



# Asamblea General

Distr. general  
19 de mayo de 2011  
Español  
Original: inglés

## Consejo de Derechos Humanos

17º período de sesiones

Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos,  
civiles, políticos, económicos, sociales y culturales,  
incluido el derecho al desarrollo**

## **Informe de la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias, Sra. Rashida Manjoo**

**Adición**

**Misión a Argelia\* \*\***

### *Resumen*

El presente informe recoge las conclusiones de la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias, sobre su visita a Argelia realizada del 1º al 10 de noviembre de 2010. En él se examina la situación de la violencia contra la mujer, sus causas y consecuencias, la respuesta del Estado ante esa violencia y las dificultades que subsisten, además, se analizan, entre otras cosas, los progresos realizados desde la visita de su predecesor en 2007 (A/HRC/7/6/Add.2).

La misión se sustentó en el reconocimiento del contexto histórico, sociológico y ambiental de Argelia, caracterizado por las profundas heridas del pasado, que han afectado particularmente a las mujeres. Los recientes cambios jurídicos, institucionales y en materia de políticas reflejan la intención del Gobierno de cumplir con sus obligaciones de diligencia debida con respecto a la promoción y protección de los derechos de la mujer. No obstante, esas medidas no han podido derribar todos los obstáculos relacionados con la discriminación *de iure* y/o *de facto*, ni cambiar por completo las actitudes patriarcales y los estereotipos arraigados en la sociedad. La violencia contra la mujer en la familia, el acoso sexual en el trabajo y en los centros educativos y de formación, la estigmatización de las mujeres solteras y de las mujeres que viven solas, así como la hostilidad que se profesa hacia ellas, constituyen motivos de preocupación.

\* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, figura en el anexo del resumen y se distribuye en el idioma en que se presentó y en francés y árabe únicamente.

\*\* Documento presentado con retraso.

A la luz de la información recibida, la Relatora Especial señaló las numerosas dificultades que subsisten y que requieren una atención prioritaria, entre ellas la necesidad de una mayor protección de las mujeres a través de más reformas legislativas, incluida la aprobación de legislación específica; la necesidad de fortalecer la infraestructura institucional para promover y proteger de manera efectiva los derechos humanos de la mujer en términos generales, y el derecho a no ser víctima de la violencia en particular; la puesta en marcha de más programas de capacitación y sensibilización; la creación de un sistema amplio y coordinado de recopilación de datos, y la mejora de los procesos y mecanismos de colaboración con las organizaciones de la sociedad civil.

## Anexo

### **Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, on her mission to Algeria (1 – 10 November 2010)**

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–4	4
II. Main findings by the previous mandate holder.....	5–6	4
III. National context and its implications for the status of women .....	7–11	5
IV. Manifestations of violence against women.....	12–26	7
A. Domestic violence .....	13–17	7
B. Sexual harassment .....	18–19	8
C. Single mothers and women living on their own .....	20–23	9
D. The Black Decade.....	24–26	10
V. State response to violence against women .....	27–47	10
A. Developments in the legislative framework .....	27–36	10
B. Developments in the institutional and policy framework .....	37–47	12
VI. Remaining challenges .....	48–73	14
A. Challenges relating to laws.....	49–62	15
B. Constraints in reporting violence.....	63–68	17
C. Weaknesses in support services for victims .....	69–73	18
VII. Conclusions and recommendations.....	74–83	19

## I. Introduction

1. The Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, conducted an official visit to Algeria from 1 to 10 November 2010. The mission took place three years after the visit of her predecessor, subsequent to the invitation extended by the Government of Algeria to seven special procedures mandate holders in April 2010. The Special Rapporteur visited Algiers, Constantine, Oran and Hassi-Messaoud.

2. The objective of the visit was to assess the current situation of violence against women, its causes and consequences, the State response to such violence, and the remaining challenges, including by reviewing the progress made since the visit of her predecessor in 2007. The mission was underpinned by the recognition of the historical, sociological and environmental context of Algeria and its particular impact on women. This context is marked by deep wounds from the past from different sources, including the war of liberation from French colonial domination and the Black Decade, which was characterized by widespread violence that lasted nearly 10 years and which reflected the exploitation of religion for political ends.

3. Consultations were held in Algiers with State officials, including the Delegate Minister for the Family and the Status of Women, the Minister for Foreign Affairs, the Minister for Education, the Minister for Culture and other senior officials at the ministries of National Solidarity, the Interior, Justice, Health, Labour and Religious Affairs. Meetings were also held with members of the two chambers of Parliament (the National People's Assembly and the Council of the Nation), the National Consultative Commission for the Promotion and Protection of Human Rights, academics, lawyers, trade unionists, representatives of civil society organizations, as well as representatives of United Nations agencies. In Constantine, Oran and Hassi-Messaoud, the Special Rapporteur held meetings with the chiefs (*wali*) of the *wilayas* and local officials at the Police and the Department of Social Services, as well as with representatives of civil society organizations. In Constantine, she also visited the Islamic University and held discussions with its director and staff. In Oran she visited the State-run National Research Centre on Social and Cultural Anthropology. The Special Rapporteur had the opportunity to speak with women survivors of violence at the *SOS Femmes en Détresse* shelter in Algiers, the Government-run shelter for girls and women in Bou Ismail, and the *Diar Rahma* of Oran and Constantine.

4. The Special Rapporteur wishes to express her deep appreciation to the Government of Algeria for its full cooperation. She is also grateful to the United Nations country team for the support extended prior to and throughout the visit. The Special Rapporteur looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of her recommendations.

## II. Main findings of the previous mandate holder

5. During her visit to Algeria in 2007 (A/HRC/7/6/Add.2), the previous mandate holder acknowledged the considerable progress made in the country towards gender equality since independence, in both legislative and institutional reform. The Special Rapporteur analysed the main forms and manifestations of violence against women and girls, with a focus on the heightened vulnerability faced by certain categories, in particular divorced, separated and deserted women, single mothers and women living on the street. She also examined the legacy of the violations perpetrated against women during the Black Decade.

6. Following an analysis of the State response to those manifestations and the remaining challenges at the legal and institutional levels, the Special Rapporteur called on the authorities of Algeria to take action (a) to ensure the protection of women through further legislative reforms; (b) to strengthen the institutional framework for the promotion and protection of women's rights; (c) to strengthen the State's capacity to provide protective measures to women facing violence; (d) to diligently record, investigate and prosecute all cases of violence against women; (e) to promote awareness-raising campaigns fostering a vision of gender roles and relations that are compatible with human rights and gender equality norms; and (f) to foster measures aimed at improving the status of women, including through the establishment of quotas for women in public elected bodies.

