



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Fortieth session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: Algeria**

1. The Committee considered the second periodic report of Algeria (CRC/C/93/Add.7) at its 1056th and 1057th meetings (see CRC/C/SR.1056 and 1057), held on 14 September 2005, and adopted, at the 1080th meeting (CRC/C/SR.1080), held on 30 September 2005, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the second periodic report submitted by the State party, as well as the written replies to its list of issues (CRC/C/Q/DZA/2), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the constructive efforts made by the inter-ministerial delegation to provide additional information in the course of the dialogue.

**B. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee welcomes the adoption of laws aimed at protecting and promoting the rights of the child such as:

(a) The revised provisions (Act No. 05-04 of 6 February 2005) of the Act on the system of penal institutions and the social reinsertion of detainees (*Code de l'organisation pénitentiaire et de la réinsertion sociale des détenus*), which improve the status of children within the juvenile justice system;

(b) The revised provisions (Ordinance No. 05-01 of 27 February 2005) of the Code of Algerian Nationality (*Code de la nationalité algérienne*), which allow, among other things, Algerian woman married to a foreigner to transmit Algerian nationality to her children; and

(c) The revised provisions (Ordinance No. 05-02 of 27 February 2005) of the Family Code (*Code de la famille*), which stipulate issues related to marriage and family life, including child custody.

4. The Committee also welcomes the ratification of or accession to:

(a) The Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO), on 9 February 2001;

(b) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997), on 9 October 2001;

(c) The African Charter on the Rights and Welfare of the Child (1990), on 8 July 2003;

(d) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), 9 March 2004; and

(e) The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), on 21 April 2005.

5. In addition, the Committee notes with appreciation the establishment of new institutions aimed at protecting and promoting the rights of the child, such as:

(a) The Office of the Head of Government's Deputy Minister for the Family and the Status of Women to protect and advance the rights of children, in 2002; and

(b) The National Commission to Combat Child Labour, in 2003.

### **C. Factors and difficulties impeding the implementation of the Convention**

6. The Committee acknowledges that the State party has experienced an exceptional cycle of political violence, including terrorism, which has claimed the lives of over 100,000 Algerians, including children, since 1992. This violence has had severe consequences on the overall development of human rights in the State party and traumatized many children, both physically and mentally.

7. In addition, the Committee acknowledges that natural catastrophes, such as the floods in 2001 and the earthquake in 2003, have given rise to a growing number of economic and social difficulties. The Committee also acknowledges the political and economic challenges faced by the State party in recent years, including the transition of the State party to a market economy.

## D. Principal subjects of concern and recommendations

### 1. General measures of implementation

#### Committee's previous recommendations

8. The Committee notes with satisfaction that several of its concerns expressed and recommendations (CRC/C/15/Add.76) made upon the consideration of the State party's initial report (CRC/C/28/Add.4) have been addressed through legislative measures and policies. However, some of its concerns and recommendations regarding, inter alia, the State party's interpretative declarations; the unclear legal framework in the field of children's rights; non-discrimination, ill-treatment and abuse of children within the family; employment of minors in the private and agricultural sectors; and the status of nomadic and refugee children have not been sufficiently addressed.

9. **The Committee urges the State party to make every effort to address the recommendations contained in the concluding observations on the initial report that have not yet been implemented, and to address the list of concerns contained in the present concluding observations on the second periodic report.**

#### Interpretative declarations

10. The Committee regrets that no review of the State party's interpretative declarations made on articles 13, 14, paragraphs 1 and 2, 16 and 17, of the Convention has been undertaken since the consideration of the State party's initial report.

11. **The Committee reiterates its previous recommendation that the State party should review its interpretative declarations with a view to withdrawing them, in accordance with the 1993 Vienna Declaration and Plan of Action of the World Conference on Human Rights.**

#### Legislation

12. The Committee notes the various legislative measures undertaken by the State party and referred to in its response (CRC/C/RESP/91) to the list of issues, and welcomes in particular the bill on child protection (*Code de protection de l'enfant*) which aims, inter alia, to establish a mechanism for protecting children against all forms of violence, ill-treatment, abuse and negligence. It also takes note of the drafting and compilation of legislation on the organization and promotion of social action, which will provide for protection and social integration of vulnerable groups, including children in difficult circumstances.

13. **The Committee recommends that the State party continue to strengthen its legislative efforts by undertaking a comprehensive review of its domestic legislation so as to ensure that it conforms fully with the principles and provisions of the Convention. It further recommends that the State party expedite the adoption of the bill on child protection and the other ongoing processes of legal reform.**

### **National Plan of Action and coordination**

14. The Committee expresses its concern at the lack of a comprehensive national plan of action for the implementation of the Convention. Notwithstanding the establishment of the Solidarity Committee and the Inter-Ministerial Committee for the Protection and Development of the Child, the Committee is concerned that implementation of the Convention at the local and regional levels remains insufficient owing to the absence of a coordinating mechanism.

