



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fortieth session

### Summary record of the 1057th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 14 September 2005, at 3 p.m.

*Chairperson:* Mr. Doek

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

**Consideration of reports of States parties** (agenda item 4) *(continued)*

*Second periodic report of Algeria* (CRC/C/93/Add.7; core document (HRI/CORE/1/Add.127); list of issues (CRC/C/Q/DZA/2); written replies by the Algerian Government to the list of issues (CRC/C/RESP/93))

1. *At the invitation of the Chairperson, the delegation of Algeria took places at the Committee table.*
2. **Ms. Keddad** (Algeria) said that the system of statistics inherited from the colonial period was effective, and this was true of the registration of births. There were civil registry offices in maternity hospitals so that parents could register their children at birth. All procedures were free of charge; the penalties for parents who failed to carry out registration were intended as an incentive to ensure that all children were registered and thus had access to education and vaccination.
3. The Algerian Government was keen to evaluate the implementation in the country of the global plan of action for mothers and children that had come out of the International Conference on Population and Development held in Cairo in 1994, and to that end it had already conducted two multiple indicator surveys as recommended by the United Nations Children's Fund (UNICEF), in 1995 and 2000.
4. Algeria had made clear progress with maternal and infant health, with the infant mortality rate having been cut by four fifths since the late 1960s so that it now stood at 30 deaths per 1,000 live births. With neonatal mortality currently accounting for 65 per cent of infant deaths, a perinatal programme would be put in place in the near future, provided that the partners who had undertaken to contribute to its funding made good on their promises. It would also be necessary to reorganize the system of health-care provision in the country's outlying areas, some of whose indicators were alarming, and to train and recruit more specialists.
5. The maternal mortality ratio had halved over the previous decade and now stood at 117 maternal deaths per 100,000 live births, but that rate was still too high in the light of the Millennium Development Goals. Remoter areas of the country needed to be targeted in that case too, as they had particularly high maternal mortality ratios.
6. Algeria had integrated the concept of reproductive health into its health-care policies since the Cairo Conference, thus enabling women of reproductive age and young people to have access to contraception, a vital element in improving maternal health. Family planning had come on greatly, with 58 per cent of couples of reproductive age now employing contraceptive methods.
7. Malnutrition had not worsened in rural areas over the previous decade, as the proportion of children aged under 5 who were underweight had remained stable. Conversely, there had been a deterioration in the indicators in urban areas, where modern lifestyles encouraged women to discontinue breastfeeding. Awareness-raising campaigns were due to be implemented shortly.
8. The HIV seroprevalence rate was not high in Algeria, but the youthfulness of its population and its geographical situation were risk factors. The country had put in place a policy to combat the scourge as soon as the first AIDS cases had appeared, and it continued to conduct prevention campaigns and promote safe sex. Algeria had also created six referral centres and set up regional care centres throughout the country, and people who were HIV-positive had access to triple therapy free of charge.

