

Shadow Report on Algeria

**To the Committee on the Elimination
of Discrimination Against Women
(January 1999)**

**submitted by International Women's Human Rights Law Clinic
and Women Living Under Muslim Laws**

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Introduction

Algerian women face many obstacles to realizing the goals of the Convention on the Elimination of All Forms of Discrimination — the elimination of all forms of discrimination and the full exercise and enjoyment of all human rights by women on a basis of equality. This shadow report focuses, however, on one of the central obstacles to women's equality and advancement — the rise and ongoing threat of a politicized, violent religious fundamentalism and its project to impose its particular view of Islam through the theocratization of the state and/or through violence and terror. For almost three decades, women have been a particular target of fundamentalist violence and oppression; in recent years, the fundamentalist's attacks have amounted to war crimes and crimes against humanity, directed against women and the civilian population.

The **International Women's Human Rights Law Clinic (IWHR)** and **Women Living Under Muslim Laws (WLUML)** join in submitting this Shadow Report. IWHR prepared this Report based on our experience as legal counsel for nine individual plaintiffs and one women's rights organization, the **Rassemblement Algerien des Femmes Democratiques**, in a case charging crimes against humanity, war crimes and sexual slavery

* The following Report is the document submitted to CEDAW with minor clarifying revisions. Where the revisions are substantive, they will be identified with asterisk(s).

against a leader of the Islamic Salvation Front (FIS)¹ and, further, on our study and advocacy of the human rights of women in relation to this Committee and in other human rights forums. WLUML assisted in the preparation of this report based on our experience as an international support and solidarity network linking women who struggle against fundamentalist forces in Algeria as well as in many other Muslim and non-Muslim societies and, further, on our study and advocacy of the human rights of women in diverse Muslim countries and communities throughout the world.

Cognizant that the focus of state reporting under the Convention is the consistency of state law and policy with the Convention, it is nonetheless essential that the Committee carefully examine factors in the situation which present a significant obstacle or difficulty that must be addressed if the Convention's promise is to be fulfilled. The Women's Convention, — particularly articles 1, 2(e)(f) and (g), 3, and 5(a) — is unique in the thoroughgoing attention it requires to the private or non-official sources of discrimination. Moreover, under Article 18, reports "may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention." In the case of Algeria, the fundamentalist insurgency — dedicated to implementing the institutionalization of extreme discrimination against women — a form of gender-apartheid — presents one the greatest "difficulties affecting the degree of fulfillment" of gender equality.

It is particularly urgent that this Committee — given its particular charge to protect and advance the rights of women — examine the impact of the fundamentalist insurgency. Because of the traditional and slow-to-change state-centered approach of the

1. The case *Doe v. Haddam* is currently before the United States District Court in Washington D.C. pursuant to the Alien Tort Claims Act, which provides a cause of action for violations of international law committed against aliens (i.e. non-residents or citizens of the US).

international human rights community and the tendency (at least before the Taliban took power in Afghanistan) to see the violations of women's human rights as mere "private" or "cultural" matters, the international community has largely ignored the fundamentalist campaign of violence and atrocities. Thus, despite wide acknowledgment that the fundamentalist insurgents have committed the overwhelming majority of atrocities against the civilian population, in particular against women, the focus has been almost exclusively on the smaller number, albeit grave, violations by the state against the fundamentalist insurgents. Unfortunately, this lack of balance has undermined feminist and democratic forces in Algerian society and relegates to a much less visible place the attacks on women. As the report of the Secretary-General on minimum humanitarian standards submitted on 5 January 1998 pursuant to the Commission on Human Rights resolution 1997/21, recognizes that "it is often situations of internal violence that pose the greatest threat to human dignity and freedom," and "in situations of internal violence it is also important to address the behavior of non-State armed groups." E/CN.4/1998/87 at ¶ 8,9.

This Shadow Report will outline the history of the rise of the fundamentalist movement, its ideology and its escalating attacks on women. It will also identify some key ways that the State has accommodated, absorbed and responded to that agenda, and its impact on women's equality. Additionally, the report will make recommendation to the Committee on this issue.