**15. The Committee recommends that the State party strengthen coordination among the various governmental bodies and mechanisms involved in the implementation of the rights of the child, at both national and local levels, with a view to developing and adopting a comprehensive national plan of action for the implementation of the Convention, incorporating the objectives and goals of the document “A world fit for children” adopted by the General Assembly at its special session on children in 2002. In this regard, the Committee encourages the State party to seek technical assistance from the United Nations Children’s Fund (UNICEF) and to involve civil society in the preparation and implementation of such a national plan of action.**

### **Independent monitoring**

16. While taking note of the establishment of the *Commission consultative des droits de l’homme* by presidential decree in March 2001, the Committee regrets the absence of an independent and child-sensitive monitoring structure with a mandate that includes the power to receive and address individual complaints of alleged violations of the rights of the child.

**17. With reference to the Committee’s general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party establish an independent and effective national body with an explicit mandate to monitor and evaluate the progress achieved in the implementation of the Convention on the Rights of the Child. Such a body should also have a mandate to receive, investigate and address complaints from children in a child-sensitive and expeditious manner. It also recommends that this monitoring body be provided with adequate human and financial resources to perform its tasks. The Committee encourages the State party to seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF.**

### **Allocation of resources**

18. The Committee takes note of the State party’s efforts to increase national expenditure on health care, education, support programmes for families and child protection but it is concerned that the allocated resources remain inadequate, in particular for the most vulnerable children.

**19. The Committee recommends that the State party strengthen its efforts to significantly increase the proportion of the budget allocated for the realization of children’s rights to the “maximum extent ... of available resources”, giving special attention to children belonging to disadvantaged groups.**

### **Data collection**

20. Despite some improvements in the system of data collection, the Committee remains concerned about inadequate mechanisms to collect, analyse and disaggregate statistical data on children and adolescents. In particular, it regrets the lack of data on children living in extreme poverty, children separated from their parents, child victims of sexual exploitation, children in the juvenile justice system and Amazigh children.

**21. The Committee recommends that the State party strengthen its mechanisms for data collection and develop indicators consistent with the Convention in order to ensure that data are collected on all areas covered by the Convention and that they are disaggregated, inter alia, by age for all persons under 18 years, gender, urban and rural area, and by those groups of children who are in need of special protection. It further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention.**

### **Cooperation with non-governmental organizations**

22. The Committee welcomes the growing number of civil society associations in the country and notes with appreciation that efforts are being made by the State party to establish relationships between the Government and civil society and to increase mutual cooperation. However, the Committee regrets that these efforts have not yet led to the systematic involvement of non-governmental organizations and other sectors of civil society in the State party's implementation of the Convention.

**23. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, and encourages closer cooperation with non-governmental organizations. In particular, the Committee recommends that the State party involve non-governmental organizations, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention. The Committee encourages the State party to seek the collaboration of all Algerian child rights associations.**

### **Dissemination and training**

24. The Committee welcomes the measures undertaken by the State party to disseminate the Convention, such as the organization of thematic meetings, the publication of a guide to the rights of the child in 1999 in collaboration with UNICEF and the collection of writings on the protection of children's rights published by the Ecole supérieure de la magistrature in 2005. However, the Committee remains concerned that awareness of the Convention remains low among children and their parents and that many professionals working with and for children do not receive adequate training on children's rights.

**25. The Committee recommends that the State party strengthen its awareness-raising efforts through, inter alia, involvement of the media and systematic education and training on the rights of the child for all professional groups working with and for children, in**

particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, social workers and religious leaders, as well as children and their parents. The Committee further recommends that the State party translate the Convention into the Amazigh language, Tamazight. In addition, the Committee recommends that the State party seek technical assistance from, among others, UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and OHCHR.

## 2. General principles

### Non-discrimination

26. While noting that the Algerian Constitution and domestic laws are based on the principle of non-discrimination, the Committee expresses its concern at the lack of concrete implementation measures, policies and programmes to promote equality and tolerance in society. The Committee is concerned at the persistent de facto discrimination faced by girls, children with disabilities, children living in poverty, children born out of wedlock, children in conflict with the law, street children, children living in rural areas and Western Saharan refugee children.

