Reflections of the Convention on the Elimination of All Forms of Discrimination Against Women on the Political Rights of Women in Algerian Law

انعكاسات اتفاقية القضاء على جميع أشكال التمييز ضد المرأة على الحقوق السياسية للمرأة في التشريع الجزائري



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Abstract:

This study looks at how the Convention on the Elimination of All Forms, of Discrimination against Women (CEDAW) affects women's political rights in Algerian Law. It analyzes what the convention says and the principles it has about equality and not discriminating. The study also shows how much national laws, especially the constitution and election laws, match Algerian's international commitments. The study uses a legal approach to follow how the national rules for women's political participation developed, and it also shows some examples of women's representation in elected councils.

Key words: Convention to End All Forms of Discrimination Against Women (CEDAW), Algerian Law, Equality and non-discrimination, women's political representation.

ملخص:

تتناول الدراسة انعكاسات اتفاقية القضاء على جميع أشكال التمييز ضد المرأة (CEDAW) على الحقوق السياسية للمرأة في إطار التشريع الجزائري، من خلال تحليل مضمون الاتفاقية وما تتضمنه من مبادئ في مجال المساواة وعدم التمييز. كما يبرز مدى انسجام التشريع الوطني، ولاسيما النصوص الدستورية والقوانين الانتخابية، مع الالتزامات الدولية التي تعهدت بها الجزائر في هذا المجال. ويعتمد التحليل على المقاربة القانونية لتتبع تطور الإطار الوطني المنظم للمشاركة السياسية للمرأة، إلى جانب رصد بعض مظاهر التمثيل النسوي في المجالس المنتخبة.

الكلمات المفتاحية: اتفاقية القضاء على جميع أشكال التمييز ضد المرأة (CEDAW)، التشريع الجزائري، المساواة وعدم التمييز، التمثيل السياسي للمرأة.

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Introduction:

Women's political rights have undergone significant developments at the international level since the mid-twentieth century. The adoption of the Convention on the Political Rights of Women in 1952 marked an important first step toward recognizing women's role and participation in the political sphere. This was followed by several international initiatives, most notably the Declaration on the Elimination of Discrimination against Women in 1967, which paved the way for the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979. This convention has since become a key international framework for promoting genuine equality between men and women across various fields, particularly in political participation.

Algeria joined this convention in 1996(1) with some reservations, confirming its commitment to international rules in promoting women's rights. In a later step that shows this commitment, Presidential Decree No. 25-218 dated August 4, 2025(2), was issued, saying that Algeria removes its reservation on Article 15, paragraph 4, of the convention. This shows clearly that Algeria became more open to international commitments related to women's rights.

At the national level, the Algerian legislator went towards strengthening these rights through the successive constitutional reforms, starting from the 2008 amendment, which approved for the first time a separate article (Article 31 'repeated') that clearly states the commitment of the State to promote the political rights of women and to expand their presence in the elected councils, passing by the constitutional amendment of the year 2016 (3),and reaching the constitutional amendment of the year 2020 (4),which confirmed again these guarantees and established the principle of parity and encouraging the access of women to positions of responsibility. These reforms were also supported through Ordinance No. 21-01 (5)related to the electoral system, which stated practical mechanisms to promote the political rights of women and to ensure their real representation in the elected councils.

(1) - The official Newspaper, Number 05, Published on January 14, 1996.
(2) - The official newspaper, number 55, published on August 17, 2025.
(3) - Law number 16–01 dated March 6, 2016, includes the constitutional amendment, the official newspaper, number 14, published on March 7, 2016.
(4) - The presidential decree number 20–442 dated December 30, 2020, about issuing the constitutional amendment approved in the referendum of November 1, 2020, the official newspaper, number 82, published on December 30, 2020.
(5) - The official newspaper, number 17, published on March 10, 2021.

Based on that, the main problem of this research appears in the following question: what is the legal framework for the promotion of women's political rights in Algeria, and how did both the international and national aspects contribute to the establishment and strengthening of these rights?

To answer this problem, we divided the topic into two main parts:

First part: the international framework for the promotion of women's political rights, through international conventions in general, and the CEDAW convention in particular.

Second part: the national framework for the promotion of women's political rights, through studying the constitutional texts and national laws on one hand, and following the development of women's representation in elected councils on the other hand.

