



# 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

13 February – 2 March 2012

### Concluding observations of the Committee on the Elimination of Discrimination against Women

#### Algeria

1. The Committee considered the combined third and fourth periodic reports of Algeria (CEDAW/C/DZA/3-4) at its 1030th and 1031st meetings on 22 February 2012 (CEDAW/C/SR.1030 and 1031). The Committee's list of issues and questions is contained in CEDAW/C/DZA/Q/3-4 and the responses of the Government of Algeria thereto are contained in CEDAW/C/DZA/Q/3-4/Add.1.

#### A. Introduction

2. The Committee welcomes the consolidated third and fourth periodic reports by the State party, which was detailed and generally complied with the Committee's guidelines for the preparation of reports, albeit it lacked some specific sex disaggregated data.

3. The Committee notes a participatory process in the preparation of the report, coordinated by the inter-ministerial working group and involving various ministries and national and local associations active in the field of human rights. However, there was neither any indication of whether or not the draft report was submitted to the Parliament nor any indication of whether or not there was any input by non-governmental organisations, despite the recommendation in this regard in the Committee's previous concluding observations (CEDAW/C/DZA/CC/2, para. 49).

4. The Committee expresses its appreciation to the State party for the oral statement presented by the head of delegation, H.E. Mr. Idriss Jazaïry, Ambassador and Permanent Representative of Algeria to the United Nations and other International Organisations in Geneva, the written replies to the list of issues and questions raised by its pre-session working group as well as the additional written responses subsequent to the consideration of the report. It commends the State party for its comprehensive delegation, which included representatives of several Government departments. The Committee appreciates the constructive dialogue between the delegation and the members of the Committee.

5. The Committee notes the State party's commitment to further improve its legislation and policies to fully implement the provisions of the Convention which requires, inter alia,

that the 1984 Family Code is reviewed and amended in accordance with the State party's obligations under the Convention, and that the State party withdraw its reservations to articles 2, 15, paragraph 4, and 16 of the Convention.

## **B. Positive aspects**

6. The Committee welcomes the ratification and accession by the State party to the following international human rights treaties since the consideration of its second periodic report by the Committee in January 2005:

(a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, in 2005;

(b) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, in 2006;

(c) The Optional Protocol on the Involvement of Children in Armed Conflict, in 2009; and

(d) The Convention on the Rights of Persons with Disabilities, in 2009.

7. The Committee notes with appreciation that the State party has withdrawn its reservation to article 9 (2) following the amendment of the Nationality Code in 2005, giving Algerian women the right to transfer their nationality to their children born to a foreign father.

8. The Committee welcomes the enactment, since 2005, of the following legislative measures aimed at eliminating discrimination against women, including:

(a) The amendment to the Constitution in 2008, reaffirming in article 31bis the state's commitment to "promoting the political rights of women by increasing their opportunities to access representation in elected bodies";

(b) The amendment to the Nationality Code in 2005, allowing children to take their mother's nationality, in line with the principle of gender equality (article 6) and enabling a man to acquire Algerian nationality through marriage to an Algerian woman (article 9 bis);

(c) The amendments to the Family Code through the Ordinance 05-02 of 27 February 2005, prohibiting the wali, who may be the father or another relative, from compelling a minor person under his guardianship to contract marriage;

(d) The amendments to the Criminal Code, in particular article 341bis, which makes sexual harassment a criminal offence; and

(e) The adoption of the Act No. 09-01 of 25 February 2009 which amends and supplements the Criminal Code by introducing articles to criminalize trafficking in persons.

9. The Committee also notes with appreciation the adoption by the State party of various institutional and policy measures, in particular:

(a) The creation of institutional mechanisms for the advancement of women, in particular the establishment of the National Council for the Family and Women by means of Executive Decree No. 06-421 of 22 November 2006, and its two internal committees, on women and on the family, which comprises around 50 representatives of various national institutions, operating at both national and local level;

(b) The National Strategy for the Promotion and Integration of Women in 2008, including the establishment of the inter-ministerial committee, and the subsequent National Action Plan to implement the National Strategy 2010-2014, which aims to create a database

of information broken down according to sex and to build capacities to promote gender equality and women's empowerment;

(c) Programme for the Strengthening of Women's Leadership and Consolidation of Women's Participation in Political and Public Life undertaking research, fostering dialogue and engaging key stakeholders in initiatives to strengthen women's participation in the political decision-making; and

(d) The Joint Programme for Gender Equality and Women's Empowerment focusing on improved access to employment for women through targeted support of existing job creation mechanisms.

