



WOMEN'S POLITICAL REPRESENTATION ALGERIA: THE NEW ORGANIC LAWS AS A STEP TOWARDS EMPOWERMENT

BENNEGHROUZI Fatima Zohra: Associate professor
DAI Mostefa: PhD student
University of Mostaganem

Abstract

The scope of this research is limited to the exploration of the role of gender issues in politics and their effects on producing political discourse. The intersection between many human, social and political elements such as: gender, politics, discourse, stereotypes, patriarchy, hegemony and power relations, gives this work a multidisciplinary quality. Therefore, this research tries to show how these elements are interconnected and how they affect each other on the one hand, and how they participate in formulating the political discourse in any country, especially in making the laws that govern the society and organize people's lives on the other hand. Furthermore, it examines women's political participation in Algeria in order to shed the light on their struggle for equality and empowerment despite all the social stereotypes and patriarchal problems.

Keywords: Politics; Gender; Stereotypes; Political discourse; Political representation; Power relations; Women's Empowerment.

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المخلص

يقتصر نطاق هذا البحث على استكشاف دور قضايا الجندر (أو النوع الاجتماعي) في السياسة وآثارها على إنتاج الخطاب السياسي. إن التقاطع بين العديد من العناصر الإنسانية والاجتماعية والسياسية مثل: الجندر، السياسة، الخطاب، الصور النمطية، النظام الأبوي، الهيمنة وعلاقات القوة، يعطي هذا العمل طبيعة متعددة التخصصات. لذلك، يحاول هذا البحث أن يبين كيف ترتبط هذه العناصر وكيف تؤثر على بعضها البعض من ناحية، وكيف تشارك في صياغة الخطاب السياسي في أي بلد، وخاصة في صنع القوانين التي تحكم المجتمع وتنظم حياة الناس من ناحية أخرى. علاوة على ذلك، فهو يدرس المشاركة السياسية للنساء في الجزائر من أجل تسليط الضوء على نضالهن من أجل المساواة والتمكين على الرغم من كل الصور النمطية الاجتماعية ومشاكل النظام الأبوي.

الكلمات المفتاحية: السياسة؛ الجندر (النوع الاجتماعي)؛ الصور النمطية؛ الخطاب السياسي؛ التمثيل السياسي؛ علاقات القوة؛ تمكين النساء.

1. Introduction

In Algeria, women's political participation had been always less important than men's. This participation started from the beginning of the Algerian War of Liberation until now. However, the real development in their political situation did not occur until the country's independence in 1962. The political representation of women had been evolving through the years until 1989 Constitution that legalized political parties and introduced a short period of political liberalization. This period gave women a chance to enter the political sphere in order to fight for their rights and prove their abilities in doing politics.

Later, on April 15th, 2011, President Bouteflika had announced that a programme of political reforms will be implemented. It includes more powers to be given to elected assemblies and Parliament. On January 12th, 2012, President Bouteflika had promulgated new laws that had been adopted by the Parliament. These new amendments had given women more chances of access as representatives to elected assemblies and Parliament.

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2. Women's Struggle in Algeria after Independence

Algerian women had fought beside men in the War of Liberation as fighters, nurses and cooks. Although they played a key role in the independence of the country, the battle for gender equality had never been an issue for discussion or debate during the war because of the nationalist priorities. Even former female combatants often acknowledged the importance of the national objectives for independence at that time, which were always at the expense of the elimination of gender discrimination.

Therefore, Algerian feminists started their struggle for equality, social and political rights after the independence. Their movement can be divided into two main phases. The first one was from 1980 to 1985, where Algerian women united as groups who protested against the draft of the Family Code which they considered as patriarchal and unfair. The second one was from 1990 to 2000, in which they tried to move and fight against violence, extremism and terrorism that spread through the country and touched the whole society. They followed the international wave of equality, modernity, citizenship and empowerment to support and reinforce their cause.¹

After a long struggle by feminists and under the pressure of women's organizations, the Family Code was finally revised in 2005 by removing some clauses that had discriminated against women. The new Family Code tried to give women more rights in the family concerning marriage, divorce, guardianship of children, resources and assets, and employment.² These new amendments were very important to secure women's position in the family and society.

Under the pressure to reform after the "Arab Spring"³ and the uprisings in nearby countries in 2011⁴, President Bouteflika approved "the foundation of 23 new political parties and a rise in the number of seats in parliament"⁵; including also an augmentation in the seats given to women according to "new rules which oblige parties to give women 30% of positions on their lists of candidates".

