



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Third and fourth periodic reports of States parties
due in 2009

Algeria*

[18 May 2009]

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Introduction

1. Algeria ratified the United Nations Convention on the Rights of the Child on 19 December 1992. It presented its initial report to the fifteenth session and its second report to the fortieth session of the Committee.
2. When presenting its second report in September 2005, the Algerian delegation gave an account of what had been accomplished since the consideration of its initial report, gave a presentation of the challenges which are hampering the full attainment of the rights of the child and specified the measures taken by the public authorities to overcome them.
3. The Algerian delegation also stated that, at the international level, the Algerian authorities had been committed to pursuing the process of acceding to the various international instruments on human rights, with the result that Algeria is today a signatory to all of the relevant Conventions.
4. In response, the members of the Committee made a number of observations and comments; this report now sets out the responses of the Algerian Government and the clarifications called for by the changes which have taken place in the meantime.
5. In accordance with Guidelines for reporting by States Parties, the present report, which combines the third and fourth periodic reports in a single, consolidated document, is divided into two main parts.
 - Part One, entitled “General information and the replies of the Algerian government to the Committee's concerns and recommendations”, outlines the general political structure of Algeria and describes the context in which human rights are promoted and protected. It also contains the Algerian Government's replies to the observations and comments made by the members of the Committee when the second periodic report was presented.
 - Part Two contains information on the substantive provisions of the Convention in relation to which changes have taken place.

Part One

General information and replies to the concerns and recommendations of the Committee

I. General information

6. Efforts by the Algerian public authorities to promote and protect human rights date back to the period immediately following independence in 1962. Successive Algerian Constitutions have enshrined the universal principles in this field, taking account both of the demands of contemporary life and of the process of developing Algerian society.

7. However, it was the move to a multiparty system in 1989 that led Algeria to accelerate its process of acceding to international legal instruments on human rights. Algeria today is a country which has achieved major progress on freedoms and which meets its obligations to submit the reports required under its international undertakings.

1. Land and people

8. **Surface area:** 2,381,000 km²; **population:** 34.8 million (2008), of which 50.5% are male and 49.5% female; **per capita income:** US\$5,097(2008); **external debt:** US\$ 4 billion (2008); **unemployment rate:** 11.3% (2008); **official language:** Arabic; **national languages:** Arabic, Tamazight; **religion:** Islam; **average life expectancy (2007):** 75.7 years (76.8 years for women, 74.6 years for men); **infant mortality rate (2007):** 26.2% on average (boys 27.9%, girls 24.4%); **maternal mortality rate:** 88.9 deaths per 100,000 live births (2007); **rural population:** 12.371 million (36%); **urban population:** 21.429 million (63.4%); **economic growth rate:** 3% (2007); **inflation:** 3.5% (2007); **school attendance rate:** 98% (2008).

2. General political structure

9. In the wake of a devastating war of liberation, Algeria faced many challenges. Those challenges concerned both putting in place the institutions and structures of a new State and the need for national reconstruction across the board.

10. The mobilization of resources through proactive policy initiatives made it possible to introduce compulsory education for all children, along with free access to basic healthcare for the whole of the population and the launch of development programmes throughout the country to improve social welfare.

11. This took place in a context of central political and economic control. From 1988, Algeria took the decision to make a major qualitative transition and turned decisively in the direction of political democratization and economic liberalization, a development that did not come without difficulties.

12. It was in fact hampered by internal constraints linked to a single-party culture and a difficult economic and social environment.

13. The political reforms set under way to achieve this development gradually led to reform of the political system with the adoption, in February 1989, of a new constitution which further strengthened freedoms, multiparty politics, the separation of powers and the independence of the judiciary.

14. The different electoral processes which have taken place in Algeria since then have helped consolidate and entrench democracy and the constitutional State, and brought about increasingly representative elected institutions.

15. In addition, the programmes of successive governments have confirmed Algeria's irreversible progress towards a market economy, while seeking to protect the social benefits acquired by workers in regular negotiations with employers and the support measures introduced for disadvantaged sectors of society.