Summary

The fundamentalist movement in Algeria has been active at least since the 1970's. Throughout the 1970's and 1980's, fundamentalists organized politically as well as used violence as a means of imposing their agenda. In particular, fundamentalists attacked feminist activists, female university students, women workers in state owned factories, and single women living

without a male relative which qualifies under the law as a guardian (îwaliî). In the late 1980's, arson attacks against single women resulted in the death of a child. In 1984, the fundamentalist scored a substantial political victory in pressuring the State to enact a highly regressive family code which essentially treats women as minors.² In 1989, in the wake of broad popular protest against the one-party, military-backed government, it caused the Constitution to be amended to allow for the formation of political parties. The fundamentalists united under the party of the Islamic Salvation Front (FIS). The FIS had an armed wing known as AIS. The leaders of FIS, from its birth, declared their opposition to democracy and their ideology of gender-apartheid. The fundamentalist political violence against women continued and escalated after the formation of FIS.

In the June 1990 municipal elections, FIS won control electorally over a large number of municipalities. During their official tenure until early 1992, FIS sought to impose discrimination amounting to gender-apartheid through both legal means and through threats of force. They decreed, for example, the separation of boys and girls in the schools, men and women on buses, and in some workplaces. After the cancellation of the second phase of the national legislative elections in December 1991³, the violence against women and other civilians escalated

2. For example, women lost the right to marry but must be given in marriage by a Wali (a matrimonial tutor who can be a minor male relative); they lost the right to divorce but subject to the husband's whim except in rare cases. Women have lost the right to guardianship of their children and are granted only an unequal share of inheritance. The Code further makes polygamy and repudiation legal. Fundamentalists were also successful in having enacted the decree that permitted men the right to vote on behalf of the women in their family. Although this decree was reversed in 1991 under the Boudiaf Presidency, Nahnah, the head of HAMAS, often described as a moderate islamist party which has been accepted into government, advocates its reenactment.

3. * In the first round of the parliamentary elections in December 1991, only 60% of the eligible voters participated. Through gerry mandering the electoral districts, FIS managed to obtain 43 % of the seats, with only 24% of the votes, according to Algerian newspapers (Algérie Actualité n° 1368, January 2 to 8, 1992 and El Moujahid, Wednesday January 1st, 1992). Between the municipal election in June 90 and the

severely. The State banned the FIS, and the fundamentalists formed additional armed groups, such as the Armed Islamic Group (GIA), which systematically attacked civilians as a method of war, in particular women who deviated from their prescribed roles.

The first group of civilians assassinated, raped, and otherwise tortured by the armed groups were female relatives of members of the security forces, police, and government. In 1993, the fundamentalists then began to assassinate and threaten feminists, journalists, artists, foreigners, intellectuals, other professionals and any visible member of civil society who represented an alternative vision to the FIS ideology. The overwhelming number of these victims has no association to the government, and in fact many were known opponents of the State. Leading feminists were personally threatened; one was killed and others forced to live in hiding or go into exile. The armed groups also regularly abducted young women from the streets, neighborhoods and houses and held them in camps as sexual and domestic slaves (called mutaa marriages). The fundamentalists posted communiqués promising death to ordinary women who did not follow their dictates — such as unveiled women, hairdressers, working women and single women. In a number of cases, they carried out these threats.

In 1994-1995, the attacks on civilians became even more indiscriminate. The armed groups bombed public places causing unprecedented casualties. In 1997, particularly in connection with Ramadan, they began to massacre whole villages, resulting in

parliamentary election, during which time FIS exercised power in many municipalities, FIS lost more than 1 million votes (4.500 000 votes in June 1990 vs 3 260 359 in December 1991). In response, fearing that the run-off election would be, as FIS promised, the last, a broad-based coalition of civil society called upon the government both to cancel the elections and to relinquish power.

Hassan Zenait, *Algerians Converge on Capital for Anti-Islamic Protest March*, Agence France Presse, January 2, 1992; Ricardo Ustarroz, *At least 300,000 March for Democracy in Algiers*, Agence France Presse, 1992.

large numbers of casualties, disproportionately women and children.

Despite the fact that the years of terror and imposed gender subordination have negatively affected the culture in terms of gender equality, many segments of civil society provide strong resistance to the fundamentalist agenda. Women have been in the leadership. Feminists activists and women's organizations, journalists and others continue to demonstrate against the fundamentalists and document the abuses despite the risk to their own lives. Moreover, ordinary women and men continue to work and maintain social institutions, such as schools, despite the terror. Teachers, hairdressers and seamstresses (women whose occupation involved the beautification of women) unveiled women as well as veiled women who wear a touch of lipstick all resist the fundamentalist's terror and totalitarian agenda by continuing their everyday lives. Recently, the number of unveiled women has increased.

