

Country Profile of Algeria

A Review of the Implementation of the UN Convention on the Rights of the Child

August 2011



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The Child Rights Governance Programme in Save the Children Sweden's Regional Office for the Middle East and North Africa implemented the activities of the Manara Network: A Civil Society for Child's Rights in the Middle East and North Africa Region.

Work on Child Rights Governance aims to build societies that fulfil children rights by establishing and strengthening the infrastructure necessary for states to effectively implement the United Nations Convention on the Rights of the Child and other child rights obligations. It seeks to support a vibrant civil society pushing children up the political agenda and holding states to account for what they have or haven't done to realise children's rights. It is an effective strategy for impacting at scale the lives of millions of children, resulting in structural and lasting change.

Our long-term vision is that far more children have their rights fulfilled because:

- All states meet their obligations to monitor and implement children's rights
- A strong civil society, including children, holds states and the international community to account for children's rights

To advance this vision the Child Rights Governance Programme will have significantly contributed to two key objectives:

- Strengthened State institutions and mechanisms for the implementation and monitoring of children's rights,
- Increased awareness and capacity among civil society and children to promote children's rights and hold duty bearers to account

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*Save the Children's vision is a world in which every child attains the
right to survival, protection, development and participation.*

*Save the Children's mission is to inspire breakthroughs in the way
the world treats children, and to achieve immediate and lasting
change in their lives.*

*The Manara Network is a regional network focused on coordinat-
ing and promoting information and action on children's rights in the
Middle East and North Africa. Based on the belief that civil soci-
ety can and should play a key role in the protection and promotion of
human rights in general and child rights in particular, Manara aims
to support civil society organizations and children in the MENA
region in their role as advocates and active development partners for
the rights of the child.*

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Foreword

The project “Manara Network: A Civil Society for Child’s Rights” was designed and has been implemented by Save the Children Sweden in a time when the Middle East has experienced an Arab spring.

Our partner The Algerian Network for the Defence of the Rights of the Child, NADA was key in producing this country report, a component of the Manara Network project.

The objective of this innovative project is to assure and contribute to effective development and implementation of policies, strategies and legislation in line with the Convention on the Rights of the Child at the national and regional levels in Middle East and North Africa countries. The overall project aim is to establish a regional child rights network of civil society organisations by supporting and strengthening the capacity of local organisations in four main components: analysis and reporting, coordination and networking, advocacy and child rights programme mainstreaming with a high degree of children’s participation. During the year, children across the region have been actively involved in the newly-developed child-led data collection. Based on their findings, the children developed their own animated movies for advocacy purposes, which can be found at www.manaracrc.org.

On behalf of Save the Children Sweden’s Regional Office for the Middle East and North Africa, I am happy to introduce you to one of the key components of the Manara project, the country profile, a report highlighting the commendable practices implemented by government, civil society (parents, non-governmental organisations, media, religious leaders, etc.) and the international com-

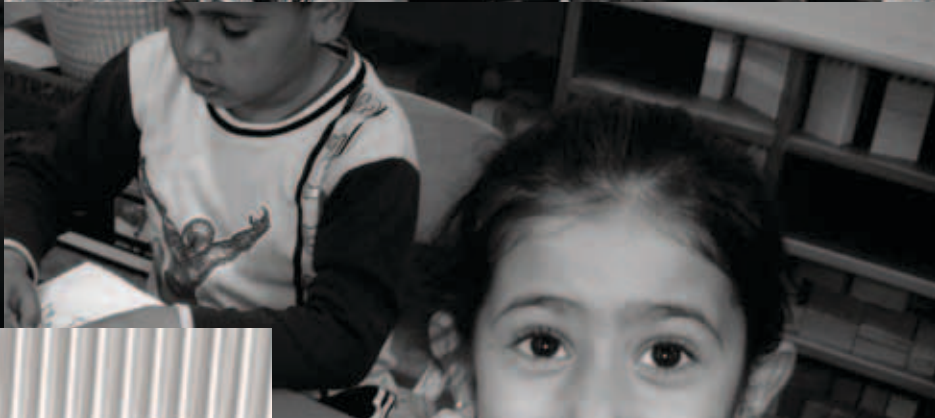
munity (United Nations agencies and international non-governmental organisations) towards compliance with the Convention on the Rights of the Child and its Optional Protocols.

The country profile component of the Manara project is a rigorous and exhaustive report on the status of the implementation of the Convention on the Rights of the Child. It aims to be a resource for identifying gaps and challenges on the status of the implementation of the Convention, to highlight the recommendations of the Committee on the Rights of the Child on specific matters, and to identify commendable practices implemented by the State, civil society and the international community in addressing these issues.

We encourage its use as an inspiration to neighbouring countries, since the exchange of experiences presented in the country profiles can only lead to positive changes in the promotion and protection of children’s rights in the region. I would also like to thank the Swedish International Development Cooperation Agency and their regional office in Cairo who believed in this idea and made the funding available.

Sanna Johnson
Regional Director, Save the Children Sweden

Regional Office for the Middle East and North Africa



Acronyms

AAEFAB	Algerian Association for Childhood and Foster Families	CRC	Convention on the Rights of the Child
AAEFAB	Algerian Association for Children and Volunteer Foster Families	CSO	civil society organisation
AHLA	Association of People with Disabilities and their Friends of the Daïra Bouzeguène	CSP	Specialised Protection Centre
APIMC	Association for Parents of Children with Cerebral Palsy	CSR	Specialised Rehabilitation Centre
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	DAS	Directorate of Social Action
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	DAS	Directorate of Social Action
CNCPPDH	National Consultative Commission for the Promotion and Protection of Human Rights	DSW	Directorate of Social Welfare
CPSJ	Centres for Safeguarding Youth	ECOSOC	Economic and Social Council
CRA	Algerian Red Crescent	FAO	United Nations Food and Agriculture Organization
		FIS	Islamic Salvation Front
		FLN	National Liberation Front
		GDP	Gross Domestic Product
		IBCR	International Bureau for Children's Rights
		ICCPR	International Covenant on Civil and Political Rights
		INGO	international nongovernmental organisation
		MDG	Millennium Development Goal

MENA	Middle East and North Africa	UNFPA	United Nations Population Fund
NADA	The Algerian Network for the Defence of the Rights of the Child	UNHCR	United Nations High Commissioner for Refugees
NCCPPHR	National Consultative Commission for the Promotion and Protection of Human Rights	UNIDO	United Nations Industrial Development Organization
		WFP	World Food Programme
NGO	non-governmental organization		
NPA	National Plan of Action for Children		
PHIV	People Living with HIV		
RND	National Rally for Democracy		
SMA	Muslim Scouts of Algeria		
SOEMO	Open Observation Services		
UGTA	General Union of Algerian Workers		
UNAIDS	Joint United Nations Programme on HIV/AIDS		
UNDPAS	United Nations Development Programme for Arab States		
UNESCO	United Nations Educational, Scientific and Cultural Organization		



Introduction

The Algerian Network for the Defence of the Rights of the Child, NADA

The Algerian Network for the Defence of the Rights of the Child, NADA was created in 2004 following lengthy consultations between civil society actors over the methods and means necessary to protect children and promote their rights in compliance with the Convention on the Rights of the Child. Based in the capital, Algiers, the network includes more than 100 local and national associations representing 40 *wilayas* or provinces. “Protection, Promotion and Advocacy” are the three axes the NADA network uses to bring to light the concerns of the child at all levels. Network members provide a base for intervention at local and regional levels. After launching its toll-free number (“3033”) in 2008, NADA became a national mechanism to fight all forms of child abuse. Now the NADA network operates internationally, participating in the development and submission of alternative reports on the situation of children in Algeria.

The International Bureau for Children’s Rights

Created in 1994 and based in Montreal, Canada, the International Bureau for Children’s Rights (IBCR) is an international nongovernmental organisation (INGO) with special consultative status with the United Nations Economic and Social Council (ECOSOC). IBCR offers its expertise, particularly in the legal sector, to contribute to the protection and promotion of children’s rights in conformity with the 1989 United Nations Convention on the Rights of the Child (CRC) and its Optional Protocols. IBCR is involved in projects around the world to facilitate the sharing of

knowledge and good practices and the development of tools and models to inspire implementation of children’s rights. IBCR’s expertise also lies in raising awareness about children’s rights to persuade decision-makers to adopt laws and programmes that more effectively respect the rights of the child. In recent years, IBCR’s main successes include its exceptional contribution to the elaboration of the Guidelines on Justice in Matters Involving Children Victims and Witnesses of Crime as well as their adoption by the United Nations Economic and Social Council.

Save the Children Sweden

Save the Children Sweden was established in 1919 as an independent rights-based non-governmental organization (NGO) with no religious or political affiliations. The basis of its work is the CRC and the United Nations’ Declaration on Human Rights. These build on the principles that all people are equal, children have special rights and everyone has a responsibility—but governments have a special obligation. Save the Children Sweden believes that children themselves can also fight for their rights, if they are given the chance to do so and if they receive support and encouragement.

Save the Children Sweden works both in Sweden and in eight regions around the world, carrying out its own programmes and in cooperation with other organizations. It is also part of Save the Children International, comprised of 27 Save the Children organizations. Save the Children’s vision is a world in which every child attains the right to survival, protection, development and participation. Its mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.

About This Country Profile

All Middle East and North Africa (MENA) states have ratified the CRC since its adoption in 1989. Following ratification, MENA countries have enacted or proposed the enactment of laws to protect children from violence, abuse, neglect, and exploitation. Demonstrating a willingness to realise the promotion and protection of children's rights, states have introduced legislation that provides for the protection of the child. Some states have gone further by implementing comprehensive mechanisms to not only prevent violations of children's rights, but also to monitor the situation and ensure justice for victims of violations. Despite these initiatives, however, the rights of children in the 17 countries of the region continue to face challenges.

In fact, child protection remains a sensitive issue in MENA countries, some of which have yet to comply fully with international standards. The nature and extent of child protection concerns varies from country to country, and includes issues such as violence against children, harmful practices (particularly female genital mutilation and early marriage), juvenile justice, exploitative child labour, and birth registration. Children in Lebanon, Yemen, Iraq and the occupied Palestinian territory have been exposed to political violence and conflicts, and have been affected by the deteriorating humanitarian situation. In other countries around the region, children also face violence, abuse, neglect, and discrimination. However, all children deserve the full enjoyment of their rights including the right to education, health, housing, and a basic standard of living, as well as the right to express their views, to be heard, and to participate in matters concerning them.

Civil society organisations (CSOs) are a driving force of society. Their continual and often thankless work has resulted in increased awareness, sensitization, monitoring,

“Child protection remains a sensitive issue in MENA countries, some of which have yet to comply fully with international standards.”



and reporting of violations of children's rights. As guardians of international human rights instruments, and more specifically of the CRC, CSOs have played a key role in raising awareness, denouncing violations, protecting victims and advocating, promoting and defending children's rights against abuse, violence, exploitation, ignorance, and contempt. In many parts of the world, including in the MENA region, CSOs have above all served to denounce violations of children's rights, often in conflict with public authorities, at the risk of grave consequences.

However, too few local CSOs obtain recognition from the international community for their competency in these areas. Often, international organisations will rely on local organisations, who are rooted in the reality on the ground and working directly with children afflicted by the problems under study, to obtain their data and analysis of the situation. The international organisations then produce reports that are considered credible and speak on behalf of these affected populations. By being actors of public policy and therefore essential in the development of democratic governance, local CSOs should also be heard at the international level.

About The Manara Network

Bearing in mind the importance of the role of civil society organisations (CSOs) in ensuring the respect, protection and fulfilment of children's rights, the project “Manara Network: A Civil Society for Child's Rights”¹ was designed and implemented by Save the Children Sweden



in collaboration with IBCR, along with local civil societies from the region. This innovative project was made possible thanks to the funding of the Swedish International Development Agency.

The objective of the project is to contribute to the effective development and implementation of policies, strategies and legislation in line with the CRC in MENA countries but also at the regional level. The project aims to establish a regional child rights network of CSOs by supporting and strengthening the capacity of local organisations in four main components: analysis and reporting, coordination and networking, advocacy and child rights programming mainstreaming.

One of the components of the project is the production of a country profile. This report highlights commendable practices implemented by the government, civil society (including parents, local non-governmental organisations, media and religious leaders, among others) and the international community (both United Nations agencies and INGOs) to improve compliance with the CRC and, where applicable, its Optional Protocols.

The country profile component of the Manara project is two-fold: it includes the publication of a credible and exhaustive report on the status of implementation of the CRC in each country, but also involves strengthening the capacity of local CSOs in conducting research and analysis. To this end, the IBCR provided technical expertise and support to partners. During the project, a one-week training workshop on research methodology on children's rights was given on site to each partner, followed by a complementary training session a few weeks later. Throughout the project, IBCR provided support in drafting the report in order to ensure its credibility and reliability.

Methodology Used

In order to paint a clear picture of the situation of children's rights in its respective country, each partner conducted an exhaustive literature review to identify existing reports and documents on all issues affecting the rights of children, followed by field research involving a series of interviews with identified stakeholders. Key respondents in relevant government ministries and institutions, local and INGOs, academics, unions and professional associations, media, religious authorities and United Nations agencies were contacted and interviewed. These interviews contributed to filling the gaps identified through the desk research. By meeting with relevant stakeholders, partners were able to gather information about the practices implemented by governmental and non-governmental actors following the recommendations of the Committee on the Rights of the Child in its latest Concluding Observations, as well as the challenges they faced.

The availability of respondents contacted in the course of the research for this project, and their willingness to share their experiences, allowed partners to identify praiseworthy initiatives implemented by a variety of stakeholders, at the same time as noting the gaps and overlaps that may prevent children from the full enjoyment and exercise of their rights. Therefore, the results of the research are based on responses given by a wide range of interlocutors in corroborating and completing data collected from secondary sources, so as to depict as accurately as possible the situation of children's rights in the country.

The research and writing of this report was conducted by the NADA team, including network president Mr. Arar Abderrahmene, project coordinator Ms. Goufi Hamida, and Ms. Ghellamalah Barça Salima, Ms. Brahimi Lamia, Ms. Adel Radia, Mr. Ghelamallah Fouad, Ms. Chikha Malika, Ms. Rosa Mansouri, Ms. Boufenissa Amina, Ms.

Mouhab Zina, Ms. Kaci Samira, Mr. Djerrah Ziad and Ms. Bennaceur Kawtar.

Constraints and Challenges

Besides the contextual challenges specific to each country, the writing of the country reports has faced some constraints. The lack of up-to-date statistical data or information was a challenge common to all partners. While each country has rather extensive expertise on children's rights, accessing it remains a challenge as reports and studies conducted by experts and other stakeholders are not available to the public. Also, taboos and cultural considerations

sometimes prevented partners and respondents from having reliable and accurate data on issues that remain unspoken of, underreported and therefore, unaddressed. On the other hand, stakeholders were at times reluctant to share their experience on the initiatives implemented. Therefore, the report reflects only information that was corroborated by various stakeholders.

The main challenge in producing this report on Algeria was a modification of the law regarding Algerian non-governmental organisations that prevents them from being involved in internal affairs of the State. This has limited the conduct of the research.



Country Overview

1. Demographic and Geographic Presentation

Algeria is located in North Africa, bordered by the Mediterranean Sea to its north (1200 km of coastline), Morocco to the west, Tunisia to the east, Libya to the southeast, Mauritania and the Western Sahara to the southwest, and Mali and Niger to the south. The country covers an area of 2,381,741 km² and has a total population of 35 million inhabitants. It is the second largest country in Africa. Eighty-four percent of its total area is comprised of the Sahara. The steppe (plains) comprises 8.5% of its land and the coastal fringe (mountains and plains), 7.5%. Algeria is a mountainous country with an altitude averaging around 800 metres. The Sahara occupies more than two million km² (84% of the country's total area).¹⁴

Demographically, Algeria is now at a very advanced stage of demographic transition and the resulting structural implications are evident in deep societal transformation, changes in marriage patterns and social and economic shifts.

Those under 20 years of age constituted 59% of the general population in the first census of 1966 but represented 38.6% and 54% of the population between the 1966 and 2008 censuses, respectively. The population aged 60 and over is projected to reach 14% in 2020. Population growth at 2.03% was relatively moderate in 2010. The country should also be among the 50 most populous countries in the world by 2040. A decline in the average age at marriage, no matter the place of residence, and in particular for women, has been accompanied by an increase in the proportion of unmarried among both sexes. This increase

General Statistics on Algeria

Official Name	People's Democratic Republic of Algeria
Capital	Algiers
Official/ National Languages	Arabic, Berber (Amazight)
Political System	Presidential Republic
Date of Independence	5 July 1962
Date of Admission to the United Nations	8 October 1962
Human Development Index	84/177
Total Population 2011	35,631,325 ²
Youth (under 15)	9,983,895 ³
Youth (under 18) 2009	11,667,000 ⁴
Children (under 5) 2011	3,887,969 ⁵
Population Density (people per km ²)	15 ⁶
Urban Population	65.86% ⁷
Life Expectancy (2010)	76.3 years ⁸
Fertility Rate (2010)	2.87 ⁹
Literacy Rate	21.3% ¹⁰
People Living on Less than USD 1/Day (2009)	0.50% ¹¹
Annual Growth Rate of GDP	Nearly 4% ¹²
Average Annual Growth Rate of GDP Per Capita	2.1% ¹³

is more pronounced among women. Thus, the proportion of single women aged 45 to 49 years increased from 3.1 in 1998 to 6.7% in 2008. The particular demographic context, with a recovery in the birth rate and an increase in unions, means that Algeria finds itself in unusual circumstances where the proportion of those under age 15 are increasing, a minority of the population is of a working age, and there is a growth of the aging population.¹⁵

2. Historic Overview

Shared among Numidian kingdoms and Phoenician, then Carthaginian, traders, this territory joined Roman Africa (the Mauritania Caesariensis) before the Vandal invasion of the fifth century. After the Arab conquest of the Byzantines (in the second half of the seventh century), it was subject to successive African powers from the ninth through the thirteenth centuries, and to Morocco between the eleventh and fourteenth centuries. Conquered by Turkish pirates, from 1587 Algiers became a Regency of the Ottoman Empire, emancipating itself, but nonetheless remaining under first the authority of a pasha from Istanbul and then a *dey* in 1711.

Algeria experienced a period of colonisation in 1830 when French troops forced the *dey* of Algiers to surrender. They quickly came up against resistance, initiated by Emir Abdelkader, the founder of the modern Algerian state, which ended only with the recovery of national independence on 5 July 1962.

Independence resulted in the establishment of a socialist development model that spanned three distinct periods: a period of socialist development from 1962 to 1987, a period of crisis development and a questioning of the original model between 1988 and 1998, and finally a period of reforms towards a liberal model from 1999 until today.

Algeria elected a National Constituent Assembly early in its independence on 20 September 1962 and designated Ahmed Ben Bella as head of the first Algerian government. The new State worked to resolve the grave economic challenges created by the mass exodus of Europeans. The State was thus led to seek novel socialist solutions, such as collectivising agriculture. The Constitution, approved by referendum on 8 September 1963, established a presidential system with a single party, the National Liberation Front (FLN) of Ben Bella, who was elected president of the Republic.