16. The Algerian State is implementing a national plan consolidating respect for the human rights guaranteed under the Constitution. The plan defines Algerian policy in this field and reaffirms Algeria's determination to strengthen the individual and collective rights and duties of its citizens, while promoting values of solidarity, sharing and tolerance.

17. The Algerian State also intends to continue with the process of gradually achieving reform of its functions and organization, completing reform of the justice system and evaluating the measures that have been taken in relation to education, health and social protection. Finally, the status of women has undergone remarkable developments, especially in the institutional sphere with the constitutional reform of 12 November 2005, and this will allow women to be active participants in social change, as a result of more efficient and dynamic representation within institutions, combining an authentic and modern approach.

3. General legal framework for the promotion and protection of human rights

18. In relation to human rights, most of Algeria's arrangements for promotion, early warning and monitoring are in place. These arrangements cover not only individual, civil and political rights, but also collective, economic, social and cultural rights. They rely on four broad types of measures, acting in concert.

19. In addition to the Constitution, there are a number of other legal instruments that encourage the democratization of public life in Algeria today.

- **The Political Associations Act, No. 89–11 of 5 July 1989**, amended and supplemented by **Ordinance No. 97–09 of 6 March 1997 on the Political Parties Act**, enabled **28 political parties currently active at national level** to emerge on to the political scene in Algeria.
- **The Associations Act, No. 90–31 of 4 December 1990**, which provides that associations may be created by simple declaration of the founders, at the *wilaya* (province) for local associations and at the Ministry of the Interior in the case of national associations.

20. This Act has given a remarkable boost to the development of associations, so that there are currently almost 80,000 local and nearly 1,000 national associations active in various spheres, some of them eligible for the status of public-interest associations, a status which the current reform of the legal provisions governing associations is to confirm.

- **The Information Act, No. 90–07 of 3 April 1990**, has paved the way for the establishment of a private press alongside the State press, for the growth of the partisan press and the development of the specialist press.

A. Political mechanisms

21. Political mechanisms are based around the Parliament, which is the institutional embodiment of the democratic component of the Algerian state and of the pluralism which

characterizes Algerian political life. Human rights issues are dealt with by standing committees established for the purpose by the two chambers.

22. Parliament is composed of two chambers: the National People's Assembly and the Council of the Nation (the Senate). It holds the Government accountable for its actions, and votes on statute law. The National People's Assembly is composed of 380 deputies who represent the different shades of political opinion and are elected by universal direct suffrage.

23. Set up in December 1997, the Council of the Nation has 144 members. Two-thirds of its members are indirectly elected by a college of the members of the people's communal and departmental assemblies, and the remaining third (48 members) is appointed by the President of the Republic.

24. The law regards the political parties as an integral element of the arrangements for promoting human rights. Article 3 of the Political Associations Act, No. 89–11 of 5 July 1989, provides that in all their activities political parties are required to observe the principles and objectives which promote individual and collective freedoms, respect for human rights, commitment to democracy, adherence to the multiparty system and respect for the democratic and republican nature of the State.

B. Legal mechanisms

25. The independence of the judiciary is enshrined in Article 138 of the Constitution, which provides that: "*the judiciary shall be independent. It shall operate within the framework of the law*". The Algerian State has established judicial mechanisms to guarantee both the rights of the citizen and the independence of judicial decision-making. To that end, the judiciary in Algeria is organized at three levels, in a judicial system encompassing local and departmental courts (of which there are 193 and 36 respectively) and a Supreme Court, and an administrative system encompassing administrative courts and a Council of State.

26. A court of arbitration has been established to deal with conflicts of jurisdiction between the courts in the two systems.

C. Institutional mechanism

27. On 9 October 2001, the President of the Republic officially inaugurated the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH). It has 44 members, 16 of them women, and is founded on the principle of social and institutional pluralism.

28. The Commission, an independent institution, is an advisory body with monitoring, early warning and evaluation functions, responsible for investigating any breaches of human rights which may be reported or brought to its attention, and for taking appropriate action. It is also responsible for awareness-raising, information and public relations activities for promoting human rights, and for advising on possible improvements to national legislation. The Commission prepares an annual report on the state of human rights for submission to the President of the Republic.

