



Convention on the Rights of the Child

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Summary record of the 1715th meeting

Held at the Palais des Nations, Geneva, on Friday, 8 June 2012, at 3 p.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Algeria (continued) (CRC/C/DZA/3-4; CRC/C/DZA/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Algeria took places at the Committee table.*
2. **Mr. Madi** said that while the Algerian Labour Code establishing 16 years as the minimum age for admission to employment and prohibiting minors from engaging in dangerous work was progressive, he nonetheless regretted that the concepts of “minor” and “dangerous work” were not explicitly defined in the Code. The Ministry of Labour, Employment and Social Welfare applied an extremely restrictive definition of the age for children in employment, considering in its investigations only those employed in the formal sector, whereas the numbers were much higher with the inclusion of children working in the informal sector as well. Some sources claimed that 300,000 children aged under 16 worked in that sector, especially in family businesses. Children were reportedly also exploited and subjected to the worst forms of child labour in the agriculture and construction sectors.
3. In 2007 the Ministry of Justice had drafted a child protection bill containing stringent provisions on employment of children under 16 years of age and a list of hazardous jobs, which was yet to be passed into law. He would like to know whether its adoption was still on Parliament’s agenda; the measures in place to monitor enforcement of the Labour Relations Act, which prohibited employment of children under the age of 16; and the penalties meted out to offending employers.
4. **Mr. Kotrane** said he was pleased to note that under the *kafalah* arrangement in Algeria the *kafil* (fosterer) could give his name to the *makfoul* (foster child), which was quite exceptional and demonstrated the possibility of finding theological interpretations that enhanced child protection. Yet *kafalah* remained a contract binding only on that particular *kafil*, upon whose demise the child lost the right to be taken into the foster family unless the *kafil*’s legal heirs, in their turn, so agreed. Was there any discourse in the State party on ways of guaranteeing stability for a child in *kafalah*?
5. He would like to know whether Algeria had formulated a comprehensive policy for street children that would involve them in the quest for sustainable solutions and expedite their return to their families.
6. He would be interested to learn whether Algeria planned to extend its system of identification of cases of ill-treatment so that accredited bodies could gather information on such cases and undertake preventive action.
7. **Ms. Sandberg** said that the State party had it that there had been 1,555 child victims of sexual abuse in 2010. Since many such cases were apparently ignored because of the taboo surrounding the subject, the delegation might offer a rough estimate of the real number of child victims. She would like to know the measures in place to strengthen child sex abuse legislation and the preventive action taken. Did the victims receive treatment and rehabilitation support?
8. On the issue of trafficking in persons, the Committee had in its possession figures from 2007 showing that 9,000 migrants to Algeria from sub-Saharan Africa, including many children, had allegedly been victims of trafficking, sexual exploitation or other forms of servitude. She wished to know whether the 2009 Anti-Trafficking Act distinguished between trafficking in human beings and illegal immigration. She would also like to know whether trafficking cases had been investigated and the offenders prosecuted and convicted.

She wondered whether it was true that an anti-trafficking police unit had been set up in the south of the country and, if so, what its remit was and what results it had achieved. The delegation could perhaps confirm that no person under the age of 18 could be detained and prosecuted for prostitution and indicate whether an interministerial group on trafficking in persons had been formed.

9. Algeria having ratified the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography in December 2006, when did the State party intend to submit its initial report which had been due in 2009?

10. **Mr. Gastaud**, having deduced that the legal age of criminal responsibility was 13 from article 49 of the Criminal Code which established that a minor under 13 could be subject only to protection or remedial measures, asked whether the State party intended to raise it. He would like to know whether, even in the event of a crime, protection or remedial measures were applied to children under the age of 13 or whether they were sent to prison. It would be interesting to discover the form those measures took and, given that a minor could be sentenced to a prison term of 10–12 years, the conditions in which the term was served. Lastly, were the mediation mechanisms referred to already in place, and, if so, how exactly did they function?

