

Rights of the Child

Signed: 26 January 1990; ratified: 16 April 1993.

Algeria's second periodic report is due 15 May 2000.

Reservations and Declarations: Paragraphs 1 and 2 of article 14; articles 13, 16 and 17.

Algeria's initial report (CRC/C/28/Add.4) was considered by the Committee at its May/June 1997 session. The report prepared by the government sets out constitutional, legal and administrative provisions related to specific issues such as: name and nationality; freedom of expression, access to information, freedom of thought, conscience and religion, association and peaceful assembly; parental responsibility, family reunification, adoption; abuse and negligence; survival and development; the standard of living, education and health; children in detention; rehabilitation; and children belonging to minority groups.

The Committee's concluding observations and comments (CRC/C/15/Add.76) expressed appreciation that the Convention is fully incorporated into domestic law, that under article 132 of the Constitution international conventions are superior to domestic law, and that the provisions of the Convention are self-executing and may be invoked directly before the courts.

The Committee welcomed: initiatives taken by the government, such as the establishment of a National Human Rights Observatory and an Observatory of the Rights of the Mother and the Child; the creation of Directorates for social action, entrusted with the task, *inter alia*, of monitoring the implementation of policies adopted in respect of children; the adoption of the National Plan of Action for the Survival, Protection and Development of Children; the introduction of a national communication programme in the sectors of health, education, social welfare, youth, sports, information and culture with the collaboration of information bodies such as the national agency for filmed news, television, radio and the press; the fact education is free at all levels, and that attendance is nearly universal; provision of free health services for all children; development of a national programme of health care in schools; the fact that the minimum age for employment has been set at 16 years, with the only exception being apprenticeship contracts established in accordance with the law; and, the steps taken to provide special services to assist children who are victims of the violence prevailing in the country.

In terms of factors and difficulties hindering full implementation of the Convention, the Committee acknowledged the severe economic and social difficulties facing the country, including the high level of external debt, the requirements of structural adjustment programmes, the high level of unemployment and poverty, and the existence of prejudicial traditional practices and customs. The Committee also referred to the continuing violence and the negative impact it has had on the implementation of certain provisions of the Convention.

The principal subjects of concern identified by the Committee included: the interpretative declarations made by Algeria on various articles of the Convention and the possibility that they could lead to misunderstandings about the government's commitment to implementing the rights covered by these articles; the inadequacy of measures taken to harmonize national legislation with the principles and

provisions of the Convention; the fact that the Family Code does not adequately address all the rights recognized in the Convention; the fact that legal provisions related to the protection and promotion of the rights of the child are scattered throughout domestic laws, making it difficult to assess the actual legal framework for children's rights; the inadequate coordination between the various government bodies responsible for the welfare of children at the national and local levels; the insufficiency in steps taken to promote awareness and understanding of the principles and provisions of the Convention among both children and adults; and, the fact that the training on children's rights provided to members of the police and security forces and other law enforcement officials, judicial personnel, teachers at all levels of education, social workers and medical personnel is insufficient and unsystematic.

The Committee also expressed concern over: the fact that the principles of the best interests of the child, respect for the views of the child, and the right to participate in family, school and social life are not fully reflected in domestic legislation or implemented in practice; the lack of specific mechanisms to register and address complaints from children concerning violations of their rights under the law and the Convention; the existence of discriminatory attitudes towards girls and children born out of wedlock among some groups within the population; the lack of adequate legislative, administrative and other measures to ensure the full implementation of children's economic, social and cultural rights, in particular for the most vulnerable children; the absence of specific and adequate regulations governing the registration of children who are members of nomadic groups; the fact that the law applicable in the case of rape of a minor excuses the perpetrator of the crime from penal prosecution if he is prepared to marry his victim; the provision in the Family Code which allows judges to lower the age for marriage if the victim of rape is a minor; the lack of appropriate measures to combat and prevent ill-treatment and abuse within the family; and, the fact that disciplinary measures in schools often involve corporal punishment although it is prohibited by law.

Concern was expressed by the Committee over: the lack of information on the situation of refugee children in Algeria, especially in the areas of access to health care and education; the lack of information on programmes of education and health-care services; the inadequacy of the mechanisms to monitor the implementation of Act No. 90-11 of 21 April 1990, regulating the employment of minors in the private and agricultural sectors; the lack of information on the actual enjoyment of their rights by children involved with the administration of juvenile justice; the fact that under article 249 of the Code of Criminal Procedure, children between 16 and 18 suspected of terrorist or subversive activities are tried in criminal courts as adults; the lack of preventive measures to address the effects of violence on children; and, the failure to adopt specific measures to address the problem of the increasing number of orphans as a direct consequence of the violence now common in Algeria.

The Committee recommended that the government:

- ▶ consider reviewing its interpretative declarations to the Convention with a view to withdrawing them;