### **C. Principal areas of concern and recommendations**

10. **The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament (the People's National Assembly and the Council of the Nation) and to the judiciary so as to ensure their full implementation.**

11. **Given the importance of the reliable data about the demographic, political, economic and social situation in Algeria, the Committee calls on the State party to submit its common core document in accordance with the requirements of the common core document contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3 and Corr.1) which would reflect, inter alia, the updated information about women in political decision-making and women active in the labour market, thus enabling effective monitoring of the full implementation of the Convention in the State party.**

#### **Parliament**

12. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the State apparatus. It invites the State party to encourage the Parliament (the People's National Assembly and the Council of the Nation), in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.**

#### **Reservations**

13. **While welcoming the withdrawal of the reservation to article 9, paragraph 2, of the Convention by the State party, and taking note of the information by the State party that the reservation to article 15 no longer serves a valid purpose, the Committee reiterates its concern at the maintenance of reservations by the State party to articles 2, 15, paragraph 4, and 16 of the Convention. Drawing attention to its Statement on Reservations (Official Records of the General Assembly, Fifty-third Session, Supplement No. 38, A/53/38/Rev.1, part two, para. 6) and its General Recommendation 21 (1994) on equality in marriage and family relations, the Committee reiterates its view that reservations to articles 2 and 16 are**

contrary to the object and purpose of the Convention and thus impermissible under article 28, paragraph 2, of the Convention.

**14. The Committee urges the State party to ensure full implementation of the Convention and to that end recommends that the State party:**

**(a) Provide comprehensive information on the effect of its reservations on the implementation of the provisions of the Convention and the situation of women in Algeria; and**

**(b) Expedite legislative reforms, especially of the Family Code, to allow it to withdraw its reservations to articles 2, 15, paragraph 4, and 16 of the Convention within a specific time frame.**

#### **Visibility of the Convention**

15. While noting that according to article 132 of the Constitution, international treaties such as the Convention take precedence over domestic law, the Committee reiterates its concern that there is a lack of clarity with regard to the direct applicability and primacy of the Convention over national laws as there has not been any case relating to the application of the provisions of the Convention before the national courts yet, according to the State party. The Committee is also concerned that there is inadequate knowledge of the rights of women under the Convention, its concept of substantive gender equality and of the Committee's general recommendations among all branches of the government, the judiciary as well as the public.

**16. The Committee recommends that the State party:**

**(a) Ensure the primacy of the Convention over national laws and its direct applicability and enforceability within the national legal framework;**

**(b) Disseminate the Convention and the Committee's general recommendations among all segments of the society and organize legal education and regular training for government officials, legislators, judges, lawyers and magistrates, prosecutors, the police, and other law enforcement officers on the Convention and its direct applicability so that it can serve as an effective framework for all laws, court decisions and policies on gender equality and the advancement of women;**

**(c) Enhance women's awareness of their rights under the Convention and of means of access to justice at national and local levels for women claiming violations of their rights under the Convention, and also ensure that information on the Convention is provided to women in all parts of the State party, including through the use of information campaigns and the media; and**

**(d) Submit, as a matter of priority, the concluding observations of the Committee to the Parliament with the aim of their full realization.**

#### **Definition of discrimination against women**

17. The Committee reiterates its concern that, despite the provisions of articles 29 and 31 of the Constitution, stipulating equality before the law without discrimination including on the basis of sex, the State party's legislation lacks comprehensive civil and criminal law provisions defining and prohibiting discrimination against women, in accordance with article 1 of the Convention, as well as provisions on equal rights of women, in line with article 2 (a) of the Convention, due to which the constitutional principle of equality cannot be effectively enforced.