11. **Ms. Wijemanne** said that the neonatal mortality rate was high, especially during the first week. Noting that the exclusive breastfeeding rate for the first six months of a child's life stood at a rather low 6.9 per cent, she asked whether it was because advertising of infant formula was poorly regulated and the International Code of Marketing of Breastmilk Substitutes not observed.

12. Noting that fewer than 15 per cent of children aged 15–19 were fully briefed on HIV/AIDS and sexually transmitted diseases and that there was an upsurge of drug and alcohol abuse among adolescents, she sought additional information on those issues.

13. **Mr. Delmi** (Algeria) said that his Government was doing its utmost to reduce disparities among regions and among the various strata of the population. Over 40 per cent of the funds for the new five-year plan would be devoted to human development: 5,000 new schools would be built and 600,000 university places would be on offer; more than 1,500 health-care facilities would be created; 2 million homes would be built; 1 million homes would be connected to natural gas; 220,000 homes in the countryside would be linked to electricity; and the drinking water supply would be improved. The Government had assigned priority to enhancing people's daily lives, thus improving school enrolment and dropout rates.

14. Child abuse was punished under the Criminal Code, as was abandonment of children by their families, exploitation, rape, indecent assault or incitement to immorality. The outline Act on national education prohibited corporal punishment and bullying. Mechanisms were in place to monitor enforcement of those provisions, such as the Commission for the prevention of violence at school. Every school had class delegates who maintained contact with the administration and reported cases of violence. Teachers collaborated with doctors and psychologists during meetings, seminars and study days to look into the causes of violence in schools and propose solutions.

15. Preventive measures had been taken to combat child sex abuse: national child protection squads had been established and the National Security Service campaigned, including in schools, to raise awareness. Local police also played an important child protection role.

16. On the international cooperation front, Algeria had contributed to the establishment of the Interpol Crimes Against Children Team and cooperated with other States in assisting child victims of violence. Child protection police officers had been trained under the

European Union Euro-Mediterranean Partnership (MEDA programme), while others had received training dispensed by Penal Reform International, in the interrogation of minors, in the context of Franco-Algerian cooperation, or attended courses offered in collaboration with other international organizations, such as the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA).

17. In 2012 the Government had adopted a national family strategy comprising special programmes to combat child mortality, special infant protection programmes, and efficiency assessment systems. Families' access to information and communication technology had been encouraged through the "A PC for every family" scheme. Recreation had also been prioritized with the establishment of leisure facilities, youth clubs and communal or mobile libraries.

18. **Ms. Remki** (Algeria) said that his Government was committed to coordination between State institutions and NGOs, which had begun some 10 years previously and had led to a number of memorandums of understanding between several ministries and NGOs.

19. Some 1,150 children with disabilities were enrolled in mainstream schools, while 16,000 others attended the 186 special schools.

20. **Mr. Cardona Llorens** said that the best interests of children with disabilities needed to be promoted through their integration in mainstream schools, in observance of the principle of inclusive education. He enquired about the training teachers in special schools received.

21. **Mr. Remki** (Algeria) said that the 16,000 children attending special schools were too severely disabled to be integrated in the regular system. The teachers in the special schools had been trained in line with the pertinent international standards. Teachers in mainstream schools teaching children with disabilities could count on the regular presence of a doctor from the screening and monitoring unit.

22. **Ms. Lee** requested further information on the form of that support. If it involved medical consultation, how did the need manifest itself?

23. **Ms. Remki** (Algeria) said that teacher support in mainstream schools was provided mainly by psychologists, who advised the teachers on how to cope with children with disabilities.

24. **The Chairperson**, speaking as Country Rapporteur, said that the Committee was eager to have reliable, verifiable data. If children with disabilities were not to be stigmatized, they would need to be integrated in greater numbers in mainstream schools, leaving only a small minority in special schools. However, according to the delegation, the number of children with disabilities in special schools was 15 times higher than those in mainstream schools.