9. **The Chairperson** asked whether mobile birth registration units had been created so that nomads and people living in remote areas could declare their children to the civil registry, whether mobile medical units had been created to dispense health care in the remotest areas, and what percentage of births were attended by skilled medical personnel. Lastly, he wished to know whether it was easy for young people to purchase condoms.
10. **Ms. Keddad** (Algeria) admitted that registering nomads was difficult, since by definition they were constantly changing their place of residence, but insisted that vaccination campaigns extended to them and they had access to family planning services.
11. The proportion of births attended by skilled medical personnel was 94.5 per cent, but there was still a dearth of specialist personnel. Where contraception rates were concerned, the gap between urban and rural areas was less than 1 percentage point. Young people had no trouble obtaining condoms, whether from pharmacies or from non-governmental organizations (NGOs) that distributed them free of charge. The difficulty was rather to make them aware of the need to use them, and campaigns were being conducted in the media and schools for that purpose.
12. **Mr. Khelifi** (Algeria) said that NGOs had been indirectly involved in preparing the report under consideration, as the ministry responsible for drafting it maintained ties with civil society.
13. Algeria was currently considering the possibility of withdrawing the interpretative declarations it had formulated when ratifying the Convention, particularly with regard to article 13, to paragraphs 1 and 2 of article 14, and to articles 16 and 17, in the light of the amendments made to Algerian legislation, particularly the Family Code, and it also envisaged acceding to the two optional protocols to the Convention.
14. The National Advisory Commission for the Promotion and Protection of Human Rights, comprising 45 members, had set up a subcommission for education and child rights. It submitted an annual report to the President of the Republic on the human rights situation in the country and held a Human Rights Day and a Children's Rights Day, which provided an opportunity for awareness-raising activities. It was also a consultative body for oversight, early warning and evaluation of compliance with human rights.
15. Since independence, Algeria had cared for the most vulnerable groups in the population, including disabled children, who were served by almost 250 specialist institutions. Children in "moral danger" were placed by the juvenile judge in shelters where they were cared for by social workers and educators.
16. The country also had a network of 110 institutions caring for the mentally disabled. Financed by the State and various associations, those institutions transported disabled children to their schools or canteens and paid for school materials and holidays. There were also specialist institutions for visually impaired children and deaf and dumb children.
17. Every prefecture in the country had an education and judicial oversight centre where children in conflict with the law were placed by order of the judicial authorities.
18. Children born out of wedlock were placed in specialist centres, numbering 35, to receive an education. Girls exposed to "moral danger" were placed in specialist centres where they were cared for by women doctors and educators, who taught them handicrafts, among other things, to help them reintegrate into society.
19. Lastly, child victims of the wave of terrorism that had struck the country 10 years previously were referred to centres where seminars were held to help them unburden themselves of their sufferings.
20. **Ms. Al-Thani** asked for details of the system in place to transport disabled children to schools and other public buildings.

21. **Mr. Nouri** (Algeria) replied that disabled children were provided with a card giving them free access to the railway network and other forms of transport. In rural areas, a system of free transport financed by a solidarity fund allowed disabled children to get to school. Algerian and international NGOs, including Handicap International, also provided considerable assistance in that area, for example by supplying wheelchairs or setting up disabled children's centres.
22. **Mr. Liwski** asked how long child victims of violence or terrorism could spend in the special centres that were meant to care for them, whether those centres offered out-patient care and whether they provided psychosocial services.
23. **Mr. Nouri** (Algeria) said that the care homes for orphaned victims of terrorism had been created in 1998 to look after victims of terrorist acts who had no family left and had to be cared for by the State.
24. **The Chairperson** asked for details of the centres for children in conflict with the law.
25. Regarding the centres for children born out of wedlock, he observed that placing such children in an institution of that kind could appear discriminatory, and therefore wished to know why they were placed there and whether the mother of a child born out of wedlock who decided to bring up that child herself received any support.
26. It would be interesting to know what authority took the decision to place a girl "exposed to moral danger" in a special centre with a view to reintegrating her into society, what the procedure consisted in and what exactly the expression "moral danger" meant.
27. **Mr. Nouri** (Algeria) explained that the 48 open observation and education facilities for minors aged under 21 on probation came under the Ministry of National Solidarity and were for child offenders.
28. Where the 35 child assistance and protection centres were concerned, it should be emphasized that for a child to be born outside wedlock in Algeria was considered scandalous and unmarried mothers usually had to give up their child. Such children were generally placed in a clinic or hospital, but there was an administrative system that allowed mothers either to recover their children about two months later, or to give them up officially. The State, therefore, did not automatically take charge of children in that situation; for that to happen, their mothers had to decide to give them up officially. Where filiation was concerned, it sometimes happened that a child who had been given up traced his or her mother 10 or 20 years later because her name was registered. Girls in those centres were not discriminated against in any way.
29. Contraventions and offences committed by girls differed from those committed by boys. Most frequently, it was a case of their running away from home because of family conflicts, deprivation or simply rebelliousness. The administrative and judicial system was involved in recovering girls who ran away from home, as they were considered to be in moral danger. They were usually aged under 18.
30. **The Chairperson** asked whether children born outside wedlock who had been given up by their mothers could be taken in under the *kafala* regime by family members and whether action to establish paternity was encouraged or identifying the father was taboo in Algerian society.
31. **Mr. Zermatten** noted that Algerian law made provision for women giving birth to keep their identity secret, in which case the child would have neither father nor mother, so that action to trace the father was ruled out. That was a form of discrimination, at least from the point of view of identity.