### III. National context and its implications for the status of women

7. Algerian society is marked by deep wounds from the past emanating from different sources, including the war of liberation from French colonial domination and the "Black Decade", which was characterized by widespread violence and reflected the exploitation of religion for political ends. Laying the foundations of a new State on independence and repairing the ruptures in the social fabric while guaranteeing the security of the population has required institutional, political and economic reforms which, according to the Special Rapporteur's interlocutors and documents surveyed, are based on the values of peace, security, reconciliation and social cohesion. Efforts to bring the era of violence to a close and to initiate a national reconciliation process by preserving the unity of the nation and the continuity of its institutions resulted in the approval, by national referendum, of the Charter for Peace and National Reconciliation in September 2005.

8. Algerian women have been particularly affected by these historical developments, and their status in the family and society today needs to be understood in the light of the legacies of the past. The contribution of women to the most crucial stages of the history of the country remains unquestioned. The vital role that women played in the war of liberation against colonial occupation and during the Black Decade was not only a struggle for freedom and justice, but also a rebellion against deep-rooted patriarchal mentalities and structures that relegated them to a subordinate position. Their participation in the struggle for democracy, coupled with the impetus given to education after the war of independence, gave them a new sense of their own identity and status in both the public and the private domain. The strengthening of religious identity politics since the 1970s and the rise of Islamic extremism were accompanied by the resurfacing of patriarchal discourses and practices that perpetuated women's subordinate position in the family and society, thereby increasing their vulnerability to violence and exploitation once again.

9. In less than 50 years, Algeria has distinguished itself in the promotion of the status of women and the realization of equal access to educational opportunities through laws, policies and programmes particularly aimed at combating extremely high levels of illiteracy inherited from colonial rule. Figures on school and university enrolment for the period 2008-2009 indicate that, while girls are practically equally represented at primary school (47.38 per cent), they are numerically overrepresented at secondary school and higher education institutions (57.95 and 59.10 per cent, respectively). Data on university enrolment indicate that women represent 70.6 per cent of the total number of students pursuing degrees related to natural sciences and 63.8 per cent of those enrolled in social sciences-related degrees.<sup>1</sup> At Emir Abdelkader University of Islamic Sciences, 70 per cent of students and 66 per cent of professors are women. At the *Ecole Nationale de la*

<sup>1</sup> Algérie, Deuxième rapport national sur les objectifs du millénaire pour le développement, September 2010. Available from [www.un-algeria.org/reports/rapport\\_OMD.html](http://www.un-algeria.org/reports/rapport_OMD.html).

*Magistrature* (National Academy for Judges), the number of female students is also slightly higher than that of male students. However, despite the significant progress made in recent years, female illiteracy, particularly among rural, poor and older women, continues to be a serious concern, affecting 28.9 per cent of women and girls over 10 years of age, and 15.5 per cent of boys and men.<sup>2</sup> According to a report published in 2008, the rate of illiteracy in rural areas was 41 per cent for women and 21.8 per cent for men.<sup>3</sup> In order to reduce illiteracy by half among the 15-49 year age group, and particularly among women from rural areas, a national literacy strategy for 2007-2016 was launched by the State. In the strategy framework, 1,500 people have been specifically trained to provide educational and skills upgrading support to rural women and girls, including in the area of micro-credit, project management, hygiene and nutrition and local development.<sup>4</sup>

10. In addition to educational achievements, economic and social developments have resulted in a progressive increase in the participation of women in the labour force, with proportions rising from 3 per cent in 1966 to 7.7 per cent in 1977 and 14.18 per cent in 2001.<sup>5</sup> Women's equal access to paid work remains of concern, with women who are gainfully employed representing only 16.09 per cent of the total labour force<sup>6</sup>. In its concluding observations on Algeria, the Committee on Economic, Social and Cultural Rights expressed its concerns at discrimination against women, including in the paid economy, where women's wages are approximately a third of those received by men.<sup>7</sup> Higher unemployment rates among women, with figures estimated at 18.1 per cent as opposed to 8.6 % for men,<sup>8</sup> reflect entrenched patriarchal attitudes that continue to hinder women's access to employment. For example, a 2009 study revealed that 45 per cent of single men would not allow their future wives to work.<sup>9</sup>

11. Women continue to be largely underrepresented in decision-making positions. While the public sector currently employs 60 per cent of the total female labour force, a breakdown of the female civil servants according to their level of responsibility<sup>10</sup> shows that, with notable exceptions in the education, health and justice sectors, most women are assigned low-level management functions, including at the national and municipal levels. At the cabinet level, there are three female ministers out of a total of 38 cabinet portfolios (this includes the Delegate Minister for the Family and the Status of Women, who does not have a ministry of her own). Female representation in Parliament is also low, with 30 women out of 389 members in the National Assembly and 7 women in the Council of the Nation out of 144 members. Successful women candidates at the 2007 local elections accounted for approximately 13.44 per cent of all candidates elected at the *wilaya* people's assemblies and 0.74 per cent of all candidates elected to communal peoples' assemblies.<sup>11</sup>

<sup>2</sup> Data from the General Population and Housing Census, 2008, in .CEDAW/C/DZA/3-4.

<sup>3</sup> Enquête nationale à indicateurs multiples: suivi de la situation des enfants et des femmes, MICS, December 2008. Available from [www.childinfo.org/files/MICS3\\_Algeria\\_FinalReport\\_2006\\_Fr.pdf](http://www.childinfo.org/files/MICS3_Algeria_FinalReport_2006_Fr.pdf).

<sup>4</sup> CEDAW/C/DZA/3-4.

<sup>5</sup> Ibid.

<sup>6</sup> Enquête nationale sur l'intégration socio-économique de la femme, 2006, Ministère Déléguée Chargée de la Famille et de la Condition Féminine. Available from [www.ministere-famille.gov.dz/?page=socio](http://www.ministere-famille.gov.dz/?page=socio).

<sup>7</sup> E/C.12/DZA/CO/4.

<sup>8</sup> E/C.12/DZA/CO/4.

<sup>9</sup> Connaissance des droits des femmes et des enfants en Algérie, Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme, February 2009.

<sup>10</sup> CEDAW/C/DZA/3-4.

<sup>11</sup> Figures provided by the Government of Algeria showed that there is one female general in the National Popular Army (the only woman in the army with such a high grade in the Arab world) and that dozens of high-graded women officials are also part of the National Army ranks. Additionally, the Government notes that approximately 11,800 women are part of the different national security

According to the report of the National Commission for the Protection and Promotion of Human Rights for 2008, practically half of all women working in the private sector are concentrated in low-skilled, low-paid and often unregulated industries.