On April 15th, 2011, in a speech to the Nation, President Bouteflika had proclaimed new political reforms. They give more powers to elected assemblies amending the legal texts as well as the constitution

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in order to reinforce and deepen representative democracy. Later, on January 12th, 2012, President Bouteflika had promulgated new laws that intend to promote women's political rights and increase their representation in elected assemblies, political parties and Parliament of the country. Then, in 2014, the Arab League hailed the Algerian state's achievements regarding the promotion of women's political representation in the government (the appointment of seven women ministers) and elected assemblies (more than 31 % are women), which made it the first country in the Arab region concerning the participation of women in the political field.⁶

Recently, on March 5th, 2015, the National People's Assembly (APN) passed a new legislation towards protecting women against all forms of violence. The International Gulf Organization for Human Rights (IGOHR) welcomed this step by the Algerian government which aims at protecting women against domestic violence and safeguarding their financial interests.⁷

3. Women's Political Rights in Algeria Nowadays

3.1. The Constitution

The Algerian Constitution ensures the fundamental principles of justice and equality before the law of all citizens:

Article 32: "All citizens are equal before the law. No discrimination shall prevail because of birth, race, sex, opinion or any other personal or social condition or circumstance".

Article 62: "Any citizen fulfilling the legal conditions can elect and be elected".

Article 63: "Equal access to functions and positions in the State is guaranteed to all citizens without any other conditions except those defined by the law".⁸

3.2. International Conventions

Algeria ratified many conventions regarding the protection of human rights and women's rights. Some of these conventions are:

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- The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.
- The 1952 Convention on the Political Rights of Women
- The 1966 International Covenant on Civil and Political Rights (ICCPR) which “was adopted by the United Nations General Assembly (UNGA) on December 16th, 1966. The ICCPR was to take effect ten years later in all nations that had become state parties. A sufficient number of states had become parties, so the ICCPR took effect as planned in 1976”.⁹
- The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) which was also adopted by the UNGA on December 16th, 1966 and took effect in 1976.
- The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁰ which “was adopted by the UNGA on December 18th, 1979”.¹¹ It is often described as an international bill of rights for women”.¹²
- Algeria supported also the decisions of The Fourth World Conference on Women (1995) which were called “Beijing Declaration and Platform for Action”.

3.3. Institutional Mechanisms

Since 2002, the Algerian government was trying to promote women's political status and the family's social conditions by creating institutions which can handle their problems. These are some of them:

- The Delegate Ministry in charge of Family and Women Conditions which was created in 2002.
- The National Council for Women and the Family which was created in 2006.
- The Algerian government gives always incentives to associations for their social and participatory actions. There are more than 70 000 associations, 900 of which are present at national level.

Consequently, it is very important to note that the Algerian constitution, the social associations and all the international conventions signed by Algeria, give Algerian people and especially women more chances to live in equality, freedom and security, and provide them with opportunities to benefit from more social, cultural and political rights.

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4. Women's Political Participation in Algeria

The integration of women into politics is one of the major changes that took place in the world over the recent decades. In Algeria, there was an important political transition from a one-party system which monopolized the political life for a long time, to a multi-party system which opened the doors for new political parties to emerge in order to ensure more freedom and enrich the political arena. This political transition had motivated more women to work in the political field, and had influenced greatly their political status. This can be seen in the evolution of their numbers in the government, parliament, political parties and local assemblies.

4.1. Algerian Women in Government

No woman was a member of the first 9 Algerian governments. It was only in 1982 that Algeria saw for the first time the appointment of a woman minister (Zhour Wanisi). However, it is necessary also to be noted that Algeria is the first country in the Arab World where a woman president of a political party (Louisa Hanoune) was twice candidate for presidential elections (April 2004 and April 2009). In 2014, Algeria had established itself as a role model for other Arab countries by appointing seven women ministers.

The next table shows the development of the number of women ministers in the Algerian governments:

Governments	Number of Women
First Nine Governments (1962 – 1982)	0
Government of 1982	1
Governments between 1987 and 2002	1 or 2
Government of 2002	5
Government of 2007	3
Government of 2014	7
Government of 2015	4

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Table (1): Women's political representation in the Algerian governments¹³

Through the years, Algerian women's political representation in the governments had been always less important than men's due to social stereotypes, gender inequalities and patriarchal and ideological constraints. It is also noticeable that their appointment at the government positions is not subject to any specific standards or political needs.