From 1965 to 1978, Colonel Houari Boumédiène took over and dominated the Algerian political scene. His policies included state-building and the creation of a strong military that offset authoritarian tendencies by redistributing oil revenues; the development of an education system; recovery of national wealth from hydrocarbons; a statist economic policy tinged with Marxist-oriented industrialisation and a policy of nationalisation and “socialist management” that was immediately followed by considerable investment in industry and infrastructure. These, in turn (through spin-off advances in education, health, employment), neutralised demands for collectivism, democracy and free expression. The Algerian regime was consolidated, despite protests in rural areas and among merchants demanding the nationalisation of services after the revolution.

On 31 January 1979, after Boumédiène passed away in 1978, Colonel Chadli Bendjedid, member of the Revolutionary Council, became the leader of the General Secretariat of the FLN party and was designated the sole candidate for presidency. He was elected on 7 February 1979. For 11 years, his policies were a liberalisation of economic life, putting an end to the socialist option by “restructuring” public enterprises as the first step towards their privatisation. Re-elected to the presidency in Janu-



ary 1984, Boumédiène was supported by a new national charter passed by the Assembly in 1986 that enshrined his policies of encouraging private initiative, Arabisation and Islamisation that had been underway since 1984 with the establishment of a Family Code.

Re-elected president for five years in December 1988, Chadli adopted gradual measures to “open” the country. In February 1989, the Constitution was amended by referendum to become more liberal, eliminating the reference to socialism and allowing a multi-party system. Islamist movements joined together under the aegis of the Islamic Salvation Front (FIS). Unrest, emerging from social problems, turned political. In May 1991, the FIS, seeking the repeal of electoral laws, launched a general strike that turned into a riot. Aided by a handful of democrats, the army decided to stop the process and cancel the second round of elections; this resulted in Chadli’s resignation in January 1992. A High Council of State headed by Mohamed Boudiaf, one of the historic leaders of the revolution, replaced the president of the Republic. Boudiaf attempted to revitalise the economy and invigorate politics through the installation of an advisory council but he was assassinated on 29 June 1992. Tens if not hundreds of thousands of people were killed in the subsequent Algerian civil war.

From the presidential election of 13 November 1995 and following the plebiscite of Liamine Zeroual, political restructuring was accelerated. Constitutional reforms ended on 28 November 1996, creating in January 1997 the National Rally for Democracy (RND), the party of the president who went on later to win elections. President Zeroual’s decision to shorten his term was announced on 11 September 1998.

In April 1999, a relatively free electoral campaign seemed to show a change in the political life of the country.

Abdelaziz Bouteflika received 73.8 % of the vote, with a voter participation rate exceeding 60%. He called for dialogue, especially with the Islamists. The Civil Concord Law granting conditional amnesty to the Islamists was passed in a referendum in September of the same year.

President Bouteflika was re-elected on 8 April 2004. He sought to revitalise reforms, including a plan to support growth (improvement of infrastructure, diversification and liberalisation of activities and opening of the economy). Simultaneously, he implemented a policy of “national reconciliation”, passed by referendum in September 2005 with formal approval of 97% and a participation rate of approximately 80% of the population. Re-elected in April 2009, Bouteflika renewed his government, and tasked advisers close to him with implementing the country’s development plan.¹⁶

3. National Political System

The first Constitution of Algeria was approved in 1963 and underwent several amendments, most notably in 1976 and 1989. A new Constitution was adopted in 1996 and then amended in 2008. Algeria is a multiparty state. Almost 60 political parties have been created since the political liberalisation of the country in 1988. All parties must be investigated and approved by the Ministry of the Interior.

Algeria is a constitutional republic with a democratic government. Executive power resides with the President of the Republic, elected by universal suffrage for a five-year term, renewable several times. The President is guarantor of the Constitution. The legislature is a bicameral parliament consisting of an upper house, the Council of the Nation (144 parliamentarians), and a lower house, the National People’s Assembly (389 deputies or members of parliament). Legislative elections are held every five years.

“Following a dark decade in the 1990s that left thousands dead, millions of orphans, and tens of thousands of widows and disabled individuals, Algeria has rebounded by undertaking an extensive programme of political, structural, social and economic reforms.”



of Government, the Governor of the Bank of Algeria, the magistrates, security officials and the *Walis* of the 48 *wilayas* (provinces).¹⁷ The President of the Republic also appoints ambassadors and special envoys of the Republic to positions abroad, Government members and ministers in consultation with the Prime Minister. Currently, the head of government is Ouyahya Ahmed.

The Prime Minister implements the programme of the President of the Republic and, to this end, coordinates government action, only presenting it to the Council of Ministers after receiving approval from the National People's Assembly. This opens the plan to general debate.

The parliament controls government activities. The office of 'parliamentarian', or 'member' of the Council of the Nation, cannot be combined with the holding of other offices or functions. Lawmaking is jointly the function

Two-thirds of the members of the Council of the Nation are elected by regional and municipal authorities and the last third is appointed by the President of the Republic. They are appointed for a term of six years. The composition of the Council of the Nation is renewed by half every three years.

The President of the Republic appoints civil and military employees based on nominations by the Council of Ministers, the President of the Council of State, the Secretary General

of the deputies and the Head of Government (the Prime Minister), appointed by the President. Legislative proposals must be submitted by at least 20 deputies to be eligible. Judges are independent and responsible for protecting society and freedoms. They are answerable to the Supreme Judicial Council. This Council, chaired by the President, oversees the appointment, deployment and career development of judges. The State Supreme Court decides on cases of high treason committed by the President or the Prime Minister (Head of Government).¹⁸

Parliamentary elections were to be held on 12 April 2012 and presidential elections were scheduled for 2014.

The Algerian State has established legal mechanisms to protect citizens' rights in Algeria. They are set out in three stages: trial courts (of the first instance), courts of appeal (appellate) and the Supreme Court. Otherwise, there is a State Council, which is the body that regulates the activity of the administrative courts, as well as a dispute tribunal charged with resolving jurisdictional conflicts between the Supreme Court and the State Council.¹⁹

4. Economic and Social Situation

Following a dark decade in the 1990s that left thousands dead, millions of orphans, and tens of thousands of widows and disabled individuals, Algeria has rebounded by undertaking an extensive programme of political, structural, social and economic reforms.

Since September 2000, the Algerian government has been a signatory to the Millennium Development Declaration. In joining this programme, Algeria has committed to eight Millennium Development Goals (MDGs) and 18 targets in its struggle against poverty, illiteracy, hunger, gender disparity, child and maternal mortality and environmental degradation. It has also implemented a global partnership



for development. These efforts are regularly monitored against 48 indicators in a national report on the MDGs.

Thanks to its abundant oil resources, Algeria has been able, through development programmes, to sustain its social policy in place since 2000. These programmes have contributed significantly to macroeconomic stability in the country for more than a decade.

Since the beginning of the 21st century, the State's strategy of economic and social development has been based largely on heavy government investment (nearly 200 billion dollars of investment mobilised in several programmes initiated by the President of the Republic). These programmes attempt to remedy social ills resulting from the multifaceted crisis of the 1990s, producing economic growth and recovery. They focus on three strategic areas for development: the construction of infrastructure, human development and development of economic sectors.

These programmes have resulted in a Gross Domestic Product (GDP) growth of nearly four percent annually over the last decade, a growth rate greater than that of the population (1.8%), which indicates an improvement in the general living standard. In recent years (from 2007 to 2010), despite a financial crisis and economic downturn, economic growth increased an average of 2.9% annually.

The nature of the country's economic growth, driven primarily by two employment-intensive sectors (construction and public works and services), has fostered massive job creation and substantially decreased unemployment, which dropped from 27% in 2001 to 10% in 2010.

The consumption level of the Algerian population, which constitutes an important indicator, rose by nearly 2.5% annually between 2005 and 2009.

Currently, Algeria is in the middle of implementing its third programme of socioeconomic development (2010-2014), with a high level of investment (286 billion dollars, of which 40% is devoted to improving human development). The central objective is to consolidate and extend gains made earlier. Four major challenges were identified, namely:

- ▶ To reduce high dependence on the hydrocarbon economy;
- ▶ To increase equity in the distribution of development benefits;
- ▶ To strengthen and modernise the system for evaluating economic matters and the well-being of the population; and
- ▶ To accelerate the momentum of agricultural growth and the development of rural areas through a policy of agricultural renewal, with a view to reduce dependence on food imports and ensure greater food security.²⁰

5. General Human Rights Situation

Since regaining its independence in 1962, Algeria has been striving to establish a State based on social justice, citizen participation, respect for human rights and fundamental freedoms. Since then, the various constitutions have made man the agent of social transformation and the beneficiary of human rights. Today, the democratisation of public life in Algeria is based on three fundamental texts:

The Political Parties Act, adopted in 1989 and amended by Ordinance 97-07 on 6 March 1997 during the re-composition of the political landscape, recognised 28 parties

in 2010. This law was revised in 2011, following national reforms.

The legal framework governing associations in Algeria was Act 90-31 of 4 December 1990 until the new law on associations, Act No. 12-16 of 12 January 2012, was approved and adopted. It contains measures subjecting international partnership to authorisation by the Ministry of the Interior, local governments and the Ministry of Foreign Affairs, and created a foreign NGO law.

Law 90-07 of 3 April 1990 relating to information opened the door to the birth of an independent media or partisan public service media. This law was revised in 2011, paving the way for a more professional pluralist media conscious of ethical and deontological issues. In addition, the law provides for the creation of two regulatory authorities: one devoted to the print media and the second to broadcast media.

Political parties, for their part, are considered by law a component of mechanisms that promote human rights. Article 3 of Law 89 -11 of 5 July 1989 on political associations requires political parties, in all activities, to comply with principles and objectives that respect individual and collective freedoms, human rights, democracy, political pluralism and the democratic and republican nature of the State.

On 9 October 2001, the President of the Republic set up the National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH), composed of 44 members, 16 of which are women.

Law 90-07 relating to information guarantees the exercise of freedom of opinion and expression. These freedoms are considered an essential tool for monitoring and

protecting human rights and act as a counter-measure to government power.

The Algerian Constitution has reserved an important place for freedom of association in its protection of human rights. Article 32 guarantees individual or collective protection of these rights and Article 41 defines their scope: freedom of expression, association and assembly. Freedom of association extends to the protection of certain rights such as the rights of women, children, the sick, the disabled, consumers and users of public services. Finally, the procedures for exercising union rights are delineated by Law 90-14 of 2 June 1990.

On 15 April 2011, the President announced several reforms to “strengthen democracy”, including the establishment of a commission to propose constitutional amendments, modify the electoral law and the Political Parties Act, revise the Information Act and decriminalise offenses of the media. This law does not mention any specific measures regarding the legalization of unauthorised parties, freedom to demonstrate or the dissolution of the Assembly.²¹



Youth participants in the psychosocial activities of “Je t coute”, a helpline project targeting 15 districts of Algeria. *Courtesy of Save the Children Sweden*

The Children of Algeria

The child in Algeria is a citizen that enjoys all his/her rights under the Algerian Constitution, which includes provisions guaranteeing the protection of citizens in general. The protection of Algerian children and adolescents was the subject of Ordinance No 72-03 of 10 February 1972, from which followed several laws and decrees protecting children at risk (orphans, children deprived of family or from poor families, disabled children, young offenders, etc.). The rights of children as delineated in the Convention on the Rights of the Child are enshrined in the Constitution and contained in Algerian legislation. In fact, the right to equality and nondiscrimination, the best interests of the child, the right to life and survival, the right to a name, a nationality and the preservation of identity, improved family welfare, the best health possible, education and protection are all integrated into the body of law.

Since the ratification of the Convention on the Rights of the Child, there has been additional progress made in the legislative domain. For example, amendments were made in 2005 to the Nationality Code and Family Code in order to better protect the rights of children and women. Algerian women married to foreigners are now able to transmit Algerian nationality to their children thus avoiding negative consequences for other rights, such as the right to education.

1. The Convention on the Rights of the Child (CRC) and the Optional Protocols

i. General Overview

Algeria ratified the Convention on the Rights of the Child (CRC) on 16 April 1993 by Presidential Decree No. 92-461 of 19 December 1992. It acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict by Presidential Decree on 6 May 2009. As to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, it acceded on 27 December 2006 by Presidential Decree No. 06-229 of 2 September 2006. Algeria submitted its initial report to the Committee on the Rights of the Child on 23 February 1996 and its second report on 16 December 2003 (the latter three years past the date it was due). The latest Concluding Observations of the Committee were issued on 12 October 2005, following its 40th session. These Concluding Observations requested that the Government of the Republic of Algeria submit its third and fourth reports in a single document no later than 15 May 2010. These reports were submitted 18 May 2009, one year earlier than requested. Since the ratification of the Convention on the Rights of the Child, two alternative reports have been submitted by, respectively, the Centre for Information and Documentation on the Rights of Children and Women (CIDDEF) on 8 June 2005 and the Algerian Network for the Defence of Children (NADA) in July 2011.

As for obligations related to the two Optional Protocols to the Convention, no initial reports have been submitted.



ii. Ratification and Reporting to the Committee on the Rights of the Child by Algeria

	REPORT NUMBER	TYPE OF REPORT	DUE DATE	DATE OF SUBMISSION	REPORT CODE OR NAME OF ORGANISATION
Convention on the Rights of the Child Ratification 16 April 1993	1	Initial Report	15 May 1995	23 February 1996	CRC/C/28/Add.4
	1	Concluding Observations		18 June 1997	CRC/C/15/Add.76
	2	Periodic Report	15 May 2000	16 December 2003	CRC/C/93/Add.7
	1	Alternative Report		Committee Session CRC Session 40 12-30 September 2005	Centre for Information and Documentation on the Rights of Children and Women
	2	Concluding Observations		12 October 2005	CRC/C/15/Add.269
	3, 4	Periodic Report	15 May 2010	18 May 2009	CRC/C/DZA/4
	2	Alternative Report		Committee Session 13 October 2011	Algerian Network for the Defence of Children (NADA)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts Ratification 6 May 2009	1	Initial Report	Unknown		

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography Ratification 27 December 2006	1	Initial Report	Unknown		
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iii. Reservations

Upon ratification of the Convention on the Rights of the Child, the Government of Algeria made four interpretative declarations concerning articles 13, 14 (first and second paragraphs), 16 and 17.

Specifically, the Government made an interpretative declaration about the meaning of the first and second paragraphs of Article 14, which it said must be understood in the context of the essential foundations of the Algerian legal system, namely that: (1) Islam is the State religion and freedom of conscience and opinion is inviolable, as embodied in Algerian Constitution Articles 2 and 35; and (2) education of children is undertaken in accordance with the religion of the father, as stipulated in the Family Code.

Regarding articles 13, 16 and 17 of the Convention on the Rights of the Child, they should be applied taking into account the best interests of the child and the need to safeguard her/his physical and moral integrity, particularly with respect to standards of good behaviour, the corruption of minors and prostitution. Similarly, a director of a publication intended for children must be assisted by an educational advisory structure.²²

In its last Concluding Observations, dated 12 October 2005, the Committee on the Rights of the Child, deeply concerned that the Government of Algeria had not reviewed these interpretative declarations since its initial report, invited the Government to re-examine them with a view to withdraw them.²³

iv. Punctuality and Quality of Periodic Reports

In the matter of report submission, it is important for signatories to respect the reporting periodicity consistent with the provisions of Article 44 of the Convention of the Rights of the Child, as recommended by the Committee and described in the report on its 29th Session (CRC/C/114). The Committee on the Rights of the Child must be able to review progress on implementation of the Convention. It is essential that State parties submit their reports regularly, within the time allowed. Algeria's second report was submitted three years after the due date and the Government did not submit its third and fourth reports, due respectively in 2005 and 2010, on time. Aware that certain countries may face a fair amount of difficulty meeting the discipline of reporting periodicity, the Committee, in its last Concluding Observations of 2005, authorised the Algerian Government to submit its third and fourth reports in a single document, as an exception,



no later than 15 May 2010, to help clear the backlog and to ensure full compliance with the Convention on the Rights of the Child.²⁴ The Government of the Republic of Algeria submitted its third and fourth reports on 18 May 2009, one year before the deadline set by the Committee to catch up on the backlog in the submission of such reports.

v. The Committee's Concluding Observations

a. *Positive Aspects and Achieved Progress*

In its last Concluding Observations of 2005, the Committee welcomed with satisfaction the adoption of laws to protect and promote children's rights. The Algerian Nationality Code was amended by Ordinance No. 05-01 of 27 February 2005, recognising the right of an Algerian woman married to a foreigner to transmit Algerian nationality to her children. Similarly, the Committee warmly welcomed the revision to the Act on the system of penal institutions and the social reinsertion of detainees under Law No. 05-04 of 6 February 2005, conferring on children a more favourable status within the juvenile justice system. Certain provisions of the Family Code on a number of issues related to marriage and family life were also revised under Ordinance No. 05-02 of 27 February 2005.

The Committee congratulated Algeria for having ratified the International Labour Organization's Convention No. 182 on the worst forms of child labour (1999) on 9 February 2001. Algeria also ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on their Destruction (1997) on 9 October 2001; the African Charter on the Rights and Welfare of the Child (1990) on 8 July 2003; the additional Protocol to the United Nations Convention against Transnational Organized Crime and the Protocol

to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) on 9 March 2004; and the International Convention on the Rights of All Migrant Workers and Members of their Families (1990) on 21 April 2005.

The Committee further noted the creation of new institutions to protect and promote children's rights, such as the Ministry Delegate in Charge of the Family and the Status of Women, charged in 2002 with protecting and promoting the rights of children and the National Commission to Combat Child Labour of 2003.²⁵

Main Factors and Difficulties Impeding the Implementation of the Convention on the Rights of the Child and the Optional Protocols

In its most recent Concluding Observations, the Committee recognised that since the 1990s Algeria has experienced political violence, including terrorism, resulting in several hundreds of thousands of victims, among them children. This violence has had serious repercussions for progress on human rights, physically and psychologically traumatising Algerian society, children included. Furthermore, natural disasters, such as the floods of 2001 and the earthquake of 2003, have aggravated economic and social difficulties in the country. The Committee also acknowledged the political and economic problems faced by Algeria over the years in undertaking the transition to a market economy.²⁶

vi. Overview of the Response of the Government to the Committee

Since the last Concluding Observations of the Committee on the Rights of the Child in 2005, Algeria has made marked progress with respect to the rights of children, partnering to promote child rights with UNICEF in a

“Since 2005, Algeria has strengthened the mechanisms for ensuring children’s schooling through social strategies and material resources such as transportation, free tuition for needy families, and internships.”



tion of a National Council for the Family and Women in November 2006 and a National Committee for Children in 2007.

The Algerian government strengthened its partnership with civil society for the promotion and protection of child rights, in particular through project financing by institutions concerned with children’s rights, such as the Ministry of Youth and Sports and the Ministry Delegate in Charge of the Family and the Status of Women.

In addition, and thanks to donor interest in Algerian children and youth, many related programmes and/or projects have been initiated by civil society organisations such as the Wassila network, the Algerian network against violence against women and children, the Association of Algerian Women for Development and the Algerian Family Planning Association. Likewise, several projects have been established by associations benefitting sick and disabled children.

programme of cooperation from 2007-2011 and a communications programme with television in 2005, radio in 2007, and national radio in 2011.