## IV. Manifestations of violence against women

12. The sections below illustrate the current status of the most prevalent forms of violence against women, most of which were identified in the mission report of the previous Special Rapporteur. Despite the State's acknowledgement of the reality of violence against women and the notable achievements at the institutional and legislative levels in the period following the Black Decade, laws and policies have not been able to remove all obstacles to de jure and/or de facto discrimination and to fully transform entrenched attitudes and stereotypes that relegate women to a subordinate role. Patriarchal mentalities, challenges in the areas of the interpretation and implementation of the law, the use of mediation to solve incidents of violence, the absence of verifiable statistics on the prevalence of violence, and the absence of effective cooperative and collaborative partnerships between civil society and the State heighten women's vulnerability to violence.

### A. Domestic violence

13. Violence in the family remains the most pervasive manifestation of violence against women and girls. Unless it results in serious injury, domestic violence is not perceived as a problem warranting legal intervention and, as a result, is endured in silence and remains largely invisible.

14. In 2006, a national survey on violence against women by the Delegate Minister for the Family and the Status of Women revealed that 9.4 per cent of Algerian women aged between 19 and 64 years had encountered physical violence often or daily within the family, and that 31.4 per cent had been regularly subjected to threats of physical or psychological violence.<sup>12</sup> The survey also found that marital rape and other forms of sexual abuse existed, with 10.9 per cent of women admitting having been subjected to forced sexual relationships on more than one occasion by their intimate partners. While domestic violence runs across lines of class and education, poor women or women with little education experience greater vulnerability. Widows and women who are separated or divorced were found to be at a particularly high risk of violence, as they are often deprived of family and community support and live in very precarious situations. Husbands and intimate partners were largely identified as the main perpetrators, followed by other family members, including fathers, brothers and in-laws.

---

institutions, including 82 commissioners of different ranks and 1,479 female police officers and inspectors.

<sup>12</sup> Violence envers les femmes en Algérie : enquête nationale de prévalence, Ministère Déléguée Chargée de la Famille et de la Condition Féminine., February 2007. Available from [www.femmesalgeriennes.gov.dz/IMG/pdf/Enquete\\_prevalence\\_.pdf](http://www.femmesalgeriennes.gov.dz/IMG/pdf/Enquete_prevalence_.pdf).

15. Two recent studies conducted by support centres (*centres d'écoute*),<sup>13</sup> which are operated by civil society organizations, confirmed similar prevalence rates as those found by the 2006 national survey. The findings reveal that, among women who seek support, higher levels of violence are found among married women aged between 25 and 44 years, having two or more children and who do not work outside the home, despite having completed secondary or higher studies. While psychological and physical violence are the most widely reported forms of abuse (86 and 68 per cent of cases, respectively), most women seeking support indicated that they had been subjected to multiple forms of violence. Sexual violence constitutes 35 per cent of all cases reported, 17 per cent of which are cases of marital rape and 4 per cent are cases of incest.<sup>14</sup> The findings also reveal that women in unregistered religious marriages experience heightened vulnerability to violence and abuse, and have more difficulty in ending an abusive relationship owing to lack of support, alternative housing, and legal protection, compared with women who have entered into registered civil marriages.

16. Children, especially girls, are particularly exposed to violence in the home. Corporal punishment, prohibited by law in schools but not in the family and in alternative care settings, is reportedly widespread and accepted in society as a form of discipline. Several United Nations bodies, including the Committee on the Rights of the Child, have expressed concern at the fact that corporal punishment against children within the family and in alternative care settings is not prohibited and have urged the Government to conduct public educational campaigns to promote the right of children to be free from all forms of violence and to alternative, participatory, non-violent forms of discipline.<sup>15</sup>

17. Incest remains a taboo issue. According to civil society organizations, it is considered to be widely underreported. During her meetings with police officials, the Special Rapporteur was informed of 7 cases registered by the Directorate of National Security in the first nine months of 2010. At the local level, no cases of incest appeared in the statistics provided by the local police in Ouargla and Oran, and only one case was registered in the statistics by the Police in Constantine.

## B. Sexual harassment

18. Government officials, civil society organizations and trade unions acknowledged the pervasiveness of sexual harassment in educational and training institutions and highlighted the efforts made in recent years to combat this phenomenon. A major step in this regard was the adoption in 2004 of a provision in the Penal Code criminalizing sexual harassment based on abuse of authority. Other commendable initiatives raising awareness of the phenomenon include the establishment by the National Commission of Women Workers of a hotline providing advice to victims, and the organization of a number of campaigns and conferences on the topic.

19. Despite these commendable developments, sexual harassment remains largely underreported, with only 99 cases registered by the judicial police throughout the country from January to October 2010. The main reasons for such a degree of underreporting are two-fold: on the one hand, the fear among victims of reprisals or counter-accusations of having provoked the perpetrator's advances, thus leading to further stigmatization; on the

<sup>13</sup> Les violences contre les femmes en Algérie, Balsam, Réseau National des Centres d'Ecoute sur les Violences contre les Femmes, deuxièmes résultats, September 2010. Available from [www.ciddef-dz.com/pdf/autres-publications/balsam2010.pdf](http://www.ciddef-dz.com/pdf/autres-publications/balsam2010.pdf). « Livre noir de la violence conjugale, halte à l'impunité, AVIFE, Réseau Wassila, 2010.

<sup>14</sup> Les violences contre les femmes en Algérie, Balsam.

<sup>15</sup> CRC/C/15/Add.269, CAT/C/DZA/CO/3 and E/C.12/DZA/CO/4.

other, the challenges posed by the lack of protection for victims and witnesses of sexual harassment, particularly in criminal cases.

### **C. Single mothers and women living on their own**

20. Overt stigmatization and hostility towards unmarried mothers remain particularly challenging. Ostracized and rejected by their families and communities, many women leave their family homes or are thrown into the streets, where they become subject to exploitation and further abuse.

21. While some officials minimized the proportions of this phenomenon, civil society organizations spoke about large numbers of single pregnant women and single women with small children living in the streets of larger cities. Deprived of the possibility to return to their homes and communities, with no means to pay for private housing and receiving no preferential access to subsidized State housing because of their unmarried status, these women are largely dependent on the support of non-governmental organizations and governmental social services to satisfy their most basic needs. Many pregnant women resort to unsafe and clandestine abortion practices, or give their babies up for adoption. According to recent information provided during a meeting with the National Research Centre on Social and Cultural Anthropology, single mothers from urban cities, particularly Algiers and Oran, suffer less from stigmatization because of a more progressive opening of social attitudes to certain issues, including sexual relationships outside marriage.

22. Women living on their own are often the target of suspicion and sometimes overt hostility. During her visit to Ouargla and Hassi-Messaoud, the Special Rapporteur discussed with local officials the allegations she received in early 2010 concerning attacks perpetrated against women who work on oil bases in Hassi-Messaoud and live on their own. These allegations had been the subject of an urgent appeal sent to the Algerian authorities in April 2010 requesting information on the outcome of any judicial or other investigations conducted in connection with the alleged facts.<sup>16</sup> To date, the Government has not provided a response. These allegations are reminiscent of the events of 13 July 2001, when several men attacked a group of 39 women who lived on their own, subjecting many of them to physical and sexual violence, after the imam of the local mosque had described them as prostitutes. The court sentenced in absentia 20 of the accused men to 20 years' imprisonment, and of the six accused who were present, three were sentenced to eight, six and three years' imprisonment, while three others were acquitted.