25. **Ms. Remki** (Algeria) said that the reason for the low enrolment of children with disabilities in mainstream schools was that the latter needed to make adjustments before they could accommodate them. Once they had been suitably adapted, the authorities would ensure the children attended them.

26. **Ms. Lee** asked how accessible the schools were.

27. **Ms. Remki** (Algeria) said that school transport was accessible to children with a sensory or mental disability, but not those with a motor disability, they being usually taken to school by a parent. Algeria needed additional resources if it was to make school transport accessible to children with that a motor disability.

28. **Ms. Al-Asmar** (Country Rapporteur), noting that the number of children with disabilities enrolled in ordinary schools remained low, requested information on the

admission procedures for their enrolment in regular schools and on their promotion prospects.

29. **Ms. Remki** (Algeria) said that no child fit to be enrolled in school was ever turned away. The Ministry of Education cooperated with the Ministry of the Interior and local communities to render mainstream schools accessible to children with disabilities.

30. **The Chairperson** requested information on illiteracy, school dropout and the teacher-pupil ratio.

31. **Ms. Remki** (Algeria) said that the Ministry of Education was working with NGOs and the ministries of national solidarity, the interior, and health to eliminate corporal punishment. Some NGOs carried out public campaigns, in schools as well.

32. **Mr. Hendel** (Algeria) said that his country had always been one of asylum for all refugees, be they political or economic, particularly those from neighbouring countries such as Mali, Niger and Mauritania. Algeria's aliens' policy rested on equal treatment of nationals and foreigners and in no way breached asylum/refugee seekers' or migrants' fundamental rights.

33. In its treatment of refugees, including children, Algeria was guided by the provisions of articles 67, 68 and 69 of the Constitution, and the international and regional conventions to which it was a party, notably the 1969 Convention of the Organization of African Unity Governing the Specific Aspects of Refugees Problems in Africa and the 1951 United Nations Convention relating to the Status of Refugees. Furthermore, the Conditions of Entry, Residence and Movement of Foreigners Act (No. 08-11 of 21 June 2008) had introduced a derogation of the general rules of entry into the territory for asylum/refugee seekers, pursuant to the applicable international conventions ratified by Algeria.

34. The mechanisms in place to tend to refugees included the Bureau for the Protection of Refugees and Exiles of the Ministry of Foreign Affairs.

35. Algeria was in fact a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and migrant children enjoyed the same rights as Algerian children and equal access to basic education and health care.

36. **The Chairperson** asked whether the Bureau undertook actual operations or was more of a think tank and drafter of reports.

37. The delegation's depiction of the treatment of unaccompanied minors on Algerian soil seemed ideal, but possibly did not reflect the reality. The Committee was concerned by information about unaccompanied minors being placed in detention. He would like to know the measures in force for age assessment; legal assistance; guardianship; and health-related issues. Did the repatriation rules apply to unaccompanied minors?

38. **Ms. Sandberg** asked for details on child trafficking.

39. **Mr. Delmi** (Algeria) said that the Bureau, a permanent entity that came under the Ministry of Foreign Affairs and formed part of the Department of Legal and Consular Affairs, was responsible for handling refugees, including children. All refugees arriving in Algeria were received by the Bureau, which verified their refugee status and settled — indeed integrated — them in the society whenever possible. It also liaised between the Ministry of Foreign Affairs and the United Nations High Commissioner for Refugees (UNHCR). Algeria was currently working with UNHCR and the International Organization for Migration (IOM) on strengthening the Bureau's work.

40. **Mr. Abed** (Algeria) said the periodic report was the fruit of in-depth consultations with all the ministries and institutions involved in child rights protection and with Algerian

civil society stakeholders. Meetings with the various ministries concerned had been held under the aegis of the Ministry of Foreign Affairs. The Government had also worked closely with the NGOs that had prepared parallel reports.