27. **The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination, in accordance with article 2, by effectively implementing the existing laws that guarantee the principle of non-discrimination. The Committee recommends that the State party adopt a proactive and comprehensive strategy to eliminate de facto discrimination on any grounds and against all vulnerable groups of children, and prioritize social and health services and equal opportunities to education for children belonging to the most vulnerable groups.**

28. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of Committee's general comment No. 1 (2001) on the aims of education.**

### Best interests of the child

29. As regards the general principle of the best interests of the child under article 3 of the Convention, the Committee is concerned that this principle is not given adequate attention in national legislation and policies and that this principle is not a primary consideration in decision-making regarding children, for example custody decisions. The Committee also notes with concern that awareness of its significance is low among the population.

30. **The Committee recalls its previous recommendation in this regard made upon the consideration of the State party's initial report and recommends that the State party take measures to raise awareness of the meaning and practical application of the principle of the**

**best interests of the child and to ensure that article 3 of the Convention is duly reflected in its legislation and administrative measures. The Committee recommends that the State party review its legislation critically to ensure that the main thrust of the Convention, namely that children are subjects of their own rights, is adequately reflected in domestic legislation and that the best interests of the child is a primary consideration in all decision-making regarding children, including custody decisions.**

#### **Right to life**

31. The Committee welcomes the process of national reconciliation, but it is deeply concerned that violent actions still take place in the State party and that children continue to be victims of this violence. The Committee notes with particular concern the vulnerable position of girls in the internal hostilities.

32. **In light of article 6 and other relevant provisions of the Convention, the Committee urges the State party to make every effort to reinforce protection of the right to life of all children within the State party, through policies, programmes and services that target and guarantee protection of this right.**

#### **Respect for the views of the child**

33. While noting that articles 36 and 38 of the Algerian Constitution provide for freedom of opinion and expression, as well as for freedom of intellectual, artistic and scientific creation, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children within the family, schools and the community at large. The Committee notes with particular concern that the public exercise of freedom of opinion and expression by a child requires the authorization of his/her guardian.

34. **In light of article 12 of the Convention, the Committee recommends that the State party promote and facilitate, within the family, schools, other institutions and courts, respect for the views of children and their participation in all matters affecting them. It recommends that the State party develop skills-training programmes in community settings for teachers, social workers and local officials to enable them to assist children to express their informed views and opinions and to take those views into consideration. It also encourages the State party to undertake a regular review of the extent to which children's views are taken into consideration and of their impact on policy-making, court decisions and programme implementation. The Committee recommends that the State party seek assistance from UNICEF, among others.**

### **3. Civil rights and freedoms**

#### **Birth registration**

35. The Committee emphasizes that the birth registration system should be equally accessible to all parents in the whole territory of the State party, and in this respect it reiterates its concern about the deficiencies in the system of birth registration for children belonging to nomadic minorities and having a pastoral lifestyle.

36. **In light of article 7 of the Convention, the Committee recommends that the State party implement an efficient birth registration system, at all stages free of charge and fully covering its territory including introducing mobile birth registration units and undertaking awareness-raising campaigns to reach the most remote areas of its territory. The Committee requests the State party to improve access to the birth registration system for children belonging to nomadic minorities. Meanwhile, children whose births have not been registered and who are without official documentation should be allowed to access basic services, such as health and education, while waiting to be properly registered.**

#### **Freedom of religion**

37. With reference to 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 declaration of the State party to article 14 of the Convention, the Committee is concerned that the right of the child to freedom of thought, conscience and religion is not fully respected and protected.

38. **In the light of article 14 of the Convention, the Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion by taking effective measures to prevent and eliminate all forms of discrimination on the grounds of religion or belief and by promoting religious tolerance and dialogue in society. The Committee recommends that the State party ensure that children can obtain a dispensation from compulsory religious education.**

#### **Torture or other cruel, inhuman or degrading treatment or punishment**

39. The Committee notes that the Algerian Constitution and, for example, the Penal Code prohibit torture. Nevertheless, the Committee is deeply concerned about a number of cases of torture or inhuman and degrading treatment of children reported in recent reports of the Special Rapporteur on the question of torture.

40. **The Committee urges the State party to review its legislation in order to ensure that children are fully protected against torture and ill-treatment in society. The Committee recommends that the State party investigate and prosecute all cases of torture and ill-treatment of children, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected. The State party should ensure that child victims are provided with appropriate services for care, recovery and social reintegration. The Committee recommends that the State party continue its efforts in training professionals working with and for children, including law enforcement officials, social workers, judges and health personnel, in the identification, reporting and management of cases of torture and other inhuman or degrading treatment or punishment.**

#### **Corporal punishment**

41. The Committee notes with concern that corporal punishment is lawful in the home and that, according to a survey in 1999, it is widely accepted in society as a form of discipline. The



Committee also notes with concern the lack of an explicit prohibition of corporal punishment in alternative care settings. Notwithstanding the fact that corporal punishment is prohibited in schools, the Committee remains concerned that it is still used as a disciplinary measure.