32. **Ms. Heddad** (Algeria) explained that children were considered to be in moral danger when their health, morality or education were put at risk or when their living conditions or behaviour were liable to expose them to potential danger. Such children were placed in a care centre or foster family by order of the juvenile judge, who had sole authority to decide their fate. The magistrate would then follow their progress through a rehabilitation committee that he or she chaired. This magistrate alone was empowered to decide whether children should be returned to their parents.
33. Children in conflict with the law could be returned to their parents or placed in a Ministry of Solidarity centre or, as a last resort and for the child's own protection, in a facility coming under the Ministry of Justice.
34. Regarding the *kafala* system of legal custody, the family had to apply to the president of the court and await the outcome of an inquiry conducted by the director of social welfare. Children fostered in that way were treated as legitimate and would receive all social benefits. There was no discrimination against foster children.
35. **Mr. Zermatten** asked whether the legal custody decision could also be taken before a notary.
36. **Ms. Heddad** (Algeria) replied that it could.
37. **Mr. Zermatten** understood it to be the case that if parents who were legally fostering a child divorced, or if the father died, the right of custody passed not to the mother but to the heirs.
38. **Ms. Heddad** (Algeria) said that it was traditionally the mother who had custody of a foster child. The new provision applied the inheritance system, but the wife inherited from her husband, and in the Algerian tradition it was always the woman who had custody of the child. In the event of divorce, the custody system was applied; in other words, custody devolved first upon the mother, then the father, then the maternal grandmother, then the paternal grandmother, and so on.
39. **Mr. Zermatten** asked what happened in the event of divorce if neither of the two parents wanted custody of a child fostered under the *kafala* system.
40. **Ms. Heddad** (Algeria) replied that in that case legal custody would be revoked and the child placed back in an institution.
41. **Ms. Ortiz** asked whether there were measures in place to prevent abandonment with a view to helping mothers keep children in the family.
42. **Ms. Heddad** (Algeria) said that a magistrate could grant a dispensation for an individual aged under 19 to marry if special reasons existed or in cases of necessity. The marriage would be contracted through the *wali*, but the *wali* was deemed to be a protector rather than a guardian. It was for that reason that children authorized to marry would then be accompanied by the *wali*.
43. Implementing decrees dealing with scientific methods of establishing filiation were currently being prepared.
44. The article on the incrimination of minors in cases of incest between an adult and a minor had been removed from the Penal Code, and children were to be treated as victims in such cases.
45. In 2004, UNICEF and the prison service had signed a two-year agreement on the treatment of young drug users in prison.
46. At the Judicial Training School, children's rights were dealt with in a special teaching module. They were also covered by further training courses, where there was a

partnership with UNICEF for the training of juvenile judges. There was also a partnership in that area with the United Nations Development Programme (UNDP) and the European Commission.

47. When a child committed an infraction, the public prosecutor's office was responsible for mediation with the victim.

48. Where children's testimony was concerned, judges had discretionary power. Their rulings had to be justified by the principle of moral certainty on the part of the magistrate.

49. **Mr. Kotrane** asked whether the Government intended to carry on adapting and improving the provisions of the Family Code, article 67 of which still allowed custody of a child to be withdrawn from its mother to ensure continuity of religion with the father.

50. He also wished to know what human resources the Labour Inspectorate had available to it, whether it could act in the informal sector and what the situation on the ground was in that regard.

51. The delegation might also state whether the Government had taken measures to combat the movement of migrants into Europe and prostitution, and what the scale of the phenomenon actually was.

52. Juvenile judges were criminal court judges who dealt both with children in moral danger and with child offenders, something that could potentially cause confusion, and it would thus be desirable to separate the two functions so that children in moral danger were dealt with by a different magistrate.