23. During the visit, local authorities, police and social services officials unanimously denied the allegations of targeted attacks against women in 2010. They also deplored the negative image attributed to Hassi-Messaoud since the 2001 incidents, which they considered to be isolated cases of violence, and strongly disagreed with the view of several civil society organizations that linked the incidents to an increase in religious extremism that manifests itself, among others, in growing intolerance towards women's empowerment. This position was also firmly defended by two women from Hassi-Messaoud employed in the oil sector. They particularly regretted the information disseminated by some journalists in 2010, which has resulted in the reluctance of female employees in the oil sector, as well as their families, to move to Hassi-Messaoud for work opportunities. Several civil society interlocutors referred to tensions in the area generated by entrenched patriarchal values and high degrees of conservatism, as well as from competing needs and demands in the labour market, which resulted in manifestations of hostility and intolerance towards poor, unaccompanied women coming mostly from other cities in search of work. The Special Rapporteur was unfortunately not able to speak to any

<sup>16</sup> See A/HRC/17/26/Add.1.

victims of the incidents in Hassi-Messaoud and in fact received contradictory information about their whereabouts and their willingness to share their testimonies.

## **D. The Black Decade**

24. Discussions with State officials and civil society organizations on the consequences of women's human rights violations perpetrated during the Black Decade indicated that the challenges described in the report of the previous mandate holder remain valid.

25. Discussions on the fight against impunity for perpetrators of sexual violence, as established by the Charter for Peace and National Reconciliation, showed significantly divergent positions between State officials and women's human rights organizations. While State officials generally indicated that justice had been rendered to victims, including through the payment of compensation, women's rights organizations expressed concern at the lack of specific rehabilitation measures for victims of sexual violence, the difficulties faced in obtaining compensation and insufficient information on the investigation and prosecution of perpetrators of sexual violence. As was the case during the visit in 2007, the Special Rapporteur was not able to obtain relevant official statistics or information on individuals who were denied amnesty under the Charter on accusations of rape.

26. The Special Rapporteur acknowledges the challenges faced by relatives of the disappeared during the Black Decade, in particular with regard to their right to compensation, which is conditional upon a legal declaration of death. As highlighted by the previous mandate holder, this requirement forces relatives of the disappeared, mostly women, to trade off their right to truth for their human right to compensation. The Special Rapporteur was made aware of how painful the past was and how difficult it was to deal with it. As stressed by one of her interlocutors during the visit, "the past is extremely painful and too near. Currently it is more important to find a space for just living. But the past will have to be dealt with. Distance is fundamental and it's a matter of time." She also heard accounts of threats and harassment to organizations and individuals who publicly present views on national reconciliation, truth and justice which diverge from the official stance. Being fully aware of and understanding the complexity in addressing such painful issues, the Special Rapporteur reminded all interlocutors of the need for truth and justice when addressing past violations of human rights in general and women's human rights in particular, in an open and transparent manner. In this regard, the Special Rapporteur welcomed the official invitation extended to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and welcomed the Government's openness to consider inviting the Working Group on Enforced or Involuntary Disappearances in the near future.

## **V. State response to violence against women**

### **A. Developments in the legislative framework**

27. The State's commitment to fulfil its due diligence obligations in terms of the international human rights framework is illustrated by its adherence to major United Nations human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women. During her visit, the Special Rapporteur held several discussions on remaining legislative challenges, including the ratification of international and regional instruments, such as the Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women, the Convention for the

Protection of All Persons from Enforced Disappearances and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

28. The Special Rapporteur is of the view that the invitation made by the Government of Algeria to seven United Nations special procedures mandate holders in April 2010, following the examination of the State report during the universal periodic review, as well as the invitation extended to other mechanisms, including the Special Rapporteur on the Rights of Women in Africa of the African Commission on Human and Peoples' Rights, also illustrate the Government's commitment to fulfil its international and regional obligations to improve the human rights situation in the country, including the rights of women to non-discrimination and to a life free of violence. Additionally, in recent years, there have been significant developments in the domestic legal framework aimed at eliminating critical areas of inequality between men and women.

29. In 2005, the Committee on the Elimination of Discrimination against Women reminded the Government of Algeria that reservations to articles 2 and 16 were contrary to the object and purpose of the Convention, and urged it to expedite legislative reform, especially of the Family Code, and withdraw its reservations within a concrete time frame.<sup>17</sup> A significant step in that direction was the official withdrawal in July 2009 of the State's reservation to article 9 of the Convention, thereby allowing Algerian women the right to give their nationality to children born to a foreign father. Importantly, this reservation had already become redundant following the reform in 2005 of the Nationality Code, which entitled Algerian women with foreign husbands the right to transfer their nationality to their children and husbands.

30. The amendments made in 2005 to the Family Code are regarded by high-ranking officials as instruments whose interpretation may enable the overcoming of deeply entrenched cultural and religious attitudes and perceptions. Promulgated in 1984, the Family Code contained blatant discriminatory provisions that systematized women's subordinate legal status to men.

31. Significant amendments in the Family Code include the removal of formal references to the "inferior" position of women; the introduction of mutual consent by both spouses as a requirement of marriage; the right of adult women to choose the *wali* (marital guardian) of their choice; and the ability to contract a marriage on the basis of mutually agreed clauses. The amended Code also broadens the grounds on which a woman may sue for divorce, establishes the confirmation by a court of a divorce after reconciliation attempts have failed, and introduces strict requirements to polygamy, a practice which is said to be marginal and practiced by less than 1 per cent of the population. During the visit, officials highlighted the importance of judicial discretion to ultimately approve or disapprove polygamous marriages and how they understood this as a preventative measure to protect women from polygamy while responding to the social and cultural reality in Algeria.

32. With a view to ensure the best interests of the child, the amended Code establishes a default position of "mother preference" in custody matters; if she is also granted tutorship, the mother has the right to make decisions regarding her children's education. Significantly, when the custody of the children remains with the mother, the father has an obligation to provide a decent dwelling to the mother and the children or, alternatively, to provide adequate financial support. Until the execution of the judicial decision, the mother with custody over the children is to be maintained in the marital home. Lastly, mothers who are employed can no longer be deprived of the right to custody because of their work.

<sup>17</sup> CEDAW/C/DZA/CC/2.