**18. The Committee encourages the State party to adopt and effectively enforce a comprehensive legislation on gender equality including a definition of discrimination against women in accordance with article 1 of the Convention, as well as provisions on**

**the equal rights of women in line with article 2 (a) of the Convention with the aim of guaranteeing protection from discrimination against women through access to remedies.**

#### **Discriminatory laws**

19. While welcoming a number of legislative amendments aimed at eliminating discrimination against women as pointed out above, the Committee expresses its concern that many provisions remain in laws such as the Family Code and the Criminal Code contrary to the State party's obligations under the Convention and other relevant international human rights instruments. In addition, the Committee takes note with concern the provisions of the Law on Associations, adopted in January 2012, stipulating a requirement of specific authorization for an association so that it can receive funding from international donors, which may negatively impact the activities of those associations working on gender equality and empowerment in a developmental context.

**20. The Committee urges the State party to systematically review its laws and regulations, taking into consideration the practice of other countries in the region that have successfully done so, in order to amend or repeal gender based discriminatory provisions of its legislation with the aim of ensuring full compliance with the provisions of the Convention, in accordance with its Article 2. The Committee recommends to the State party to enable the associations working on gender equality and empowerment in a developmental context to receive funding from international donors without unnecessary administrative requirements which may impair such activities.**

#### **Legal complaint mechanisms**

21. While welcoming the disaggregated data on specific crimes investigated and prosecuted before the courts, the Committee notes with concern the lack of clarity about the number and outcome of complaints about discrimination, including domestic violence, brought by women to the courts.

**22. The Committee urges the State party to facilitate effective access to justice and recommends that the State party:**

**(a) Facilitate the submission of complaints by women victims of discrimination, in particular by providing the necessary legal assistance; and**

**(b) Monitor the incidence of all crimes against women including the acts of domestic and sexual violence; establish a database of information on the number of complaints, investigations, prosecutions, convictions and sentences of the perpetrators; and report thereon to the Committee.**

#### **National machinery for the advancement of women**

23. The Committee welcomes the fact that the Government has developed a number of departmental and inter-governmental coordinating mechanisms on women's equality, including the National Council for the Families and Women, established in 2006, which supports the work of the Ministry for National Solidarity and the Family and the Ministry for the Family and the Status of Women. However, it remains concerned at the lack of clarity about the impact of activities of the National Council on gender equality, partly due to the absence of indicators to measure the impact of the national machinery, the division of tasks and responsibilities between the two Ministries and the human and financial resources allocated to individual mechanisms. Furthermore, the Committee is concerned about the absence of a dedicated central authority leading the national machinery on women's empowerment.

24. **The Committee recommends that the State party:**

(a) **Measure the impact of the activities of individual components of the national machinery on gender equality, including through the use of indicators, and clarify their mandate and the human and financial resources allocated to each mechanism in its next periodic report;**

(b) **Establish a central authority leading the national machinery on women's empowerment, including through enhancing the involvement of women at decision-making levels, with a strong mandate and adequate financial and human resources; and**

(c) **Adopt a comprehensive national plan of action to achieve gender equality that would integrate current sectorial strategies, taking due consideration of the provisions of the Convention and the concluding observations addressed to Algeria.**

#### **Temporary special measures**

25. The Committee is concerned about the low number of temporary special measures adopted by the State party in accordance with its General Recommendations 23 (1997) and 25 (2004) to deal with gender equality issues. The Committee takes note of the statement of the delegation that while quotas have been established for a minimum representation of women on electoral lists for elections to the People's National Assembly and regional and municipal assemblies, pursuant to the Organic Law No. 12-03 of 12 January 2012, no fixed representation or quota exists with regard to representation of women in those elected bodies or concerning employment of women in the private sector and at the higher level positions of the administration.

26. **The Committee urges the State party to take steps to achieve substantive equality between men and women including through the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendation 25 (2004). In particular, the Committee recommends that the State party consider adopting special measures such as quotas or preferential treatment to accelerate women's participation in public and political life, including the measures to hold public office and perform all functions at all levels of the government, involving the diplomatic and international posts, as well as their employment in the private sector.**

#### **Stereotypes**

27. The Committee acknowledges the State party's efforts to eliminate gender stereotyping, through adjustments of school curricula for secondary education and provision of training and qualification programmes to promote equal opportunity for and equal treatment of women in respect of employment and occupation. However, the Committee notes with concern that, despite the efforts by the State party to raise awareness on women's equality, patriarchal values and strong stereotypical attitudes persist in the State party with respect to the roles and responsibilities of women and men in society and in the family, overemphasizing the roles of women as wives and mothers. Furthermore, the Committee notes with concern that early stage school curricula also contribute to the prevalence of stereotyped roles of women and men and that there is lack of information about the role played by the media, religious and community leaders and NGOs in combating negative stereotyping and societal attitudes towards women and girls. The Committee also notes the limited impact of the awareness-raising programmes for the judiciary on ensuring compliance with article 5 of the Convention.