41. **Mr. Mourad** (Algeria) pointed out that his country had ratified the main instruments on child labour, which had induced it to introduce in its national legislation Act No. 390-11 of 1990 establishing the legal age for employment at 16. The proportion of working children had never exceeded 1 per cent. Although some children, whose numbers were difficult to assess, worked to help out their families, that did not mean that they did not attend school. It being impossible for the Ministry of Labour to combat child labour on its own, in 2003 the Government had set up an interministerial commission comprising representatives of 12 ministerial departments and 1 trade union to look into the matter.

42. The Labour Inspectorate penalized any person who employed a child under 16 years of age. Penalties usually took the form of fines, but repeat offenders could be imprisoned.

43. Every year, since 2006, Algeria celebrated the World Day against Child Labour, in collaboration with the International Labour Office (ILO), UNICEF and children's groups.

44. **The Chairperson** asked whether Algeria had prepared a definition of the worst forms of child labour, as required by ILO Convention No. 182, and what measures the authorities had in mind to address informal work, which was more difficult to detect and meant that some children missed school at harvest time.

45. Where child domestics were concerned, the Committee would be interested in Algeria's position on the ILO Convention concerning Decent Work for Domestic Workers (No. 189), to which it was not yet a party.

46. **Mr. Mourad** (Algeria) said that the authorities had not recorded any cases of worst forms of child labour. Young workers' health, safety and morality were protected. While there was, indeed, a list of hazardous jobs, they applied to all workers whatever their age.

47. Only awareness-raising efforts could combat Informal work within a household, which was difficult to detect. Child servants were very rare in Algerian society.

The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.

48. **Mr. Hendel** (Algeria) explained that the 2011 Act designed to combat trafficking in persons and migrant smuggling criminalized trafficking in persons and contained a definition of trafficking consistent with that contained in the Optional Protocol on the sale of children, child prostitution and child pornography.

49. Unaccompanied Algerian children were looked after by child protection squads, with support from the social services and the Algerian Red Crescent and mobile teams of street teachers. Unaccompanied foreign children were picked up by border police at the frontier and handed over to the child protection squads, which informed the UNHCR Office, which then took the requisite action. A child could be not repatriated to his or her country of origin without the agreement of the government concerned.

50. **The Chairperson** asked whether unaccompanied foreign minors were placed in holding centres and received medical attention, social assistance and legal aid. It would also be useful to learn whether they were appointed a guardian and, in the event of uncertainty about their age, whether they were given the benefit of the doubt.

51. **Mr. Delmi** (Algeria) said that children arriving unaccompanied in Algeria — often Malians and Nigerians — were identified by the consular services of the country of which they claimed origin, which, on the basis of an interview, determined their nationality. Once their identity was known, UNHCR contacted the authorities in the country of origin to effect swift repatriation. Should repatriation be impossible, the children were placed in

migrant centres, pending a final decision. Being aliens, they could not be placed in guardianship, but the authorities were considering such a solution so as to afford them better protection

52. **Mr. Benmansour** (Algeria) said that, in the event of a child's abandonment under the *kafalah* system, an abandonment action was filed before the court that had authorized *kafalah*, under the direction of the Office of the Public Prosecutor. In the event of the *kafil's* demise, the child was entrusted to his heirs, provided that they were prepared to assume responsibility, failing which the judge awarded custody to the appropriate institution or to the child's biological parents, after consulting the child if he or she had attained the age of discernment. Lastly, a child might be entrusted to a foster family, which received payment for taking care of the child. Judges often opted preferred for the latter solution, seeing it as a suitable way of affording the child a substitute family environment.

53. **The Chairperson** asked for additional information on the number of institutionalized or foster children, and which body monitored children taken in by Algerian families abroad under the *kafalah* system.