53. **Mr. Kotrane** noted with satisfaction that the Prison Organization and Rehabilitation Code had been reformed in 2005, particularly article 28, so that special juvenile detention centres were now to receive only minors aged under 18 (as against 21 formerly). Article 121 on disciplinary measures for minors committing infractions or breaking the rules had also been improved. On that subject, it would be helpful to know whether the psychologist, the social worker and the educator sitting with the prison governor on the disciplinary committee came under the latter's authority.

54. It would also be helpful to know whether NGOs played a role in the rehabilitation of child offenders, and particularly repeat offenders, and whether scout movements were involved in children's social rehabilitation.

55. **Mr. Nouri** (Algeria) said that there was no specific law regulating financial assistance for single mothers to bring up children born out of wedlock, but the State could provide them with material and moral support, for example by admitting them to one of the three centres set up for that purpose if they could not return to their families. People with no fixed abode were also received at those centres.

56. The doctors, psychologists and educators sitting on prison rehabilitation committees were placed under the authority of the governor, but the latter did not interfere with their work, in which the educational aspect was central.

57. **Ms. Heddad** (Algeria) stated on the subject of scout movements that a memorandum of understanding signed between the Prisons Department and the Muslim Scouts allowed them to engage with minors in prison by organizing cultural activities and to accompany them to outside events such as children's day, tree planting day, etc., or holiday camps.

58. **Ms. Boumghar** (Algeria) said that an education system reform had been initiated in 2003 on the basis of the work of the reform committee set up in 2000. The reform, which had already been implemented in primary and intermediate education and would be extended to secondary education in 2005, had been motivated by the need to adapt the

education system to developments in the country and the world and thus to the lives of citizens. Its aim was to create a citizen-oriented, republican form of education and give children a better understanding not only of citizenship, democracy and universal values, but of science and technology as well.

59. Where syllabuses and curricula were concerned, the “overhaul” of the system had turned on quality and child-centred teaching to enable children to “learn to learn” in accordance with the principle of the “well-formed mind”. Since the start of the reform, 86 new syllabuses had been put in place and all courses would have been renewed by the start of the 2007–2008 school year.

60. Teachers followed an initial training at teacher training colleges (*écoles normales supérieures* – ENS), from baccalaureate + 3 to baccalaureate + 5, depending on the education level. A retraining system had been put in place for those who were already in the system but did not meet the new requirements; that year it would involve 10,000 teachers, who would carry out further studies at teacher training institutes (*instituts de formation et de perfectionnement des maîtres* – IFPM) or at ENS. The supporting measures taken would ensure the durability of the reform: by way of example, the education budget had risen from 124 billion dinars in 1997–1998 to 260 billion in 2004–2005, or about 20 per cent of the State budget.

61. Preschool education was one of the cornerstones of the reform. The State education system would cater to 100,000 five-year-olds in 2005 (20 per cent), as against 70,000 previously (13 per cent). There were also other preschool establishments run by the private sector or others such as local communities or firms. The goal was for all children to attend preschool establishments by 2008 (80 per cent in the State sector and 20 per cent in other sectors), with priority to be given to deprived areas in order to remove the disparities between regions.

62. There was no discrimination between girls and boys in the education system, and indeed it was almost possible to speak of “spontaneous positive discrimination”, as school enrolment rates were identical for boys and girls but the latter accounted for 57 per cent of secondary school pupils.

63. Regarding children who were outside the education system, it should be recalled that the enrolment rate for children aged 6 to 16 was 94 per cent, so the numbers involved were small. That being said, such children were enrolled at vocational training facilities: competitive entry examinations had been abolished so that all children could have access to them, whatever their level, and the Ministry of Education and Ministry of Vocational Training had signed an interministerial decree providing that all children leaving the system should be automatically guided towards vocational training. In addition, there had always been a distance learning and training system.

64. Everyone received a human rights education because education for citizenship, in the form of civic education and religious education, was an integral part of the curriculum and was compulsory, both at school and in teacher training.