Despite the State's military and violent opposition to the fundamentalist movement, the fundamentalists have had a profound influence on State policies. Accommodation to the fundamentalist pressure underlies the States reservations to the Women's Convention and the current regressive family code which violates the fundamental rights of women. Moreover, the State has not adequately responded to the need for social and health services and economic support for the victims of fundamentalist violence. In particular, the State has not provided adequate support to the survivors of rape. Finally, while the State has rejected some of the more egregious fundamentalist demands for gender apartheid, such as segregated education and transportation, it has not taken sufficient steps to address the cultural damage to gender equality wrought by the fundamentalist agenda.

The Committee has the authority to, and should, address the extreme obstacles presented by the fundamentalist campaign of

violence and terror as well as its influence on state power to reaching the goals of gender equality and women's human rights. The Committee should question the State on these issues and urge the State to prevent and protect against the violence; redress the damage caused to women by fundamentalism; and adhere and vigorously implement the Convention. In particular, we recommend that the Committee:

Urge the State, and exact its commitment to withdraw its reservations to the Convention, reservations which legitimize and perpetuate inequality — especially in family life — for women and which violate the object and purpose of the Convention.

Urge the State, and exact its commitment to accept and support legislation to enact the full series of amendments to the Family Code formulated and agreed upon by the NGO women's consultation as well as to support enactment and implement other measures necessary to eliminate discrimination and ensure equality.

Urge the State, and exact its commitment to take immediate steps to ensure that victims of fundamentalist violence, including women who have been raped and subjected to sexual slavery receive adequate social services, including abortion services, and counseling to enable them to regain their self esteem and rebuild their lives.

Urge the State, and exact its commitment to take immediate steps to ensure that all women have equal preparation for, access to and enjoyment of employment, education, and healthcare rights in accordance with the Convention, and that women victims of fundamentalist as well as state violence be provided economic and other assistance necessary to enable them to rebuild their lives and support their families and themselves.

Urge the State, and exact its commitment, to take measures, directed at both women and men, through support of media and community education and arts, to overcome the gender-

discriminatory stereotypes and fears fostered by the fundamentalist terror as a cultural matter.

Urge the State, and exact its commitment to provide resources to and protect and ensure the flourishing of an autonomous NGO community, independent of the State, — in particular NGO's promoting and protecting women's human rights, in order to facilitate the building of civil society and respect for human rights.

I Fundamentalism in Algeria

A. Early Fundamentalist Attacks on Women.

Since the war of independence from France's colonial occupation which ended in 1962, the Algerian state has been run by the National Liberation Front (FLN) as a one-party system maintained by the military. The significant role of women in the liberation war appeared to lay a foundation for gender equality in Algeria. Not long after independence, however, fundamentalist forces began to make themselves felt in Algeria, particularly in their attack on gender equality. In the 1970's islamists⁴ in universities attacked students who supported a non-islamists agenda — in particular women who refused to abide by the islamists' notion of their proper role and behavior. Specifically, women students were attacked for their political activism and their forms of dress. Such attacks included throwing acid on female students⁵.

Fundamentalists continued to organize during the 70's and 80's and in 1984 they scored a significant political victory in the passing of the family code, which deprived women of many

4. The term "islamist" is used to emphasize the distinction between those who have perverted the religion Islam into a totalitarian political movement and "Islamic" relating to the religion Islam.

5. Karima Bennoune, *Algerian Women Confront Fundamentalism*, Monthly Review, p.26, 29, Sept. 1994.

fundamental rights and reduced them to minority status. Throughout the history of the fundamentalist movement in Algeria, there was strong opposition from many segments of civil society, especially the feminist community. From 1980 to 1984, every time the family code was proposed, women activists organized major protests . The Code, passed in 1984, without its provisions being subject to public notice or public debate, has been a continuing target of protest and opposition by women's groups⁶.

