although those benefits were awarded without discrimination, they benefited mainly women and girls. Disabled women and those receiving other social benefits also received subsidized health care. The Social Development Fund financed benefits for the chronically ill and provided free or reduced-fare public transportation for disabled persons.

42. **Ms. Mohand Amer** (Algeria), referring to article 14, said that an overall development strategy aimed at providing infrastructure and equipment had greatly improved the living conditions of rural women. Among

rural communities, 88.7 per cent of the population had electricity and 54.7 per cent had access to safe drinking water. A housing construction programme had also improved conditions for women. An extensive health-care network covered rural areas, providing access to health care for over 73 per cent of rural women. A growing network of primary and secondary schools in those areas also promoted school attendance among girls. Rural women had the right to own property, enjoyed access to credit and participated in the social, cultural and economic life of their communities.

43. A number of programmes had been established to provide support and technical assistance to rural women. First, several international organizations were participating in a job creation and credit access project. Second, a study on women's participation in development in rural areas had been launched in cooperation with the Food and Agriculture Organization of the United Nations (FAO). Its purpose was to define an intervention strategy for the advancement of rural women. Finally, the system of women agricultural extension agents was being expanded so that they could provide information and support in the areas of education, health care and legal rights, as well as technical assistance to farmers.

44. **Ms. Barki** (Algeria), speaking as Chairperson of the Association Algérienne d'Alphabétisation (IQRAA), said that there had been a dramatic decline in illiteracy rates over the past 30 years. In 1966, 74.6 per cent of the population 10 years of age and over had been illiterate; of those, 85 per cent had been women. By 1996 the corresponding figures had been 31 per cent and 33.4 per cent. Currently, illiteracy affected 11.1 per cent of girls between the ages of 6 and 15, 26 per cent of women between the ages of 16 and 59 and 83.95 per cent of women over the age of 60. IQRAA conducted literacy programmes throughout the country, concentrating on reading, writing and arithmetic, basic health care and human rights education, together with some vocational training and workshops. There were regular information and awareness-raising campaigns, through exhibitions, films and television and radio programmes. Special classes were held for older women, who, being less embarrassed by the stigma of illiteracy, often set an example for younger women. Many had spoken of their joy at being able to read the Koran and also to help their grandchildren with their school work. By June 1998, the number of women taught to read by IQRAA had reached 49,000. The

Association's work had been recognized by the award of several international prizes

45. **Ms. Benabdellah** (Algeria) said, in relation to article 15, that, following the death of a child's father, guardianship passed to the mother rather than, as in the past, remaining with the father's family. In cases of divorce, custody of the children went to the mother, if possible; failing that, to the mother's mother or to her aunt. The father was fourth on the list, followed by his mother and subsequently by the nearest relatives, in accordance with article 64 of the Family Code.

46. With regard to article 16, she noted that several members of the Committee had expressed concern about the status of women in Algeria, as reflected in the Family Code, amendments to which were shortly to be made. Women's groups in Algeria had been very active in that regard ever since the advent of democracy. Government-sponsored workshops held shortly after the country's ratification of the Convention had been attended by 300 people, including representatives of 70 women's groups. The 22 proposed amendments to the Family Code that had emerged had been approved by the Government — 17 in their entirety and 5 with modifications — and had been put before the Parliament for consideration and adoption. The amendments represented considerable progress even though they did not fully satisfy the women's groups. Mothers with custody of their children were assured of the right to live in the marital home or other premises provided by the husband. In cases of non-payment of maintenance to mothers with custody of the children, the husband's goods or wages could be distrained. Three improvements had been made to the law on divorce: divorce could no longer occur simply "at the will of the husband" but required a petition by him; the wife could sue for divorce simply on the grounds that the couple could no longer live together, without needing to produce proof; and divorced women received financial compensation.

47. With regard to the "legal guardian", the situation was no longer as depicted by some women's groups: the legal guardian did not act for a woman in concluding a marriage contract but was merely present. His attendance had more symbolic than legal force, in that it afforded the wife protection against the family into which she was marrying.