Section One: The International Framework for Promoting Women's Political Rights through International Conventions in General and the CEDAW Convention in Particular

Many international declarations, documents, and conventions have affirmed the principle of equality between the sexes in rights and freedoms, and have prohibited all forms of discrimination against women in various political, economic, and social fields. Many countries have taken care to respect these international commitments, including enabling women to participate effectively in political life [(1)], whether through the right to vote, to run for office, or to hold public positions. This is considered one of the key indicators for measuring progress in upholding the principles of human rights at the international level.

Subsection One: The 1952 Convention on the Political Rights of Women

The Convention on the Political Rights of Women, adopted by the United Nations General Assembly on December 20, 1952, under Resolution No. 640 (VII), is the first binding international legal instrument that explicitly recognizes

(1) - And maybe the most important international legal sources and texts that confirmed the right of participation either as a separate right or as a right included in other rights are:
-The Charter of the United Nations signed on 26 July 1945, which starts in its preamble with the famous phrase: "We the peoples of the United Nations… reaffirm our faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small...".
-The Universal Declaration of Human Rights which was adopted by the General Assembly by Resolution 217 (D–3) dated 10 December 1948.

the political rights of women and places them on an equal footing with those of men. The Convention entered into force on July 7, 1954 [1],marking an essential milestone in the process of establishing gender equality on a global scale. As for Algeria, it ratified the Convention later, through Presidential Decree No. 04–626 dated April 19, 2004 [2],which reflects its renewed commitment to the international human rights framework.

This Convention established the principle of full equality between men and women in the political sphere [3],the right to run for membership in legislative bodies elected by universal suffrage, as well as their eligibility to hold public offices and positions and to practice them equally with men [4],including leadership and administrative positions in the state. It also confirmed the woman's right to take part in making public policies and in the decision-making process, which shows recognition of her important role in democratic life.

It is important to say that this convention did not only put general ideas, but also gave the countries that signed it a clear duty to change their local laws and make them match the rules of the convention. It asks governments to remove any law or rule that stops women from using their political rights, which makes it a useful tool to make local laws closer to international rules.

The importance of this convention is also in its symbol, because it was the first strong step from the international community to protect women's rights in a legal and binding way, after these rights were often written before only as advice or non-binding papers. It helped build a legal base used later in other conventions, like the (Declaration on the Elimination of Discrimination against Women) of 1967, and the (Convention on the Elimination of All Forms of Discrimination against Women – CEDAW) of 1979.

So, the (1952 International Convention) is the main base of the international system that protects women's political rights , not only because it gave equality between men and women, but also because it gave women international recognition for their ability to take part in political life completely. It started a new phase that put women's political participation in the center of human rights in the world [5].

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(1) - Omar Saad Allah, Introduction to International Human Rights Law, fourth edition, University Publications Office, Algeria, 2006, p. 168.

(2) - Official Gazette, Issue 26, dated 25 April 2004.

(3) - See: Article 1 of the Convention.

(4) - See: Article 1 of the Convention.

(5) - (Farouk Al-Zoubi), Women's Rights in International Law and Jordanian National Legislations: A Comparative Study, Yarmouk Research Journal, Volume (19), Issue (1), March (2003), p. (196).

Second Part: The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – 1979

The (Convention on the Elimination of All Forms of Discrimination against Women) is known as the (International Law for Women's Rights) [1].It is the first complete international document that talks about women's rights in all areas. The (United Nations General Assembly) accepted it by its decision number 180/34 on (18 December 1979), and it was opened for signing, approval, and joining. It started to be used on (3 September 1981), according to the first part of article 27 of the convention.

(Algeria) accepted it with reservations by the law number (96–30) on (10 January 1996) [2], then later removed its reservations by (Presidential Decree No. 25–218) on (4 August 2025)[3]. This was an important step to confirm its international promises about women's rights.

The convention's goal is to make full equality between women and men, and to remove all kinds of discrimination that make women lose or not enjoy their human rights and basic freedoms, or not practice them, whether in political, economic, cultural, civil, or other fields [4].The convention in (Article 7) stipulates that countries must take actions to make sure women have their political rights [5],mainly the right to vote, to run in elections, to take part in making and applying the country's policies, and to take public positions equally with men. (Article 8) made this right bigger to include representing countries internationally and joining international organizations' work [6].

But some Islamic countries made reservations about some parts, saying they do not fit with (Islamic Law – Sharia) or with their national culture. For example, (Saudi Arabia) made a general reservation on all parts that go against Sharia. (Egypt) made a reservation on (Article 16) about family relations. (Morocco) made reservations about nationality and family status, but removed some of them later.