The attack on women received broader attention when, in late 1989, islamists staged campaigns against and burned down the homes of women who were not living with a male relative. In one case,

[o]n June 5th, 1989, the local authority of the town received a petition, with 197 signatures, calling for their neighborhood to be cleared of the presence of three women who were considered to have inappropriate lifestyles. They threatened these women. They mobilized groups of young boys to harass the women daily. When these 'undesirables' did not leave the community, a group of ten men decided to take action. On June 21, 1989 during the night, they came together, deliberated, and decided that fire was the only way to 'purify' the neighborhood. . . ."Oum Ali" is a 34 year old woman, recently divorced, living alone with seven children. Abandoned by her husband before the divorce, illiterate, and without a job, she is the poorest of the poor, because under Islamic Law Family Code 52, neither she nor her children are protected - they do not receive any financial support. . . . [The fundamentalists] accused her of prostitution, they accused her of making the neighborhood impure, of affecting the morality, the religiousness of the Muslims, and the spiritual health of the town . . .

6. Susan Slyomivics, *Hassiba Ben Bouali, If You Could See Algeria, Women and Public Space in Algeria*, Middle East Report, p.8, 11 January-February 1995.

In the middle of the night on June 22, 1989, the fundamentalists burned her house down, and her handicapped three year old died in the fire. Thirteen men were arrested and the fundamentalists demonstrated in favor of the men. They did not deny the crime, but felt it was justified⁷.

B. The Emergence and Ideology of FIS and The Armed Groups.

In 1988-89, in response to popular opposition to the lack of democracy and civil liberties, profound corruption, lack of education, jobs, housing and the pauperization of the population, from a broad spectrum of society — including secularists, independent democrats, students, workers, villagers and others as well as extreme islamists who later formed the political party the Islamic Salvation Front (FIS) and its armed groups — the Algerian Constitution was modified to allow for a multi-party parliamentary system. To take advantage of this opening in their bid to seize state power, fundamentalists founded FIS in 1989 as an "umbrella" organization of all the islamists groups⁸. Unlike other segments of civil society who had advocated the constitutional change, the FIS's stated goal from its inception was to transform Algeria into a totalitarian non-democratic islamist state through either electoral or violent means.

FIS consistently supported violence as a means to imposing their agenda. A popular FIS motto is "For it, we will die and for it we will stay alive. For it we will encounter God. For its sake we wage war. For the Islamic State." At the central office for the FIS

7. Testimony on the case of Oum Ali, by Khalida Messaoudi at the Tribunal on Violence Against Women, World U.N. Conference on Human Rights, Vienna, June 1993.

8. FIS remained a legal political party, with an armed wing known as the AIS, until 1992. After FIS was banned and some of its leaders went into exile, other armed groups — such as GIA — were formed by the leaders and members of FIS. The armed groups and FIS have had periods of unity and periods of friction, however, they have overall worked together towards common goals. While there was a public split in 1995, several prominent FIS leaders have since then been investigated and/or convicted of arms trafficking in Europe, with the arms being sent to GIA.

campaign's noticeboards proclaimed "The Islamic state must spread the faith both inside and outside the country, either by persuasion or by terror."⁹

Even more telling are the anti-democratic statements made by founding FIS leaders, Abassi Madani and Ali Belhadj. For example in December of 1989 Abassi Madani — President of FIS — stated:

"We do not accept this democracy which permits an elected official to be in contradiction with Islam, the charia, its doctrines and values."¹⁰

In February of 1989 the Vice President of FIS, Ali Behadj stated:

"There is no democracy because the only source of power is Allah through the Koran, and not the people. If the people vote against the law of God, this is nothing other than blasphemy. In this case, it is necessary to kill the non-believers for the good reason that they wish to substitute their authority for that of God."¹¹

A cornerstone of the fundamentalist agenda is the imposition of gender-apartheid and the targeting of women who deviate in any way from their very restricted prescribed role within the fundamentalist framework. After legalization of the FIS and prior to the elections, Ali Belhadj stated that "the woman is a producer of men, she produces no material goods, but this essential thing which is the Muslim."¹² Abassi Mandani also stated:

"Recent demonstrations of women against violence and intolerance are one of the greatest dangers threatening the

9. Interview with Algerian Journalist.

10. *Algerie Actualite*, December 24, 1989.

11. *Horizons*, February 29, 1989.