33. The 2005 amendments also introduced new procedural rules in family law- related cases. These include the participation of the Public Prosecutor in all court cases involving enforcement of the provisions of the Family Code; compulsory entry of transcripts of court rulings validating marriages and divorces in the civil status records; the requirement of judges to make attempts to reconcile spouses before issuing a ruling of divorce; and the possibility for the presiding magistrate to order, upon request, temporary measures relating to financial support, custody of children, visiting rights and accommodation.

34. Another important legislative reform in recent years is the introduction, mainly as a response to calls by the General Union of Algerian Workers, of a provision in the Penal Code criminalizing sexual harassment. Under the new article 341 bis, any person who abuses his authority deriving from his function or position to order, threaten, coerce or pressure another person with the aim of obtaining sexual favours is liable to a term of imprisonment ranging from two months to one year and a fine of 50,000 to 100,000 Algerian dinars.

35. The Special Rapporteur was informed of the forthcoming adoption, subsequent to a constitutional amendment in 2008, of an organic law aimed at the promotion of the participation of women in public life, which establishes a 30 per cent quota for female representation in elected bodies. In her meeting at the Ministry of Justice, the Special Rapporteur was also informed about the current drafting of a law to include a definition of discrimination.

36. Discrimination is prohibited in the Constitution, including on the grounds of sex. Algerian labour law also prohibits discrimination based on age, sex, social or marital situation, family ties, among others, and grants equal treatment in salaries and benefits to men and women.

## **B. Developments in the institutional and policy framework**

37. The State's commitment to fulfil its due diligence obligations in the areas of gender equality and non-discrimination is also illustrated by institutional mechanisms, such as the Delegate Minister responsible for the Family and the Condition of Women, the National Council for the Family and Women and the national strategy to combat violence against women. These mechanisms enjoy the strong political support of the President of the Republic, who has taken a public stance in favour of women's rights and gender equality.

38. Since 2002, the Delegate Minister responsible for the Family and the Condition of Women has been the lead agency responsible for the advancement of women and gender equality. Currently placed within the Ministry of the Family and Solidarity, and previously situated within the Prime Minister's Office and the Ministry of Health, its main responsibilities include the coordination of Government's action in the implementation of the national strategy to combat violence against women, the elaboration and monitoring of a national policy for family and women's affairs, the consolidation of instruments and research to monitor the status of women and the family, and the elaboration of a communication and information strategy in the areas of the family, women and children. Discussions with the Delegate Minister and her staff clearly showed the challenges continually posed by the institutional, human and financial resource constraints mentioned in the report of the previous mandate holder. Civil society organizations also referred to these challenges, in particular the absence of a full-fledged ministry, the lack of financial authority and insufficient human and financial resources as limiting the Delegate Ministry's capacity to effectively coordinate and monitor actions at the local and national levels, including with non-governmental organizations.

39. The national strategy to combat violence against women is currently at the latter stages of its second phase (2007-2011). The Special Rapporteur welcomed the inter-institutional approach adopted in the elaboration and monitoring of the strategy, with the involvement of gender focal points from all relevant ministries, members of parliament, trade unions and other commissions and institutions, as well as its multipronged approach based on human rights and the empowerment of women. The main pillars of the strategy are the reinforcement of institutional capacity to provide protection and support to victims; implementation of empowerment strategies that contribute to socio-economic reintegration; greater public awareness and social mobilization; and the creation of coalitions in the design and implementation of policies, programmes and legislation. While generally welcoming the approach adopted in the national strategy, civil society organizations expressed concern at the lack of sustained funding to support policies and actions aimed at effectively implementing these pillars, in particular those relating to the reinforcement of institutional capacity to provide support services and to the implementation of empowerment strategies for victims.

40. Particularly important in the framework of the national strategy are the current efforts to establish a national database on violence against women, for collecting and analysing information from all relevant sectors and institutions, including civil society organizations. The Special Rapporteur was informed that the first pilot project in the framework of this initiative had just been implemented in the *wilaya* of Oran. Focus is currently being put on gender-sensitive data collection training for all counterparts that will be involved in similar projects throughout the country.

41. In 2006, the National Council for the Family and Women, comprising representatives of ministries, departments and agencies, civil society organizations, professional associations and researchers, was created to support the work of the Delegate Ministry for the Family and the Condition of Women. Its main tasks include conducting research, issuing opinions and recommendations and promoting exchanges nationally, regionally and internationally on matters pertaining to the advancement of the status of women and the family. The Special Rapporteur welcomed the inclusive nature of the Council's membership and its important role in promoting research, and encouraged it to engage in wider societal discussions in order to promote the status of women. Subsequent to the mission, the Special Rapporteur was pleased to hear that the ordinary session of the National Council in January 2011 was set to address the emerging challenges faced by Algerian women; social and economic rights of women and durable development; women's participation in political life; women's cultural rights; and the role of the media.

42. During the visit, the Special Rapporteur was also informed about the approval of a presidential decree on the establishment of a national centre for studies, information and documentation on the family, women and children. This new research institution, expected to be established in the second semester of 2011, will provide support for public authorities in the formulation and implementation of national policies aimed at the promotion and protection of women's and children's rights.

43. A national strategy for women's promotion and integration was also adopted in 2008 with a view to promote women's empowerment in the fields of education, health and employment, as well as in the political arena. The main priority actions of the strategy include the promotion of further legislative reforms; the monitoring and assessment of literacy programmes; the promotion of empowerment strategies enabling women's integration into economic life, in particular those in a particularly vulnerable situation; and further awareness-raising campaigns aimed at changing entrenched stereotypes of the roles of men and women in the family and within society.

44. With regard to gender-responsive access to justice, the Special Rapporteur was informed about several gender-sensitive training initiatives in the police corps aimed at

encouraging the reporting of violence. Similar training programmes are also conducted at the National Academy for Magistrates, the National Police Academy, the National School of Prison Administration and the National School for the Gendarmerie. She also welcomed the increase in the number of female police officials to register gender-based violence cases. The Special Rapporteur also praised the establishment of collaborative partnerships between the police and civil society, particularly in Oran. The partnership has resulted in, inter alia, increased trust in the work of the police among victims and potential victims, and consequently in improved assistance and protection services.

45. Another initiative relates to the social assistance role of female religious trainers (*morchidates*). The Ministry of Religious Affairs highlighted the importance of training for both imams and *morchidates* on the principles of equality and justice, and referred in that regard to the modules recently developed on Islam and women, Islam and HIV/AIDS, and violence against women. After the mission, the Special Rapporteur was informed by the Government of Algeria that the Ministry of Religious Affairs had instructed imams not to conduct religious marriages before registering them in the civil registry, in order to avoid situations whereby some men circumvent the legal requirements for a polygamous marriage.