29. A National Council for the Family and Women was created by Decree No. 06–421 of 22 November 2006. It brings together representatives from ministries, national bodies and institutions, associations and professionals dealing with women's issues and research centres.

30. The Council was officially inaugurated by the Head of the Government on 7 March 2007 and is made up of two basic structures, one dealing with the family, and the other with the position of women.

31. The Council's main functions are: to contribute to the formulation of programmes, to undertake studies, to give advice and recommendations and to work on exchanging ideas and experience with regional and international organizations with similar objectives and working to promote the family and the position of women.

D. The press

32. The freedoms of opinion and expression, which are guaranteed by the Information Act, No. 90-07, act as a check and balance and are essential for monitoring and protecting human rights.

33. There are currently 52 dailies of which only six come from the public sector with an average print-run in the region of 1.7 million copies per day. There are 98 weeklies, with a combined average print-run of more than 2.3 million copies, and 43 other monthly or bi-monthly periodicals with a print-run of 275,000.

E. Associations and trade unions

34. The Algerian Constitution attaches importance to the freedom of association for the defence of human rights.

35. Article 32 guarantees the individual or collective protection of these rights, and Article 41 defines their scope: freedom of expression, association and assembly. Freedom of association includes protection of the rights of certain groups, such as women's rights, and the rights of children, the sick, people with a disability, consumers and users of public services.

36. Lastly, arrangements for exercising trade union rights are made by Act No. 90-14 of 2 June 1990. There are 57 organizations protecting sectoral or professional rights, which claim to cover more than 2.5 million employees, and 23 employers' associations, including three confederations.

4. International treaties and the domestic legal order

37. The principle that ratified [international] treaties take precedence over domestic law is enshrined in the Algerian Constitution. Article 132 stipulates that: "*treaties ratified by the President of the Republic, in the circumstances provided for by the Constitution, shall take precedence over the law*".

38. That principle was confirmed by the Constitutional Council in a decision of 20 August 1989. By that decision, the Constitutional Council held that: "*after ratification and upon publication, any convention is incorporated into domestic law and, pursuant to article 132 of the Constitution, acquires a higher status than the law, thereby permitting any Algerian citizen to invoke it before the courts*".

5. Cooperation with international human rights organizations

39. Algeria has acceded to, and ratified almost all of, the international conventions on human rights and duly fulfils its obligations under those conventions by submitting periodic reports to the relevant Committees.

40. In parallel, Algeria engages in sustained and ongoing cooperation with the special rapporteurs and other working groups of the Human Rights Council. It is developing an exemplary cooperative relationship with the United Nations Children's Fund (UNICEF),

with which it has signed up to a new cycle of cooperation for 2007–2011 based around advocacy for the rights of the child.

6. Information and publicity

41. Wide publicity is given in the national media to the ratification of international instruments on human rights by Algeria at the point at which they are submitted for formal consideration. All ratified texts are published in the Official Journal of the Republic of Algeria.

42. The annual celebration of Universal Declaration of Human Rights Day, Women's Day, Children's Day and Disabilities Day provides a fresh opportunity to inform the public, through organized events, about the different international instruments on human rights to which Algeria is a party.

43. It also provides an opportunity to gauge the effect of measures taken by the public authorities and to learn lessons about how they can be more effectively implemented.

7. Human Rights Education

44. As part of human rights education, primary schools ensure that pupils have knowledge of the Convention on the Rights of the Child. At a wider and deeper level, universities provide up-to-date modules on human rights which form an integral part of the teaching at the National Judicial Training Institute, the Police Training School, the National Prison Administration Training School and the schools of the National Gendarmerie.

II. Replies of the Algerian Government to the Committee's recommendations during its consideration of the second periodic report

General comments of the Committee: Nos. 1 to 13

Recommendations Nos. 14 and 15 National Plan of Action and Coordination

45. A National Plan of Action (NPA) for the benefit of children in Algeria has been drawn up under the auspices of the Delegate Minister for the Family and the Status of Women, with input from the relevant national institutions (20 ministerial sectors and 10 national bodies), civil society and a consultative group of children and young people. The Plan has also benefited from the support of UNICEF.