42. **The Committee urges the State party to adopt legislation explicitly prohibiting corporal punishment in the home, in public and private alternative care, in schools and in all other settings, and to conduct public education and awareness-raising campaigns promoting children’s right to protection from all forms of violence as well as alternative, participatory, non-violent forms of discipline. In addition, the Committee recommends that the State party improve the effectiveness of the monitoring system in order to ensure that abuse of power by teachers or other professionals working with and for children does not take place in schools or other institutions.**

#### 4. Family environment and alternative care

##### Parental responsibilities

43. In light of article 18 of the Convention, the Committee recalls the principle that both parents have common responsibilities for the upbringing and development of the child, and the State party should provide appropriate assistance to parents in this respect. The Committee is concerned that parental responsibilities are not assigned equally, under law, to fathers and mothers, i.e. only the father exercises full legal power over the child. It further notes with concern that children born out of wedlock are not entitled to equal rights, such as to be recognized as a “legitimate” child of the father.

44. **The Committee recommends that the State party consider revising the Family Code to ensure that men and women have equal parental responsibilities, regardless of their marital status, and to abolish the discriminatory classification of children as “illegitimate”.**

##### Institutional and alternative care

45. While noting the alternative care that exists for children deprived of family environment such as *kafalah* and various forms of residential care, the Committee is concerned at the lack of information about the informal forms of alternative care for children without parental care. The Committee notes the information that *kafalah* abroad is becoming more popular, but regrets the lack of information about the regulations for this form of alternative care.

46. **The Committee recommends that the State party continue to support and promote *kafalah* as a means of alternative care with a view to reducing the need to resort to residential care for children separated from their parents. It emphasizes that the *kafalah* system should never compromise the rights of the child, including non-discrimination, and their effective implementation. The Committee further recommends that the State party adequately monitor informal forms of alternative care, collect data allowing disaggregation on this practice, and take measures to ensure that the rights of children are fully respected.**

47. **The Committee also recommends that the State party provide detailed information about the growing practice of *kafalah* abroad and ensure that it only takes place when it is in the best interests of the child and with full respect for the rights of the child.**

#### **Illicit transfer and non-return of children abroad**

48. The Committee is deeply concerned at the difficulty in implementing judicial decisions regarding custody and visitation rights for Algerian children with one parent living outside Algeria. It further expresses its concern that child abduction is particularly prevalent among children of mixed marriages.

49. **The Committee recommends that the State party undertake all necessary efforts to prevent and combat illicit transfer and non-return of children and to ensure proper and expeditious implementation of judicial decisions made with regard to custody and visiting rights. It further recommends that the State party strengthen dialogue and consultation with relevant countries, notably those with which the State party has signed an agreement, regarding custody or visitation rights, and ratify the Hague Convention on Civil Aspects of International Child Abduction of 1980.**

#### **Violence, abuse, ill-treatment and neglect**

50. While noting with appreciation the formulation of a national strategy against child abuse, the Committee deeply regrets that insufficient measures are being taken to address the serious problem of child abuse and ill-treatment in the State party. The Committee is concerned about the lack of reporting of and coordination between medical and social services and legal authorities in child abuse cases. In addition, the Committee notes with concern that professionals working with and for children are inadequately trained to identify, report and manage child abuse and ill-treatment cases. The Committee also notes with concern that owing to prevailing cultural practices and traditional norms, so-called intra-familial problems such as child abuse, ill-treatment and domestic violence are considered as strictly private family matters and only very rarely reported to authorities.

51. **In light of article 19, other relevant provisions of the Convention and the recommendations of the Committee adopted on its days of general discussion on children and violence (CRC/C/100, para. 866 and CRC/C/111, paras. 701-745), the Committee urges the State party:**

- (a) To take effective legislative measures to prohibit all forms of physical, sexual and mental violence against children, including sexual abuse in the family;**
- (b) To conduct a study to assess the nature and extent of ill-treatment and abuse of children, develop indicators and design policies and programmes to address it;**
- (c) To develop and implement an effective system for the identification and reporting of child abuse and ill-treatment cases;**

(d) To train parents and professionals working with and for children, such as teachers, law enforcement officials, health professionals, social workers and judges, in identifying, reporting and managing child abuse and ill-treatment cases;

(e) To establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary, and to prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;

(f) To ensure that all child victims of violence and abuse have access to adequate care, counselling and assistance with recovery and reintegration;

(g) To introduce awareness-raising campaigns, with the active involvement of children themselves, in order to prevent all forms of violence against children and to combat child abuse, including sexual abuse, with a view to changing public attitudes and prevailing cultural practices in this respect;

(h) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).