46. The Special Rapporteur had the opportunity to meet with members of the Consultative Commission on the Promotion and Protection of Human Rights, the national human rights institution. Even though the Commission does not have a specific programme on violence against women, Commission members highlighted the activities carried out in recent years in support of equality and non-discrimination, particularly in the fields of employment and education. The Special Rapporteur was also informed that the Commission hears and considers complaints concerning individual situations, provides victims of domestic violence with psychological support, encourages victims to file complaints with the competent authorities and also liaises with public authorities to ensure that complaints are properly addressed. The Special Rapporteur welcomed some of the positions expressed during the meeting, including the acknowledgment of the pervasiveness of violence against women and the need to abolish provisions allowing for unilateral divorce on the basis of repudiation.

47. The Special Rapporteur wishes to refer to the establishment by the President of the Republic of an ad hoc committee within the Consultative Commission with the mandate of looking into applications for tracing persons reported missing by family members. While the creation of this body illustrates a political commitment to address a very sensitive issue, the Special Rapporteur regrets that committee's report, which was transmitted to the President of the Republic, has not been made public.

## **VI. Remaining challenges**

48. In her report, the previous mandate holder identified the effective implementation and interpretation of the law and the need for a reinforced institutional protection framework for victims of gender-based violence as major challenges to effectively address and combat violence against women. These challenges remain and require priority attention, together with the establishment of a comprehensive and coordinated system on data collection and the enhancement of collaborative processes and mechanisms with civil society institutions.

## A. Challenges relating to laws

49. In recent years, numerous international human rights bodies, including the Committee on the Elimination of Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, have called on Algeria to repeal or amend laws that discriminate against women, particularly with regard to marriage and family life. Similar calls were made by several Member States and civil society organizations during the universal periodic review of Algeria in 2008.<sup>18</sup>

### 1. Challenges relating to the Family Code of 2005

50. Gender-based discrimination in family law has an adverse effect on women and girls and can lead to economic dependency, lack of access to resources, physical and psychological acts of violence and exploitation in all its forms.

51. Numerous testimonies received by the Special Rapporteur indicate that the Family Code retains several provisions that have a clear discriminatory impact on women and their status in the family and society. For example, discrimination persists in the prohibition of marriages of Muslim women to non-Muslim men, a prohibition that does not apply to Muslim men wishing to marry non-Muslim women; in inheritance provisions, which heightens women's and girls' economic dependence on their husbands and male relatives and puts them at a higher risk of violence; and in the maintenance of the legal institution of the *wali*.

52. Challenges relating to the interpretation and implementation of the amendments made in 2005 in the areas of marriage, polygamy or divorce remain of particular concern. These provisions are often interpreted and implemented in a way that defeats or contradicts the spirit of the law, resulting in further discrimination and injustice. Importantly, most of the Special Rapporteur's governmental interlocutors acknowledged those challenges and expressed the political will to address them in a way that is respectful of the country's sociological, political and religious reality.

53. Despite the broadening of the grounds on which women may request a divorce, inequalities and discrimination remain and often leave women with no choice but to stay in a violent marriage. While men can obtain a quick divorce through repudiation and without justification, women are required to disclose the reasons of their request, a process that can be lengthy and subjected to judicial discretion. In addition, whereas the Code specifies that a woman may obtain a divorce without the consent of her husband by paying a financial amount (*kohl'a*), men are not obliged to pay compensation if they request a divorce.

54. Also of concern is the requirement for the future spouses to present a health certificate to inform their partner of any diseases they may have at the time of marriage. Interviews with civil society organizations revealed that this provision is sometimes interpreted as a request for a "virginity certificate" from the future wife.

55. Another implementation challenge relates to difficulties associated with entering into a marriage contract on the basis of mutually agreed clauses, in particular those concerning polygamy and the wife's employment, whether because of fear or lack of knowledge.

56. The restrictions introduced by the amendments of 2005 to the practice of polygamy, which is maintained in law, are often circumvented when a husband fails to secure his first wife's agreement and has not obtained the judge's permission to take a second wife. During the visit, the Special Rapporteur heard testimonies concerning men marrying a second wife

<sup>18</sup> A/HRC/8/29 and A/HRCWG.6/1/DZA/3.

through a religious marriage that was subsequently validated by a judge. She also heard accounts from women who were subjected to violence or threats of violence by their husbands who wished to obtain consent to a polygamous marriage.

57. Discrimination persists in certain areas relating to child custody, despite the establishment of a “mother preference” provision in the 2005 amendments. Article 66 of the Family Code, retained under the amended Code, provides that a divorced woman with custody of her children loses the right to custody if she remarries. Significantly, divorced men with custody of their children do not lose this right if they remarry. Acknowledging possible contradictions between the spirit of the law and its interpretation, officials stressed the possibility for a juvenile court judge to oppose the decision of a civil affairs judge in those cases where the child’s best interest would be at stake. They also highlighted the importance of the role of the Public Prosecutor’s Office in the review of all cases relating to family law matters.

58. The amendment setting out an obligation for the father to provide a decent dwelling to the mother and the children in the event of divorce remains an issue of concern. The Special Rapporteur was informed of several cases where husbands had deliberately delayed divorce proceedings through the abuse of judicial appeals or had feigned bankruptcy and obtained a court order allowing them to remain in the family home. In cases of domestic violence, these situations dramatically increase women’s vulnerability to further violence and abuse. The Special Rapporteur also heard accounts from divorced women who had been subjected to violence and threats of violence by their former husbands in order to abandon the marital home.

59. A situation that was also highlighted by several victims of domestic violence concerns the lack of a right to the matrimonial home for women if the marriage does not result in children. Many of these women, deprived of economic and social support by their families and stigmatized by the community for not having had any offspring, are often left with no choice but to live in the streets, where their vulnerability to further violence and exploitation increases.

## **2. Challenges relating to the interpretation and implementation of the Penal Code**

60. Challenges also persist in the interpretation of the penal law framework, in particular with regard to rape and marital sexual violence. While article 336 of the Penal Code makes rape a crime punishable by 5 to 10 years of imprisonment, it does not provide for a definition of rape nor does it include an explicit provision regarding marital rape. Forms of sexual violence other than rape are not defined by the Penal Code, but can be considered under indecent assaults (*attentat à la pudeur*) codified in articles 334 and 335. The taboos surrounding the criminalization of marital rape are evident at many levels, including the fact that not a single case of marital rape is before a court today. Female senators, including the Vice-President of the Council of the Nation, considered appropriate the way in which the Penal Code addresses the question and highlighted the importance of addressing legal reform issues in parallel with social changes, and in a way that is respectful of the principles and values of Algerian society. In the words of one senator, “the balance in Algerian society is so fragile that legislation needs to evolve at the pace of society in order to effectively succeed in the future.”