46. The NPA covers the period 2008–2015; it was adopted by the Government Council in February 2008 and was officially launched on 25 December 2008 under the title "**An Algeria fit for children**".

The NPA covers four main areas of activity, namely:

1. The rights of the child;
2. Promoting a healthy and a better life;
3. Quality of education;

4. Child protection.

47. This measure forms part of the development and growth support strategies launched by the Government since 2001, and is also a response to the United Nations Special Session on Children.

48. In order to achieve the objectives set out above, a NPA **Steering Committee** was set up at an institutional level, bringing together national institutions, civil society, children and young people. The Steering Committee is in fact the representative body which will monitor implementation of the NPA and provide coordination between the various partners. This system will also make it possible to enhance the **integrated vision** of the child, as it requires a joint assessment moving beyond the sectoral assessments which are generally of limited impact.

Recommendations Nos. 16 and 17

Independent monitoring

49. Until a body responsible for receiving, considering and dealing with complaints from children and promoting the reforms under way at various levels, including in relation to the justice system, is set up at national level, children whose rights have been violated may bring proceedings against the perpetrator of the violence inflicted upon them, by lodging a complaint with the public prosecutor [or] the juvenile court judge, bringing an action as a civil plaintiff.

50. The presence of a parent or guardian is mandatory. If there is no guardian, the public prosecutor acts in his place. Minors must be assisted by **counsel** at all stages of the prosecution and judgment; where necessary, a minor will automatically be assigned counsel by the juvenile court judge.

Recommendations 18 and 19

51. See the replies in relation to articles 28, 29 and 30 and to recommendations Nos. 56 and 57.

Recommendations 20 and 21

Data collection

52. The State is making substantial efforts to consolidate the sectoral databases held by the different ministerial departments with responsibility for children (Health, Local Government, National Solidarity and Education). To give an example, the Ministry of Justice has set in place, within the Sub-Directorate for Statistics, a structure whose remit is to collect, analyse and break down the statistics relating to children (including, in particular, children in conflict with the law, children at moral risk and children who have been the victims of violence). The database is designed to be fed into the national database.

53. In addition, through the national Child Protection Office, the Criminal Investigation Department draws up periodic statistics on children at moral and physical risk, young offenders and the victims of all types of violence. That data is requested by the different State sectors (researchers, academics, associations and the media).

54. Furthermore, the Government programme, which gained parliamentary approval in 2007, provides for the establishment of a **National Information, Documentation and Research Centre** for the family, women and children, to supplement national efforts in

relation to the protection of the rights of all categories of children and young people. A bill setting up the Centre has been tabled.

Recommendations 22 and 23

Cooperation with non-governmental organizations

55. Algeria is experiencing a substantial increase in the number of associations in various fields.

56. The Algerian Constitution gives prominence to freedom of association for the protection of human rights. Article 32 guarantees the individual and collective protection of these rights and article 41 defines their scope: freedom of expression, association and assembly. Freedom of association naturally includes the political field, but is also used **to protect** certain specific rights, the rights of women, children, the sick, the disabled, etc.

57. Moreover, the Associations Act No. 90-3 of 4 December 1990 establishes freedom of association for not-for-profit associations. On the basis of that Act, a number of associations for the protection of the rights of the child have been set up, including *SOS Villages Enfants* and the Association for the Rights of the Child.

58. When the National Plan of Action for Children (NPA) was being drawn up, the non-governmental organizations were systematically involved in the discussions, consultations and planning. Children and young people also took part in the meetings and consultation workshops where they were able to set out their views on the policies proposed to them under the NPA and the communication plan for the promotion of the rights of the child in Algeria.

59. As part of its programme to boost the work of associations, and to enable them to implement their projects involving the protection and promotion of the rights of the child, the State has set under way cooperation and partnership measures which have taken the form of **technical support and back-up**, particularly when projects are being organized on the basis of training and information for those working with associations.

60. In addition to the seminars and awareness-raising days organized, on an ongoing basis, for the benefit of associations, by the central authorities and the social welfare departments of the *wilayas* (provinces), supervisory staff working in associations are offered training to help them acquire a better understanding of the difficulties in the field and to provide them with technical and methodological tools for managing associations.