52. In the context of the Secretary-General's study on the question of violence against children and the related questionnaire sent to Governments, the Committee acknowledges with appreciation the written replies of the State party to this questionnaire and its participation in the Regional Consultation for the Middle East and North Africa held in Egypt from 27 to 29 June 2005. The Committee recommends that the State party use the outcome of this regional consultation as a tool for taking action, in partnership with civil society, to ensure that every child is protected from all forms of physical, sexual or mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

## 5. Basic health and welfare

### Children with disabilities

53. Notwithstanding the provision prohibiting discrimination against children with disabilities and the State party's continuous efforts to support these children through targeted State welfare measures, including direct and indirect assistance, the Committee is concerned about persisting de facto discrimination. It notes with concern that equal opportunities for children with disabilities are jeopardized, for example, by their limited access to public buildings, government services and public transportation, and that social stigma, fears and misconceptions surrounding disabilities remain strong in society leading to the marginalization and alienation of these children.

54. In light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and

**the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69), the Committee recommends that the State party take all necessary measures:**

**(a) To prevent and prohibit all forms of discrimination against children with disabilities and ensure that they have equal opportunities for full participation in all spheres of life by implementing the relevant domestic laws and including disability-related aspects in all relevant policy-making and national planning;**

**(b) To collect adequate statistical data on children with disabilities and use disaggregated data in developing policies and programmes to promote equal opportunities for them in society, paying particular attention to children with disabilities living in the most remote areas of the country;**

**(c) To provide children with disabilities with access to adequate social and health services, quality education, the physical environment, information and communication;**

**(d) To raise awareness about children with disabilities, including their rights, special needs and potential, in order to change negative attitudes, mistaken beliefs and prejudices against children with disabilities by initiating and supporting public information campaigns; and**

**(e) To ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers, are adequately trained.**

**55. Furthermore, the Committee encourages the State party to pay particular attention to the rights and status of children with disabilities in the context of the African Decade of Persons with Disabilities 1999-2009.**

#### **Health and health services**

56. The Committee commends the State party for providing free medical care for all citizens. While welcoming the adoption, in April 2005, of the *Programme national de périnatalité 2005-2008* with the aim of reducing newborn and maternal mortality rates by 50 per cent, the Committee expresses its grave concern at the high rates of infant and maternal mortality. In addition, the Committee expresses its concern about the decreasing use of exclusive breastfeeding and the low number of baby-friendly hospitals promoting breastfeeding, persisting malnutrition among children, particularly in the rural areas, and the disparities, which are often extreme, between rural and urban areas regarding access to health services.

**57. The Committee recommends that the State party:**

**(a) Ensure that appropriate resources are allocated for the health sector, and develop and implement comprehensive policies and programmes for improving the health situation of children so as to implement the Convention fully, in particular articles 4, 6 and 24;**

**(b) Adopt necessary legislative, administrative and budgetary measures in order to implement fully *Programme national de périnatalité 2005-2008* in order to reduce newborn and maternal mortality by 50 per cent. It furthermore recommends the implementation of measures to guarantee access to quality pre- and post-natal health services and facilities, including training of midwives and traditional birth attendants, paying particular attention to the rural areas of the country;**

**(c) Encourage exclusive breastfeeding for six months after birth, with the addition of an appropriate infant diet thereafter, and take measures to improve the nutritional status of children through education and the promotion of healthy feeding practices;**

**(d) Facilitate greater and equal access to quality primary health services by mothers and children in all areas of the country in order to end the disparities in health-care provision between the different areas; and**

**(e) Continue to cooperate and seek technical assistance in this matter from inter alia, WHO and UNICEF.**

#### **Adolescent health**

58. While noting the State party's efforts to address adolescent health issues, in collaboration with international agencies such as the United Nations Population Fund (UNFPA), WHO, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF, the Committee is concerned about the limited access by teenagers to reproductive health education and services, as well as inadequate sex education at schools. In this light, the Committee welcomes all new measures targeted at young people, such as the establishment of a "youth-friendly" centre as a pilot project in the capital. The Committee notes with appreciation that the State party has finalized its National Strategic Plan on AIDS 2003-2006 and that HIV incidence remains low in the State party. As regards the aftermath of the long period of political violence in Algeria, the Committee notes with appreciation the State party's efforts to respond to the needs of traumatized children, for example by implementing a National Programme of Mental Health. Despite these steps taken, the Committee is concerned at the increasing rate of suicides among adolescents.