12. *Horizons*, February 29, 1989; Susan Slyomivics, *Hassiba Ben Bouali, If You Could See Algeria, Women and Public Space in Algeria*, Middle East Report, p.8, 11 January-February 1995.

destiny of Algeria . . . [they are] defying the conscience of the people and repudiating national values."¹³

During that time when FIS legally controlled a substantial number of municipalities one of FIS's iman Abdelkhader Moghni stated:

"Women should go home and leave their jobs for the thousands of young unemployed men. They waste their time, spending their salaries on make-up and dresses."¹⁴

This rhetoric was backed up by political action on the part of FIS elected officials as well as the threat of force.

Fundamentalist violence against women continued during the period between the legalization of FIS and the cancellation of the elections. In December of 1989, a female judo athlete was assaulted for violating fundamentalist dictates.¹⁵ From February through April of 1990, fundamentalists launched series of assaults on women students at various university residence halls. In one case, a young woman was whipped while on the way to a lecture.¹⁶ In many instances, over a period of months and without any police intervention, female students were driven back into the residence hall by fundamentalists with hatchets to impose a "curfew" on the female students.¹⁷

The fundamentalist agenda to institutionalize extreme discrimination against women — the beginning elements of gender apartheid — became even clearer between 1991 and 1992 when the FIS exercised official power in a number of

13. Agence France Presse, December 10, 1989.

14. Lamine Ghanmi, *Algiers Court Orders Fundamentalist FIS Dissolved*. Reuter Library Report, March 4, 1992

15. *Sports for Women Banned at Tiaret University!* Alger Republicain 1990.

16. *Bou-Saada: Five Widows and Their Children Violently Agressed at F'tour Time*, Horizon, April 11, 1990.

17. Id.

municipalities. While FIS often co-opts the language of human rights, even in relation to women, the programs they implemented that year through fiat and threat of violence to resisters — sex segregation in the schools and on the buses, prohibiting girls from sports, imposing the wearing of the veil, forced religious worship, and prohibition from certain employment — clearly demonstrates the contrary.¹⁸

C. The Escalation of Violence Against Women and the Civilian Population

After the cancellation of the 1991 elections, the strategy of reaching fundamentalist goals through violence against the civilian population intensified. FIS vice-president, Ali Belhadj, stated in October 1994 that "the far sighted leaders must put all their potential in the service of the djihad and coordinate all forms of djihad, notably the armed djihad, which is the most noble and highest form."¹⁹ Consequently, FIS and its armed groups have waged a war against the State using attacks on civilians, in particular women, as a method of warfare.

Their targets shifted over time. Beginning in 1992, the fundamentalists attacked the State security forces and police, however, these were not the only targets. The armed groups chose female relatives of members of the police, security forces or the government as their first civilian targets for rape, torture, and assassination. In the years between 1992 and 1995, the FIS and its armed groups chose the next round of victims for assassinations, tortures, kidnappings and other atrocities — civilians who openly resisted or provided leadership for an alternative to FIS's vision. The armed groups assassinated and threatened to assassinate through communiques, the posting of lists, and direct attacks and

18. Susan Slyomivics, *Hassiba Ben Bouali, If You Could See Algeria, Women and Public Space in Algeria*, Middle East Report, p.8, 11 January-February 1995.

19. Lettre aux terroristes, October 2, 1994.

harassment, journalists, feminists, intellectuals, teachers, foreigners, and artists, all members of civil society who had no association with, and many who were publicly long-standing opponents of the government.²⁰

In particular, women who did not comply with islamist dictates became, and continue to be, the visible symbol of opposition to FIS and thus targets for violence. Consequently, one prominent feminist, Nabila Djahnine, was assassinated by the fundamentalists armed groups. Other leaders and outspoken feminists, such as Zazi Sadou and Khalida Messaoudi have lived under death threats for several years. In particular, women who did not comply with islamist dictates became, and continue to be, the visible symbol of opposition to FIS and thus targets for violence. These Algerian feminists thus represent the ultimate challenge to the fundamentalists leadership.²¹

It is not only prominent women, however, who are and have been under attack. FIS and its armed groups spread terror through posting or sending communiqués which order women to comply with their dictates under the threat of force or assassination. One communiqué required women to wear the veil or be killed. A month after the fundamentalist issued this communiqué — in March of 1994 — two young women were shot down at a bus station for not wearing a veil. NYTimes March 31, 1994. Seventeen year old Katia Bengana was shot the previous month for not being veiled.²² Any woman who is perceived as non-compliant was, and is still, a target. The armed groups threaten and attack diverse women, including athletes, teachers, working women, as well as

20. *Algeria, Fear and Silence: A Hidden Human Rights Crisis*, Amnesty International November 1996.