28. **The Committee recommends that the State party:**

(a) **Review and revise its awareness-raising programs and studies to effectively promote gender equality and eliminate patriarchal attitudes and deep-rooted discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and society, and inform the Committee about the impact of those measures in the next periodic report;**

(b) **Take urgent and proactive measures to seek a change of societal perception of certain types of employment and occupation as being traditionally exercised by men or women in order to promote equal opportunity for and equal treatment of women in respect to employment and occupation;**

(c) **Amend early stage school curricula to prevent conveying stereotyped images about the roles of women and men; (d) Take systematic measures to engage the media, community and religious leaders and NGOs in combating negative stereotyping and societal attitudes; and**

(e) **Undertake a comprehensive programme of awareness-raising among the judiciary in order to ensure its compliance with article 5 of the Convention to eliminate stereotyped roles of women and men.**

#### **Violence against women**

29. The Committee remains concerned about the lack of a specific law on violence against women, including domestic violence, despite the recommendation in this regard in the Committee's previous concluding observations (CEDAW/C/DZA/CC/2, para. 32). While taking note of the State party's statement that its case law considers rape as an offence involving physical or psychological violence against a woman, the Committee is concerned at the absence in the Criminal Code of a definition of rape including marital rape and other sexual crimes, which should be interpreted as sexual offences committed in absence of one's consent. Moreover, the Committee expresses concern at the lack of data on the reported cases of domestic and sexual violence against women, criminal investigations, prosecutions and punishments thereof and the remedies, including compensation provided to victims since 2005. Furthermore, the Committee recalls the need to guarantee human rights to all women victims of violence and those in vulnerable situations, particularly the right to be represented by an attorney and to receive medical and psychological care as well as access to shelter with a view to their social and economic reintegration.

30. **The Committee urges the State party:**

(a) **To prepare and adopt, as a matter of priority, the legislation on violence against women, including domestic violence, taking into account the Committee's General Recommendation 19 (1992);**

(b) **To stipulate in the Criminal Code the definition of rape including marital rape and other sex crimes to be defined as sexual offences committed in the absence of one's consent;**

(c) **To compile reliable data on the prevalence of domestic and sexual violence against women, the investigations, prosecutions, convictions and sentences imposed on perpetrators, and on the remedies, including compensation provided to victims since 2005;**

(d) **To assist women in reporting incidents of domestic and sexual violence to the police; providing the victims legal, medical and psychological assistance and rehabilitation as well as access to quality shelters for all female victims of violence, without restrictions linked to age or marital status; and**

**(e) To provide ongoing training to the police, prosecutors and judges on effective investigation, prosecution and punishment of acts of violence against women, including domestic and sexual violence, and to the healthcare providers and social workers on the provision of adequate medical and psychosocial assistance, and to inform the general public on the criminal nature of such acts.**

#### **Trafficking and sexual exploitation**

31. While welcoming the amendments to the Criminal Code through Act No. 09-01 of 25 February 2009 to criminalize trafficking in persons as well as the compilation of statistics regarding prostitution and procurement offences, the Committee notes with concern the State party's information that there has been no well-grounded case of trafficking in persons and no criminal prosecutions and convictions for such crime. In addition, the Committee regrets the lack of information on the mechanism of coordination among relevant national agencies to combat trafficking in persons and to provide protection and assistance to victims as well as the strategies to systematically identify the trafficking victims among the vulnerable populations such as refugees and asylum-seekers. Furthermore, the Committee notes with concern the absence of measures to ensure that refugees, asylum-seekers and other persons of concern to UNHCR, in particular women and girls do not fall victim to human trafficking or migrant smuggling.