In other respects, the Committee noted the establishment of a national plan of action, “Algeria Fit for Children”, put in place by the Ministry Delegate in Charge of the Family and the Status of Women and involving civil society organisations and the crea-

Since 2005, Algeria has strengthened the mechanisms for ensuring children’s schooling through social strategies and material resources such as transportation, free tuition for needy families, and internships. It also established a national perinatal programme in 2006, aimed at reducing maternal mortality and improving maternal health and nutrition.

2. Applicable International and Regional Legal Instruments

i. Overview

Algeria pursued development after independence in order to secure the rights of all Algerian citizens. For this reason, the various Algerian constitutions have enshrined universal rights principles, taking into account the need for both modernisation and development of Algerian society. As part of the 1989 opening to political pluralism, Algeria accelerated its process of accession to international legal instruments related to human rights. This is a country that has made significant progress in terms of freedoms and has fulfilled its obligations to submit reports under its various international commitments.

Since the last Concluding Observations of the Committee, Algeria on 21 April 2005 ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.



ii. Table of Relevant International and Regional Human Rights Conventions and Treaties and their Status of Ratification by the State

INTERNATIONAL AND REGIONAL HUMAN RIGHTS INSTRUMENTS	STATUS	LAST SUBMITTED REPORT
Admission to the UN	8 October 1962	N/A
Convention on the Rights of the Child (CRC)	Ratification 19 December 1992	CRC/C/93/Add.7 3 March 2005
Optional Protocol to the CRC on the involvement of children in armed conflict	Accession 6 May 2009	Not yet submitted
Optional Protocol to the CRC on the sale of children, child prostitution and child pornography	Accession 27 December 2006	Not yet submitted
International Convention on the Elimination of All Forms of Racial Discrimination	Ratification 14 February 1972	CERD/C/362/Add.6 18 December 2000
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Accession 22 May 1996	CEDAW/C/DZA/2 5 February 2003
Optional Protocol to CEDAW	No action	N/A
International Covenant on Economic, Social and Cultural Rights	Ratification 12 September 1989	E/C.12/DZA/4 6 January 2009
Optional Protocol on the International Covenant on Economic, Social and Cultural Rights	Ratification 12 September 1989	CCPR/C/DZA/3 7 November 2006
International Covenant on Civil and Political Rights (ICCPR)	Accession 12 September 1989	N/A
Optional Protocol to the ICCPR	No action	N/A
Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	Ratification 12 September 1989	CAT/C/DZA/3 10 February 2006
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	No action	N/A
Optional Protocol to CAT	Ratification 4 December 2009	Not yet submitted

Convention on the Rights of Persons with Disabilities	Signed 30 March 2007	Not yet submitted
Optional Protocol to the Convention on the Rights of Persons with Disabilities	Signed 6 February 2007	Not yet submitted
International Convention for the Protection of All Persons from Enforced Disappearance	Succession 21 February 1963	N/A
Convention relating to the Status of Refugees	Accession 8 November 1967	N/A
Protocol relating to the Status of Refugees	No action	N/A
Convention on the Reduction of Statelessness	Accession 21 April 2005	CMW/C/DZA/1 6 March 2008
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Accession 31 October 1963	N/A
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Ratification 9 November 2003	Not yet submitted
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	No action	N/A
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	Ratification 30 April 1984	N/A
Minimum Age Convention (C-138)	Accession 9 February 2001	N/A
Worst Forms of Child Labour Convention (C-182)	Signed 28 December 2000	N/A
Convention on the Rights of Migrant Workers and their families	Ratification 8 July 2003	N/A
Rome Statute of the International Criminal Court	Succession 9 March 2004	N/A
African Charter on the Rights and Welfare of the Child	Ratification 12 June 1969	N/A

3. National Legal Framework and Practices affecting Children's Rights

i. The National Legal Framework

As provided for under Article 132 of the 1996 Algerian Constitution, amended in 2008, international treaties and conventions ratified by Algeria prevail.

In ratifying the Convention on Child Rights (CRC), Algeria published its preamble containing basic CRC principles in the Official Gazette No. 91 of 23 December 1992. This can be interpreted as an official commitment to recognising the new vision of children proposed by the Convention and also fully preparing children for a position in society after being raised in the spirit of the ideals proclaimed in the Charter of the United Nations, especially the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

On 28 November 2000, Algeria published in an official journal the Presidential Decree ratifying Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, supplemented by Recommendation 190, adopted by the International Labour Organization at its 87th session held in Geneva on 17 June 1999.

In other respects, the Algerian child is protected under the following codes: the Family Code, the Penal Code, the Criminal Procedure Code, the Civil Code, the Labour Code and the Code of Public Health.

Sections 342, 343, 344, 345, 346, 347, 348 and 349 of the Algerian Penal Code prohibit child exploitation and contain strict punishments (imprisonment and fines) for the corruption of minors and prostitution.

Algeria established the Civil and Administrative Procedures Code 08 925 on 2 February 2008, which designates the establishment of a family judge, distinct from the juvenile judge for family affairs.

In addition, the Civil and Administrative Procedures Code includes articles for the protection of minors, in particular articles 453 through 480 designating guardianship of children, reinforced by articles 87 to 91 of the Code. Regarding the protection of minors and incapacitated adults, articles 481 through 489 offer protection as does Ordinance 72-03 for protection from moral danger. The filiation of children is covered under articles 490 to 494, and reinforced by sections of the Family Code No. 40 to 46. With respect to the *kafalah* system, articles 492 to 497 put in place safeguards and measures for children under this system.

Children are also protected by the Family Code regarding sponsorship under articles 92 to 98, alimony under articles 74 to 80, as well as custody under articles 62 to 72.

The Criminal Procedure Code addresses the issues of young offenders in articles 442 to 446, articulates special instructions for minors under articles 447 to 477, lays out probation under articles 478 to 481, legal enforcement in juvenile court under articles 489 to 492, as well as protects minors who are victims of crime in articles 493 to 494.

Otherwise, multiple laws and reforms have been established for the care of minors, such as Law No. 04-05 of 6 February 2005 regarding the organisation of prisons and the reintegration of prisoners. Chapter 5 of the same is devoted to the reintegration and education of minors. The law also established the Interministerial Committee for the Integration of Prisoners including Minors.



One of the participants in psychosocial activities offered through “Je t’écoute”, a helpline project targeting 15 districts of Algeria.
Courtesy of Save the Children Sweden

In addition, the facilitation of justice with respect to minors was furthered by the appointment of a juvenile court judge and a family court judge at each level of court, as well as the establishment of a chamber for minors in moral danger.

A national action plan, “Algeria Fit for Children” (NPA), adopted by the Council of the Government in February 2008 and covering the period from 2008 to 2015, was officially launched on 25 December 2008 under the same name through cooperation with UNICEF between 2007 and 2011. The NPA covers four broad areas of intervention: the rights of the child, the promotion of healthy living and improved welfare, quality of education and child protection.

Since ratification of the Convention on the Rights of the Child, there has been progress in the legislative domain. For example, one notes the 2005 amendments made to the Nationality Code and Family Code to better protect the rights of children and women. Algerian women married to foreigners can now transmit Algerian citizenship to their children, which can alleviate negative consequences for other rights, such as the right to education.²⁷

ii. The Main Stakeholders for Children’s Rights

a. Government Bodies

The mission of child and adolescent protection is entrusted to specific government actors, including associations. Among them are the Ministry of National Solidarity and Family, which has a Minister Delegate for Family and the Status of Women (hereafter the Minister Delegate for Family and the Status of Women); the Ministry of National Education; the Ministry of Youth and Sports; the Ministry of Justice; the Ministry of Vocational Education

and Training; the Ministry of Labour, Employment and Social Security; the Ministry of Health, Population and Hospital Reform, and the management of social and solidarity actions; the National Police Youth Brigades; the Youth Brigades of National Security Forces; the Ministry of Foreign Affairs and the Ministry of Religious Affairs and Charitable Trusts (*naqf*).

The Minister Delegate for the Family and the Status of Women, along with relevant national institutions (20 government sectors, 10 national authorities), civil society, and an advisory group on children and adolescents elaborated the National Action Plan (NPA) to benefit Algerian children for the period covering 2008 to 2015. This plan has also received support from UNICEF. Adopted by the Council of Government in February 2008, the NPA was officially launched on 25 December 2008 under the theme “Algeria Fit for Children”. This plan covers four broad areas, namely: the rights of the child; the promotion of healthy living and improved welfare; quality of education and child protection.²⁸

b. National Councils and Independent Human Rights Institutions

Algeria has several councils and commissions, including the National Consultative Commission for the Promotion and Protection of Human Rights (NCCPPHR), created

“Since ratification of the Convention on the Rights of the Child, there has been progress in the legislative domain. For example, one notes the 2005 amendments made to the Nationality Code and Family Code to better protect the rights of children and women.”

on 9 October 2001. Composed of 44 members, 16 of which are women, it is based on the principle of social and institutional pluralism. This institution is independent. The NCCPPHR is responsible for investigating violations of human rights and leading activities to promote awareness, information and communication in human rights. It prepares an annual report on the state of human rights that is submitted to the President of the Republic. This Commission is composed of several committees, one of which is a National Committee for Children. This latter committee conducts outreach activities, as well as preparing studies and statistics on children in situations of lawlessness.

The National Council for the Family and Women was created by Executive Decree No. 06 - 421 on 22 November 2006. It has its main mission to contribute to the development of programmes, undertake studies, provide advice and recommendations and work toward the exchange of ideas and experiences with regional and international organisations and institutions with similar objectives and aims for the promotion of the family and the status of women. It establishes mechanisms for monitoring and promoting activities to support the training of women, and particularly girls. The Council also ensures monitoring of the strategy put in place to fight violence against women and children. The National Economic and Social Council is a standing advisory body for dialogue and consultation in the social and cultural domains.

Furthermore, there are other councils involved in implementing child rights. The High Islamic Council issues recommendations (*fatwa*) to relevant institutions concerned with justice, for example, concerning cases of *kafalah* and children born to single mothers. There also exists the Centre for Legal and Judicial Research and the Interministerial Committee on the Rights of the Child set up by the Minister Delegate for Family and the Status of Women.

This committee promotes the welfare of the child and a culture of child rights and ensures implementation of the National Plan of Action for Children by the relevant institutions.

c. Local Civil Society Organisations and Networks

In 2008, there were 78,928 local associations (approved by the President of the People's Communal Assembly) and 948 national associations (approved by the Ministry of the Interior and Local Government) active in humanitarian and social fields. The latter benefit from special support from government bodies in charge of social action and national solidarity. Considered key to the implementation of several programmes for children and youth in the framework of national solidarity, these associations are represented in various advisory bodies (National Committee and Local Solidarity Committee), committees and working groups, and guiding councils and specialised agencies (Social Development Agency, National Agency for the Management of Microcredit). Algerian associations are involved in the identification and targeting of State aid recipients, implementing aid programmes and homecare for people with disabilities, promoting and protecting children or even opening community medical and psycho-educational units for the care of troubled children and parental guidance. They also participate in various rights' promotion, protection and advocacy activities such as: SOS Children's Villages in Draria, the Wassila network, the National Ombudsman network RIMA, the Algerian Association for Family Planning, the Algerian Association of Children and Foster Family Volunteers, the Algerian Muslim Scouts, the Centre for Information and Documentation on the Rights of Children and Women, the National Foundation for Health Promotion and Research Development (FOREM), the Association for Counselling Research and Training (SARP), the Association of the Akbou Star of Béjaia. Since 2004, the Algerian Network



NADA for the Defence of Children's Rights has met with 130 local and national associations.

The Wassila network for reflection and action on women and child victims of violence brings together associations and professionals from diverse sectors: doctors, psychologists, social workers, midwives, psychiatrists, teachers, sociologists, jurists, lawyers and business executives. Its first objective is to contribute to better support and guidance for women and children who have been victims of all kinds of violence. Its second objective is to inform and build awareness in society and institutions through workshops and publications.²⁹

The Algerian Association of Children and Foster Family Volunteers was created in 1985 with the objective of providing a host family for every child. In its 25 years of existence, this association has placed 2,050 children with foster families. Often, the association intervenes in cases when a child is being abused.³⁰

The involvement of associations in managing issues related to children is a central element in the Government's policy towards civil society. One hundred and twenty-nine establishments are managed by voluntary sector 129; 107 of these provide support for children with disabilities, children without families, children with chronic diseases and child victims of terrorism. These institutions are spread across 22 provinces (*vilayas*).³¹

The legal framework governing associations in Algeria was Act 90-31 of 4 December 1990 until the new Act on Associations No. 12-16 of 12 January 2012 entered into force.

d. United Nations Agencies

Following the attacks against the United Nations in Algiers in December 2007, the international body's activities ceased between 2008 and 2009. It is only since the beginning of 2010 that activities have resumed.³²

UNICEF has been in Algeria since 1962.³³ Its programming has included two plans for cooperation, with the first covering the period from 2007 to 2011. A framework for the cooperation plan of 2012-2015 has been accepted by the Ministry of Foreign Affairs, but not yet been released. It focuses on cooperation rather than financial assistance, given the means available to Algeria to carry out its economic plan.³⁴ UNICEF supports the Government in its conception of the National Plan of Action for Children (NPA) and contributes to its promotion, implementation and evaluation by providing expertise to develop the NPA and its management, implementation, monitoring and evaluation.

Like most UN agencies, the United Nations Population Fund (UNFPA) offers technical support to the government. Since Algeria possesses important economic resources, the UNFPA supports the State in its efforts to promote healthy behaviour in young people, including adolescents, in the area of reproductive health. The pillars of intervention are prevention and youth outreach. The UNFPA, in collaboration with the Ministry of Health, also works with civil society organisations such as AIDS Algeria and the Muslim Scouts.³⁵ At the same time, the objective of UNAIDS is to support the government in its goal to achieve "Goal Zero", referring to zero transmission, zero discrimination and zero new cases. UNAIDS does not interfere in the financing because it is not necessary, given the economic resources of Algeria.³⁶

The United Nations High Commissioner for Refugees (UNHCR) works in partnership with civil society and institutions that play a key role in local and central administration. It ensures the determination of refugee status, while urging the government to engage more with refugees.

The work of the World Food Programme (WFP) in Algeria has several objectives: to make sure that the basic food needs of the most vulnerable are met by providing general food distribution, to assist in the recovery of those suffering from acute malnutrition and prevent the deterioration of the nutritional status of the general population with particular attention to women, children and other high risk groups and to promote access to education by strengthening the enrolment, attendance and completion of the primary cycle through school feeding programmes.³⁷

In addition, other UN agencies are present in Algeria, such as the World Health Organization, UNESCO, the United Nations Food and Agriculture Organization (FAO) and the United Nations Industrial Development Organization (UNIDO).³⁸

e. Media

Freedom of opinion and expression are essential tools in monitoring and protecting human rights and act as a counter-balance to government power. Law 90 – 07, relating to information, guarantees the exercise of these rights.

There are currently 52 daily newspapers, six of which belong to the public sector, with an average circulation of about 1.7 million copies per day. There are 98 weekly titles with a total circulation of over 2.3 million and 43 other periodicals, bimonthly or monthly publications with a circulation of 275,000 copies.³⁹

The media is involved in reporting, advocating for and promoting child rights through the publication and dissemination of articles on violence and abuse. They have access to the testimony of child victims and/or their parents, as well as associations and professionals. The media constitutes an ally in advocacy when it disseminates the testimony of children.

The media has benefitted from a partnership promoting children's rights between UNICEF and national Algerian television and radio.

The media also participates in forums organised by civil society on issues affecting children's rights.

f. Donors and the Diplomatic Community

Several donors, among them the European Union, funding initiatives in Algeria that support civil society such as the capacity-building programme entitled “NGOs 2 - Youth and Employment”⁴⁰ and international development agencies from Belgium, Spain, Canada, the Netherlands, Switzerland, Great Britain, France and the United States.

g. International Civil Society Organisations

Organisations that are authorised to engage in Algeria are Handicap International, Médecins du Monde France, Stakeholder Forum, the Friedrich Ebert Foundation, Amnesty International, the Italian Refugee Council, Caritas and Triangle. These international organisations are indirectly involved in child and youth issues through the capacity-building of Algerian NGOs, the transfer of knowledge and experience, and fund-raising and advocacy.

b. Religious Institutions

The Ministry of Religious Affairs and Charitable Trusts (*Waqf*) is the main religious institution of the Algerian State. The Ministry is responsible for disseminating information concerning children (the Convention on the Rights of the Child), distributing and transmitting information to children and families through *imams* and *mourchidates* (female preachers teaching Islam in Algeria), and contributing to the development of the National Plan of Action, “Algeria Fit for Children”.

The High Islamic Council has its functions defined by the Algerian Constitution. It prepares and provides religious education programmes and ensures their integration into the education system, appointing *imams* and “teachers” and updating their teaching materials, developing guidelines and manuals on the practice of religious rites, and reviewing television and radio programmes on Islam and the Muslim community.⁴¹

The National Bureau of *Hajj* (the duty of making pilgrimage to Mecca, according to *Sharia* law) and *Umrab* (a lesser pilgrimage) was created on 30 October 2007. It is vested with ensuring quality services from travel and tourism agencies and the various operators. As such, the Bureau is responsible for “choosing service operators for *umrab* and ensuring pilgrims have a pleasant stay during *umrab* by protecting their rights, in cooperation with stakeholders inside the Holy Places.” As such, children’s religious rights are respected and preserved and children performing the *hajj* are protected through *hajj* guides that are trained in human rights, as well as the rights of the child.

4. Identifying Child Rights Commendable Practices in Light of the CRC’s Main Principles

i. The Right to Non-Discrimination (Article 2)

While noting that the Algerian Constitution and national laws are based on the principle of nondiscrimination, the Committee on the Rights of the Child (the Committee) is concerned about the absence of measures, policies and concrete programmes to promote equality and tolerance within society. In its last Concluding Observations, the Committee recommended that the State party redouble its efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention on the Rights of the Child (the Convention), without any discrimination, as well as adopting a proactive and comprehensive strategy to ensure that no vulnerable children are subject to de facto discrimination. Finally, the Committee also recommended that priority be given to providing social, health and equal access to education services to the most vulnerable children.⁴²

a. Gender

Significant advances have been made in ensuring that girls have their right to education fulfilled. In recent years, nearly two-thirds of high school graduates have been girls.⁴³ Between 2005 and 2009, the net enrolment ratio was 94% for girls and 96% for boys in elementary schools, and 86% for girls and 80% for boys in high school.⁴⁴

While noting with satisfaction the overall improvement in the youth literacy rate, the Committee, in its 2005 Concluding Observations, found that the literacy rate for girls had increased more slowly than that of boys and continued to be concerned by the results of a study revealing the

persistence of disparities among the *wilayas* (provinces) in the net enrolment rate of girls. The Committee recommended that the State party take effective measures to address gender inequalities in education matters, such as developing literacy programmes for women and girls and designing and adopting a specific strategy in favour of girls' education, including scholarship programmes for girls living in rural areas.⁴⁵

In 2008, the Ministry of Education implemented Law No. 08-04 of 15 Muharram 1429 (Islamic calendar date corresponding to 23 January 2008) on national education and the principle of nondiscrimination among children regarding access to education. Through Article 10, the State guarantees the right to instruction for all Algerians, without discrimination based on gender, social origin or geographic origin. Article 11 stipulates that the right to instruction is made concrete through generalised access to basic education, the guaranteeing of equal educational opportunities and the pursuit of higher learning following basic education. Article 12 confirms that education is compulsory for all girls and boys aged six to 16 years. However, the length of compulsory education can be extended by two years by students with disabilities.