21. Karima Bennoune, *Algerian Women Confront Fundamentalism*, Monthl Review, p.26, Sept. 1994; Susan Slyomivics, Hassiba Ben Bouali, *If You Could See Algeria, Women and Public Space in Algeria*, *Middle East Report*, 11 January-February 1995.

22. Susan Slyomivics, Hassiba Ben Bouali, *If You Could See Algeria, Women and Public Space in Algeria*, *Middle East Report*, 11 January-February 1995.

unveiled women. They also have threatened and attacked those who serve to beautify women — hairdressers, seamstresses and shopkeepers as well as women who courageously walk the streets with make-up or some other sign of resistance.²³

Beginning in 1995, the attacks on civilians became even more indiscriminate. In 1995, for example, on the eve of Ramadan, a bomb, asserted by FIS leader Anouar Haddam, to have been directed by the mudjahiddin to the police station, exploded on the Boulevard Amirouche, one of the busiest streets of Algiers at the busiest moment of the year. The street was filled with women and children, who had been excused early from school. 38 people were killed and 256 injured, most of whom were women and children. Everyone understood the bombing, not as "bad luck" as the FIS leader claimed, but as a purposeful, religiously freighted attack.²⁴

While ongoing indiscriminate violence receives little attention from the international press, the armed groups brutal campaign of village massacres, also recently coinciding with Ramadan, have received more attention. Hundreds of villagers, men, women and children have been massacred. Moreover, in the context of the village massacres, the armed groups have rounded up young women and girls between the ages of 11 and 35, taken them to camps and raped them repeatedly, and then killed them. The sexual slavery and torture they endured was accompanied by other forms of torture including burnings, beatings and the mutilation of breasts and genitals.²⁵

23. Karima Bennoune, *Algerian Women Confront Fundamentalism*, Monthly Review, p.26, 35 Sept. 1994; *Algerian Feminist Call Protest Rally*, Reuters World Service, March 1, 1995; *Seven Armed Muslims Kill, Two Schoolgirls Kidnapped in Algiers*, Agence France Presse, February 26, 1997.

24. *Algiers Bomb Kills 38, Wounds 256, Many Children*, Reuters World Service, January 30, 1995; *Death Toll Climbs to 40 in Algiers Blast*, Deutsche Presse-Agentur, January 31, 1995; *Algeria, Civilian Population Caught in a Spiral of Violence*, p. 21, Amnesty International November 1997.

25. UN Human Rights Committee Completes 63rd Session, M@ Presswire, August 4, 1998.

This systematic nature of this practice is chillingly illustrated by a communiqué issued by a local GIA emir (the theological, administrative and military authority of the fundamentalists). The communiqué claims the rightful authority of the emir to give the women for rape to the mudjahiddin or "fighters of the faith." The Communique begins: "It is the Emir who gives the woman." It then instructs them on the "rules" of rape — including who may be raped, when and by whom. For example, it instructs that a mujahid cannot rape both a mother and daughter; and that a father and son cannot both rape the same woman. It also instructs the "fighters" that they may not beat women assigned to other men (implicit of course is that they may beat those assigned to them).²⁶

Fundamentalism today in Algeria thus remains a very severe threat and the violence is ongoing.²⁷ While the extremists appear to have lost some ground recently, — militarily, culturally and politically, — the damage this reign of terror has done to gender equality is profound and potentially long-lasting unless the state takes affirmative measures to overcome its cultural impact.

D. Algerian Women's Resistance and the Building of Democracy and Equality

Algerian women are at the forefront within the civil society, organizing for peace, democracy, human rights, religious freedom and equality in most dangerous conditions. Feminists and

26. Bob Herbert, *Terrorism By the Book*, New York Times, Op-ed, p.A9, November 30, 1997.

27. Some fundamentalist leaders have attempted to distance themselves >from these massacres and claimed that the State was behind them or that they were the work of the State-armed self-defense groups. Some human rights groups have echoed this claim to some extent. Inside Algeria, and particularly among survivors of the communities attacked, the view is sharply different. In many cases, survivors have identified their attackers as the assailants enter the villages unmasked and are often from the locality. In one case, a survivor identified a former elected FIS officials as one of the perpetrators of a massacre. Testimonies Collected by Zazi Sadou.