**59. Taking into account its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party strengthen its efforts to promote adolescent health, including sex and reproductive health education in schools, and to provide adolescents with youth-sensitive and confidential counselling and health-care services. In addition, it recommends that further efforts, both financial and human, be undertaken for the prevention and care of adolescents' mental health problems.**

#### **Standard of living**

60. The Committee notes that some progress has been made in improving social indicators and that measures have been taken by the State party to reduce the impact of poverty on the population and to achieve sustainable economic growth, for example by implementing a National

Plan of Rural and Agricultural Development and a National Plan for Economic Development. Notwithstanding the existence of programmes such as the Highly Labour-intensive Public Works programme, the Standard Solidarity Allowance and the community development programme to combat poverty and different forms of marginalization and social exclusion, the Committee remains concerned about the low standard of living of children, especially in the rural areas.

**61. In light of article 27 of the Convention, the Committee recommends that the State party:**

**(a) Take effective measures to raise the standard of living among its population, particularly rural populations living in poverty, inter alia by implementing the aforementioned national plans and community participation programmes, including with the participation of children;**

**(b) Consider preparing a poverty reduction strategy with special emphasis on vulnerable children and their families; and**

**(c) Strengthen its efforts to provide support and material assistance to disadvantaged children and their families.**

## **6. Education, leisure and cultural activities**

### **Education, including vocational training and guidance**

62. The Committee welcomes the fact that all children aged 6 to 16 years, including non-national children, are entitled to compulsory and free education without any discrimination. While noting with appreciation the generally increasing literacy rates among youth, the Committee is concerned that the literacy rate of girls does not keep pace with the increasing literacy of boys.

63. The Committee takes note of the early childhood care and education provided by preparatory schools (*écoles préparatoires*), kindergartens (*jardins d'enfants*) and nursery schools (*classes enfantines*). While noting that the gross enrolment ratio in pre-primary education has increased, the Committee is concerned that only a minority of children participate in pre-primary education, particularly in the rural areas.

64. While commending the State party for its efforts to increase enrolment in primary education, the Committee is concerned about the disparities in the enrolment rate between *wilayas* and the high repetition rates. The Committee notes with appreciation the increasing rate of enrolment in secondary education. Furthermore, the Committee takes note of the State party's efforts to promote technical and vocational education, for example by trying to reach children over 15 years of age who do not meet educational requirements at the secondary level. However, the Committee regrets the lack of information on non-formal educational services and vocational training available to educationally deprived children outside the formal sector.

65. The Committee notes with appreciation the State party's efforts to address gender disparities in education, inter alia through implementing a literacy programme for women and girls (*Projet d'alphabétisation de la femme et de la jeune fille*, 1990-2002) and eliminating

boarding school fees for girls. Nevertheless, the Committee remains concerned about the findings of an inter-*wilaya* analysis which reveals persisting gender disparities in the gross enrolment ratio for girls.

66. With regard to access to quality education by nomadic children having a pastoral lifestyle, the Committee refers to its previous recommendation made upon the consideration of the State party's initial report and regrets that the State party's second periodic report lacks information about this issue. The Committee is deeply concerned that the State party is not able to meet the educational needs of nomadic children.

**67. The Committee recommends that the State party allocate adequate financial, human and technical resources in order to:**

**(a) Increase budgetary allocations, governmental subsidies and assistance programmes for children from low-income families in order to secure their equal access to education of all levels;**

**(b) Complete the ongoing reform of the educational system, including revision of the curricula and learning methods in order to increase the quality of education and of the teaching materials; the State party is requested to provide updated information about this reform in its next periodic report to the Committee;**

**(c) Provide access to early childhood education for every child, including poor families and families living in rural areas, and raise awareness among parents about the benefits of preschool and early-learning opportunities;**

**(d) Adopt urgently effective measures to decrease the repetition rate in primary education;**

**(e) Take effective measures to address gender disparities in education, for example by expanding literacy programmes for women and girls and developing and adopting a gender-specific education strategy, including scholarship programmes for girls living in rural areas;**

**(f) Provide more facilities for need-based vocational training and non-formal learning, including for children who have not completed primary or secondary education;**

**(g) Provide nomadic children with access to quality education through flexible models of education such as mobile schools and distance learning programmes; and**

**(h) Cooperate with, among others, UNESCO, UNICEF and non-governmental organizations to improve the education sector.**

#### **Aims of education**

68. The Committee is deeply concerned about 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), in particular that teachers were said to have taught very young children how to stone an adulterous

woman, that curricula were said to have conveyed a distorted notion of Algerian history and a degrading image of women, and that pupils were encouraged to spurn other religions, which were presented merely as those of colonial settlers. At the same time, concerns were expressed that children could not speak out freely in class and ask questions about Islam for fear of being labelled as troublemakers.