4.2. Algerian Women in Parliament

The Algerian Parliament is constituted of two Councils (Houses) which are:

- The National People's Assembly
- The Council of Nation

4.2.1. The National People's Assembly

- Made up of 462 members directly elected by the Algerian population
- 145 of its members are women who consist 31.38 % of the assembly
- The period of mandate is five (05) years

4.2.2. The Council of Nation¹⁴

- Made up of 144 members:
 - 96 of them (two-thirds) are elected by voting (among and by the members of the Communal People's Assemblies and the Wilaya People's Assemblies). Every wilaya (province) has an average of two members.
 - 48 of them (one-third) are designated by the President of the Republic
- There are only 10 female members who consist 6.94 % of the council
- The period of mandate is six (06) years, half of the members is renewed every three (03) years.

The next table shows the development of the number of women in the Algerian Parliaments (the National People's Assemblies):

Year	Overall Members	Women	Percentage
1962	207	10	4.83
1963	138	2	1.44
1976	190	10	5.26
1985	94	7	7.44
1990	106	12	11.32
1997	391	11	2.81
2002	389	25	6.42
2007	389	31	7.96
2012	462	145	31.38

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Table (2): Women's political representation in the Algerian Parliaments (The National People's Assemblies)¹⁵

As it is for the Algerian government, the Algerian Parliament does not have specific policies or political standards for including women. Therefore, their number kept changing through the years due to the different political situations of the country. However, their number increased very much after the new Quota system applied in the legislative elections of 2012 because of the new political reforms.

4.3. Algerian Women in Communal People's Assemblies

The next table shows the development of the number of women in the Communal People's Assemblies:

Year	Number of Women
1967	60
1969	62
1997	75
2002	147
2007	103
2011	106

Table (3): Women's political representation in the Communal People's Assemblies¹⁶

The representation of Algerian women remains weak within the Communal People's Assemblies, although their number was growing progressively. Moreover, there are not enough women appointed as mayors or walis (governors) in the country. In addition to their low level presence, they are appointed, most of the time, at positions of health or family matters.

5. The New Organic Laws in Algeria

Women's political rights in Algeria were for a long time neglected by the government. However, after the "Arab Spring" and the uprisings in the neighbouring countries, the Algerian government repealed the 19-year state of emergency on February 12th, 2011, and announced new political reforms on April 15th in order to reinforce democracy and secure the

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society. Then, on January 12th, 2012, President Bouteflika had promulgated new laws which had been accepted directly by the Parliament. These new laws were meant to be as a promotion for women's political representation in the government, Parliament, political parties, local assemblies, associations and media. These laws¹⁷ are as follows:

- 1) The Organic Law No. 12-01 on the Electoral System;
- 2) The Organic Law No. 12-02 on Parliamentary Incompatibilities;
- 3) The Organic Law No. 12-03 on Ways to Increase Women's Chances of Access as Representatives to Elected Assemblies;
- 4) The Organic Law No. 12-04 on Political Parties;
- 5) The Organic Law No. 12-05 on Information;
- 6) The Organic Law No. 12-06 on Associations.

However, women's political participation is still weak despite the government's political attempt to promote it, and the support for parity between men and women in political positions. The new political laws, which had been promulgated in order to give women more political rights and enhance their participation in decision making, suffer from many shortcomings and limitations in terms of their preparation and application, in addition to their negligence to the fundamental issues of gender.

These new laws were really put to the test in the legislative elections of 2012, to see their effects on society and whether they had improved women's political representation in the country, or not. Therefore, these laws applied in the elections gave the Algerian government an opportunity to prove its good intentions towards women, and its political will to enhance their political status and engage them in the political institutions. However, these laws were criticized by many people (politicians, lawyers, women's rights activists, journalists,...etc) for being insufficient, unfair, and sometimes even discriminatory.