journalists collect testimonies, take photographs and work heroically to break the silence and invisibility that surround the civilian victims in Algeria. On an annual basis and despite threats to their lives, they have organized major demonstrations to commemorate International Women's Day and to oppose the efforts of the fundamentalists to negotiate their way into power. These democratic and feminist activists have defied government roadblocks and gone into the villages after massacres to obtain testimonies and provide support. They have organized projects to aid women and children who are victims of the atrocities as well as of government corruption and non-feasance. They have written and spoken out against the fundamentalist agenda and violence. They have also challenged government violations, censorship, negligence, corruption, and discrimination and are a powerful voice in favor of gender equality and democracy that will not be silenced.²⁸ This includes protesting State violations of women who bear no responsibility for the violence but who are targeted or affected because of their family relations with terrorists or suspected terrorists*.

Yet, probably the most powerful form of resistance and greatest hope for the goals of equality and democracy spring from everyday and ordinary events and forms of resistance. The large number of civilians, — in which women also often take the lead — who go on with building every day lives in the face of the unspeakable violence provide a solid foundation for equality and peace. This includes the mothers who challenged the armed fundamentalist's orders not to send their children to school and instead appeared at the school with their children and kept sending them despite terrorist attacks. This includes teachers, university professors, hairdressers, and other working women as well as mothers, sisters and family members who have refused in some seemingly small but profoundly courageous way to bow to

28. Karima Bennoune, *Algerian Women Confront Fundamentalism*, Monthly Review, p.26, 35 Sept. 1994.

the fundamentalist dictates — who have continued to go to their jobs; to walk the streets; to beautify themselves as a sign of resistance; and to do the work that maintains civil society despite the great risks to themselves.²⁹

For example, F. a female teacher from Hai Rais, witnessed helplessly the murder of her husband and of her three year old son burned alive in their home in 1997. A few days later she went back to her workplace "because I cannot leave these children without education." A headmaster of a primary school explained how for the entire year of 1994 all the classes were taught with the doors open and he patrolled the school to look out for bombs and attacks. The staff did not close the school down for even one day. Now he says, "before we start our lessons we listen to the kids telling us about the drama they lived. Because there are no psychologists available so we have to take care of that. We are not trained for such a role, we are traumatize ourselves, but it has to be the children first."³⁰ Simply going on has thus become a form of resistance. These sectors of civil society are in need of support to keep building the society in a manner free of violence and capable of implementing a lasting democracy. Their efforts to maintain and continue running social institutions pose one of the greatest hopes for Algeria.

E. The Impact of Fundamentalism on the State

The Algerian State has responded to fundamentalist pressure and violence with both repression and accommodation to the fundamentalist agenda. Over the years, when the State's has accommodated fundamentalist demands, it has been at the cost of basic fundamental rights and equality for women.

29. Id.

30. Testimony collected by Zazi Sadou.

The primary sacrifice was equality in family life. Bowing to fundamentalist pressure, the State enacted in 1984 the current family code, which violates many of the most fundamental rights of women.³¹ This law was passed without any public debate and despite much past opposition from the women's community. Despite tremendous efforts on the part of the women's community to have its offensive provisions repealed, including the one million signature campaign, the family code remains in effect. Most recently, the State rejected the recommendation of broad NGO effort to amend the code in a thorough-going way.

In responding to fundamentalist violence against women, the State has also failed to adequately assist the victims. Although, as a result of the terrible impact of the massacres and public protest, the state has begun to provide some social services to the victims, they are inadequate and must be increased. In the case of abortion, the government decreed, on the basis of a reported ruling by the High Islamic Council, that women pregnant as a result of rape may obtain abortions. But later reports indicated that the Council had retracted or repudiated its permission for abortion and it is not clear that the government decree stands and/or that victims have not been able to access this health service. Women who survive, in particular widows with children, have also not been offered adequate economic assistance. With the extremely high illiteracy and low official employment rate of women in Algeria, these women are left with few options. Moreover, while some services, including psychological counseling, are being provided to women who have been raped, stigmatized and rejected by their communities, these efforts are also inadequate.