32. **The Committee encourages the State party to:**

**(a) Establish a centralized national mechanism to coordinate efforts aiming at preventing and combating trafficking in persons and protecting its victims, and adopt a national plan of action in that regard;**

**(b) Provide ongoing training to the law enforcement officials, including border police, prosecutors and judges as well as consulate officials, healthcare providers and social workers on effective identification of and assistance to victims including medical treatment and psychological counseling, and investigation, prosecution and punishment of the offenders; and to inform the general public on the criminal nature of such acts;**

**(c) Assist women victims in reporting incidents of trafficking in persons to the police and provide them with legal, medical and psychological assistance and rehabilitation, as well as adequate shelters; and**

**(d) Create a mechanism to promptly identify victims of trafficking and ensure the referral to the asylum procedure of those who may be in need of international protection.**

#### **Participation in political and public life**

33. While welcoming the amendment to Article 31 of the Constitution which provides for greater political representation of women, the Committee expresses its concern at the continued significant under-representation of women in the lower and upper houses of the Parliament - the People's National Assembly and the Council of the Nation, as well as in the Government, and the continued low number of women candidates at elections at all levels. The Committee notes the promulgation of the Organic Law No. 12-03 of 12 January 2012, adopted by Parliament in November 2011, containing compulsory quotas for a minimum representation of women for elections to the People's National Assembly, regional assemblies and municipal assemblies. While noting that sliding scale of quotas was established, ranging from 20 to 50 per cent, the Committee is however, concerned that the opening quota is lower than 33 per cent as initially envisaged; and that there is no quota for election to the Council of the Nation. The Committee also remains concerned at the low number of women in the judiciary, public administration as well as in the foreign-service,

including as heads of diplomatic missions abroad. The Committee is particularly concerned at the low number of specific measures, including temporary special measures, to promote women's representation in public and political life, including the representation of women in directorship and leadership position in public enterprises.

34. **The Committee recommends that the State party:**

(a) **Increase the opening quota to a minimum of 30 per cent for representation of women in electoral lists for elections at all levels, including the Council of Nation and take measures towards ensuring effective parity of women's membership in the elected bodies;**

(b) **Facilitate further appointment of women as prosecutors, judges and magistrates and at senior levels in the public administration and foreign service, including as head of its diplomatic missions abroad;**

(c) **Introduce further specific measures, in particular temporary special measures, to increase the participation of women in public and political life, including the representation of women in directorship and leadership positions in public enterprises; and**

(d) **Continue to implement leadership training programmes and awareness raising campaigns on the importance of women's participation in public and political life and to evaluate the impact of such measures.**

#### **Education**

35. While noting an increased number of girls and women enrolments in higher education, especially in the fields of medicine and engineering, the Committee is concerned about the absence of information about the initiatives to reduce the high drop-out rates of girls at the intermediate and secondary levels of education. The Committee also notes with concern the lack of indicators to measure the impact of the 2007-2016 national literacy strategy.

36. **The Committee recommends that the State party:**

(a) **Take urgent measures to reduce the high drop-out rates girls at the intermediate and secondary levels of education; and**

(b) **Establish indicators to measure the impact of the 2007-2016 national literacy strategy and include information thereon in the next periodic report to the Committee.**

#### **Employment**

37. While recalling the importance of having data concerning the remuneration of men and women according to the posts occupied, in all categories of employment, the Committee notes with concern the lack of information in the State party's report concerning the levels of remuneration disaggregated by sex. Taking into account the principle of equal remuneration for work of equal value, stipulated in section 84 of Act No. 90-11 of 21 April 1990 concerning labour relations, the Committee also notes with concern the absence of information on the number and nature of infringements, including in the public service, the steps taken by the labour inspectorate to detect any contraventions of the principle of equal remuneration for work of equal value, and the number, nature and outcome of equal remuneration cases dealt with by the judicial authorities.

38. With regard to sexual harassment in the workplace, the Committee noted that section 341bis of the Criminal Code only covers career related sexual harassment. The Committee is however concerned that the labour legislation does not prohibit harassment due to a

hostile work environment. The Committee also expresses its concern at the low participation of women in employment and notes the lack of clarity regarding the State party's intention to ratify the ILO Convention No. 189 on Domestic Workers. The Committee is also concerned at the overprotective restrictions on night-shift work and other types of work that are regarded as hazardous for women and the lack of access of women and girls to more diversified vocational training opportunities, including those leading to traditionally male occupations, so as to afford them greater opportunities to enter the labour market.