61. While the Penal Code outlaws all forms of assault, violence causing injuries that lead to illness or inability to work for fewer than 15 days is considered only a misdemeanour. The Code allows for more severe penalties when violence is perpetrated against parents or children; however, physical violence committed against a partner or a family member, other than direct ascendants or descendants, is not considered an aggravating circumstance. Several interlocutors highlighted the challenges posed by these provisions to successfully file criminal complaints for cases of domestic violence, in

particular in the absence of a provision explicitly prohibiting domestic violence in the Code, as well as in the lack of a dedicated law on violence against women.

62. Challenges in the Penal Code can also be found in the criminalization of sexual harassment under new article 341 bis, as it only applies to cases of sexual extortion and thus fails to criminalize forms of sexual harassment not based on an abuse of authority. This is particularly challenging in the absence, in the Labour Code, of specific remedies and protection for victims and witnesses of sexual harassment and extortion.

## **B. Constraints in reporting violence**

63. Despite commendable developments in legislation, policies and programmes in recent years, violence against women in the private sphere remains largely invisible and is consequently greatly underreported. According to information received from the General Directorate for National Security, 6,748 cases of violence against women were reported to the authorities from January to September 2010, a very low figure compared to the prevalence rates found in the 2006 national survey and also recent studies by support centres operated by civil society organizations.

64. As noted by the previous mandate holder, the reasons behind such underreporting are manifold. On the one hand, sociocultural constraints linked to family structure, religion and tradition act as an important deterrent for women to report violence, especially when it occurs in the home. As became evident in meetings held with battered women, domestic violence is often accepted as a normal part of family life, mainly because of entrenched perceptions of the preservation of family honour, the social and economic subordination of women to their husbands and male relatives, and the fear of becoming outcasts from the family and community if the violence is reported. As one Government official pointed out, “the instinct to protect the family is stronger than that of being victimized by families and communities”.

65. Another important factor contributing to underreporting is the low degree of confidence in the justice system, mainly as a result of discriminatory responses and inconsistencies in the application and interpretation of the law, which often results in inappropriate sentences. Significantly, despite the authorities’ acknowledgement of these challenges at both the local and national levels, no disciplinary measures have been taken against public officials for abiding by social norms of non-interference in family matters or for openly defeating the provision, purpose and spirit of applicable laws.

66. Some officials acknowledged that the initial role of police and judges in cases of domestic violence is one of mediation and conciliation, unless the violence has resulted in very serious physical injuries. Testimonies of victims of domestic violence show, however, that even in cases of severe injuries, law enforcement officials often tend to minimize offences and discourage victims from pursuing the case. Women’s rights organizations also reported numerous cases of sexual violence in which police had questioned and taken into account the sexual history of the victim, in particular her virginity, in the consideration of the case.

67. Insufficient knowledge among victims of their rights to protection and redress under existing applicable legislation is also a major factor contributing to underreporting. During the visit, the Special Rapporteur heard several accounts of homeless, divorced women with children who had not been made aware of their rights to housing entitlements, or cases where courts had failed to enforce those entitlements. On several occasions, Government officials attributed these situations to the failure of civil society organizations to conduct their awareness-raising and protective roles effectively. In this regard, the Special

Rapporteur reminded officials that prevention, protection, accountability and addressing impunity are all part of the due diligence obligations of the State and its agents.

68. A further obstacle to reporting cases of physical violence is found in the requirement of injury as part of the necessary forensic evidence, failing which a complaint will not be pursued by law enforcement authorities. Consequently, the role of forensic doctors, who can grade the injuries based on criteria set forth in the Criminal Code, is of extreme importance in determining the charges that might be brought against the perpetrator. During discussions with the Special Rapporteur, civil society organizations and several victims expressed concern at the very small number of forensic doctors in Algeria, their limited working hours (usually morning shifts only) and their reluctance to issue medical certificates for injuries that automatically lead to criminal proceedings. This reluctance by doctors is allegedly due to the fact that they want to avoid subsequent participation as expert witnesses in court cases.

### **C. Weaknesses in support services for victims**

69. Insufficient specialized shelters continue to be of concern and contribute to the invisibility and silencing of women and girl victims of various forms of violence.

70. Non-governmental organizations manage most of the essential support services for women victims of violence and abuse in the country. While only two of them offer shelter facilities, the others mostly offer psychological, medical and legal assistance on issues pertaining to domestic violence, divorce and housing. Largely dependent on donor support, these centres are insufficient in number, lack human and material resources and are almost exclusively concentrated in urban areas. In the field of sexual harassment, the hotline launched by the National Commission of Women Workers of the General Union of Algerian Workers continues to provide advice to victims of sexual harassment. While commending the work of civil society organizations, the Special Rapporteur notes that the due diligence obligation to protect women from violence rests primarily upon the State and its agents. It is therefore the responsibility of the Government of Algeria to ensure accessibility and availability of effective protection and support services to victims of violence.

71. There are two Government-run specialized shelters for women victims of violence, in Boui Ismail and Tlemcen, both with very limited capacity. In the absence of sufficient shelters, police and social services officials continue to direct women escaping violence to Diar Rahma institutions. These institutions accommodate a wide range of persons in need of State support, including the homeless and mentally and physically disabled persons. The Special Rapporteur praised the holistic approach adopted by the latter institutions, which provide integrated services, including medical, legal and psychological assistance, vocational training and housing support. However, she would like to remind the Government that victims of gender-based violence require that such a holistic approach be implemented in specialized settings, where there is expertise to address victims' needs.

72. The Special Rapporteur expressed concern at the focus put by staff in both the Government-run shelters and Diar Rahma institutions on counselling and mediation, and recalled the negative consequences that this could have, by perpetuating violence and abuse. One woman who shared her testimony with the Special Rapporteur explained that staff at the Diar Rahma made her abusive husband sign a letter in which he pledged to never inflict violence on her again. She was severely battered the very day he signed the letter and took her back home, and she had no other choice but to return to the Diar Rahma in search of protection. No complaints were filed against her husband.

73. Another remaining issue of concern is the involvement of the above institutions in arranging and facilitating marriages between victims and men who are searching for a wife. Despite the thorough scrutiny by staff of men before facilitating a marriage, the Special Rapporteur warned about the high risks involved in these practices, particularly bearing in mind the fragile psychological state of victims. The testimony of a young woman in the Diar Rahma was indicative: after enduring a life of extreme physical violence by her father and brothers since a very early age, she admitted that her only concern was to find a husband to escape the social pressure and the difficulties faced by a woman on her own, regardless of the violence that she assumed she would naturally continue to endure.

## **VII. Conclusions and recommendations**

74. Since independence, Algeria has distinguished itself in the promotion of gender equality through laws, policies and programmes, particularly in the realization of the right to equal access to education. Nonetheless, female illiteracy, particularly among rural, poor and older women, and insufficient equal access to employment opportunities and decision-making positions remain areas of concern.