65. In Algeria there was only one school system, within which religious education was provided, and a single national curriculum, but that year private schools approved by the Ministry of National Education had opened. Religious education curricula had already been reviewed before the reform and anything that ran counter to universal values of tolerance had been removed from textbooks.

66. The female illiteracy rate had fallen from 40 per cent to 32 per cent between 1998 and 2005, with the overall rate dropping from 31 per cent to 26.5 per cent. The National Literacy Office, which came under the Ministry of Education, was collaborating with the voluntary sector, which was very active in that area. The women’s and girl’s literacy

programme, operated alongside vocational training, had now been wound up and a new targeted programme had just been launched in the *wilaya* of Djelfa, which had the most ground to make up in that area, in collaboration with UNICEF and NGOs.

67. Disabled children attending ordinary schools benefited from individual monitoring by specially trained teachers, while those in specialized institutions followed the same curriculum as other children but also a special curriculum depending on the nature of their disability.

68. **Mr. Jazairy** (Algeria) said, with regard to the children of Western Saharan refugees, that Algeria was a country of asylum and was simply doing its duty by receiving refugees.

69. With respect to migrant populations of sub-Saharan origin, and the treatment of young people in particular, he stressed that the same problems arose in the cities of Tunisia, Libya and Morocco, and that Algeria had not taken any particular measures. The Government refused simply to confine such people to camps, as it deemed that to be an assault on their rights and freedoms. It was acting in concert with other countries of the Maghreb and Mediterranean and was working on a basis of African cooperation to find ways of stabilizing populations in their own countries, particularly young people. Thus, investment projects had been developed in northern Mali and Niger to create an incentive for people to live there and enable migrants to return to their countries.

70. **Mr. Benbouzid** (Algeria) stressed that the Labour Inspectorate was playing a very important role in the establishment of the national system to prevent and combat child labour, but could not cope with the problem on its own because of the different forms child working took: it could take action on wage work but not in other situations (child own-account workers, street vendors, the informal sector). It had therefore proposed that coordination measures should be put in place to address the phenomenon. The first discussions with the International Labour Organization (ILO), the Arab Labour Organization (ALO) and UNICEF had taken place in 2002, and the decision had been taken to develop a national strategy to prevent any deterioration in the situation, although it was not considered very alarming as things stood. In addition, a permanent interministerial committee bringing together 12 ministerial departments was set up and given the task of developing measures to prevent and combat child labour, coordinate intervention in the different sectors at national and local level and centralize all available data, the better to delimit the problem. The 2003–2008 programme of action was built around six core measures: awareness-raising among the population at risk, namely schoolchildren; provision of information to the public at large on children's rights and the dangers of child working; amendment of employment legislation and revision of criminal sanctions against employers; involvement of social partners and the voluntary movement; assistance to families in the form of canteens, school enrolment, etc.; implementation of studies and surveys, in collaboration with ILO and UNICEF. Algeria was thus very alert to the problem and would submit the first assessment of the interministerial committee's work to the Committee once it became available.

71. **Ms. Ouedraogo** asked whether Algeria had signed agreements with other States to secure the return of abducted children, particularly where mixed marriages were involved. She also wished to have details of the measures taken by the State party to guarantee children's rights when arrangements were made for them to be adopted abroad, as the country had not ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

72. **The Chairperson** wanted to know why the practice of sending Algerian children to live with Algerian families resident abroad was becoming increasingly prevalent, whether there were rules governing that form of *kafala* and whether *kafala* abroad usually involved relatives. Details on the adoption of Algerian children abroad would also be desirable.