54. **Mr. Benmansour** (Algeria) said that in his country the age of criminal responsibility was 18. Minors in conflict with the law were subject only to remedial or protection measures: return to the parents or a guardian; non-custodial supervision; placement in a vocational or combined medical-educational establishment or in a residential care facility equipped to receive school-age offenders. A minor under 13 years of age could be placed in an approved school or reformatory, but could not be housed with adults. A minors' reformatory, in line with international standards, had been built and seven others would follow in the near follow. For minors under 13, the trial courts could, in exceptional circumstances and by reasoned decision, replace one of those measures by a fine or prison term, in which case the minor would be housed in a special minors' block or in a reformatory.

55. Should a minor commit a serious crime for which an adult would be sentenced to life imprisonment or capital punishment, the court applied article 50 of the Criminal Code and could sentence a minor aged 13–18 to a term of 10–20 years' imprisonment. If the minor was liable to a prison term, it would run half the length served by an adult. The court generally took attenuating circumstances into account, making it unusual for a child to be sentenced to rigorous imprisonment.

56. **The Chairperson** asked how a minor under 13 years of age who committed a serious offence was dealt with, whether magistrates received mediation training, and how many minors were currently in reformatories.

57. **Mr. Benmansour** (Algeria) replied that a minor under the age of 13 received a caution from the juvenile judge, who decided whether the person should be placed in a protection and remedial institution. No minimum age was fixed: minors, whatever their age, were heard by a juvenile judge. There was as yet no mediation to replace criminal proceedings but there were plans to do so. There were currently 600 minors housed in reformatories.

58. **Mr. Gastaud** asked whether the juvenile judges were deployed throughout the country and whether they sat as a bench.

59. **Mr. Benmansour** (Algeria) said that, although his country did not as yet have juvenile courts *stricto sensu*, each of the country's 198 courts had a juvenile unit and all 36 appellate courts had a juvenile chamber made up 1 juvenile judge and 2 assessors appointed for a specific period.

60. The social unit of the Algerian consular services in the host country was responsible for monitoring *makfoul* children in the *kafalah* system.

61. **The Chairperson** asked whether sexually abused children were protected in criminal proceedings and what measures the State party was taking to prevent such abuse, including in schools.

62. **Mr. Delmi** (Algeria) said that teachers played an important role in the prevention of child sexual abuse.

63. **Mr. Benmansour** (Algeria) said that the new provisions against domestic violence established more stringent penalties on all persons who used violence against their descendants or their ascendants, while the new revised Criminal Code criminalized violence against women and children and defined violence as an aggravating circumstance in any offence.

64. Being a taboo subject in Algeria, marital rape was not specified in the legislation. However, judges hearing rape cases would apply the new rape provisions of the revised Criminal Code, no matter what the relationship between perpetrator and victim.

65. Regarding spousal abuse, the Government applied a zero-tolerance principle whereby the perpetrator's responsibility for the acts was systematically maintained by the prosecution, unless he or she was mentally disturbed. In order to prevent repeat offences, criminal court judges were informed that the sentences, if they were to serve as a deterrent, needed to be harsh and commensurate with the seriousness of the offence. The Code of Criminal Procedure provided for prosecutions to be initiated once the bench learned of an offence, even when no complaint had been lodged. The argument of offence against honour and provocation was never sustained by the court and could never lead to termination of a criminal proceeding.

66. **Ms. Meglef Mehali** (Algeria) said that there several forms of care for children deprived of a family environment, including institutionalization, which relied on a network of 47 establishments across the country, 33 of them receiving children from birth up to 6 years of age and 14 others from age 6 to the age of majority. There was also a system of placements in families, who were reimbursed for the child's board and lodge. In addition, single mothers received financial support and assistance in kind, which varied according to the number of children in their charge. The delegation would transmit additional information on those allowances in writing to the Committee.