**69. In light of the Committee's general comment No. 1 (2001) on the aims of education and the recommendations of the Special Rapporteur on freedom of religion or belief, the Committee recommends that the State party review school curricula with a view to instilling in pupils and students tolerance and respect for others. The Committee urges the State party to give priority to building the capacity of teachers and to raise their awareness and responsibility in this regard. In addition, the Committee recommends that the promotion of religious tolerance and dialogue between different religions and beliefs be included in the reform of the educational system.**

## **7. Special protection measures**

### **Children in armed conflict**

70. The Committee notes with deep concern that internal hostilities in which civilians, including children, are killed persist in the State party and that many children are not able to fully enjoy their right to life, survival and development owing to the hostilities and their effects. The Committee regrets that the State party has neither signed nor ratified the Optional Protocol to the Convention on the involvement of children in armed conflict. While noting with appreciation that the minimum age of compulsory recruitment is 19 years, the Committee notes with concern that the minimum age of voluntary recruitment, both in regular armed forces and in unregulated paramilitary forces, is unclear. The alleged cases of persons under 18 years of age being used by Government-allied paramilitary forces and armed political groups are cause for serious concern.

**71. In light of articles 38, 39 and other relevant articles of the Convention, the Committee urges the State party to ensure that all children who have been directly or indirectly involved in armed conflict are protected and to provide children involved in and traumatized by armed conflict with adequate assistance and counselling for their rehabilitation, physical and psychological recovery and social reintegration, in cooperation with national and international non-governmental organizations and United Nations bodies such as UNICEF.**

### **Refugee children**

72. The Committee is deeply concerned about the difficult situation and living conditions of Western Saharan refugee children living in refugee camps in the State party. As regards food and water distribution and other basic services, the Committee notes with concern that these refugee children are completely dependent upon aid agencies and that despite the continuous efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and other agencies, there have been difficulties in providing them with adequate assistance. The Committee welcomes the joint programme of family visits



between refugees in camps in Algeria and the refugees' communities of origin in Western Sahara launched by the State party, the Government of Morocco and the Frente POLISARIO and conducted by UNHCR and the United Nations Mission for the Referendum in Western Sahara.

**73. In light of article 22 and other relevant provisions of the Convention, the Committee recommends that the State party take all feasible measures to ensure full protection and care, as well as access to health and social services and to education, of Western Saharan refugee children living in refugee camps in Algeria, and in this respect continue its cooperation with, among others, UNHCR and WFP.**

#### **Economic exploitation**

74. While appreciating the various positive measures taken, the Committee is concerned that the minimum age for admission to employment (16 years) and the prohibition of hazardous work (Act No. 90-11 of 21 April 1990) do not apply for children working in the informal sector (for example, agriculture and domestic service).

**75. In accordance with article 32 of the Convention, the Committee recommends that the State party:**

**(a) Continue to take effective measures to prohibit the economic exploitation of children, in particular in the informal sector where the phenomenon is more prevalent, inter alia by designing special programmes aimed at combating child labour;**

**(b) Strengthen the labour inspectorate to monitor the extent of child labour, including unregulated work, through the provision of adequate human and financial resources and training; and**

**(c) Seek technical assistance from ILO and UNICEF.**

#### **Street children**

76. The Committee takes note of the findings of a study conducted in 2001 that children become street children because of socio-economic problems such as poor housing, unemployment and poverty, and family problems such as domestic violence and abuse, and is concerned that these root causes of the phenomenon of street children are not sufficiently addressed. In addition, the Committee is concerned about street children's limited access to adequate nutrition, clothing, housing, social and health services and education and their vulnerability to economic and sexual exploitation.

**77. The Committee recommends that the State party take effective measures in order to:**

**(a) Develop and implement a comprehensive strategy, with the active participation of street children themselves, non-governmental organizations and other relevant professionals, to address the root causes of the phenomenon of street children, with the aim of reducing and preventing it;**

**(b) Promote and facilitate the reunification of street children with their families, when that is in the best interests of the child;**

**(c) Ensure that street children are reached by trained street counsellors; provided with adequate nutrition, clothing and shelter as well as with social and health services and educational opportunities, including vocational and life-skills training, in order to support their full development; and provided with adequate protection, assistance, and recovery and social reintegration services; and**

**(d) Collaborate with and support non-governmental organizations working with and for street children and continue cooperation with UNICEF.**

### **Sexual exploitation and trafficking**

78. The Committee expresses its deep concern at the information that child prostitution is increasing and that not only girls, but also boys who work as vendors, couriers or domestic servants, are particularly vulnerable to sexual exploitation. The Committee also notes with concern reports of trafficking in children and that Algeria is becoming a place of transit for trafficking between Africa and Western Europe. It deeply regrets the absence of a specific legal framework to protect children from trafficking and the insufficient measures to prevent and eliminate this phenomenon. The lack of statistical data on trafficking and the absence of adequate recovery and reintegration services for child victims are cause for serious concern.