A new 2008 law also provides material aid for the education of children in difficult circumstances. These interventions involve the provision of meals, school transportation, boarding school accommodations, partial boarding school accommodations, school supplies and the granting of scholarships. To this end, the literacy project for women and girls and free tuition for boarding school have been extended until 2015 as part of Algeria's national strategy and commitment to the Millennium Development Goals.

Statistics from the Ministry of Education show that the proportion of girls attending school has been increasing since the introduction of these new measures:

Table: Ratio of girls to total students⁴⁶

YEAR	PRIMARY	MIDDLE	SECONDARY
1999	46.8%	47.9	56.0
2008	47.3	48.7	57.9
2009	47.3	48.7	58.3
2010	47.4	48.9	57.6

The Ministry of Education believes that the overrepresentation of high school girls in relation to boys is due to socio-cultural contexts, among them changes in Algerian families underway since the 1990s.⁴⁷

b. Birth Out of Wedlock

According to Article 61 of Ordinance No. 70-20 of 19 February 1970 on the Civil Status Code, "Declarations of birth shall be made within five days of delivery, to the Officer of Civil Status of the location, or [the parent will] face sanctions under Article 442, paragraph 3, of the Penal Code".⁴⁸ The registration of children born out of wedlock is done automatically through the hospital of birth. The child is registered with a civil status, granted three first names, and granted nationality and all administrative rights.⁴⁹

According to Article 40 of the Family Code, filiation is established by a valid marriage, acknowledgement of paternity, proof, apparent or invalid marriage and any marriage annulled after consummation, in accordance



with Articles 32, 33 and 34 of the law governing invalid or annulled marriages. Judges may use scientific evidence in matters of filiation. According to Article 41 of the Family Code, “the child is a descendent of its father by the fact of legal marriage, the possibility of marital relations except [in the case of] disavowal of paternity in legal proceedings”. Children born through *Fatiba* marriage (a marriage performed according to religious law but without a civil contract) are affiliated with their father by the fact of legal marriage and the possibility of marital relations except if paternity is disavowed through legal proceedings. In this case, the couple does not possess a family booklet for registering the child because the marriage is not recorded civilly. The child is thus registered either through the

father’s presentation of his identity card and declaration of birth, or the testimony of two witnesses to the *Fatiba* marriage (this religious marriage is only confirmed by the presence of witnesses). Finally, in the third case, the child can be recognized through the testimony of the couple’s entourage confirming the relationship between the father and mother and the *Fatiba* marriage.

In the case of separation or death of the husband married to the mother by *Fatiba*, the child is affiliated with its father if born within six months from the date of parental separation or death, seeing that a minimum term of six months and a maximum term of 10 months of preg-



A boy learns to use a videocamera through “Je t coute”.
Courtesy of Save the Children Sweden

nancy is required for its recognition, according to Algerian Islamic traditions.⁵⁰

Estimates speak of 3,000-5,000 births out of wedlock annually in Algeria, although these are hard to verify due to the taboo nature of the subject.⁵¹ In 2011, approximately 2,500 children born outside of marriage were identified by the Ministry of National Solidarity and the Family.⁵²

When a mother does not give up her child and acknowledges his birth and care, a (natural) maternal filiation is recognised. If neither parent acknowledges the child, the mother's name will nevertheless be inscribed on the birth certificate. The child will be named after his/her mother, even if filiation is not established, in order to ease her/his integration into society. The child will use the mother's name as a family name, replacing the two given names provided for under the law (Article 64 paragraph 4 Civil Code). This name will later serve as the family name of the child's offspring.

In 2005, the Committee noted with concern that children born out of wedlock did not enjoy the same rights as others, for example, they could not be recognised as "legitimate" children of their fathers. The Committee recommended that the State review the Family Code to ensure equal parental responsibility for both men and women, regardless of their marital status, and to abolish the discrimination faced by children considered to be "illegitimate".⁵³

Article 45 of the Family Code, revised in 2005, stipulates that "acknowledgement of relationship out of parentage, fatherhood or motherhood does not bind a third party other than the author of the acknowledgement unless he confirms it". The application of this law depends on the decision of the judge, who can ask that a father submit to a DNA test to either prove or disprove paternity. How-

ever, concerns have been expressed about the fact that an Algerian court can compel a man to submit to DNA testing to establish paternity.⁵⁴

Children born out of wedlock and abandoned are cared for by the State through *kafalah*, which is the placing of children in homes or an institutional environment, such as homes for orphans or supported children's homes managed by the State pursuant to Order No. 72-03 of 12 February 1972 and Order No. 75-64 of 26 September 1975 on the establishment of institutions and services responsible for the protection of children and adolescents. Of 1824 births registered outside of marriage in 2006, 1,270 were placed in *kafalah* in Algeria and 78 with the Algerian community abroad.⁵⁵

Nevertheless, discrimination against children born out of wedlock has been recorded and, under the *kafalah* system, procedures to place children with families take a long time and children often remain a long time in nurseries.

c. Rural/Urban Areas

The rights to education, health and protection are recognised by the Constitution and national legislation. Algeria, since its independence, has invested significant resources in ensuring that the entire population has equal access to schooling, healthcare and social protection. Since 1999, the country has committed to national and regional development programmes to improve the socioeconomic situation of its population, and that of children and women in particular, and to reduce regional disparities in access to quality basic services.⁵⁶ Nevertheless, the Minister Delegate for Family and the Status of Women noted that the distribution of professionals is not balanced geographically. The discrepancies are significant, particularly regarding medical specialists and those needed to support mother-child programmes.⁵⁷

“In its Concluding Observations, the Committee expressed deep concern about the situation and difficult living conditions of refugee children from Western Sahara living in four refugee camps and one settlement in the south-western province of Tindouf.”

emphasis on vulnerable children and their families, and that efforts be redoubled to provide support and material assistance to disadvantaged children and their families.⁵⁸

Algeria introduced a system for mapping poverty in 2005⁵⁹ to better identify vulnerable areas. This initiative enabled the establishment of a development plan from 2011 to 2014 that will emphasize the highlands and the south. To reduce regional disparities, the ministries of National Solidarity and National Education have established systems to help with schooling, such as material aid, provision of meals, school transportation, boarding school accommodations, partial boarding school, school supplies and the granting of scholarships. Three million students from disadvantaged rural areas⁶⁰ received a special school allowance (DA 3,000 per pupil in September 2008, equivalent to USD 53). In 2005, 574,510 children benefitted from 1,777 buses used to transport them to school. In 2010, the number of scholarship students reached 836,890, 62,951 of whom were boarders.⁶¹ School solidarity campaigns

In its 2005 Concluding Observations, the Committee remained concerned about the low standard of living for children, particularly in rural areas. The Committee also recommended that the State party take effective measures to improve living standards, especially among rural populations living in poverty, by implementing plans with community participation and child involvement. The Committee recommended that a strategy of poverty reduction be developed, with a special

resulted in both academic support and the organisation of school vacations.⁶²

The Ministry of Health, Population and Hospital Reform has undertaken efforts to reduce disparities between regions. Sector priorities include the rehabilitation of basic healthcare, particularly in rural areas, and the restoration of full and complete specialist care at every stage. These require support to appropriate areas and health policies and programmes designated for children—from infancy through childhood and adolescence.⁶³

d. Refugees, Migrants and Internally Displaced

There are 93 refugee children in urban Algiers.⁶⁴ Refugees who are recognised by the Algerian state are entitled to education. In contrast, asylum seekers are not recognised. Refugee children from Arab countries are enrolled in State schools and enjoy all the rights of health and recreation. By contrast, refugee children from African countries are enrolled in private schools because of language constraints. The latter group also enjoys the right to health-care.

In its Concluding Observations, the Committee expressed deep concern about the situation and difficult living conditions of refugee children from Western Sahara living in four refugee camps and one settlement in the south-western province of Tindouf. Concerning water distribution, food and other essential services, the Committee noted with concern that refugee children are completely dependent on aid agencies and that, despite efforts by the United Nations High Commissioner for Refugees (UNHCR), World Food Programme (WFP) and other agencies, it is difficult to provide them with adequate assistance. The Committee recommended that the State party do everything within its power to ensure that refugee children from the Western Sahara who are living in camps in Al-

geria see their protection and well-being fully secured and have access to healthcare, social services and education, and that the State continue to cooperate with the UNHCR and WFP.⁶⁵

In 2009, a joint UNHCR-WFP mission observed low skill levels among health workers in the camps and the overlapping of several different programmes for children under five years and pregnant and lactating women. All these activities were subsequently integrated under a single programme, the “Integral Programme of Infantile Health Saharawi” (“Programa Integral de Salud Infantil Saharaoui—Pisis”) after almost a year of cooperation between executing partners and health authorities in the camps. The creation of Pisis has led to the harmonisation of criteria for implementing international standards and providing support and advice in the field for healthcare workers. After the approval of Pisis guidelines in early 2010, additional training and support at the clinical level have improved the implementation and activities of the programme and provided basic skills for healthcare workers. Pisis consists of several protocols to improve the health and nutritional status of children under five years in the refugee camps of Western Sahara, including the treatment of the most common childhood diseases, the treatment of acute malnutrition and severe and moderate anaemia, the prevention of chronic malnutrition and anaemia, growth monitoring and hygiene and nutrition awareness.⁶⁶

e. Ethnicity or Religion

Freedom of thought, conscience and religion is guaranteed in Algeria. Nevertheless, Article 2 of the Constitution states that “Islam is the State religion” and the Family Code stipulates that a child must be educated in the religion of his father. These provisions do not allow the restriction of freedom of worship by religious communities living in Algeria and belonging to other religions. Fur-

thermore, Article 298 *bis* of the Penal Code punishes any injury committed against people because of their ethnic, philosophical or religious identity. Article 77 of the Law on Information provides that anyone who offends Islam and other divine religions through writings, sound, images, drawings or other direct means is liable to prosecution. Article 107 punishes, through a prison term of five to 10 years, arbitrary or intrusive acts against freedom, committed or ordered by an official.⁶⁷

Given the findings of the Special Rapporteur on Freedom of Religion or Belief during his visit to Algeria in 2002 (see E/CN.4/2003/66/Add.1) and the Interpretative Declarations of the State party concerning Article 14 of the Convention, the Committee on the Rights of the Child issued its latest Concluding Observations with the concern that a child’s right to freedom of thought, conscience and religion is not fully respected and protected. Therefore, the Committee recommended that the State party respect the rights of children to freedom of thought, conscience and religion and, to this end, take effective measures to prevent and eliminate all forms of discrimination on the basis of religion or belief, and promote tolerance and religious dialogue in society. The Committee further recommended that the State party ensure that children can be exempt from compulsory religious education.⁶⁸ In addition, the Committee recommended that the State party review school curricula with the aim of instilling students with tolerance and respect for others. The Committee urged the State party to prioritise the capacity-building of teachers and to raise awareness and responsibility in this regard. The Committee further recommended that the promotion of religious tolerance and dialogue among different religions and beliefs be among the goals of education reform.⁶⁹



No information on the actions taken to address the recommendations of the Committee was found in the course of this research.

f. Disabilities

Law No. 02-09 of 8 May 2002 provides for the protection and promotion of the rights of persons living with disabilities. Under Executive Order No. 03-45 of 19 January 2003, as amended by Executive Order 07-340 of 31 October 2007, families caring for one or more dependent children with disabilities receive an allowance of DA 3,000 (currently around USD 39), bestowed monthly under the social safety net. Moreover, Algeria ratified the Convention on the Rights of Persons with Disabilities in May 2009. Algeria has 630,000 children living with disabilities. The Ministry of National Solidarity and the Family asserts that it supports 14,260 children with disabilities in special facilities and 1,452 in integrated classes for the sensory impaired. Associations that manage specialised care facilities serve around 5,000 children with disabilities.⁷⁰

Although discrimination against children with disabilities is prohibited and the State party makes efforts to favour them in social action, offering direct and indirect assistance, the Committee expressed concern about the persistence of de facto discrimination. It recommended that the State party make every effort to develop policies and programmes to ensure these children have equal opportunity in society, paying particular attention to children with disabilities living in remote areas and making sure that children with disabilities have access to adequate social and health services, education, physical environment, information and communication. The Committee also recommends the launching and support of information campaigns to raise public awareness about the situation of children with disabilities, as well as their rights, their special needs and their potential, with the aim of modify-

ing negative attitudes, misconceptions and prejudices that victimise them. Training for professionals working with and for children with disabilities, such as medical, paramedic and related workers, teachers and social workers, is also needed.⁷¹

Children with sensory disabilities (deaf and blind) receive special education in 42 schools for the deaf and 24 schools for the blind. Children benefit from an education appropriate to the nature and degree of their sight disability, as well as psychological care (for blind children or those with impaired vision), allowing them to attend regular classes. A multidisciplinary pedagogical team composed of a psychologist, a speech therapist and a special education teacher accompanies the visually impaired and/or deaf youth throughout his school career, helping him integrate into mainstream primary and secondary schools.⁷²

Furthermore, the Ministry of National Solidarity and the Family, in collaboration with the Ministry of National Education, has established a system favouring school integration of children living with minor disabilities, parallel to the special education system enjoyed by children living with severe disabilities (deaf and blind).

Children with motor disabilities are placed in the care of six guidance centres for motor disabilities and children with intellectual disabilities are supported in 103 guidance centres for intellectual disabilities.⁷³ The pedagogical staff working with children in these centres is trained by the National Centre for Training of Specialised Staff.

In addition, the Ministry of National Education has implemented a system favouring integration of children with minor disabilities into mainstream schools and/or specialised schools in their neighbourhoods. The number of children with disabilities enrolled in regular schools in-

creased gradually from 302 in 2002 to 1,033 in 2007, with capacity to accommodate them significantly improved (52 classes).⁷⁴ In 2009, of 54,584 people with disabilities of school age, 22,780 were enrolled (14,320 in specialised and regular public schools and 8,460 in private schools) for an enrolment rate of 41.73%. During the 2008-2009 school year, the success rate of all students with disabilities in various examinations (primary, middle and secondary final examinations) was 79.27%.⁷⁵

Between 2007 and 2009, civil society with the support of Handicap International paid particular attention to the rights and well-being of children with disabilities, focusing on the issue of education in particular. Some 18 micro-projects were carried out with 14 partner associations that focused on education of children with disabilities in the broad sense, and access for children with disabilities to attend regular schools.⁷⁶

As part of a project entitled “Education for All: Towards the Inclusion of Children with Disabilities in the Algerian Education System” initiated in January 2010 for a duration of three years, Handicap International and its partner associations—the Association for Parents of Children with Cerebral Palsy for Promotion and Integration of Setif, the Association of People with Disabilities and their Friends of the Daira Bouzeguène and the National Association for Support of People with Disabilities El Baraka in Ain Taya—led a local assessment of the barriers to education for children with disabilities. The study focused primarily on children with disabilities who were already enrolled in a regular school, but not benefitting from a regular, structured, welcoming and inclusive environment that permitted them access to learning. Surveys targeted 112 children with disabilities, 143 families, 72 teachers, 33 principals, nine school inspectors and eight school doctors. It found that there are numerous barriers to the participation and inclusion of children with disabilities in schools. There is

often an automatic refusal to register a child simply because of his disability (80% of principals) or else a negative attitude on the part of teachers (40%) and other children with respect to the child with disabilities (60% of children with disabilities report feeling uncomfortable with the behaviour of other children). Similarly, access and transportation are other barriers for children with disabilities, who reach school on foot (70% of them, 39% of which experience difficulties) or using public transport (30% of them, 69% of which experience difficulties). The absence of solutions to remedy a lack of autonomy due to structural inaccessibility (44% of children with disabilities have no autonomy at school) is equally a determining factor. Once at school, other barriers appear. Children with disabilities have difficulty taking courses: 24% have difficulty understanding, 22% have difficulty writing and 57% have difficulty participating in school activities. Teaching methods and pedagogical tools do not seem appropriate and teachers lack the necessary means to accommodate a child with disabilities. It appears that 90% of them believe that all children learn in the same way. The lack of suitable equipment for children with learning or intellectual disabilities also constitutes an obstacle. In addition, the Detection Unit, a mechanism of identification, does not seem to pay sufficient attention to nor follow up on children with disabilities. Finally, there is a lack of cooperation and exchange among teachers, special educators, psychologists and school doctors. Therefore, this study showed that

“Although discrimination against children with disabilities is prohibited and the State party makes efforts to favour them in social action, offering direct and indirect assistance, the Committee expressed concern about the persistence of de facto discrimination.”



children with disabilities do not receive sufficient psychological care and are not aware of the legislative provisions put in place for them.⁷⁷ In addition, it appears that discrimination in schools against children with disabilities is even more striking in rural areas.⁷⁸

It was reported that sometimes positive discrimination generated adverse effects. By being overprotective, teachers from primary schools may reduce the possibilities for children to develop their autonomy. Faced with an environment where they need to be more independent, 80% of children living with disabilities were leaving school at the high school level. Conversely, in certain cases, parents were pressured by teachers to send their children to a special school. However, special education does not follow the same curriculum as regular school, and children receive only basic education and do not complete their education with the same background as others. As such, there are very good laws in place but these are not enforced. The Association El Baraka emphasises advocacy activities. In 2007, the Association carried out awareness-raising among children and parents on the law, but the activity was assessed a failure as it did not take into account awareness-raising among policymakers.⁷⁹

The programme “Education for All: Towards the Inclusion of Children with Disabilities in the Algerian Education System” (2010-2012) also aims at promoting good practices among associations and institutions involved in the education of children with disabilities, in particular advocating for child participation and mainstreaming in three provinces (*milayas*), Algiers, Tizi Ouzou and Sétif. The implementing partner associations are the Association for Parents of Children with Cerebral Palsy (APIMC), the National Association for Support of People with Disabilities El Baraka and the Association of People with Disabilities and their Friends of the Daïra Bouzeguène (AHLA), as well as the ministries of National Solidarity

and the Family, National Education and Health. In April 2010, the managers of these three partner associations were trained. Between June 2010 and April 2011, teachers, school inspectors and principals were also provided with training. Ministry officials have been made aware of issues concerning children with disabilities and the importance of their inclusion in the educational system.