75. Recent legal, institutional and policy developments reflecting the Government's intention to fulfil its due diligence obligations with regard to violence against women have not been able to remove all obstacles to de jure and/or de facto discrimination and to fully transform entrenched patriarchal attitudes and stereotypes that relegate women to a subordinate position. Violence against women in the family, sexual harassment at work and in educational and training institutions, and stigmatization of and hostility towards unmarried single women and women living on their own are still areas of concern.

76. With regard to law reform, significant developments in the Family Code in recent years illustrate the Government's approach to respond to the context and challenges of Algerian society, which is ultimately aimed at gradually effecting social change with the participation of the community. This is clearly illustrated, for instance, by the widespread perception among high-level officials that the strict requirements in the 2005 Family Code relating to the practice of polygamy constitute effective preventative measures to protect women from this practice while responding to the social and cultural reality of the country.

77. During her mission, the Special Rapporteur identified numerous challenges that remain and require priority attention, including the effective implementation and interpretation of the law, the need for a reinforced institutional protection framework, the establishment of a comprehensive and coordinated system on data collection, and the enhancement of collaborative processes and mechanisms with civil society institutions.

78. The Special Rapporteur fully acknowledges the complexity of addressing sensitive issues, including those relating to the painful past, and understands the fears that associate social change with the break-up of national unity. However, she considers that the principles and values of peace, reconciliation and social cohesion that sustain the foundations of the new Algerian State should not preclude the addressing of violations of human rights in general and women's human rights in particular.

79. In the light of the information received, the Special Rapporteur would like to address the recommendations below to the Government of Algeria.

80. The Special Rapporteur recommends that the Government ensure enhanced protection of women and girls through further legislative reforms, including through:

(a) The adoption of specific legislation on domestic violence (providing for civil and criminal remedies), sexual violence and sexual harassment. Specialized laws on violence against women can result in the enhancement of the effectiveness of the State's response to violence against women, particularly when they can cover preventive and educational measures, as well as protection and assistance for victims and new sanctions against perpetrators. The elaboration and adoption of such laws requires a process that is consultative and incorporates the opinions of civil society and victims/survivors, in dialogue with practitioners who will apply and enforce the laws;

(b) Further revision of the Family Code, including the review of areas that were left unaddressed or inadequately addressed by the amendments made in 2005, and the review of those provisions that were subjected to amendments in 2005 but the interpretation and implementation of which often defeat the spirit of the law and result in further discrimination and injustice. In addition, a wider and more effective dissemination of the Family Code is needed to ensure that women make informed choices, including with regard to the inclusion of favourable terms in marriage contracts;

(c) Further reform to the Penal Code, to enhance the protection of women from all forms of violence. Discussions are particularly encouraged on the explicit criminalization of domestic violence, including marital rape; the criminalization of all forms of sexual harassment, regardless of abuse of authority; and the prohibition of corporal punishment of children within the family and alternative care settings;

(d) Further reform to the Labour Code, to enhance protection for victims and witnesses of sexual harassment and extortion, and to provide them with effective remedies;

(e) Removal of reservations to article 2 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as the ratification of the Optional Protocol thereto, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and the International Convention for the Protection of All Persons from Enforced Disappearance;

(f) Adoption of the framework law establishing a 30 per cent quota for female representation in elected bodies.

81. The Special Rapporteur also recommends that the Government strengthen the institutional framework for the protection and promotion of women's human rights, including through:

(a) Upgrading the office of the Delegate Minister for the Family and the Status of Women to a full-fledged ministry and, in line with the Beijing Declaration and Programme of Action, provide it with a clearly defined mandate, power and authority, visibility and human and financial resources, thereby improving its capacity to coordinate Government action in the protection and promotion of women's human rights generally, and in particular the implementation of the national strategy to combat violence against women. Current efforts to create a national database on violence against women are crucial and should continue to be given priority; in this regard, means and methods to share information on patterns, trends and State response to cases of violence should be institutionalized among a diversity of actors, including Government bodies, civil society organizations and academia;

(b) Encouraging the Delegate Minister for the Family and the Status of Women, the National Council for the Family and Women and other relevant authorities to hold periodic meetings open to all women's rights organizations to discuss women's human rights challenges that could inform the formulation and implementation of national policies. The creation of the national centre for studies, information and documentation on the family, women and children offers an interesting opportunity for open discussions and cooperation in that regard;

(c) Creating a programme within the National Consultative Commission on the Protection and Promotion of Human Rights to address discrimination and violence against women, and including the outcomes of the programme in public reports.

82. The Special Rapporteur further recommends that the Government strengthen institutional infrastructure for the effective protection of women from violence, by:

(a) Ensuring adequate resources to improve existing infrastructure supporting a wide range of vulnerable persons, and creating new centres that provide similar specialized integrated services to victims of gender-based violence;

(b) Ensuring that women living on the streets, divorced, separated, deserted or widowed women, as well as women living on their own, benefit from special protective measures against all forms of discrimination, harassment and violence;

(c) Taking measures that meet women's housing and employment needs, particularly victims of violence, single and other marginalized women;

(d) Given the differing positions of State officials and civil society organizations on the measures taken to render justice to victims of violence against women relating to the Black Decade, the Special Rapporteur encourages open discussions on the possibility of creating an independent commission to investigate all forms of violence committed against women during that period. In addition to identifying and bringing to justice perpetrators of such violence, the body could also deal with pending cases of compensation to families of the disappeared and victims of violence. Such a process can serve to open discussions of views on national reconciliation, truth and justice that differ from the official position;

(e) Removing all obstacles that prevent violence against women from being diligently recorded, investigated and prosecuted; this includes both social barriers based on patriarchal norms and stereotypes that result in failure from law enforcement officials to file criminal complaints or inform victims of their rights, and structural barriers, including the requirement of injury as part of forensic evidence.

83. The Special Rapporteur recommends that the Government initiate further training and awareness raising programmes, including by:

(a) Supporting further gender-sensitive training, with a focus on international legal instruments on women's human rights, and the interpretation of relevant domestic legislation, including the Family Code and the Penal Code, in the light of these international instruments, in the programmes of judicial and police academies and other public service training institutions. Civil society organizations should also be supported and involved in training initiatives in order to increase their capacity to monitor and report on the Government's international obligations in the area of women's human rights generally and violence against women in particular;

(b) Conducting awareness-raising campaigns with the support of sensitized media, with the aim of eliminating discriminatory attitudes towards women and

addressing stereotypical attitudes about the responsibilities and roles of women and men in the family, society and in the workplace;

(c) Integrating a gender equality perspective into school textbooks and curricula, as well as gender training for teachers, with a view to changing patriarchal attitudes and gender stereotypes and promoting behaviour that fosters and protects gender equality and the human rights of women and girls.

---