73. **Ms. Heddad** (Algeria) said that, with *kafala*, any Muslim could foster a Muslim child, even abroad, following social inquiries by consulates. Adoption did not exist in Algerian law. *Kafala* generally involved abandoned children, who could be fostered by foreigners or by Algerians living abroad.
74. **The Chairperson** asked whether the State party envisaged ratifying the Hague Convention on the Civil Aspects of International Child Abduction.
75. **Mr. Jazairy** (Algeria) replied that Algeria was currently considering the possibility of ratifying the Convention on the Civil Aspects of International Child Abduction.
76. **Ms. Heddad** (Algeria) stated that on 26 July 1988, Algeria and France had signed an agreement on the children of Algerian-French couples.
77. **Ms. Ortiz** asked whether parents could agree to send a working child to another family as a domestic worker.
78. **Mr. Benbouzid** (Algeria) said that the law forbade it.
79. **The Chairperson** noted that corporal punishment was forbidden in schools but was still widespread within families, and asked whether there were any plans to carry out awareness-raising campaigns on the problem of domestic violence. He expressed regret about the lack of information on child abuse, including sexual violence.
80. **Ms. Boumghar** (Algeria) said that the national education system had put in place a programme to combat violence, including information campaigns aimed both at actors in educational institutions and at children and their parents. A code of conduct for teachers was currently in preparation.
81. **Mr. Liwski** asked whether measures were being taken to prevent police violence against minors.
82. **Ms. Heddad** (Algeria) stated that under article 330, paragraph 3, of the Penal Code, parents who compromised their children's health, safety or morality by mistreatment or otherwise were liable to a prison term of between two months and a year.
83. Regarding police violence, she explained that minors held by the police for questioning were placed in special facilities, under the supervision of the Public Prosecutor and juvenile judge and in the presence of the minor's counsel and parents. In addition, the police received human rights training. Judicial police officers had recently been placed under the authority of the Public Prosecutor.
84. **The Chairperson** requested details of penalties other than prison.
85. **Ms. Heddad** (Algeria) said that the alternatives to prison were day release, parole, work release and work in open custody.
86. **Mr. Jazairy** (Algeria) stated that a national strategy to combat violence against children had been developed with representatives of the ministries concerned and in collaboration with UNICEF. It was a comprehensive strategy that focused simultaneously on the prevention of violence, intervention among the actors concerned, child protection and social rehabilitation of victims.
87. **Mr. Zermatten** asked whether State agents, and particularly teachers, social workers and educators, were obliged to report alleged cases of violence at school or in the family.
88. **Ms. Heddad** (Algeria) explained that the new law on the protection of minors made notification compulsory, and that those failing to report such cases were liable to a term of imprisonment.

89. **The Chairperson** expressed surprise at the small number (464) of under-eighteens mentioned in the written replies of the State party to the list of issues as having been charged with offences in 2002.

90. **Ms. Heddad** (Algeria) said that imprisonment was treated as a last resort, and that was why so few were charged and sentenced. The judge could decide to restore minors to their parents or place them with a foster family or in a centre run by the Ministry of Solidarity.

91. **Mr. Nouri** (Algeria) explained that there were some 30 specialized rehabilitation centres (CSR) under the authority of the Ministry of Justice that took in young offenders aged from 8 to 13. Designed to accommodate about 2,800 young people, they currently contained 1,925. Young people aged from 14 to 21 were placed in specialized protection centres (CSP), of which there were eight. Lastly, multifunctional youth protection centres (CPSJ) took in young people from other centres.

92. **Mr. Kotrane** applauded the progress made by the State party, particularly where legislative reform was concerned, but identified a number of causes for concern, such as the interpretative declarations, the lack of coordination between the different sectors and the inadequacy of the data collection system. He urged the State party to adopt a more consistent plan of action and to ratify the optional protocols to the Convention on the Rights of the Child as soon as possible.

93. **Mr. Liwski** suggested that the State party should take advantage of its collaboration with civil society organizations and NGOs to publicize the observations of the Committee as widely as possible. The measures taken to combat violence in general and corporal punishment in particular should be strengthened and the children's code should be adopted and applied quickly. The reduction in maternal and infant mortality was clearly welcome, but further efforts were needed to reduce perinatal mortality. Likewise, the quality of preschool education and teaching needed to be improved further. Lastly, attention must continue to be paid to child victims of armed conflict, the protection of Amazigh children's rights and the situation of Western Saharan child refugees.

94. **Mr. Jazairy** (Algeria) acknowledged that, while real progress had been made with human rights, and children's rights in particular, much remained to be done. The obstacles faced by the Government were not only financial but social and cultural too, which made the task all the harder.

*The meeting rose at 5.55 p.m.*