79. **In light of articles 34, 35 and other related articles of the Convention, the Committee recommends that measures be taken, on an urgent basis:**

**(a) To provide a specific legal framework to prevent and protect children from trafficking for sexual and other exploitative purposes and define “trafficking” as a special criminal offence under domestic law in line with the definition in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**

**(b) To collect data on 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;**

**(c) To ensure that all cases of sexual exploitation and trafficking are investigated and that perpetrators are charged, convicted and punished in accordance with due process of law;**

**(d) To ensure that victims of sexual exploitation and trafficking are not criminalized and that they are provided with adequate recovery and social reintegration services and programmes;**

**(e) To seek to establish bilateral and multilateral agreements and cooperation programmes with countries of origin and transit to prevent the sale and trafficking of children;**

**(f) To raise public awareness about the risks of child trafficking and train professionals working with and for children, as well as the general public, to counter trafficking in children;**

**(g) To allocate adequate human and financial resources to this field, in accordance with the Declaration and Agenda for Action, and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children; and**

**(h) To seek cooperation with, among others, the International Organization for Migration and non-governmental organizations.**

#### **Administration of juvenile justice**

80. The Committee welcomes the partnership between UNICEF and *Institut national de la magistrature* with the objective of integrating practice and understanding of child rights and international standards for juvenile justice in the Algerian legal system. The Committee appreciates the State party's efforts to improve the administration of juvenile justice, for example by establishing special procedures for persons under 18 years of age, including the special juvenile divisions of the courts. However, the Committee notes with deep concern that a child as young as 13 years old can be sentenced to prison from 10 to 20 years. Furthermore, the lack of specialized juvenile judges and systematic training of professionals, the limited capacity and the poor condition of the detention facilities for juveniles, the limited access to the complaint mechanisms while in detention and to recovery and social reintegration services upon release give rise to concern.

81. **The Committee recommends that the State party continue and strengthen its efforts to ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, taking into account the recommendations adopted by the Committee on its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238).**

82. **The Committee particularly recommends that the State party:**

**(a) Develop and implement a comprehensive system of alternative measures such as community service orders and interventions of restorative justice in order to ensure that deprivation of liberty is used only as a measure of last resort;**

**(b) Take the necessary measures, for example suspended sentencing and early release, to ensure that deprivation of liberty is limited to the shortest time possible;**

**(c) Change the existing provisions regarding imprisonment of children between the ages of 13 and 18 years and reduce the current maximum periods of imprisonment in order to ensure that deprivation of liberty is for the shortest time possible;**

**(d) Continue to strengthen the quality and availability of specialized juvenile courts and judges, police officers and prosecutors, inter alia through systematic training of professionals;**

**(e) Ensure that persons under 18 years of age have access to legal aid and independent and effective complaints mechanisms; and**

**(f) Seek technical assistance and other cooperation from, inter alia, the United Nations Office on Drugs and Crime, OHCHR and UNICEF.**

### **Children belonging to minorities**

83. The Committee regrets the lack of information in the report about the compliance of the State party with its obligations concerning the rights guaranteed under article 30 of the Convention with regard to children belonging to minorities. The Committee notes that according to the Algerian Constitution, the fundamental components of Algerian identity are “*Islam, Arabité and Amazighité*”. However, it is concerned that the existing domestic laws and policies do not adequately preserve and promote the Amazigh identity of children, including their right to use their own language.

84. **In light of article 30 of the Convention, the Committee recommends that the State party continue and strengthen its efforts to protect and promote the identity and the rights of the Amazigh children, including by allocating adequate human and financial resources for the teaching of the Amazigh language, Tamazight, in schools. Furthermore, the Committee recommends that the State party provide more detailed information in its next periodic report on the implementation of article 30 of the Convention on children belonging to minorities.**

## **8. Optional Protocols to the Convention on the Rights of the Child**

85. **The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

## **9. Follow-up and dissemination**

### **Follow-up**

86. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia by transmitting them to the members of the Cabinet of Ministers, the National People’s Assembly and the Council of the Nation (the Parliament), and to the provincial (*wilaya*)- and municipal (*baladia*)-level administration, when applicable, for appropriate consideration and further action.**

### **Dissemination**

87. **The Committee further recommends that the second periodic report and the written replies submitted by the State party, and the related recommendations**

**(concluding observations) adopted by the Committee be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.**

#### **10. Next report**

**88. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in reporting in a timely and regular manner. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 15 May 2010, the due date for the submission of the fourth report. The report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**

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