In May 2011, based on the results of a local assessment, the three partner associations developed a specific project focused on the monitoring, accompaniment or care of children living with disabilities who wish to integrate into regular schools or have already, but encountered difficulties. As part of this project, a mobile team was formed, composed of an educator, a psychologist and a speech pathologist, who go into schools. Through this project, teachers were trained in Bouzeguène; school caregivers, physiotherapists, prosthesis makers and teachers were trained in Sétif; and tools for awareness-raising, advocacy and training were made available in Algiers.⁸⁰

Plans for the 2011-2012 school year are to provide technical support to institutional actors ensure the right to education for children living with disabilities, guaranteeing their participation and inclusion in the education system without de facto discrimination.⁸¹

Algerian laws do not discriminate between children and adolescents with respect to access to care. However, the lack of specialised staff and appropriate services (physical rehabilitation, orthopaedics, psychomotor rehabilitation and care, and child psychiatry) constitute a real constraint. The gap requires frequent trips by children and their families from the interior of the country to the north, causing difficulties and incurred financial costs.⁸²

Thanks to a framework agreement concluded by the Ministry of Vocational Training and Education that aims

to improve and strengthen the training of people with specific needs, the number of special needs' people who benefited in 2003 from vocational training increased from 1,306 trainees (608 of which were girls) to 1,976 (719 of which were girls) in 2006. This included children and young people under age 18.

Despite progress, the overall objective is to significantly increase the potential for welcoming children suffering from disabilities into school establishments, since the successful education of young people living with disabilities will considerably enhance their employability and social insertion. It is also an opportunity for other students to learn early respect for differences and solidarity with others.⁸³

g. HIV/AIDS

Algeria has a legal arsenal for protecting the human rights of people living with HIV/AIDS, notably by guaranteeing them care without discrimination in



An Algerian girl smiles in the classroom. *Courtesy of Save the Children Sweden*

institutions that provide appropriate quality care and guaranteeing them the right to a decent life within the family and society. People living with HIV (PHIV) are considered full-fledged citizens with the status of patient.⁸⁴ Nonetheless, this status and the principle behind it are not always applied in practice or in the everyday life of these patients. Consequently, people living with HIV often see their rights discussed, questioned and even rejected out of hand.⁸⁵ Discrimination manifests itself through actions, rejection and exclusion as the result of stigmatisation. The attitude that people living with HIV are a 'problem' constitutes the major obstacle to prevention of infection with HIV and prevails in the family, the community and institutions. One inquiry showed that 15% of women would not take care of a family member with AIDS, that nearly two in five women believed that a teacher who contracted the virus should not be allowed to teach, and that nearly one of every two women would not purchase goods from a merchant who had AIDS.⁸⁶ Well documented cases have been observed: children returned from nursery schools because their mother was HIV-positive; pregnant women who were HIV-positive unable to find a clinic to manage their deliveries; and discrimination in the adoption of children who were HIV-positive.⁸⁷ Some children were ejected from their nurseries because their parents were HIV-positive.⁸⁸ It has been reported that parents who are HIV-negative, wishing to adopt a child, demand that the institution provide information on the blood tests of children available for adoption. As a result, HIV-positive children have not been adopted because of their status.⁸⁹

For screening purposes, a national reference laboratory was established within the Pasteur Institute. Fifty-one testing centres offering anonymous, voluntary and free testing were gradually set up. Nine reference centres are tasked with providing support and care for people living with HIV.⁹⁰ According to the National Reference Laboratory of the Pasteur Institute of Algeria, there were 112

children aged 19 and under who were HIV-positive during the period from 1985 to 31 December 2006. During the same period, there were 29 cases of AIDS among those aged zero to 19 years, 12 of which were girls and 17 were boys.⁹¹ Children under age 15 represented only 4.09% of all cases of HIV from 1985 to 2008, and 4.61% in 2008.⁹² Other sources estimate that between 300 and 500 children were living with HIV in 2011 in Algeria, with 150 of them in the capital Algiers.⁹³ According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), there are between 200 and 300 cases in Algiers alone. In fact, there is an absence of coordination and communication between the Pasteur Institute and the Ministry of Health because not all health authorities send information to the laboratory. The system is obsolete and should be improved. The number of children infected also remains unclear because parents hide this information. In Algeria, this tendency is growing due to increasing trends of hiding infection.⁹⁴ Moreover, socio-cultural norms and values and the persistence of misperceptions among the general population reinforce a sense of general immunity from HIV/AIDS. This situation often develops among populations where the social tendency turns from dealing with the disease as taboo to trivialising it.⁹⁵

While care for people living with HIV is comprehensive in theory, there are occasional shortages in medication.⁹⁶ The role of civil society here is positive. A problem also exists in the care of diseases linked to HIV, with some doctors refusing to treat patients despite ministerial orders and decrees prohibiting such discrimination.⁹⁷

“The National Strategic Plan 2008-2012 was adopted by Algeria with the aim of strengthening the fight against HIV/AIDS.”

While noting Algeria's efforts to address the problems of adolescent health in collaboration with international institutions such as the United Nations Population Fund (UNFPA), UNAIDS and UNICEF, the Committee recommends that the State party redouble its efforts to improve adolescent health, including providing sexual and reproductive health education in schools, counselling services, and care appropriate to need.⁹⁸

The National Strategic Plan 2008-2012 was adopted by Algeria with the aim of strengthening the fight against HIV/AIDS. Various ministries have been involved, as well as civil society and UNAIDS. This plan includes the "Three Principles": a *framework* for the common national fight, an *institution* for joint national coordination and a national *system* of monitoring and evaluation. It also includes universal access to prevention, treatment, care and support linked to HIV/AIDS.⁹⁹ This strategic plan is considered by UNAIDS to be very ambitious. It was developed in response to a call to tender from the United Nations Global Fund against HIV/AIDS. More recently, Algeria has become ineligible for such programming since the World Bank changed its economic development status to that of an intermediate country.¹⁰⁰

As to the risk of mother-child transmission of HIV/AIDS, four out of five women are aware of the risk. Only 44% of women surveyed know the three methods of HIV/AIDS transmission from mother to child and nearly one in 12 women is not aware of any of the means of mother-child transmission.¹⁰¹ To protect against mother-child transmission, attending physicians should propose systematic screening of all pregnant women. Some women refuse to be screened for fear of attracting malice in their marriage, however. Doctors also discourage HIV-positive women from having children, even forbidding them from bearing children, by invoking the possibility that they may give birth to an HIV-positive baby. This

represents a denial of the mother's reproductive rights. In addition, HIV-positive women who are infertile are generally excluded from the benefit of medically-assisted reproduction.¹⁰² In 2010, the Durondo Clinic in Algiers offered a special maternity ward for the delivery and monitoring of HIV-positive mothers.¹⁰³

To promote prevention, the Algerian AIDS Association organises awareness-raising campaigns, as well as seminars and study days for society and especially for youth in the 48 provinces (*wilayas*). Furthermore, associations try to integrate children living with HIV through small projects, group activities and advocacy.¹⁰⁴

People living with HIV who are discriminated against and deprived of their rights can seek recourse through the El Hayet Association for PHIV, the most appropriate institution for handling claims and the best able to identify remedies. The association also acts as an informal mediator in advancing the rights of these people. This sector is well-established in Algeria and ensures that any HIV patient whose rights have not been respected is able to find institutional support.

UNAIDS has worked with religious leaders, notably women religious leaders (*mourchidate*), on the right to reproductive health. A training manual was prepared for this purpose but no assessment was made of its impact.¹⁰⁵ The regional programme of the United Nations Development Programme for Arab States (UNDPAS) closed in 2011, after 10 years of activities. This programme had primarily a regional not local vision and consequently made a limited impact in Algeria.¹⁰⁶

ii. The Best Interests of the Child (Article 3)

In its Concluding Observations, the Committee noted with concern that the principle of best interests of the

child was not adequately reflected in legislation and national policies and is not even considered a part of decision-making for children. The Committee recommends that the State party undertake a critical review of its legislation to determine how it can reflect the guiding principle of the Convention, namely that children are subjects of their own rights and that the best interests of the child are a vital consideration when making decisions concerning children, including their care.¹⁰⁷

Recently, this principle has been enshrined in all national legislation and in bills related to child protection, in particular, as well as the Family Code and the Nationality Code. Social development policies generally also take into account the best interests of the child. Budget allocations to various departments do not show what has been allocated to children, except for the national education sector, which has a budget solely for improving the education of children and not for other objectives such as salaries or other expenses.¹⁰⁸

Algerian legislation contains a great number of provisions related to children and their interests, and the Algerian legal system emphasises child protection. The new civil procedure code in matters of “family affairs” and the Family Code are dedicated to protecting the child *on the basis of his/her best interests* in the following procedures.

According to the Family Code, custody of the child goes to the mother (in the case of parental divorce), except if she refuses or remarries, until the child reaches 10 years of age when custody is granted to the father. Article 64 No. 05-02 dated 27 February 2005 of the Family Code specifies that custody is vested primarily in the child’s mother, then the father, then the maternal grandmother, followed by the paternal grandmother, then a maternal aunt, followed by a paternal aunt, then to those relatives who most

closely represent the best interests of the child. The family judge grants visitation rights.

In cases where parents are deceased or in conflict, the juvenile judge places the child under the jurisdiction of a shelter. Then the Criminal Procedures Code, supplemented by Article 453, permits the judge, either ex-officio or at the request of a parent or shelter (public ministry), to hear from the father and/or mother as well as any other person whose evidence is useful, to hear from the minor and to order any means of social inquiry, medical examination, and/or psychological or psychiatric consultation (Article 454). Taking into account the interests of the child, the judge may order any interim measure related to the exercise of guardianship and provisionally entrust the minor to the other parent or, failing that, to one of the other people provided for under the Family Code. Furthermore, according to Article 468, the administration of the minor’s property is subject to judicial review if both parents are deceased.

With regard to authority and emancipation, Article 480 of the Civil Procedures Code stipulates that emancipation can be granted by the family court judge by gracious order, under conditions established by law. In the case of parental separation, Article 62 of the Family Code provides for a child’s right to custody, consisting of maintenance, schooling, and the safeguarding of physical and moral health.

Concerning the right to life and survival, Ordinance No. 66-156 of 8 June 1966 related to the Penal Code deals with crimes and misdemeanours against the person (murder, assassination, parricide and infanticide). Infanticide is qualified by Article 259 as the murder or killing of a newborn child. Paragraph 2 of Article 261 provides a prison sentence between 10 and 20 years for the mother as the perpetrator of or accomplice to the killing or murder of

her newborn. Through laws that protect the fetus, Algeria supports the embryo's right to life. Abortion and termination of pregnancy is considered a crime punishable by imprisonment. Only therapeutic abortion is permitted if the mother's life is endangered (Article 72 of the 1985 law) and if performed in compliance with legal rules, "it must be performed by a physician in a specialised institution after a spousal medical examination with a specialist physician. The latter is a psychiatrist who will determine whether the [physical] and mental health of the mother is seriously threatened."

The age of majority can differ, depending upon whether it is a civil, criminal or political majority. The minimum age of criminal responsibility under the Algerian Criminal Code is 13 years. In cases where minors are found guilty of a crime, sentences have an essentially therapeutic goal. Since the Criminal Code generally affirms the primacy of education and protection, criminal sanctions for children are not exceptional, however, the sentence of a minor can be further reduced by extenuating circumstances, such as status as a minor. If a minor between ages 13 and 18 is found criminally liable, penalties are imposed. If he/she has incurred the death penalty or life imprisonment, the child is sentenced to a term of 10 to 20 years' imprisonment. If he/she has incurred a prison sentence, the child is sentenced to a term equivalent to half of what he would have received had he been at the age of majority (Article 50 of the Criminal Code).

Concerning name and nationality, the new law amending and supplementing the Algerian Nationality Code protects children in matters of nationality and takes into account new conditions that have arisen in social relations. Thus, under Articles 6 and 7 thereof, it is stipulated that a child "is considered Algerian, born to an Algerian father or an Algerian mother" and "is of Algerian nationality through birth in Algeria".

A child born to unknown parents in Algeria shall be deemed never to have been Algerian if, when still a minor, his/her filiation is legally established as that of a foreign father or mother and, consistent with natural alien law, that nationality becomes his. A newborn baby found in Algeria is presumed, until proven otherwise, to have been born in Algeria.

Regarding a child's name, Ordinance No.70-20 relating to civil status stipulates in Article 61 that "declarations of birth are made within five days of delivery to the Officer of Civil Status in the place of birth, under threat of sanctions." Article 60 enumerates who is required to make this declaration and specifies that the birth certificate be drawn up immediately. Article 63 specifies that, besides the date, time and place of birth and the sex of the child, the birth certificate must state his or her first names.

The child automatically adopts the surname of the father when it is known. Selection of the child's names (Art. 64) rests with the father or mother or the doctors and midwives who attended the birth. When a mother gives birth away from her home, the declaration must be made by the person in whose home she gave birth (Article 62 of the Civil Status Code). The birth certificate is drawn up immediately, with a surname and first names given to the child (Article 63, Civil Status Code). Algerian-sounding names are to be chosen by the father and/or the mother, although parents belonging to a non-Muslim religion can choose differently (Article 28 Paragraph 2 of the Civil Code).

If the parents are married, the child is affiliated with his father (Article 41 of the Family Code) and receives the husband's name. The name of a man extends to his children born of legal marriage (Article 28, Civil Code, Article 41, Family Code).



An inter-ministerial memorandum, signed jointly on 17 January 1987 by the Interior Minister, the Minister of Justice and the Minister of Social Welfare, has strengthened the application of Articles 62 and 64 of the Civil Status Code for foundlings and abandoned children. In these cases, the child is considered to be of unknown parentage. Permanent abandonment by the mother takes place when she gives up any legal relationship with her child and, in keeping the birth secret, prevents the child from knowing his origins. The abandoned child will be, like the found newborn, placed under the guardianship of Public Welfare while waiting to be placed with a foster family through *kafalah*.

Adoption is prohibited under Article 46 of the Family Code but an application for a name change can be made on behalf of and for the benefit of a minor child born of unknown parents by the people who fostered the child. The name is changed by order of the presiding judge, who rules on the request made by the public prosecutor referred by the Minister of Justice. Until recently, the process of changing a name happened fairly easily. Now some courts are beginning to hinder or delay name changes due to a literal interpretation of the second paragraph of Article 1 of the Decree of 13 January 1992: “When the mother of a minor child is known and living, the agreement of the [former], given in authentic form, must accompany the request.” The public prosecutor’s office has demanded this maternal written agreement using the birth certificate, which carries the mother’s name. But the mother who gave her name, with or without filiation, may have either vanished and given up her child after the prescribed time limit (three months, renewed every month) leading inexorably to the pronouncement of permanent abandonment, or abandoned the child from childbirth through a verbal process of permanently giving up the child minutes after the child’s birth.

In these two cases, the child is declared a ward of the State and placed under the guardianship of the relevant services. One cannot ask a mother who has given up a child permanently or kept her childbirth secret, despite having bestowing its name, to register her approval or consent to the name change requested by the foster family. Nor can one ask staff to name again a child whose mother initially recognised him, only to disappear without a trace during the time limit (three months), making permanent the temporary abandonment.

Regarding the financial autonomy of the child, since children are minors, parents must provide for their needs in accordance with Article 75 of the Family Code: “The father is required to provide for the maintenance of his child until the male child reaches the age of majority, and until girls marry, at least until she has resources.” It can actually happen that minors have an inheritance: if one parent is deceased and leaves the child as heir or if the child is the victim of an accident and receives a significant amount for compensation. Then the surviving parent will administer the child’s assets. The guardian (if the father at the mother’s death) is required to manage the assets of his ward under Article 87 of the Family Code.

Otherwise, civil majority is reached at the age of 19 in Algeria, in accordance with Article 40 of the Civil Code: “all persons are fully capable of exercising their civil rights when they reach the age of 19 years”. A child is thus legally incapable until the age of 19.¹⁰⁹

Following the positive results of its 2007-2011 programme of cooperation, UNICEF is trying to influence State policies and programmes to be more attentive to the child in general, specifically in the area of child protection and the establishment of mechanisms addressing children in moral danger and children in conflict with the law. In its partnership programme, UNICEF tries to respond to



A boy sketches as part of psychosocial activities in Algeria.
Courtesy of Save the Children Sweden

the need for greater prevention, as opposed to reaction, and more open, rather than closed, services, as well as supporting the relationship between the child and his/her family.¹¹⁰

In addition, UNICEF is encouraging the development of an integrated management system to monitor the situation of children and design databases, research and analysis in the field of childhood and the policies that relate to them. Finally, UNICEF supports capacity-building for managers and programme directors working with children, locally and nationally, in the areas of results-based management, monitoring and evaluation, planning, programme design and the development of policy for children.¹¹¹

Civil society organisations also emphasize the best interests of the child in their activities. To this end, the Wassila network has taken initiatives to protect the best interests of the child, mainly through its advocacy related to the legal duty to report incidents of sexual abuse.

In other respects, members of the Algerian Association for Children and Volunteer Foster Families (AAEFAB) have mobilised to develop the means to accommodate (located respectively in Hadjout in the Tipaza province and the other in Palm Beach, in the province of Algiers) abandoned infants and find them foster families. For this, the AAEFAB campaign was launched to lobby for changes in the laws related to child abandonment and *kafalah*.

iii. The Right to Life, Survival and Development (Article 6)

a. Health

The right to health is recognised by the National Constitution. Law No. 85-05 on the protection and promo-

tion of health stipulates that health surveillance is a right guaranteed during all stages of child development through disease prevention, free immunisation, health education, health protection in the educational environment and support for people in difficulty. Furthermore, Algeria has strengthened the health system through Executive Decree No. 05-438 of 10 November 2005, by launching a perinatal programme that commits it to reducing the rate of maternal and neonatal mortality by 30%.¹¹² Algeria spent around 10.7% of its total budget on health in 2008.¹¹³

In 2009, the mortality rate of children under one year of age was 29 per 1,000 live births, and that of those under five years was 32 per 1,000 live births.¹¹⁴ In 2008, the Ministry of Statistics reported 24.8 deaths per 1,000 live births and 27.7 in 2010.¹¹⁵ In 2008, maternal mortality was 86.9 per 100,000 live births, according to estimates provided by the Ministry of Health. Ninety-five percent of pregnant women deliver their children in specialised institutions that have qualified personnel.¹¹⁶ At birth, life expectancy is 73 years. In 2009, the rate of vaccination against DTC1 was 93%, 97% for DTC3, 99% for polio, 88% for the measles, 91% for hepatitis, 71% for tetanus and 99% for tuberculosis. The rate of coverage for prenatal care (at least once) was 89%. Ninety-five percent of all deliveries between 2005 and 2009 took place in institutions. In 2008, the adjusted rate of maternal mortality was 120 per 100,000.¹¹⁷ Vaccination against haemophilia influenza was made compulsory in 2008.