48. Polygamous marriages no longer took place without authorization from the courts; that ensured



fairness with regard to maintenance and housing and it occurred only if both spouses had given their notarized agreement. She noted that, in practice, polygamy was virtually restricted to bigamy, which itself had become a much rarer phenomenon, occurring more in rural than in urban areas, and even there was gradually disappearing. Whereas in 1911 the polygamy rate had been 60 per cent, it was now less than 5 per cent of the married population.

49. The mother was given clear and unequivocal custody until a child reached maturity. A mother's right to be the guardian of her children in cases of abandonment by, or disappearance of, the husband was guaranteed. Article 39 of the Code, which imposed on a wife the obligation to obey her husband, was to be repealed. A new provision would be included in article 37, obliging the husband to show consideration to his wife and to preserve her honour and dignity. Mutual respect between husband and wife would also be stipulated. The revision of the Family Code would continue in keeping with the evolution of society; other provisions would gradually be modified or fall into disuse, so that women would eventually enter into the full enjoyment of their rights.

50. **Ms. Aouij**, supported by **Ms. Ouedraogo**, commended the openness and comprehensiveness of the report and said that the national interest was by no means incompatible with Islamic jurisprudence. She therefore urged the Government to heed the plight of half of its population and not to impose outdated Shariah law on its women in the way that obsolete texts had been reintroduced in Pakistan and Egypt after decades of neglect. The issue could not be left to natural development; the Government, the media and the educated classes had a duty to adopt and promote new priorities, thus advancing the status of women. She eagerly awaited the revision of the Family Code, which would show the consolidation of democracy and economic development in Algeria. The progress made was all the more commendable in view of the struggle against terrorism.

51. **Ms. Abaka** welcomed the reiteration of the statement that the Convention had supremacy over the Constitution in Algeria. That gave rise to hope that when the country had overcome its problems women would enjoy real equality with men. In relation to article 12, she drew attention to the fact that, in other countries, globalization had resulted in a deterioration in the people's health.

52. **Ms. Corti** said that, even in the two years since Algeria had registered its reservations to the Convention, much had happened in terms of social progress and the consolidation of the country's democracy. She therefore hoped that when Algeria submitted its next report it would be able to say that it had lifted its reservations. She looked forward to the revised Family Code, which would benefit men as well as women.

53. **Ms. Goonesekere** stressed the importance of government in the progress made by a society. An accountable government not only made laws but also monitored them. There had been real progress in rural areas, both in action taken and in information gained. It was useful for all countries to have data on human rights violations of every kind. That way led to reform; a State should remain committed to the introduction of reform and not postpone its implementation. She urged the Government to reassess the Code of Algerian Nationality so that an Algerian mother married to a foreigner could pass on her nationality to her children. It was ironic, considering that Islamic law had pioneered the notion that the mother had the first claim on her child, that a Muslim country should restrict *jus sanguinis* to the male line.

54. **Ms. Schöpp-Schilling** welcomed the fact that the Algerian Government intended to improve the Family Code in the teeth of conservative fundamentalism. It was right for a Government to have the courage to follow international standards in the field of human rights and she hoped that Algeria would shortly be able to lift its reservations to the Convention. Noting that unemployment was high in Algeria, she trusted that women would receive equal benefit from whatever measures were taken to alleviate it. Indeed, she would advocate affirmative action to move women up to higher-echelon jobs and open more opportunities lower down. Training in handicrafts, admirable though it might be, was not the only way forward; women should form part of the larger economic picture.

55. **Ms. Acar** said that Algeria should not defer any longer the elimination of the restrictions contained in the Family Code. There should be more action and less emphasis on progressive evolution. It should be a priority for a State fighting Muslim fundamental terrorism to do away with discriminatory legislation and practice. Indeed, there was no incompatibility between Islam and secular laws, as the experience of

her own country — Turkey — showed. No compromises should be made on human rights.

56. **Mr. Baali** (Algeria) said that the statistics spoke for themselves: Algeria had made much progress since independence. The Government was not complacent, however, equality would not be attained overnight. Even in developed countries, indeed, few women had reached the top. Gradually justice would be achieved. He reiterated his Government's firm commitment to the continued implementation of the Convention. The Committee's comments would be conveyed to the authorities and to the public.

*The meeting rose at 1.10 p.m.*