



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined third and fourth periodic reports of Algeria at the Committee's fifty-first session, held in February-March 2012. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/DZA/CO/3-4). You may recall that in the concluding observations, the Committee requested Algeria to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 14 and in paragraph 30 of the concluding observations.

The Committee welcomes the follow-up report received with a 13-month delay in April 2015 (CEDAW/C/DZA/CO/3-4/Add.1) under the CEDAW follow-up procedure. At its sixty-second session, held in October-November 2015 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 14** of the concluding observations that the State party “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”: The State party mentioned that the reservations expressed at the time of ratification of the Convention have no impact on the implementation of the other provisions of the Convention. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “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”: The State party mentioned that non-discrimination is one of the major principles enshrined in the Constitution, legislation and regulations that promote the exercise of the civil, political, economic, social and cultural rights of women in all spheres of life, except those that conflict with the sharia, in particular with respect to inheritance. Moreover, it indicated that its reservation to article 2 has become somewhat invalid since the Criminal Code was amended in 2014 to combat all forms of discrimination by individuals or legal entities. It added that the reservation to article 15, paragraph 4, is, in fact, no longer valid, as there is no legal or regulatory provision containing restrictions regarding the choice of the domicile since the Family Code was revised in 2005, while article 44 of the Constitution establishes the right of each citizen to choose his or her place of residence and to move freely within the country. In the same vein, the

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State party stressed that the reservation to article 16 has been *de facto* invalidated, as the amended 2005 Family Code establishes equality with respect to marital age, relationship between husband and wife, and household management, and abolishes marriage by proxy as well as the concepts of “head of the family” and “duty to obey”, whereas property acquired by the woman during marriage is taken into account and polygamy is subject to judicial review. The Committee notes that the reservations made by the State party to articles 2, 15, paragraph 4, and 16 have been invalidated by amending domestic legislation, especially the Family Code and the Criminal Code. However, it notes that certain laws related to marriage and family relations, in particular those concerning inheritance, remain under the Sharia law and still discriminate against women. It further notes that, in spite of the legislative reforms undertaken by the State party, no specific time frame has been defined for the withdrawal of its reservations to articles 2, 15, paragraph 4, and 16 of the Convention. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 14 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Assess and 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
- 2) Expedite legislative reforms, especially of provisions of the Family Code that remain discriminatory against women, and define a specific time frame for the withdrawal of its reservations to articles 2, 15, paragraph 4, and 16 of the Convention.

Regarding the recommendation made in **paragraph 30** of the concluding observations that the State party “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 No. 19 (1992)”: The State party mentioned the adoption, in March 2015, of an amendment to the Criminal Code introducing new provisions aimed at addressing all forms of violence against women, including domestic, sexual and psychological violence. The Committee welcomes the introduction of new provisions in the Criminal Code aimed at criminalizing various forms of violence against women. However, it considers that the State party has not yet prepared and adopted a specific legislation on violence against women, including domestic violence. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “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”: The State party indicated that there is a proposal to eliminate the possibility of exonerating circumstances being invoked in cases of marital rape and to allow criminal charges to be brought upon the mere filing of a complaint. It is further proposed that a new offence be incorporated into the Criminal Code to cover all forms of sexual assault that do not fall under indecent assault or rape. The Committee notes the proposals made to eliminate the possibility of exonerating circumstances in cases of marital rape and to allow criminal charges to be brought upon the mere filing of a complaint, as well as to incorporate a new offence into the Criminal Code to cover all forms of sexual assault that do not fall under indecent assault or rape. However, the Committee notes that the State party did not 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. It considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “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 for victims since 2005”: The State party mentioned the creation of a database on violence against women with a view to coordinating efforts to improve the services afforded to women who are victims of violence, as well as the conduct of two studies relating to the collection, analysis, dissemination and use of data and information on violence against women. The Committee notes the creation of a database on violence against women. It considers, however, that the State party did not indicate what concrete measures have been taken 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 for victims since 2005. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

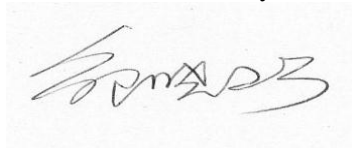
The Committee recommends that, in relation to paragraph 30 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Prepare and adopt the legislation on violence against women, including domestic violence, taking into account the Committee’s general recommendation No. 19 (1992);
- 2) 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; and
- 3) 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 for victims since 2005.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Algeria on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Xiaoqiao Zou  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women