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(1) - (Noha Al-Katargi), Women in the United Nations System: An Islamic Vision, University Institution for Studies, Publishing and Distribution, Beirut, Lebanon, (2005), p. (184).
(2) - Jacques CHARMES and Malika REMAOUNI, "The employment of women in Algeria: constraints and opportunities", Intermediate Report M.D.G.F. Algiers, January 2013, p. 23.
(3) - Official Gazette, Issue 55, dated 17 August 2025.
(4) - Habib KHADDASH, Algeria and the international human rights treaties, Lawyer Journal, a journal issued by the Lawyers' Organization, Tizi Ouzou area, Algeria, Issue 01, May 2004, p. 77.
(5) - See: text of the previous article of the convention.
(6) - See: text of Article Eight of the convention.

In (Algeria), the content of the convention matches many constitutional reforms, especially:

- (Article 31 bis) of the (2008 Constitution), which stipulates that the state must improve women's political rights by increasing their number in elected councils.
- (Article 36) of the (2020 Constitution), which stipulates that men and women must have equal chances in work.
- (Article 59) of the (2020 Constitution), which stipulates that the state must make sure women join political life and have more presence in elected bodies.
- (Article 38) of the (2020 Constitution), which stipulates that there must be gender balance in the job market and that women should be encouraged to take high positions in the state

Accordingly, Algeria, by its ratification of the CEDAW Convention, then by its withdrawal of reservations in 2025, and by its successive constitutional revisions, "has opened the way for aligning its national legislation with its international obligations, with a view to achieving substantive equality between men and women, particularly in the fields of political participation and decision-making."

Chapter Two: The National Framework for Consolidating Women's Political Rights

The topic of consolidating women's political rights in Algeria receives increasing attention, as it is directly influenced by the international obligations of the Algerian state in the field of protection and promotion of human rights in general and women's rights in particular. Article 150 of the 2020 Constitution states the supremacy of international treaties ratified by the President of the Republic over domestic law, which granted international conventions related to women's rights an important position in the Algerian legal system.

The 2008 constitutional amendment represented a significant turning point, as it set the first foundations to strengthen the political rights of Algerian women and expand their presence in elected councils. Organic Law No. 12–03 dated 12 January 2012 embodied this approach, as it determined the mechanisms for expanding women's participation in elected councils, which reinforced their presence in various representative institutions.

Section One: Establishing Women's Political Participation in the National Legal System

Since independence, Algeria has followed a gradual path in consolidating women's political rights. The successive constitutions guaranteed these rights to varying degrees, within the framework of the state's effort to achieve equality and non-discrimination between the sexes.

In the 1963 Constitution, Article 12 explicitly stated the principle of equality in rights and duties between all citizens, men and women, which was considered an advanced step at that stage in consolidating constitutional equality. In the 1976 Constitution, characterized by its socialist orientation, comprehensive guarantees were confirmed for the political, economic, social, and cultural rights of Algerian women, with the elimination of all forms of discrimination based on sex or race, according to what Article 40 stated [(1)].

With the issuance of the Constitution of 23 February 1989, which opened the door to party pluralism and democratic life, the status of women was strengthened through the text on the principles of equality and non-discrimination. Article 28 established equality between citizens in rights and duties, Article 30, paragraph 1, confirmed equal opportunities in holding jobs and positions in the state, while Article 48, paragraph 1, enshrined the right to education and training without any discrimination.

As for the Constitution of 28 November 1996, it was clearer than its predecessors in consolidating equality, as Article 29 stated that "all citizens are equal before the law." Article 31 obliged the state to remove obstacles that hinder the participation of all citizens, men and women, in various fields of public life. Article 50 confirmed the right of every citizen, including women, to vote when the legal conditions are met, while Article 51 [(2)]stated full equality in holding public positions.

The 2008 constitutional amendment represented a significant milestone in the path of strengthening women's political rights, through the insertion of Article 31 bis, which stated that the state works to expand women's presence in elected councils [(3)].Accordingly, Organic Law No. 12–03 dated 12 January 2012 [(4)]was issued, which imposed minimum quotas for women's representation in electoral

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(1) - Masrati Salima, Algerian women and the right to run in elected councils between legal recognition and limited practice, Al-Mufakkir Journal, Mohamed Khider University, Biskra, Algeria, Issue 8, November 2012, p. 192.

(2) - See Articles 50 and 51 of the 2020 Constitution.