67. **Mr. Ouali** (Algeria) said that the child mortality rate had declined from 36.1 per cent in 2000 to 23.1 per cent in 2011, a leap forward that suggested that Algeria was on track to attain the 19 per cent MDG health target. He considered, however, that with the human and financial resources deployed, the 23.1 per cent rate still fell short of what could have been realistically expected. Nonetheless, the disappointing child mortality rate largely covered neonatal deaths, which accounted for between 70 per cent and 80 per cent of all deaths before the age of 5. By the same token, the health status of children over 28 days old had greatly improved, inoculation being a major contributing factor. The programme to reduce mother and infant mortality for 2006–2009, the objective being to reduce maternal mortality by 50 per cent and child mortality by 30 per cent, had been extended to 2012 and many measures had been put in place to attain the desired objectives. Care facilities for mothers and children had been strengthened through the opening of paediatrics, gynaecology, general surgery and internal medicine units in all university hospitals and the development of new neonatology services for premature babies and children with low birth weight.

68. The upcoming multiple indicator cluster survey (MICS 4) would show whether the breastfeeding promotion campaign conducted since the 2006 MICS 3 had borne fruit and had reversed the downward trend in breastfeeding observed in 2006 as compared with the preceding period.

69. The fight against drug and alcohol abuse had originated in collaboration among the Ministry of Education, the Ministry of Higher Education and the Ministry of Youth and Sports and the very active community associations in the field.

70. **Ms. Wijemanne** invited the State party to investigate the reasons for the high neonatal mortality rate so as to reduce it, as it had successfully done with the under-5 mortality rate. Breastfeeding during the first weeks of life was of capital importance. The State party must ensure that no samples of substitute formula were distributed in maternity wards and that no advertising vaunted its merits; that the International Code of Marketing of Breastmilk Substitutes was rigorously observed; and that mothers were encouraged to breastfeed their children from birth

71. The State party should also assure better monitoring of maternal health during the weeks following delivery in order to reduce the number of childbirth-related deaths.

72. The delegation might indicate what programmes the State party was implementing to offer young drug, alcohol and tobacco users aged 12–18 appropriate counselling and treatment and to ban alcohol and tobacco advertising specifically targeting that age group.

73. **The Chairperson** said he hoped that the principle of zero tolerance applied to violence against women and children had been duly observed in the Hassi Messaoud affair and that all possible light would be shed on the abuses committed.

74. He would like to know the exact number of street children and how they were protected. Had the State party identified those children just as they had migrant children?

75. **Mr. Benmansour** (Algeria) said that the perpetrators of the abuses committed in Hassi Messaoud in 2000 and later in 2010 had all been tried and that some proceedings had led to convictions, others had been thrown out, and in yet others the accused had been released.

76. **Mr. Delmi** (Algeria) added that those events had been widely covered by the national and international media and that many associations had been mobilized.

77. Unaccompanied children in economic difficulties were often obliged to work and to live on the streets. In order to assist them, the Ministry of Solidarity and the other competent authorities had set up mobile teams and day centres.

78. **Ms. Al-Asmar** welcomed the enriching dialogue with the Algerian delegation, which she hoped would give the State party food for thought and enhance its implementation of the Convention and its communication with the international organizations and other relevant human rights stakeholders. The State party stood to gain from evaluating its national action plan for children, defining indicators and setting up a database on the society's most vulnerable persons, including children. In its concluding observations the Committee would invite the State party to address discriminatory practices in service provision; promote the best interest of the child, especially under the *kafalah* system; ensure that the perpetrators of physical violence against children were punished; enact legislation on migrant workers; end child labour for under-15s; protect street children; make the telephone helpline for children available 24 hours a day; create rehabilitation centres for children in conflict with the law, and ensure that 20-year prison sentences were imposed only as an exception. Lastly, the State party would also be invited to ratify the third Optional Protocol to the Convention on a communications procedure.

79. **Mr. Delmi** (Algeria) said that the frank and fruitful dialogue with the Committee had been particularly useful and would enable the authorities to make good its deficiencies in implementing the Convention. He assured the Committee that his Government would pay all due attention to its concluding observations, which would be widely disseminated.

The meeting rose at 6.05 p.m.