6. Some Deficiencies of the New Laws

Despite the efforts of the Algerian government to encourage women's participation in the political institutions and develop their political status in the country, its new laws suffer from many deficiencies regarding their preparation and application:

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- Gender is politically negotiated and manifested through political discourse and electoral campaigns. Although gender issues had been historically quite neglected, the declaration of these new laws can open the doors for debating gender problems in Algeria. However, gender can affect the new political laws negatively, in the sense that they can be unfair with women because they had been established mainly by male politicians.
- Female and male politicians do not have the same rights and opportunities to access into roles of leadership because of the social stereotypes and the cultural norms that are still embedded in people's minds about women's subordination. Furthermore, the historical background of the Algerian political system proves that men had always dominated the political field, whereas women had been always under-represented and relegated to minor positions or simply to housekeeping and raising children.
- The new political laws had accomplished a small improvement in women's political rights and their representation in the political institutions. For instance, the electoral lists of candidates for legislative elections or elections to wilayas and communal assemblies must have a one-third proportion of women candidates. If any list did not follow this rule, it will be simply rejected. However, these laws had focused mainly on quantity rather than quality, because they had not specified whether the person who wants to run for office should be educated and have a diploma, or not.
- The reactions to the promulgation of these laws had been quite different from men to women, educated people to uneducated ones, and politicians to ordinary people. Some people especially women had perceived them positively, because according to them, these laws had come after a long enduring struggle of women for their political rights, to preserve their social status and ensure their presence in the political institutions. Whereas, other people had perceived them negatively, because in their opinion, these laws had come under public and international pressures (the Arab Spring), and they had nothing to do with the insurance and development of women's political rights. They had argued that these laws were not based on real democratic principles, because

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they had given women a fixed quota in the political representation rather than focusing on the national political expertise.

- The Algerian government had the political will to engage women in politics, but the problem with these new laws was in their preparation (women's historical background and social situation were not taken into consideration) on the one hand, and in their application on the other hand. Moreover, the quota system does not effectively help Algerian women to increase their chances of reaching higher positions because most of them have no experience in doing politics. Besides, this system is in itself discriminatory because it imposes on political parties to have a specific percentage of women on their electoral lists, which in fact makes the quantity of these women more important than their quality for the leaders of political parties so their lists will not be rejected.

7. Conclusion

Gender studies and political discourse are both interconnected nowadays more than ever because of women's evolving participation in the political life all over the world. Therefore, the new political reforms and organic laws in Algeria had been greatly affected by this relationship. For instance, they had ignored the patriarchal dominance over the political institutions, gender differences and inequities, the abuse of power and the stereotypes that are still settled in the society which underestimate women and their importance in taking positions of leadership and making decisions that concern all society.

However, the new laws which had not given women full equality with men in the political institutions, can be considered as a starting point for including women in the political arena and promoting their political status in the country. Thus, the Algerian women should not give up but keep struggling for their rights. They have also to ensure their presence in the political work by attending political meetings and debates in order to heighten their political awareness and participate in the future decision making.

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Notes

1-Moghadam, V. M. (2001). "Organizing Women: The New Women's Movement in Algeria". Cultural Dynamics, vol. 13, no. 2. Sage Journals.

2- <http://spring-forward.unwomen.org/en/countries/algeria> [Accessed 10 November 2017].

3- Although there were many riots and demonstrations throughout the country, the "Arab Spring" did not really affect Algeria because it had already faced its "spring" in 1988, when young Algerians went out into the streets demonstrating against the bad living conditions, but unfortunately things went horribly wrong and turned to bloodshed. Therefore, Algerians were very careful with this "new spring" because they had a deep fear of chaos and instability.

4-<https://www.nytimes.com/2015/05/30/opinion/the-algerian-exception.html> [Accessed 22 November 2017].

5- <http://www.bbc.com/news/world-africa-17955857> [Accessed 11 November 2017].

6-<http://www.aps.dz/en/world/2534-arab-league-hails-algeria's-achievements-at-level-of-women's-political-representation> [Accessed 14 November 2017].

7- <http://www.igogcc.org/algeria-new-law-prohibits-domestic-violence-against-women/> [Accessed 12 November 2017].

8- All these Articles exist in "Chapter IV: Rights and Liberties" in the Algerian Constitution which was amended by the government on March 6th, 2016.

9-<http://www.cirp.org/library/ethics/UN-covenant/> [Accessed 19 November 2017].

10-<http://www.un.org/womenwatch/daw/cedaw/> [Accessed 17 November 2017].

11-

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=ar [Accessed 16 November 2017].

12- Algerian government had some reservations on certain articles of this convention such as: "Article 2, Article 15: Paragraph 4, Article 16,

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Article 29: Paragraph 1” because they contradict sometimes with the provisions of the Algerian Family Code.

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