(3) - Law No. 08–19 dated 17 Dhu al-Qi'dah 1429, corresponding to 15 November 2008, including the constitutional amendment, Official Gazette, Issue 63, issued on 16 November 2008.

(4) - Official Gazette No. 1 issued on 14 January 2012.

lists, varying according to the number of contested seats. This law had a direct effect in increasing women's representation in parliament, as they obtained 145 seats in the National People's Assembly in the elections of 10 May 2012 [1].

The 2016 constitutional amendment further consolidated the principle of gender equality, emphasizing the role of the state in supporting participation in public affairs.

"The 2020 constitutional amendment introduced more advanced provisions concerning the promotion of women's political rights. Article 36 provides that the State is committed to promoting equality between men and women in the labor market."[], and to encourage women to hold positions of responsibility in public administrations and institutions. It also strengthened their presence in elected councils, which was reflected in Organic Law No. 21–01 concerning the electoral system of 2021, which abolished the previously applied "quota" system, but replaced it with a mandatory condition that respects the principle of parity between men and women in electoral lists, taking into account the alternation between male and female candidates in the order of names.

This amendment had a clear practical effect in the elections of 12 June 2021, as the number of female candidates exceeded 13,000 within the electoral lists[2],reflecting a new dynamic in women's participation in political life, despite the challenges related to actual representation after the announcement of the results. Observers considered that this transformation reflects a clear political will to integrate women at various levels of decision-making, in line with Algeria's international commitments after withdrawing its reservations on some provisions of the Convention on the Elimination of All Forms of Discrimination against Women[3].

Thus, it is clear that Algeria gradually moved from merely consolidating formal equality in constitutional texts to establishing practical legal mechanisms aimed at enabling women to exercise their political rights effectively, which made them more present in the political arena, while the need for accompanying measures to strengthen this role and ensure its continuity remains.

Section Two: The Development of Women's Political Representation in Elected Councils

This section aims to study the development of women's presence in elected councils, through a comparison of the periods before 2012 and after, within an

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[1] - See Article Two of Organic Law No. 12–03, which determines the mechanisms for expanding women's opportunities in elected councils.

[2] - Women in national parliaments. **www.archive.ipu.org/world-arc.htm.**

[3] - See Article Five, paragraph 4 of Presidential Decree No. 25–218.

evaluative approach that reveals the extent of changes that occurred in their political representation [1].

Subsection One: The Development of Women's Representation in the National People's Assembly before 2012

Legislative Period	Number of Deputies	Number of Women	Percentage of Women's Representation
Constituent Assembly 1962	194	10	5.15%
National Assembly 1964	138	02	1.45%
National People's Assembly 1982	216	09	3.45%
National People's Assembly 1987	281	04	1.40%
National people's Assembly 1991	295	07	2.35%
National people's Assembly 1992	380	12	3.15%
National people's assembly 2002-2007	389	25	6.42%
National people's Assembly 2007-2012	389	31	7.96%

Through reviewing the development of women's representation in the National People's Assembly before the year 2012, it becomes clear that their presence remained limited and marked by fluctuation throughout the different legislative periods. Except for the experience of the Constituent Assembly in 1962, which witnessed the election of ten (10) women with a rate of 5.15%, this presence declined noticeably in the National Assembly of 1964, reaching only 1.45%, which reflects the weak institutional interest in the issue of women's participation in political life at that time?

The period extending from the 1980s to the early 1990s was marked by a decrease in representation rates, which in most cases did not exceed 3%, revealing the continued absence of legal mechanisms that guarantee effective female

[1] - See: Mohamed Daif, Constitutional and legislative guarantees for women's political participation in Algeria, a paper presented on the occasion of the international seminar organized by the Ministry of Interior, Local Authorities, and Urban Planning, on women's political participation, Palace of Nations, Pine Club, Algeria, on 17–18 March 2018.

participation in parliamentary work. However, the period from 2002 to 2012 witnessed a relative improvement in women's representation, as the rate reached 6.45% and then 7.96%, which was the highest percentage before the introduction of the quota system. This reflects a growing political awareness of the importance of integrating women into legislative bodies, although it did not yet reach the level of national aspirations and Algeria's international commitments.

Based on that, it can be said that the situation of women in the parliament before 2012 revealed the shortcomings of the legal and political framework in ensuring their effective presence. This led to the adoption of fundamental reforms in the 2008 Constitution and the subsequent Organic Law No. 12–03 of the year 2012, which created a relative break with the stage of weak representation of women in elected councils.