Although after 1992, the State refused to implement as a legal matter some of the worst gender apartheid demands of the fundamentalists — segregated buses, schools, and prohibiting athletics for women — much more is needed to counteract the

31. IWRAP To CEDAW Country Reports, January 1999 at p. 7. Shadow Report of Algerian Women's Groups.

cultural impact of the fundamentalist threat on the society. As a young man from the village of Hai Rais, the site of one of the 1997 massacres and an area abandoned to the fundamentalists, stated: "We need to relearn to be human again, to shake the hand of a woman, to look at her in a fraternal way even if she does not cover her head or her arms. It is now about 5 or 6 years since we have forgotten these rather normal attitudes."³²

II. Role of CEDAW

We call upon this Committee, within the framework of your mandate, to recognize clearly that the program and violence of the fundamentalists present one of the most significant obstacles to the realization of women's equality and enjoyment of fundamental rights. Indeed their campaign of terror, constituting war crimes and crimes against humanity, are direct violations of international law of the most egregious dimension. We thus urge the Committee to call the state to discharge its responsibility pursuant to articles 2,3,4 and 5 of the Convention, to take immediate and effective measures protect against, redress and counteract these violations and their devastating political, economic, and social impact on the status and rights of women in Algeria. In particular, the Committee may question the State on what affirmative initiatives it is taking to combat the aggravation of discrimination against and the subordination of women which are the consequence of fundamentalist terror against both women and men. It should also examine what measures are being taken to address the social and economic inequality and desperation of women who must find employment and livelihood in the aftermath of terror as well as the effects of more commonplace discrimination against women. It should elicit the State's commitment to eliminate all forms of discrimination as well as to

32. Testimonies Collected by Zazi Sadou

prevent the reinstitutionalization of discrimination — for example in the threat to strip women again of the right to vote.

The rise of fundamentalism in Algeria and the State's failure to respond adequately, as a political matter, has resulted in a myriad of violations of the Women's Convention. Women have been denied, among others, the right to equal education, art. 10, the right to vote and participate in public life, art. 7, the right to be free from social and cultural stereotypes, art. 5, 10, the right to free choice of profession, art. 11, the right to health care, art. 12, the right to participate in recreational activities, sports and all aspects of cultural life, art. 13, the right to equality before the law, art. 15, the right to equality in marriage, art. 15, and the right to security and freedom from violence, Rec. 19.

Under CEDAW, "[r]eports may indicate factors and difficulties affecting the degree of fulfillment of obligations . . ." Art. 18. In the case of Algeria, the Committee must identify and call upon the State to address those "difficulties" posed by the rise of fundamentalism. These "difficulties" include not only the violence and terror imposed by the fundamentalists, but also their program to establish a theocratic state consistent with their conservative view of Islam and the claims as to dictates of charia. This authority enables the Committee to question their state in regard to the influence of fundamentalists in the government and society, its capitulation in the form of the 1984 Family Code and obligation to repeal this law, its obligation to withdraw its reservations to the Women's Convention. It is also critical that the Committee insist on women's equality and human rights as a bottom line. Women react with horror when the State, from time to time, decides to negotiate with FIS, fearing that it will further trade the human rights of women for the appearance and illusion of peace.

Specifically, we recommend that the Committee:

Urge the State, and exact its commitment, to withdraw its reservations to the Convention, reservations which legitimize and

perpetuate inequality — especially in family life — for women and violate the object and purpose of the Convention.

Urge the State, and exact its commitment, to accept and support legislation to enact the full series of amendments to the family code formulated and agreed upon by the NGO women's consultation.

Urge the State, and exact its commitment, to take immediate steps to ensure that victims of fundamentalist violence receive adequate social services and counseling, including abortion when necessary to enable them to regain their self esteem and rebuild their lives.

Urge the State, and exact its commitment, to take immediate steps to ensure that all women have equal preparation for, access to and enjoyment of employment, education, and healthcare rights in accordance with the Convention, and that victims of fundamentalist violence be provided economic and other assistance necessary to enable them to rebuild their lives and support their families and themselves.

Urge the State, and exact its commitment, to take measures, directed at both women and men, through support of media and community education and arts, to overcome the gender-discriminatory stereotypes and fears fostered by the fundamentalist terror as a cultural matter.

Urge the State and exact its commitment to provide resources to and protect the flourishing of an autonomous NGO community, in particular NGO's promoting and protecting women's human rights, in order to facilitate the building of civil society and respect for human rights.

IWHR and WLUML thank the Committee for its attention to these matters.

Dated: January 20, 1999
IWHR & WLUML