In its Concluding Observations, the Committee recommended that the State party ensure that the health sector be adequately supported and that the Government design and implement a set of policies and programmes aimed at improving the health status of children. It also emphasised that the State party take measures to reduce by half the rate of infant and maternal mortality and to guarantee access to quality pre- and post-natal health services and

infrastructure, in particular in the rural areas. Among its other recommendations, the Committee encouraged the exclusive reliance on breast-feeding for the first six months after birth, supplemented later by an appropriate infant diet, and that work be done to improve the nutritional status of children through education and the promotion of healthy practices in infant feeding. Finally, the State party should improve and ease access to quality primary health services for mothers and children across the country in order to end existing disparities in this field between the various regions. It should also solicit technical assistance from and cooperation with, among others, WHO and UNICEF.¹¹⁸

The National Perinatal Programme (2006-2009) was established to reduce maternal mortality and to improve the management of maternal and infant health. Its objectives were to reduce perinatal mortality by 30% and maternal mortality by 50%, mainly through prevention, detection and effective management of diabetes and hypertension during pregnancy, as well as other disorders. To this end, 246 reference centres monitoring high risk pregnancies established and incorporated specialised multidisciplinary medical teams in coordination with centres of maternal and infant welfare. This also involved the standardisation of obstetrical monitoring to reduce by 30% maternal deaths related to complications of haemorrhaging during delivery (the primary cause of maternal mortality); the standardisation of birthing rooms; and the prioritisation of levels of neonatal care (basic general care, neonatal resuscitation and intensive care).¹¹⁹

The UNICEF programme “Survival and Development of the Child” is concerned with the health and nutrition of mothers and children and was undertaken in partnership with the Ministry of Health, Population and Hospital Reform. In 2011, this programme aims to reduce by 25% the number of deaths of children under five years and

maternal deaths, as well as to improve the physical, mental and reproductive health of adolescents. To achieve this, two policies have been established. These are aimed at supporting management capacities, monitoring and evaluation, and communication aimed at equipping parents—mothers in particular—with the knowledge necessary to prevent hazardous situations and improve the health and development of young children.

The activities of the perinatal programme include capacity-building for health workers to support the mother and child during pregnancy and during or after birth; strengthening the information system for monitoring pregnancies and auditing maternal deaths; sustaining and consolidating achievements in immunisation and managing dehydration and acute respiratory infections; developing social communication strategies in support of maternal health programmes; and developing parental education on the integrated development of young children.¹²⁰ Complications during pregnancy and childbirth are the main cause of death and disability among women of reproductive age in developing countries.

School health programmes ensure ongoing preventive health activities for children over five years. Overseen by 1,115 doctors, 614 dentists, 205 psychologists and 1,470 paramedic staff, these activities primarily consist of routine, mandatory visits to targeted classrooms, the monitoring of detected diseases, school vaccinations (which vary between 97% and 99% according to the type of vaccine), oral health and health education. The last touches upon diverse and varied areas, such as hygiene and environment, smoking, drug abuse, sexual and reproductive health, sexually transmitted infections and HIV/AIDS.

These activities are carried out by 1,460 screening and monitoring units, including 1,112 located in schools and 336 in health facilities and the premises of local public au-



thorities, and provide real leverage in protecting children and adolescents. Now quality indicators and the enhancement of professional skills will be introduced.¹²¹

In collaboration with the Ministry of Youth and Sports, the Muslim Scouts of Algeria currently have a project fighting drug use among young people. This project includes the training of youth trainers and networking among young volunteers, as well as awareness-raising campaigns with *imams* in towns in order to favour proximity and decentralisation. The project uses the ministry's facilities.¹²²

b. Nutrition

Between 2005 and 2009, seven percent of newborns were underweight at birth. During the same period, 50% were introduced early to breast-feeding. Seven percent of children under six months of age were exclusively breast-fed and 39% under the age of nine months were weaned to solid foods. Twenty-two percent of children between 20 and 23 months of age were still breast-fed. Sixty-one percent of households consumed iodised salt.¹²³

According to the Government, rates of children who are moderately thin decreased from 7.5% in 2002 to 3.7% in 2006. Children who are considered severely thin decreased from a rate of 4.6% in 2002 to 0.6% in 2006. Urban areas are slightly better off in this regard. The Minister Delegate for Family and the Status of Women noted an upward trend in the proportion of children who are overweight for their size. The rate was 9.3% in 2006. Children overweight for their size predominantly live in urban areas—10.5% compared with 7.9% in rural areas.

c. Physical Environment

The percentage of the population with access to improved potable water is 85.1%—87.9% in urban areas and 81.6% in rural areas—and 92.7% of the population use improved sanitation facilities—97.6% in the urban environment and 86.5% in rural areas.¹²⁴

The Minister Delegate for Family and the Status of Women emphasized the need to elaborate or adapt legislation to prevent the exposure of children to harmful pollutants in the water, air, soil and food, as well as raising awareness among parents, children and teachers about the risks of these pollutants. If the environment is a subject generally studied in schools, policies and programmes concerning the environment should include mention of particular actions for the protection of children.¹²⁵

d. Reproductive Health

According to UNICEF, 12% of girls aged 15-19 had comprehensive knowledge about HIV/AIDS between 2005 and 2009. Similar data about boys is not available.¹²⁶ According to the Minister Delegate for Family and the Status of Women, 14.3% of adolescent girls between 15 and 19 years of age have comprehensive understanding of the modes of HIV transmission and 41.5% of them know of at least two means of HIV transmission.¹²⁷

In its last Concluding Observations, the Committee on the Rights of the Child, while noting the efforts of the State party to address the problems of adolescent health, recommended that it redouble its efforts in this area by including education on sexual and reproductive health in schools and establishing confidential counselling services and care tailored to adolescent needs.¹²⁸

Regarding the prevention of HIV/AIDS among youth, information and awareness-raising at educational institutions, sports venues and universities are the main emphasis. Civil society plays a significant role in the work of prevention and caring for people living with HIV.¹²⁹ In fact, these groups and those living with HIV/AIDS have led various activities analysing pedagogical content about HIV/AIDS in schools, which has permitted the establishment of educational spaces at educational establishments.¹³⁰

In 2006, the United Nations Population Fund (UNFPA) established a pilot project in Bab El Zouar (Algiers) to establish a “Youth-Friendly Centre” that provides young people with information and psychosocial assistance. UNFPA is going to evaluate this project, but no date was forthcoming.¹³¹

UNFPA has also established a network, “Y-peer”, which relies on the participation of young people in the Middle East and North African (MENA) region. It trains young adults, including adolescents aged 17 and 18, to themselves become trainers in high schools and at special events to raise awareness about HIV/AIDS and reproductive health. They are also active during World AIDS Day. UNFPA is conducting advocacy to enhance youth participation in government policy on health.¹³²

e. Education

Education is officially compulsory for nine years, when the child is between the ages of six and 15, and is carried out in the official language, Arabic. Primary education begins at the age of six and lasts six years. Secondary education begins at age 12 and lasts for six years in two cycles of three years each. In 2003, Algeria launched education reforms with the goal of improving the quality of education at all levels, increasing access to schooling

“In 2003, Algeria launched education reforms with the goal of improving the quality of education at all levels, increasing access to schooling and improving the completion rate in primary, middle and secondary schools.”

.....

and government assistance programme for low-income children in order to ensure their equal access to education at all levels; carry out education reform, including the revision of curriculum and learning methods aimed at better quality teaching materials and education; ensure that all students (including those of poor families and families living in rural areas) have access to early childhood education; make parents aware of the benefits of preschool and early learning; take urgent, effective measures to reduce the grade repetition rate in primary education; and enhance existing need-based opportunities for vocational training and non-formal learning, including children who have not completed the cycle of primary and secondary studies.¹³⁵

In 2007, UNICEF and the Ministry of National Education developed a new national policy on preschool education for children aged three to six. The “Child-Friendly Schools” were initiated in 40 schools. These schools are aimed at providing a stimulating environment that is healthy and conducive to learning, complete with art, sports, music, computer time and reading.¹³⁶

and improving the completion rate in primary, middle and secondary schools.¹³³ In 2007, 10.7% of the Algerian government’s expenditures were allotted to vocational education and training.¹³⁴

In its last Concluding Observations, the Committee recommended that the State party allocate adequate financial, human and technical resources to enhance the budgets, grants



The programme, carried out by UNICEF and the Ministry of National Education and civil society partners, will see that children enrolled in preschool benefit from a quality education and that all children aged six to 15 are enrolled in school and receive a quality education in 2011. A project aimed at strengthening preschool education, primary and middle schools and another that upgrades literacy programmes and promotes life skills are being developed.¹³⁷

Educators and school inspectors were trained in early childhood education, reducing school dropout rates and better deployment. School mediators have been trained. Life skills pedagogical tools and classroom materials were developed and experiences exchanged with educators and officials in other countries that have implemented this competency approach. Teaching guides, strategies for children with special needs and an emergency preparedness plan were all developed.¹³⁸

The Ministry of National Education has acted to decrease the number of students that drop out of school, particularly among girls and disadvantaged groups and regions. It has introduced formative evaluation in its assessments, guidance and professional counselling, cafeterias, and free textbooks and school supplies for students from disadvantaged backgrounds.¹³⁹ The construction of facilities in very remote areas has helped to bring education to remote populations, decreasing the need for boarding schools. School transportation for children in key areas, or those who live far from facilities, has also been among State efforts to encourage regular school attendance.¹⁴⁰

Also, human rights, health, international issues and the environment have all been incorporated into the curriculum.¹⁴¹

f. Violence Against Children

Article 269 of the Penal Code enumerates the different forms of abuse of a minor under the age of 16. These include wilful assault and battery, wilful deprivation of food, wilful deprivation of care endangering the health of the child and assault. Those found guilty are to be punished with imprisonment for one to five years and fined between DZD 500 and 5000 (USD 6.4 and 640). Article 272 of the Penal Code punishes all abuse, with increased penalties when the victim is a minor and when the perpetrator is a parent or a person having authority over or custody of the child. The punishment can include the death penalty.

Articles 314 to 316 of the Penal Code are concerned with “abandonment”, i.e., leaving a child alone in a public place, which is punishable by sentences according to the injury suffered by the child. The sentence is increased when the perpetrators have authority over the child or the child is in their custody.

Although a duty to protect the child rests with the parents, the law recognises that parents have the right to exercise parental authority over their children. Abuse of this authority can result in a criminal conviction of the father and mother as perpetrators of a crime or offense committed against a child.

According to Article 54 of the Code of Medical Ethics, (Decree No. 92276 of 6 July 1992), only physicians, surgeons and dentists are tasked with informing the authorities when they believe that a child has been subject to abuse, inhuman treatment and/or deprivation. To inform the authorities of child abuse, it is necessary to proceed to the Directorate of Social Welfare (DSW), the police or the gendarmerie¹⁴² and inform the public prosecutor. However, a culture of denunciation does not exist, and is even less accepted when done by a person with no link to

the child. If parents and/or teachers prove delinquent in their care of a child, the law allows the child to take them to court once he/she reaches the age of majority.¹⁴³

Through the multiple indicator cluster survey conducted by UNICEF in collaboration with the Algerian Government, it emerged that 86% of children had experienced some form of physical or psychological punishment at least once in the months preceding the interview. Psychological punishment was found to be the punishment most often used by parents: 82.3% of children were subjected to it, while 71.6% were subjected to minor physical punishment. Furthermore, 22.5% of all children aged two to 14 had experienced severe physical punishment and 7.9% experienced non-physical punishment. Only 5.4% had not received any punishment. Boys were more likely to receive physical and psychological punishment than girls. Children most exposed to this type of punishment were those aged five to nine.¹⁴⁴

According to a report by the Ministry of Employment and Solidarity, in the first quarter of 2007, the national police treated 516 cases of violence against children, including accidental death, physical injury, sexual violence, abduction and assassination. According to the report, more than three quarters of child abuse cases were perpetrated by the parents.¹⁴⁵

In its last Concluding Observations, the Committee called on the State party to adopt legislation explicitly prohibiting corporal punishment within the family, in public childcare facilities, at school and in all other contexts, and to conduct public awareness and education campaigns intended to promote the right of the child to be protected against all forms of violence and informing about nonviolent forms of discipline while drawing on the participation of the child. The Committee further recommended that the State party improve the effectiveness of its monitoring

system so as to prevent any abuse of power on the part of teachers or other professionals working with and for children at school or in other institutions.¹⁴⁶ The Committee also recommended that effective procedures and mechanisms be put in place to receive, monitor and investigate complaints, intervene when necessary, and prosecute in cases of abuse, ensuring that the child victim of abuse does not become the subject of harassment during the legal proceedings and that his/her privacy is protected.¹⁴⁷

In the framework of its 2007-2011 programme of cooperation, UNICEF aimed to better understand the situation of children in Algeria and to provide support for related social and legal protection programmes.¹⁴⁸ To this effect, between 2005 and 2006, UNICEF carried out a study on the situation of the child in all provinces. An inventory of the diverse stakeholders involved in the protection of children was made in six towns. The findings from this exercise indicated a gap between what was being done at the national level and what was done at the local level. The need to develop locally-based social work has since become a preferred line of intervention between government authorities and UNICEF. This work is currently underway and will become central to the new programme of cooperation for 2012-2015.¹⁴⁹

The central concern of UNICEF is to establish a system of social and legal protection. Many initiatives are in place, but they are not linked with one another. UNICEF also works toward standardisation and development of different mechanisms to make them more consistent with international standards, in collaboration with the Ministry of Solidarity.¹⁵⁰

Since 2008, the Algerian Network for the Defence of Children, NADA, has established a toll-free number as part of its programme, “Je t’écoute”¹⁵¹, intended for abused children or those in conflict with the law and/or in





danger. Children supported by their parents also make calls to the NADA network to deal with their problems and benefit from legal and/or psychosocial support. Most cases are from children abandoned by their families, especially when there is divorce; children who require a *kafalah* and/or a filiation when their birth is outside of marriage; adolescent substance abuse; children who have failed school; and those who are victims of violence and abuse. The hotline is a listening service for children, where they can speak about their problems and worries in their family and institutional lives, as well as a service of accompaniment and support to families who call in. This programme is based on two activities: raising awareness among stakeholders, in particular among children and their families, on the rights of children and the necessity to denounce all violations of these rights through promotion and media coverage, as well as the capacity building of all stakeholders who assist in

A boy photographed during psychosocial activities offered through “Je t’écoute”.
Courtesy of Save the Children Sweden

the protection and promotion of children's rights. Since the programme began in 2008, more than 8,000 phone calls denouncing acts of violence against children have been received, particularly concerning abuse and different types of violence. The programme was launched as a pilot project in the province of Algiers and has resulted in the development of expertise in accompaniment mechanisms and the management of difficult and urgent situations, as well as the appointment of professionals to various associations.¹⁵²

g. Sexual Exploitation and Abuse

Algeria ratified the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography on 27 December 2006. The Penal Code, in Articles 334 to 342, punishes and condemns any abandonment or neglect of children, indecent assault or the rape of a child, incest, the corruption of minors and prostitution. Furthermore, it punishes the abandonment of children, born or unborn, or children taken in with intent to profit (exploitation). The Penal Code also provides for sanctions related to offending public order and decency.¹⁵³ Article 8 of the Criminal Procedure Code of 8 June 1966 was amended and supplemented on 10 November 2004 to include the statute of limitations for the sexual abuse of children. This extends to the age of majority.¹⁵⁴ So far, the legal terms remain vague and imprecise. For example, rape is considered a crime in Article 336 but has not yet been given a definition.¹⁵⁵

Currently in Algeria, there is no legal duty to report abuse, but Law No. 90-17 of 13 July 1990, amended and supplemented by Law No. 85-05 of 16 February 1985, on the protection and promotion of health recommends that physicians denounce the abuse of children. However, this obligation exists only in health law, more precisely in

Article 206/3 of the 1990 Law on Health Promotion and Protection.¹⁵⁶

In Algeria, sexual violence against children is very poorly controlled due to the taboo nature of the subject, which prevents the disclosure of incidents.¹⁵⁷ Moreover, one of the great difficulties is the fact that the law does not adequately protect the child against further aggressions from the abuser who is usually released while the case is under investigation.¹⁵⁸

The Committee recommends that measures be urgently taken to establish a specific legal framework to protect children from trafficking for sexual exploitation, collect data on the trafficking and sexual exploitation of children and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects. It further calls for all cases of sexual exploitation and trafficking to be investigated and that all perpetrators be charged, convicted and punished in accordance with procedures established in law, as well as that the victims of sexual exploitation and trafficking not be treated as criminals and be provided with adequate services and programmes for recovery and social reintegration.¹⁵⁹

In this framework, it is worth mentioning the role of the Directorate of Social Action (DAS) in leading emergency measures to protect children, the child rights' observatory of FOREM, which conducts studies and surveys on

“Currently in Algeria, there is no legal duty to report abuse, but Law No. 90-17 of 13 July 1990, amended and supplemented by Law No. 85-05 of 16 February 1985, on the protection and promotion of health recommends that physicians denounce the abuse of children.”



the situation of children in Algeria, as well as the NADA network, which works on listening and accompanying victims. Support is provided for prevention, protection and recovery, but is limited in terms of capacity and methods.¹⁶⁰

The Wassila network receives requests for assistance from parents or people close to child victims of abuse and, more particularly, of sexual violence. An advocacy collective was created consisting of activist organisations in child rights, including the NADA and Wassila networks, in order to advocate for making the reporting of child sexual abuse a legal obligation. This campaign included training and public awareness components, as well as work on legislation. Activist lawyers who were members of the collective were called upon to read and analyse existing legislation and contribute proposals for the legislative review process that calls for the adoption of a law requiring any person who witnesses an assault or sexual abuse against a child to report it to authorities and apply the offense of failing to assist a person in danger to anyone who violates this law. The objective of this proposal is to make it a duty to report child sexual abuse. This law would allow for the protection of persons who report since this has been identified as a gap. It has also been suggested through the project that an exhaustive list of types of violence and violations, such as abuse, rape, violence and other attacks, be specifically defined and included. That said, this proposal does not address sexual exploitation of children, but only abuse. It is hoped that this legislation will be adopted before the next presidential elections of 2014.¹⁶¹

As part of outreach activities, storytellers are being used to raise children's awareness about sexual abuse. A small book of stories deals with the issue for the purpose of helping children to protect themselves from abuse and to break the silence of shame. The first training session for storytellers has already been organised. In addition, a

guide for parents and professionals has been developed to help them better understand and recognise sexual abuse. This guide offers advice and guidance on what to do against such acts. The guide should be published in 2012 and its publication will be supported by SOS Children's Village Algeria.¹⁶²

b. Child Trafficking

The right to protection against abuse and sexual violence, the right to protection against economic exploitation, the right to protection against trafficking and the sale of children are recognised through various legislative, administrative, social and educational provisions. In addition, these laws prohibit all abandonment of children, born or unborn, or children taken in with intent to profit (exploitation).¹⁶³

In its Concluding Observations, the Committee noted with concern that, according to some information, children are victims of trafficking, and that Algeria is becoming a transit point for trafficking between Africa and Western Europe. The lack of statistical data on trafficking, as well as the absence of adequate recovery and reintegration services for child victims, are cause for serious concern. The Committee recommends that measures be urgently taken to establish a specific legal framework to protect children against trafficking for sexual exploitation or other reasons, and to adopt "trafficking" as a special criminal offense, defined in a way that is consistent with that contained in the Optional Protocol to the UN Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Committee further recommends that attempts be made to conclude bilateral and multilateral accords and cooperation programmes with countries of origin and transit in order to prevent the sale and trafficking of children.¹⁶⁴

No information could be obtained on actions taken in response to the Committee's recommendations on child trafficking.

i. Children Associated with Armed Groups and Forces

Article 1 of Ordinance No.74-103 of 15 November 1974 sets the minimum age for conscription at 19 years. Since 1998, therapeutic clusters have been organised to care for traumatised child victims of the decade of internal turmoil. These clusters combine therapy with play. Within this framework, 800 multidisciplinary teams, placed within all the specialised institutions in this sector, have been mobilised for the psychological care of children who suffered horrors during this period of violence.¹⁶⁵

In its Concluding Observations, the Committee regretted that the State party had neither signed, nor ratified, the Optional Protocol to the Convention on the involvement of children in armed conflict. If it was pleased to note that the minimum age of conscription is set at 19 years, it was concerned that the minimum age for voluntary enlistment in both the regular armed forces and the irregular paramilitary forces was not clearly set. The Committee urged the State party to ensure the protection of all children directly or indirectly involved in armed conflicts, and to ensure that children traumatised by their involvement receive assistance and adequate counselling toward their physical and psychological recovery and their social reintegration, in cooperation with national and international nongovernmental organisations and agencies like UNICEF.¹⁶⁶

Specific measures have been put in place by the Algerian state under the framework of the Charter for Peace and National Reconciliation, created by Presidential Decree No. 06-93 in 2006. The implementation of this charter was achieved in July 2008 and consisted of support for

families of the disappeared and appropriate measures by the State to enable the claimant of a disappeared to overcome this tragedy with dignity and claim compensation. Aside from financial compensation, housing for relocated claimants of the disappeared has been offered by the *wilayas*, jobs offered to unemployed claimants and psychologists have monitored their mental health, particularly when they are children.¹⁶⁷

Since March 2006, listening, information and awareness units welcome victims of the decade of turmoil in 48 *wilayas*. Professionals working in the 152 local units are involved in the care of child victims, as well as providing information and popularising the content of Presidential decrees related to implementing the Charter for Peace and National Reconciliation. Moreover, these units have organised group and individual therapy for the care of child victims, benefitting more than 500 child victims.¹⁶⁸

Presidential Decree No. 08-134 of 6 May 2008 (Chap. II Art. 10) sets the conditions for career officer recruitment in the National Popular Army at 18 years of age, pursuant to Ordinance No. 06-02 of 28 February 2006, concerning the general status of military personnel (J.O. No. 12 of 11 March 2006).¹⁶⁹ On 6 May 2009, Algeria ratified the Optional Protocol to the Convention on the involvement of children in armed conflicts by Presidential Decree No. 06-300 of 2 May 2009. State aid to disadvantaged families who have experienced loss due to terrorism (group fatalities under National Solidarity) is issued on the basis of a certificate from administrative authorities and Presidential Decree 06-93 of 28 February 2006 concerning state and family assistance.