Subsection Two: The Development of Women's Political Representation after 2012

Algeria witnessed a qualitative shift in women's representation in elected councils after the issuance of Organic Law No. 12–03 dated 12 January 2012, which determined the mechanisms for expanding women's participation in political life through the quota system. This had a direct impact on the results of the 2012 legislative elections, as the number of women in the National People's Assembly increased from 31 deputies in 2007 (7.96%) to 146 deputies out of 462 seats, representing 31.60% in 2012 [(1)],which allowed Algeria to rank among the top thirty countries globally in terms of women's representation in parliaments [(2)].

The local elections of November 2012 also recorded a significant rise in women's presence, as their representation in municipal people's councils increased from 5.8% in 1997 to 16.55% in 2012, and in provincial councils from 6.8% in 2007 to 29.69% in 2012 [(3)],reflecting the success of the quota system in increasing women's presence at the local and national levels.

However, the 2017 elections showed a decline in this trend, as women obtained only 118 seats out of 462, representing 25.54%, although some held important positions such as the vice-presidency of the Assembly and chairing specialized committees. At the level of the Council of the Nation, it included ten

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(1) - Declaration of the Constitutional Council No. 01/E.M.D/12 dated 15 May 2012, including the results of the election of the members of the National People's Assembly, Official Gazette, Issue 32, issued on 26 May 2012.

(2) - Women in national parliaments. **www.archive.ipu.org/wmm.f/world-arc.htm.**

(3) - Ben Rahou Siham, Arab women between the crisis of political participation and the necessity of empowerment, Constitutional Council Journal, Issue 07, 2016, p. 57.

women, nine of whom were within the appointed presidential third, reflecting the limited representation of women through direct elections.

In the legislative elections of 12 June 2021, this decline continued, with the number of women reaching only 34 out of 407 seats, representing 8.35%, the lowest rate since the adoption of the quota system. This decrease is due to the amendment of Electoral Law No. 21–01 issued in 2021 [(1)],which abolished the mandatory quota requirement and replaced it with the principle of parity "whenever possible," weakening the effective guarantees for women's representation.

It is clear that the adoption of the quota system in 2012 enabled Algeria to achieve a qualitative leap in women's political participation, but the absence of mandatory mechanisms in subsequent laws led to a decline in representation rates. This calls for considering more effective solutions to ensure the continuity of women's presence in elected bodies, in accordance with what Article 36 of the 2020 Constitution provides regarding the promotion of gender parity and the encouragement of women in positions of responsibility [(2)].

Conclusion:

At the conclusion of this study, we reached that Algeria, as a member of the United Nations, has joined various international agreements related to human rights in general, and women's rights in particular, and worked on aligning its national laws with the international obligations imposed by these agreements. Algeria has given considerable importance to promoting women's political rights, especially since the 2008 constitutional amendment, which led to the issuance of Organic Law No. 12-03 related to enhancing women's chances of representation in elected councils, which allowed women to achieve a wider presence in various local and national councils.

The 2020 constitutional amendment confirmed this direction, as Article 162 set out new mechanisms aimed at strengthening women's participation in public life and ensuring their representation in various fields. However, the practical reality shows that women's representation is still limited, which is due to several factors: some are related to the women themselves, such as reluctance to engage in politics and weak presence in parties and associations, and others are

[(1)] - Article 191 of Law No. 21–01.
[(2)] - Article 36 of the 2020 constitutional amendment.

related to the social, cultural, and historical context, which still forms an obstacle to their actual participation.

"Therefore, addressing these obstacles necessitates a concerted effort by all state and societal actors, through the implementation of legal instruments that combine both incentive and punitive measures, as well as the establishment of educational and awareness programs that reflect the national orientation aimed at promoting the role of women and consolidating their position in the political sphere, in a manner consistent with Algeria's national objectives and its international obligations."

Recommendations:

1- Review the election law to ensure the quota system works effectively and prevent political parties from bypassing it.

2- Strengthen the role of political parties in enabling women to run for top positions on electoral lists.

3- Organize training programs for women who want to engage in political work to improve their leadership and administrative skills.

4- Include education on gender equality in school curricula to fight stereotypes about women.

5- Support civil society and women's associations to encourage women's participation in public life.

6- Activate monitoring mechanisms for applying laws that promote women's representation, with penalties for violators.

7- Encourage media to highlight the positive role of women in politics and promote successful examples.

8- Work on creating a social and cultural environment that supports women's participation through awareness campaigns aimed at families and society.

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