39. **The Committee encourages the State party to:**

**a) Compile data concerning the remuneration of men and women, according to the posts occupied, in all categories of employment, both within the same branch of activity and between different branches, and make them available to the Committee in its next periodic report;**

**b) Ensure investigation of all contraventions of the principle of equal remuneration for work of equal value, including in the public service, by the labour inspectorates, and guarantee to the victims of unequal remuneration access to justice, and compile data thereon;**

**c) Amend labour law to ensure complete protection against sexual harassment at workplace and harassment due to a hostile work environment and provide information on any existing educational and awareness raising campaigns in that regard with a view to addressing both employers' and workers' organizations;**

**d) Review its legislation in order to eliminate overprotective restrictions on night-shift work and other types of work that are regarded as hazardous for women and take urgent and proactive measures, including temporary special measures, to update its national policy in order to promote equal opportunities for and equal treatment of women in respect of employment and occupation; and**

**e) Consider ratification of the ILO Convention No. 189 on Domestic Workers.**

#### **Health**

40. While the Committee notes with appreciation, the State party's prioritization of reproductive health in its healthcare delivery system, and the integration of prevention of violence and treatment of victims of violence in the reproductive and mental health services, the Committee expresses its concern at the lack of a policy for medical personnel to monitor and report cases of domestic violence against women. The Committee notes the information by the State party that abortion for victims of rape and incest is not criminalized. The lack of a decree to legalize abortion in cases of rape and incest remains another source concern for the Committee. Moreover, the Committee is concerned about the lack of clarity as to whether education on sexual and reproductive health and rights forms part of public school curricula.

41. **The Committee urges that the State party:**

**(a) Ensure regular training and sensitization of medical personnel in order to systematically monitor all acts of domestic violence and report thereon to law enforcement authorities;**

**(b) Adopt medical standards and provide for implementation mechanisms establishing that rape and incest constitute grounds for abortion; and**

**(c) Include more comprehensive education on sexual and reproductive health and rights in public school curricula.**

**Rural women**

42. While noting the adoption of the Government strategy entitled “Rural Renewal Support Programme” in 2006 to address *inter alia* the needs of rural women, the Committee is concerned that rural women are particularly affected by poverty, early marriage, limited access to education, health care services, information technologies and new technologies.

43. **The Committee recommends that the State party continue its efforts to:**

**(a) Create income-generating activities for women in rural areas and increase the public budget spending on rural development;**

**(b) Provide adequate access to education to women and girls including through the establishment of new educational facilities in rural areas and ensuring public transport to schools for rural children;**

**(c) Improving women’s and girls’ access to information technologies by enrolling them in programmes of computer literacy and securing their access to new technologies;**

**(d) Prevent early marriages, including through education and awareness-raising campaigns to overcome the prevalence of stereotypical attitudes in this regard; and**

**(e) Promote the involvement of women in sustainable development, including through improved access to microcredits and renewable sources of energy.**

**Women and girl refugees and asylum-seekers**

44. The Committee is concerned about the practice of sanctioning women and girl refugees and asylum-seekers for illegal entry and stay in the country, and subjecting those persons to detention for protracted periods of time and returning them to the country of origin in violation of the principle of non-refoulement. The Committee is also concerned about the reports that some of the refugee women and girls have suffered from sexual and gender-based violence and abuse, and that those victims lack access to shelter, medical and psychological services and to justice. Moreover, the Committee notes with concern that refugee and asylum-seeking children have limited access to public schools and vital healthcare services, and that some of the refugee and stateless children born in Algeria remain without birth certificates thus limiting their access to vital social services.

45. **The Committee recommends that the State party:**

**(a) Ensure that refugees and asylum-seekers, in particular women and girls, are not penalized for illegal entry and stay in the country; that detention of asylum-seekers is only used as a last resort where necessary and for as short period as possible; and that safeguards against refoulement are fully implemented; and develop cooperation mechanisms with UNHCR to identify persons in need of international protection;**

**(b) Strengthen the mechanisms and procedures for ensuring that refugee women and girls are not subjected to sexual and gender-based violence and abuse, and that victims/survivors have access to shelter, medical and psychological services as well as law enforcement mechanisms and justice;**

**(c) Grant all refugee and asylum-seeking children access to public schools;**

**(d) Ensure that refugees and asylum-seekers can access vital healthcare services, including public hospitals, without discrimination and without fear of being turned over to the police;**