In addition, Decree 124-06 of 27 March 2006 establishes procedures for reinstatement or compensation for people who were subject to administrative dismissal linked to the national tragedy.¹⁷⁰



j. Landmines and Small Arms

According to some government estimates, more than three million landmines, covering an area of 5,700 square kilometres, are still in place and contaminating Algeria. Having ratified the Ottawa Convention of 3 December 1997, Algeria is required to clear all known mined areas by April 2012. In December 2006, the Algerian Government and the United Nations Development Programme (UNDP) signed an agreement to support and strengthen the Government's anti-mine action.

A study on the socioeconomic impact of antipersonnel mines in Algeria published in 2009 identified the *wilayas* and towns most affected in order to better target affected and at risk populations, assess the knowledge and behaviour of affected populations and identify potential actors for awareness-raising.¹⁷¹ Since then, the United Nations Development Programme, in collaboration with the Government of Algeria, has committed to a programme on mine-risk education. The objective of the strategy is to achieve "zero mines, zero victims" in 2012.¹⁷²

Since April 2009, a Handicap International project has supported prevention activities already underway, prioritising mine-risk education and advocacy through its collaboration with a network of eight organisations, local authorities and the Interministerial Committee monitoring the implementation of the Ottawa Convention. Based on several training sessions, the first year of the project was principally devoted to the capacity-building of participants in the development of mine-risk education projects, the organisation of awareness-raising activities in the field and the conducting of studies on the needs of victims and the impact of awareness-raising activities. In 2010, a locally-produced toolkit was to be used to raise awareness among at-risk populations, particularly in the context of micro-

projects organised by associations.¹⁷³ No information is available on the outcomes of this project at this stage.¹⁷⁴

k. Internally Displaced Children and Refugees

Because of its geographic location, Algeria is a transit and a destination country for migrants and refugees who face difficult situations in their countries of origin, which are mainly located on Algeria's southern borders. Algeria provides support and assistance to refugee children from the Western Sahara in collaboration with relevant international organisations, notably the United Nations High Commissioner for Refugees (UNHCR).¹⁷⁵ As a signatory to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, Algeria has solicited assistance from the UNHCR in developing a comprehensive asylum system. The UNHCR registers asylum applications and determines refugee status under its mandate. Authorities estimate that 165,000 refugees are living in camps. At the end of August 2010, 140 refugees and more than 300 asylum seekers living in urban areas and principally from sub-Saharan African countries were registered with the UNHCR. A number of Palestinian refugees also live in the country and are well integrated.¹⁷⁶

The Government does not grant legal status to refugees and urban asylum seekers, which are regarded as illegal immigrants. These people risk being arrested, placed in detention and sometimes deported for having entered and stayed in the country illegally. These limitations expose refugees to various forms of exploitation.¹⁷⁷ In urban areas, the UNHCR, in partnership with civil society, arranges for schooling, accommodation and training of refugees. A refugee is not entitled to work in Algeria, due to the absence of a legal framework.

In refugee camps, a joint local committee meets regularly to analyse the health situation of the *Sabrami* population.

“Because of its geographic location, Algeria is a transit and a destination country for migrants and refugees who face difficult situations in their countries of origin, which are mainly located on Algeria’s southern borders.”



Committee noted with concern that refugee children are completely dependent on aid agencies and that, despite the unceasing efforts of the UNHCR, the World Food Programme (WFP) and other agencies, it remains difficult to provide them with adequate assistance. The Committee recommended that the State party do everything within its power to see to the protection and well-being of refugee children from the Western Sahara, as well as ensure that they have access to health, social and education services, and to continue cooperating in this regard with the UNHCR and WFP.¹⁷⁹

In coordination with public authorities, the UNHCR issues birth certificates to refugees born on Algerian soil and works with local authorities on behalf of victims of sexual and gender-based violence. The organisation also identifies the most vulnerable and submits their applications for resettlement. It encourages the creation of a national asylum system capable of responding to the concerns of people in need of protection within mixed

Sahrawi children under the age of five are systematically included in the organisation of annual vaccination campaigns against polio and, in 1996 and 2003, against measles.¹⁷⁸

In its Concluding Observations, the Committee was deeply concerned with the situation and difficult living conditions of refugee children from Western Sahara living in refugee camps. With respect to water supply, food and other essential services, the

migratory movements. It strengthens its cooperation with the authorities to create legal channels of immigration and develop protection systems for trafficking victims and other vulnerable persons.¹⁸⁰ Approximately 10 separated children are in the process of seeking asylum.¹⁸¹

Also, since November 2007, the WFP and the UNHCR have distributed 125,000 food rations as part of an effort to improve nutritional status in the camps.¹⁸² In fact, the WFP provides 90,000 general food rations and 35,000 supplementary rations each month. These rations are distributed to the most vulnerable refugees in order to meet their basic food needs and help sustain their means of subsistence. The chain of responsibility is composed of women. Beneficiaries are organised in groups of 150 members living in the same neighbourhood. A group leader is responsible for receiving food from the distribution point and allocating it to the other members of the group, as well as verifying the names on the list of beneficiaries. Due to the limited availability of resources and the almost total dependence on humanitarian aid, the main challenges of this operation are the stability of the food basket and food diversification¹⁸³

In 2010, the UNHCR, through its executing partner, SOS Women in Distress, procured housing for 107 refugees living in urban areas in the region of Algiers. Some 1,400 food baskets for one month, 4,400 batches of sanitary napkins, 6,700 boxes of milk powder and 1,200 diapers for 235 refugee children and asylum seekers were also furnished. Twenty-two pupils, 12 of which were girls under the jurisdiction of the UNHCR, attended private schools, with support for their tuition and supplies.¹⁸⁴

That same year, in Tindouf, the UNHCR distributed 2,200 tents and provided nearly 3,400 sweat suits to all youth enrolled in school, school textbooks meeting 80% of the need and incentives for 90% of the students, all the while



ensuring the rebuilding of two primary schools. The UNHCR also distributed cooking gas refills and provided dry yeast and green tea for six months in the camps. In addition, the UNHCR supported four community centres for women and youth in camps. Three of these centres also come to the aid of people living with disabilities, while another concerns itself with the visually impaired.¹⁸⁵

In general terms, the UNHCR works to strengthen the capacity of local partners on the ground and, to that end, ensures that arrangements put in place are consistent with international standards.¹⁸⁶

1. Orphaned, Separated and Unaccompanied Children

The rights of children without families are recognised through Decree No. 80-83 of 15 May 1980 on the establishment, organisation and operation of homes for children in care with a means of legal collection, *kafalah*, which is organised under the Family Code. Decree No. 92-24 of 13 January 1992 allows congruence between the name given under *kafalah* and that of the foster family.¹⁸⁷ Name change is permitted when the parents of the child are unknown or the biological mother gives her written consent to the name change.¹⁸⁸

From 1987 to 2008, the Algerian Association for Childhood and Foster Families (AAEFAB) collected 1,863 babies in one of its two nurseries (in Algiers and the *wilaya* of Tipasa). Some 475 were claimed by their parents, a proportion of 25%, and 1309 children were adopted under the rules of *kafalah*. These rates are not a true reflection of the national statistics provided by the Ministry of National Solidarity, Employment and Algerian Community Abroad.¹⁸⁹

The Directorate of Social Action (DAS) becomes the legal guardian of an abandoned child up until the time of his

placement in a foster family. The adoption request is addressed to the DAS of the *wilaya* where the people reside who wish to foster the child. A social inquiry is conducted to ensure their suitability for *kafalah*.

Thirty-five homes for children in care are spread across 26 *wilayas*, with 22 reserved to receive children aged zero to six years. In September 2006, 1896 children were placed in these receiving homes, representing an actual occupancy rate of 69%. There are also four homes for orphaned children who were victims of terrorism.¹⁹⁰ A 2006 study undertaken by the Ministry of National Solidarity revealed that the majority of residents in these institutions are adults. Most children without families are legally provided for under the framework of *kafalah*.¹⁹¹

While noting that the care of children without parents is assured thanks to *kafalah* and various forms of residential care, the Committee expressed concern in its last Concluding Observations about the absence of information on informal modalities of alternative care for children in this situation. The Committee recommended that the State party continue to support and encourage *kafalah* as an alternative, allowing for less reliance on residential care for children without parental care. It emphasised that *kafalah* should never have the effect of limiting the rights of children, including the right not to be discriminated against, and effective implementation of those rights. The Committee further recommended that the State party monitor, as required, the informal modalities of alternative care, gathering disaggregated data on these and taking measures to guarantee full respect for the rights of the child.¹⁹²

The number of abandoned children taken back by their biological mothers has increased thanks to awareness-raising and information campaigns on behalf of children and the allowance granted under the framework of the “Chil-

dren's Emergency Fund".¹⁹³ Two hundred and seventy-three children were returned to their biological mothers as a result of awareness-raising and information campaigns on behalf of children and the allowance granted under the framework of this fund.¹⁹⁴

However, the Minister Delegate for Family and the Status of Women emphasises that care for abandoned children could be better adapted to their needs.¹⁹⁵ This finding agrees with a study initiated by UNICEF on the mechanisms of support for children without parental care. The study revealed dysfunctions in care and the need to reorganise models of accompaniment. Supported by UNICEF, the Ministry of Solidarity has proceeded with a reorganisation of residential care for these children. This project is led by a partnership of civil society organisations, notably SOS Children's Village, Handicap International and the AAEFAB. The redesign project will draw on different models. For example, for nurseries, the model of Loczy (private residential care) was discussed and, for older children, the model of SOS Children's Villages (foster care) will be incorporated. This constitutes a move toward child-centred institutions focused on the psychological and affective development of the child.¹⁹⁶

SOS Children's Villages, opened in 1998 and located in Draria, is composed of 13 family houses that support 130 children.¹⁹⁷ Since 2005, SOS Children's Villages has worked to strengthen families where children are at risk of being abandoned by their families for various reasons. This enhanced level of family support is economic but also informs families of the services and legislation in place to prevent child abandonment. The programme emerged from the finding that 65% of children supported by the village have at least one known parent. These are children who were either born out of wedlock and given up by their mothers or children from fragmented families. Currently, the programme operates in four towns in three

regions: Algiers, Tizi Ouzou and Bourmerdes. There was a project in Tipaza, but it is defunct. The criteria for selecting target families has been adapted to need: in 90% of the cases in Algiers, the mothers are single; while in Tizi Ouzou and Bourmerdes, these represent 50% of beneficiary families. The rest of the beneficiaries are divorced mothers or widows. Between 2005 and this writing, 358 children have been supported and 110 of them live in better economic conditions as a result of the programme. SOS also offers support to future single mothers who come to see them to learn about available services. SOS supports them so they are better able to make informed decisions about their options.¹⁹⁸

m. Birth Registration

According to Article 61 of Ordinance No. 70-20 of 19 February 1970 on the Civil Status Code, "Declarations of birth shall be made within five days of delivery, to the Officer of Vital Statistics of the location, or face sanctions under Article 442, paragraph 3, of the Penal Code". According to the same Article, birth registration is the responsibility of the father or mother or the physician and midwife. If the mother gives birth outside of her home, the declaration must be made by the person who attended the birth.¹⁹⁹

According to the Algerian Family Code, notably Article 64 No. 05-02 dated 27 February 2005, the right of custody is vested first in the child's mother, then the father, then the maternal grandmother, then the paternal grandmother, then a maternal aunt, followed by a paternal aunt, then those relatives who most closely represent the best interests of the child, and the family judge grants visitation rights. In case of conflict between the parents or death, the juvenile judge will place the child under the jurisdiction of a shelter.



The rate of birth registration is 99.3% for boys, as it is for girls. When compared by place of residence, 99.4% of births in urban areas are registered and 99.1% in rural areas are registered.²⁰⁰ These figures have been confirmed by UNICEF.²⁰¹

In its last Concluding Observations, the Committee emphasised that access to the system of birth registration should be the same for all parents in the whole territory belonging to the State party and reiterated in this regard the concern that shortcomings in the birth registration system afflict nomad minorities and people with a pastoral lifestyle. The Committee recommended that the State party implement an effective birth registration system that is free and covers the entire territory, including establishing mobile units for birth registration and leading awareness-raising campaigns to reach the most remote areas. In the meantime, children who were not registered at birth and who are deprived of official documentation should be given access to basic services, such as health and education, while waiting to be properly registered.²⁰²

In 2005, the amendment of the Family Code and the introduction of provisions into the Nationality Code permitted an Algerian woman born in Algeria, married to a foreigner, to transmit Algerian citizenship to her children. It also conferred Algerian nationality to a child born in Algeria to unknown parents, provided that his filiation is not established to be that of a foreigner.²⁰³ For the regions of Saoura and Oasis, requirements for birth registration have been extended to 60 days pursuant to Decree No. 73-161 of 1 October 1973 that allows nomads to register births regardless of where they took place.²⁰⁴

n. Children Living and/or Working in the Streets

From December 2003 to September 2005, 2,237 children under the age of 19 and 1,384 under the age of nine were

recorded by the authorities as being in a street situation. These children may have been minors who ran away from home after being excluded from the education system or after having voluntarily dropped out of school as a result of poverty, or they may be child beggars living in the streets with their parents for various reasons.²⁰⁵ Their exact number and situation is still poorly understood.²⁰⁶

In its last Concluding Observations, the Committee recommended that the State party take effective measures to design and implement a comprehensive strategy, calling upon the active participation of children in the streets themselves, nongovernmental organisations and other competent professionals, in order to act on the root causes of the phenomenon of children in the streets, with the aim of prevention and reduction. It further recommended that the State promote and facilitate the reunification of children living in the street with their families when that reunification corresponds with the best interests of the child, as well as ensure that children in the streets are contacted by qualified social workers, provided with food, clothing and adequate shelter, and have access to social and health services and educational opportunities, including vocational training and apprenticeships that will assist them to fully develop. They should also be provided with protection, aid and recovery services and adequate social reintegration.²⁰⁷

By Decree 08-228 of 15 July 2008, the Ministry of National Solidarity and the Family created a mobile, emergency social service whose mission is to rescue vulnerable persons found in the street and refer them to shelters and care centres, in coordination with relevant institutions and the voluntary sector. This works toward family reintegration for people in hardship, distress or in moral danger within their families after the situation is evaluated and their immediate needs for appropriate and multidisciplinary

nary assistance, moral support and human and material resources are assessed.²⁰⁸

Interventions are carried out daily through night sorties organised by SAMU for Children, in collaboration with the Algerian Red Crescent (CRA) and the Muslim Scouts of Algeria (SMA). This project is composed of mobile teams of street educators; a free emergency telephone service; emergency social centres; post-emergency reception centres and day reception centres. SAMU mobile teams move into neighbourhoods where they find children living in the street. SAMU's mobile teams of street educators offer listening and accompaniment services, assistance on site to those who refuse to leave the street and transport to emergency shelters. They use appropriate vehicles, including ambulances to transport people.²⁰⁹

a. Child Labour

Law No. 90-11 of 21 April 1990 on labour relations has codified the legal age to work at 16 years, except in cases of apprenticeship agreements. A minor can only be authorised to work by his/her legal guardian. This law prohibits the exploitation of minors in hazardous and unhealthy work or work that jeopardises their health or morality. The provisions of this law also prohibit the exploitation of persons under 19 years of age from

“The data from a Multiple Indicator Cluster Survey reveals that 4.7% of children between five and 15 years of age are working.”



age is also when compulsory school attendance ends. Violations of the provisions concerning child labour are punished with fines that can be doubled in cases of recidivism. Repeat violations involving the employment of minors are punishable by a prison term of 15 days to two months.²¹⁰

The data from a Multiple Indicator Cluster Survey reveals that 4.7% of children between five and 15 years of age are working.²¹¹ Just over three percent of children work in the family business. Economic activity outside the home affects 1.2%, while 0.8% of children are in domestic service. Paid work outside of the household involves 0.3% of children. Child labour affects more boys than girls, more children aged five to 11 years than other age groups, and those living in rural areas more than those in urban centres. Similarly, this phenomenon is relatively more common among children who do not attend school.²¹² Children work in agriculture, construction, small workshops and selling small objects in the street, as well as labouring as domestics.²¹³

In 2003, an Interministerial commission for the prevention and fight against child labour, which grouped together 12 ministries, a representative from the General Union of Algerian Workers (UGTA), and a representative of the voluntary sector, was created within the Ministry of Labour, Employment and Social Security. The role of this commission was to establish a programme to prevent and fight against child labour.²¹⁴

In its last Concluding Observations, the Committee recommended that the State party continue to take effective measures to prohibit the economic exploitation of children, in particular in the informal sector where this exploitation is more prevalent, by designing special programmes aimed at combating child labour. It also encouraged strengthening the Labour Inspectorate to



monitor child labour, including unregulated work, through the provision of sufficient human and financial resources and training.²¹⁵

In 2006, the Labour Inspectorate led an inquiry that found that 3,853 employers with a workforce of 28,840 salaried workers employed 498 children under age 18, 156 of whom had not reached the legal age of 16 years.²¹⁶ As part of their mandate, labour inspectors are empowered to carry out visits to the workplace at all hours of day and night, and to conduct all tests, inspections or investigations deemed necessary to ensure that legal provisions and regulations relating to work are actually observed.²¹⁷

The International Labour Organization and UNICEF contribute to awareness-raising activities on the rights of the child by providing their relevant posters, guides and leaflets on a regular basis to the Interministerial commission for the prevention and fight against child labour for them to use during various actions.²¹⁸

p. Juvenile Justice

In Algeria, civil majority is reached at the age of 19 under Article 40 of the Civil Code. The child is thus legally incapable until he/she comes of age.²¹⁹ According to Law No. 82-03 of 13 February 1982, a child victim of a violation of his/her rights may initiate proceedings against the perpetrator of violence against him by filing a complaint with the Public Prosecutor, the juvenile judge, parallel to an action for damage. The presence of a parent or guardian is compulsory. In the absence of a guardian, the public prosecutor substitutes for one. The presence of counsel to assist the minor in all phases of the prosecution and judgment is obligatory. In the event of proceedings, a lawyer may be appointed by the Court.²²⁰ Every child suspected or accused of an offense against criminal law has the right to several guarantees. He/she is to be

presumed innocent until proven guilty by law.²²¹ Criminal cases involving minors are governed by specific rules of juvenile delinquency in Articles 442 to 494 of the Criminal Procedure Code.