(e) **Ensure that birth certificates are issued to all children born in Algeria, including refugee and stateless children, in order to prevent statelessness and to provide all children with access to social services; and**

(f) **Consider acceding to the 1961 Convention on the Reduction of Statelessness.**

#### **Marriage and family relations**

46. The Committee notes with concern the continued application of the discriminatory provisions contained in the State party's Family Code, enshrining the inferior legal status of women in several areas, including:

(a) The use of matrimonial guardian (wali) as a condition to enter marriage by adult women;

(b) The permissibility of polygamy, though subject to certain restrictions (article 8 of the Code);

(c) The limited grounds for divorce, often difficult to prove in court, such as financial default, sexual incapacity or non-performance, conviction of a crime, prolonged absence or serious offence against morality (article 53 of the Code);

(d) The limited possibility for a woman to replace the father as legal guardian in emergency situations such as where a husband is absent or unable to act as guardian, and the transfer of guardianship to a woman only when a husband dies or in case of divorce (article 87); and (e) Inheritance, as sons are entitled to receive two shares of an inheritance while daughters receive only one share.

47. **The Committee recommends that the State party review and amend the discriminatory provisions in the Family Code, and that it particularly:**

(a) **Review the impact of the requirement for a wali (matrimonial guardian) to be present at a marriage of a woman who has obtained the age of majority;**

(b) **Discourage and prohibit polygamous marriage in practice and in law, in accordance with the Committee's General Recommendation 21 (1994);**

(c) **Repeal the restrictions on women's right to divorce and introduce the right of either party to ask for a divorce without specifying the grounds;**

(d) **Ensure that both fathers and mothers can exercise custodial and guardianship rights over their minor children on an equal basis in all areas of life in accordance with the best interest of the child principle as contained in the Convention on the Rights of the Child to which Algeria is a party, and article 16 of the Convention;**

(e) **Consider introducing legal provisions to ensure that upon dissolution of marriage women have equal rights to property acquired during marriage, in line with article 16, paragraph 1 h) of the Convention and the Committee's General Recommendation 21 (1994); and**

(f) **Study the inheritance law taking into consideration the experience of other countries with similar cultural backgrounds and legal systems that have revised their laws so that women are able to inherit on terms of equality with men.**

#### **National human rights institution**

48. While welcoming the establishment of an independent national human rights institution – the National Commission of Human Rights, in accordance with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex), the

Committee notes the lack of clarity about the concrete steps by the State party to ensure that the status of the National Commission is in full compliance with the Paris Principles.

49. **The Committee recommends that the State party undertake urgent measures to ensure that the status of the National Commission of Human Rights is in full compliance with the Paris Principles.**

#### **Optional Protocol**

50. **In the light of the recommendations contained in the Committee's previous concluding observations, the Committee encourages the State party to accelerate its ratification of the Optional Protocol to the Convention in order to facilitate the full enjoyment of the rights guaranteed under the Convention.**

#### **Amendment to article 20, paragraph 1, of the Convention**

51. **The Committee also encourages the State party to accelerate its acceptance of article 20, paragraph 1, of the Convention, in order to facilitate the effective discharge of the mandate of the Committee.**

#### **Beijing Declaration and Platform for Action**

52. **The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

#### **Dissemination**

53. **The Committee requests the wide dissemination in the State party of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee recommends that the dissemination include the local community level. The State party is encouraged organize a series of meetings to discuss progress achieved in the implementation of the present observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".**

#### **Ratification of other treaties**

54. **The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of**

<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with

their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Algeria to consider ratifying the treaties to which it is not yet a party, i.e. the International Convention for the Protection of All Persons from Enforced Disappearance.

**Follow-up to concluding observations**

55. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 14 and 30 a), b), and c) above.

**Technical assistance**

56. The Committee recommends that the State party consider seeking and avail itself of technical assistance in the development and implementation of a comprehensive plan aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls on the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the Statistics Division, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, and the Office of the United Nations High Commissioner for Human Rights.

**Preparation of the next report**

57. The Committee requests the State party to ensure a wide participation of all ministries and public bodies in the preparation of its next periodic report, as well as to consult a variety of women's and human rights organizations during that phase.

58. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in February 2016.

59. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents that were approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session in January 2008 (A/63/38, annex I) must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.

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Disabilities.