Pursuant to Articles 447 to 450, each court has a section composed of a juvenile judge, a chair and two assessors. Article 491 provides for proceedings to be held in camera, once the parties have been heard. The decision is also rendered in camera and each case is judged separately in the absence of prejudice. The juvenile division renders a verdict after having heard from the minor, the witnesses, the parents, the guardian or custodian, the prosecution and the defence. It may, if the interest of the minor demands it, provide for the minor to appear.

Article 456 of the Criminal Procedure Code stipulates that a child in conflict with the law who has not yet reached the age of 13 cannot, even temporarily, be imprisoned. A child aged between 13 and 18 can only be placed temporarily in a penitentiary if this measure appears necessary, or if it is not possible to take any other arrangements. In this case, the minor is held in a special ward or, failing that, a place which, to the full extent possible, is subject to isolation at night.²²²

Conforming to Article 50 of the Penal Code, the death penalty is not applied to a minor. It also requires that, if a minor between 13 and 18 years must be criminally convicted, he is sentenced to half the time of the sentence incurred by an adult.²²³

The placement of a child in conflict with the law can be made in a closed or open custody environment. The juvenile judge may temporarily entrust the child in conflict with the law to a reception centre, to the reception section of a public or private institution authorised to receive these placements, to the public service responsible for

childhood assistance or to a hospital setting. The judge may also entrust the minor to an educational institution, vocational training or State care, through a qualified government authority or an accredited private institution. With respect to open custody placements, the minor may be temporarily entrusted to his parents, his guardian, the person with custody of the child or a trustworthy person. The judge may choose to keep the child in its family environment and order release on probation. Concerning placement in a prison (remand), the Algerian legislature has determined that minors must be separated from adults.²²⁴

In its last Concluding Observations, the Committee recommended that the State party continue its efforts to provide professionals working with and for children, including law enforcement agents, social workers, judges and health personnel, with training to detect, report and manage cases of torture and other punishments or cruel, inhuman or degrading treatment. The Committee also recommended that the State party take all appropriate measures to prevent and combat the illicit transfer and non-return of children and to make sure that court decisions about custody and visitation rights are properly and quickly executed. It further recommended that the State party strengthen dialogue and consultation with relevant countries, especially those with whom it has signed an agreement on custody and visitation rights, and to ratify the Hague Convention on Civil Aspects of International Child Abduction (1980).²²⁵

Articles 116 to 121 of Law No. 05-04 of 6 February 2005, bearing on the Act on the system of penal institutions and the social reinsertion of detainees, provide minors with the right to treatment appropriate to their age and their personality and the guarantee of full support; to have a balanced diet and proper clothing, medical care, daily open air recreation, visiting rights and the ability to

use communications; and to establish specific tasks to promote educational or vocational training.²²⁶ The Act on the system of penal institutions and the social reinsertion of detainees stipulates that minors ultimately sentenced to custodial penalties will serve the remainder of their sentences in suitable referred facilities: “specialised rehabilitation centres for minors”. These centres have the essential goal of rehabilitating minors and raising awareness as to their responsibility to society.²²⁷ The Minister Delegate for Family and the Status of Women nevertheless recognises that legislative provisions are expected to strengthen the management of certain aspects, for example, preventive and educational dimensions for minors, greater and more effective participation of institutions and children’s caregivers, continued evolution of the status of the child, in particular in the family, and the steady reduction of social tolerance for child maltreatment..²²⁸

At the level of institutional care, there are about 30 specialised rehabilitation centres (CSR) under the jurisdiction of the Ministry of Justice that cater to children in conflict with the law. Designed to accommodate around 2,800 young people, they house almost 2,000 today. Youth between the ages of 14 and 21 are placed in eight specialised protection centres (CSP). The sector of National Solidarity accounts for 258 specialised facilities. Forty-two facilities, of which nine are specialised centres for girls, are located in 35 *wilayas* and are responsible for the safeguarding of minors in conflict with the law or in moral danger. Thirty centres specialise in rehabilitation and are dispersed among 25 *wilayas*, with a reception capacity of 3,270 children. The actual figure housed is 1,934 persons, or 59.14% capacity, and there is a training staff of 1,369 people, of which 407 members are teachers. Finally, the 12 multipurpose centres for safeguarding youth (CPSJ) have a reception capacity of 1,246 children, but have an actual number of 814, an occupancy rate of 65.33% with a training staff of 610, of which 189 are teachers, and more



“In collaboration with UNICEF, the Ministry of Justice, at the level of the sub-directorate of statistics, has established a system to collect, analyse and disaggregate statistics related to children in conflict with the law, child victims and witnesses and children at risk.”



victims and the community, and alternative solutions to custodial sentences, such as counselling, probation and public interest services.²³⁰

In collaboration with UNICEF, the Ministry of Justice, at the level of the sub-directorate of statistics, has established a system to collect, analyse and disaggregate statistics related to children in conflict with the law, child victims and witnesses and children at risk. The database is designed to supply the national database. In addition, the Directorate of Judicial Police, through the National Bureau of Child Welfare, regularly compiles statistics on children in moral and physical danger, those in conflict with the law and victims of all forms of violence.²³¹

With respect to cooperation between UNICEF and the Ministry of Justice, several activities have been undertaken during the period from 2004 to 2008.

than 48 open observation services (SOEMO).²²⁹

In the field of juvenile justice, UNICEF encourages more rehabilitation programmes involving families and communities. The organisation also advocates for the reorientation of the child toward community solutions rather than judicial procedures. These would include restorative justice which promotes reconciliation, restitution and accountability with the participation of the child, members of his family,

It is worth mentioning that a certain number of programmes related to prison reform and its component on juvenile justice have been initiated by the Ministry of Justice, along with international partners and United Nations' agencies, the International Committee of the Red Cross/Red Crescent and the nongovernmental organisation, Penal Reform International. These collaborations relate in particular to training for prison staff, but also include visits to prisons.²³²

A cooperation project between the Algerian Network for the Defence of Children, NADA and the Ministry of Justice has been initiated to improve accompaniment, rehabilitation and reintegration of children in conflict with the law, raise awareness and inform voluntary actors, institutions and families, on the situation of children in conflict with the law, thus strengthening support for young people in conflict with the law, as well as dialogue with public authorities.²³³

A number of programmes were initiated on prison reform and juvenile justice with international partners and organisations within the UN system, such as the United Nations Development Programme (UNDP) and UNICEF. Workshops and seminars on juvenile justice were held on various occasions. A diagnostic was developed to update the situation of children in conflict with the law and the responses. Subsequently, UNICEF has worked with a multisectoral group from the leading institutions concerned with minors in conflict with the law, with the aim of examining what was being done and how links can be forged between justice and other institutions. Following this, UNICEF was able to identify an initial training programme, tested for two years, including 30 hours of initial instruction to students of the judiciary. Currently, the training of judges takes three years but the training in child rights went from ad hoc training to a more systematic approach. Nevertheless, UNICEF continues to work

with the Higher School of Magistracy to establish specialised training. This initiative constitutes the first specialised programme in training for juvenile judges. The project is still at a preliminary stage and UNICEF hopes to launch a version of the programme next year.²³⁴

In addition, three training sessions for juvenile judges were organised by prison administration, in collaboration with the NGO Penal Reform International.²³⁵

The Muslim Scouts of Algeria have carried out a reintegration project for youth in conflict with the law, in partnership with the Directorate of Prisons, for about five years. This project includes visits and cultural activities, such as theatre and summer camps. Three months before the release of a child from a detention centre, mediation is conducted with the family and assistance is provided in the search for a job. Around 200 minors benefit from this programme annually.²³⁶

iv. The Right to Express Views/Be Heard/Child Participation (Article 12)

a. Knowledge About the Convention

In its Concluding Observations, the Committee recommended that Algeria strengthen its outreach efforts, especially by involving the media and in assuring systematic education and training in human rights for all professional groups working with and for children, in particular parliamentarians, judges, jurists, law enforcement officials, civil servants, municipal workers, staff working in institutions and places of child detention, teachers, health workers, including psychologists, social workers and religious leaders, as well as children and their parents. The Committee further recommended that the State party ensure that the Convention be translated into *Amazigh*.²³⁷

Since its last Concluding Observations, a travelling photo exhibition on child rights was held in partnership with UNICEF in 2006. A communication plan for promoting the rights of the child is being elaborated for the period up to 2015 to support the implementation of the National Plan of Action. In this context, several reflection workshops were held on the theme of the promotion of child rights with officials from ministries and national agencies, managers of associations, senior communications professionals and children themselves.²³⁸

The Ministry of Communication, through its audiovisual and print media agencies, contributes to the dissemination of information on child rights by signing cooperation agreements between Algerian Television and Radio and UNICEF to raise awareness on child rights, especially on anything related to health, nutrition and protection. It also acts to emphasise the rights of the child within the family. In addition, journalists are invited to participate in seminars, symposia or conferences organised by UNICEF.

Activities linked to the rights of the child that are initiated by national institutions, UNICEF (seminars, press conferences, roundtables, fora) and civil society organisations such as the Algerian Red Crescent or the forum organised by the Algerian Network for the Defence of Children, NADA and the Wassila network, receive coverage in radio, television and print media. Programmes are made to convey messages to the public on the rights of the child and to educate parents on their responsibilities toward their children. Messages are disseminated in the form of advice through investigations and reporting. Other topics have also been addressed, such as children and divorce, adoption, stress in children and recreation, the relationship between a child and his parents, helping children to succeed, the world of children, child health, society and the rights of children, and communication within the family.

A radio programme entitled “Children First” whose actors were children was aired for an hour and addressed the rights of the child. Furthermore, a text message on children’s rights was broadcast on 20 December and two television spots were produced on the occasion of the 16th anniversary of Algerian ratification of the Convention on the Rights of the Child. Algeria also informed the Committee of its intention to give greater space to children’s programmes in television and radio schedules.²³⁹

b. Right To Be Heard and Express Views

Freedom of conscience and freedom of opinion of the child are guaranteed in generic terms by the Constitution as rights applicable to all individuals. Thus, Article 36 of the Constitution stipulates that “freedom of conscience and freedom of opinion is inviolable”. However, restrictions comparable to those known in other countries are imposed by legislation to protect the best interests of the child, his security, his moral and psychological equilibrium, as well as to ensure the maintenance of order, respect for law and the preservation of good behaviour.²⁴⁰

In its 2005 Concluding Observations, the Committee recommended that the State party promote and facilitate (within the family, school, institutions and the courts), respect for the views of children and their participation in all matters affecting them. It recommended that the State party implement training programmes at the community level for teachers, social workers and local leaders to enable them to help children express informed views and opinions and to have these taken into account. It also encouraged the State party to continue to regularly conduct surveys to determine the extent to which children’s opinions are taken into consideration and influence policy development, court decisions and the implementation of programmes.²⁴¹

The “I’m Listening” programme with its toll-free line “3033” was set up in 2008 by the Algerian Network for the Defence of Children, NADA. The toll-free number allowed children to access listening services and legal and psychological support. It received 13,563 calls between June 2010 and December 2011.²⁴²

c. Participation in All Contexts

In recent years, young people who were predisposed toward violence found themselves opened up to the outside, to be examined by leisure, fashion and music, particularly through new channels of communication. It is clear, however, that the lack of channels for young people to express themselves and contribute to civil society and exercise their right to participation must be noted. At the moment, the stadium is the space of expression favoured by youth.²⁴³ This non-participation is due to various factors, especially at the family level, where participation is not encouraged, and even less in the school system. In addition, there is a difference in the degree of social control exercised over boys versus girls, although changes are taking place in the family.²⁴⁴ This fact is confirmed by the Minister Delegate for Family and the Status of Women. The National Plan of Action recognises that children are not inevitably involved with any decision affecting them. Subsequently, he advocates for greater child participation so that they can feel what it means to have influence, be involved and take part. The public prosecutor reported that its partners would work to construct a proper system that will permit full participation of all children in the decisions that affect them. In this context, a parliamentary day is dedicated to the child, especially during the celebration of the anniversary of the Convention on the Rights of the Child (20 November), as well as the Day of the African Child (16 June). In addition, child-friendly cities allow children to express themselves and contribute to

policy development through popular communal assemblies of children.²⁴⁵

The Ministry of Youth and Sports has requested technical support from UNICEF to develop a policy for youth recreation. Since 2006, there has been a programme for youth as agents of change to promote adolescent participation funded by the Swedish International Development Agency. In 2009, there was a youth consultation on the floods and it emerged that there are legitimate youth needs and they have a desire to be in on the action.²⁴⁶

In 2012, UNICEF plans to undertake several studies to map resources for youth at the institutional level in order to evaluate if structures and programmes are focused on needs and if they build on opportunities.²⁴⁷

Between late 2010 and 2011, the Ministry of Youth and Sports opened itself up to include greater participation of young people in the youth centres established by the Ministry. Restructuring of work and renovations have allowed for 2,000 youth centres in 2011, with the introduction of new programmes and the promotion of voluntary associations of youth and adolescents through their activities. To encourage the membership of youth and adolescents, the centres were equipped with internet networks at nominal prices. In addition, 48 events (theatre, music, dance) with an educational content touching on social issues affecting youth (drugs, AIDS, etc.) have been held. Finally, in 2011 a new programme of summer camps for children was started in partnership with the Directorate of Social Action and peoples' communal assemblies to provide advantages to children from disadvantaged families and children living with disabilities.²⁴⁸

The Algerian Muslim Scouts are conducting a project with the support of the British Council that is designed to encourage the civic engagement of youth. Two hundred

and fifty youth from various *wilayas* have been trained in leadership and encouraged to create projects from their own ideas. An evaluation should be done at the end of 2011, but no information could be obtained at the time of this writing. In addition, the organisation is in discussion with the Ministry of Education to establish school Scouts' Clubs in 2013.²⁴⁹



An Algerian boy looks into the distance. *Courtesy of Save the Children Sweden*

Concluding Remarks and Way Forward

This country profile by the Algerian Network for the Rights of the Child, NADA creates a situational analysis of child rights in Algeria since the last Concluding Observations of the Committee in 2005 and records achievements in fundamental rights (right to school, health, family) that have been provided for in national legislation and that demand advancement.

Childhood in Algeria, particularly for those children in difficult circumstances, constitutes the major concern of the State. Children are at the heart of social policy initiated by the Government to strengthen the capacities of vulnerable groups. In addition to special programmes for children at risk of vulnerability (child orphans and/or those living without parental care, children in conflict with the law, children living with disabilities, etc.), considerable efforts have been made by the State as part of various development programmes to improve access to basic social services (education, health, housing, etc.) and stabilise household incomes through massive job creation. Improving the situation of Algerian households has had a direct impact on the living conditions of their children. Broadly speaking, social protection has been emphasized in development plans. The support programme for economic recovery (2000-2004), the complementary programme to support growth (2005-2009) and the current programme of socioeconomic development (2010-2014) have mobilised considerable resources for human development in general, and social protection in particular.

The weaknesses observed and/or recorded in protection mechanisms in relation to the status of lawlessness

and/or danger to vulnerable children are due to the changes that Algerian society has gone through since the 1990s, with their accompanying challenges.

In other respects, a programme to build new systems that are specialised in the care of vulnerable children was implemented and has led to their improved care.

Nevertheless, this profile notes a lack of coherence in social programmes and insufficient equity in their impacts, as well as a limited contribution to the voluntary sector supporting the social needs of children, inequality of access to social services in the regions and inadequate resources (financial and specialised personnel) for institutions and special facilities for vulnerable children. These constitute challenges to address in social protection.

The prospects in this area are linked to the development programme of 2010-2014, which devotes 40% of its budget to the improvement of human development, in particular to the building of new systems to support children in difficulty. If the actions planned in this framework are implemented properly and with appropriate targeting of beneficiaries, the impact would be positive.

Also, deficiencies were noted in the legal framework governing the various programmes of child protection; legal

“The support programme for economic recovery (2000-2004), the complementary programme to support growth (2005-2009) and the current programme of socioeconomic development (2010-2014) have mobilised considerable resources for human development in general, and social protection in particular.”

texts relating to the situation of children living without parental care; the upgrading and amending of texts; and the regulation of reception facilities that currently date from the 1970s and 80s and have not adapted to the new social realities.

Minors with social problems are taken care of by order of the juvenile judge and by observation services and open custody education centres (SOEMO) located in 48 *wilayas*. These services have a lot of shortcomings linked to their pedagogical framework, the absence of staff development in the treatment of certain phenomena such as drug-related trauma, the lack of facilities in major *wilayas*, and the lack of stability among juvenile judges (which has detrimental effects on the work of the Commission in educative action and the combined mandates of the juvenile judges, investigating magistrate and juvenile judge). In addition to the absence of an information system on the situation and a national plan at the interministerial level, these inadequacies are challenges to consider in future

legislation (the Protection Code proposed by the Ministry of Justice since 2006, for example) that takes the provisions of the Convention on the Rights of the Child as their frame of reference.

The development of new mechanisms such as a new code for child protection, a Minister Delegate for the child and a tracking and monitoring mechanism for the implementation of the Convention would lead to better social and legal protection of the child.

The involvement of all stakeholders concerned with child rights (institutional, professional, associational, the media, parliamentarians) in a national debate around the social, economic and political institutions and the need to put in place new reforms would be interesting. The reforms to be implemented by authorities in the coming few years seek to achieve a level of environmental protection that is balanced and strategic and will combine all the opportunities in a new Algeria, 50 years after independence and freedom.



Endnotes

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