61. Moreover, **the projects undertaken by associations have been funded** by granting subsidies on the basis of a project specification setting out the commitments entered into by the contacting parties (see annex 1), and **associations have been strengthened** in the context of the sectoral programmes designed to promote and invigorate social and humanitarian associations, including by setting in place 48 support facilities for associations.

62. These facilities provide a place where associations that do not have their own premises are able to develop their activities and exchange experience with the other associations, in the areas set aside for that purpose, at the association premises.

63. The involvement of the associations in tackling child-related problems is a key element of Government policy in relation to civil society. The associations run 129 establishments, 107 of which care for children with a disability, children without family, children suffering from chronic illness and children who have been the victims of terrorism. These establishments are distributed over 22 *wilayas*.

64. Turning to a different subject, **strengthening the principle of cooperation** between the department responsible for solidarity and the associations is a continuing process which relies on cooperation and the involvement of associations in devising the different programmes and measures relating to children.

65. Associations are at the forefront of all arrangements and activities carried out to protect and foster children's development. It should, however, be pointed out that associations rarely have the trained staff needed to carry out projects—a consequence of the recent development of associations in Algeria. Aware of these shortcomings, the State intends to provide support in developing the capacity of supervisory staff working with associations to act, by organizing training courses and also by monitoring, supporting and supervising their activities.

Recommendations 24 and 25 Dissemination and training

Dissemination of the Convention

66. All State institutions make substantial efforts to raise awareness of the rights of the child in their own particular fields (education, health, protection, culture, communication, etc.). Several initiatives have been taken in relation to the Convention itself, including:

- A travelling exhibition of photographs concerning the rights of the child was held in partnership with UNICEF, in 2006. The exhibition of photographs found success with children and institutions, bodies and associations working in the field of children's rights;
- A dossier on the rights of the child has been compiled and widely disseminated in connection with activities relating to the rights of the child;
- A communication plan to promote the rights of the child is being prepared to accompany the implementation of the NPA. A number of measures have been taken in that connection, including:
 - A workshop on promoting the rights of the child with managerial staff from the ministries and national bodies;
 - A workshop on promoting the rights of the child with supervisory staff from the associations;
 - A workshop on promoting the rights of the child with professionals working in the communications field;
 - A workshop for children on promoting the rights of the child.

67. The 2009–2011 communication plan for promoting the rights of the child has recently been finalized.

Training

68. Four training workshops on the rights of the child have been organized for journalists by the Delegate Minister for the Family and the Status of Women (MDCFCF), with the support of UNICEF and national experts:

- Training has also been organized by various bodies for professionals (juvenile court judges, security services, the medical profession and associations);
- Algerian radio and television have broadcast programmes on different issues relating to the rights of the child;

- Information days on specific issues (protection, the right to leisure, child labour, for example) are organized by the MDCFCF and other partners such as the *Bibliothèque nationale* (National Library); and
- Media initiatives have been taken by officials from the relevant departments, using the heavyweight media (television and radio) on issues concerning the rights of the child.

69. Moreover, this concern (training) has been taken into account as part of the reform of the justice system, and more particularly the reform of the syllabus of the *École supérieure de la magistrature* (Legal Service Training College), where the academic training period has been extended from six months to three years since 2000–2001.

70. In that connection, the Ministry of Justice regularly arranges study days, seminars and radio and television broadcasts on human rights, humanitarian law, legislation and the international instruments to which Algeria is a signatory.

71. Juvenile court judges are given specialist training on the Convention on the Rights of the Child. The following initiatives should be mentioned:

- The establishment of a working group to develop a programme of initial and in-service training. The initial training programme has been approved by an international expert;
- The organization of workshops on the rights of the child: a number of programmes on prison reform and the aspect of prison reform relating to the youth justice system have been set under way with overseas partners and organizations forming part of the United Nations system: UNDP, UNICEF, etc. Three workshops were held on 23 and 24 April 2007. A workshop on the youth justice system, followed by a seminar, is scheduled to take place, in 2009, in cooperation with UNICEF. In addition, three training sessions for juvenile court judges were organized by the prison authorities in cooperation with the NGO “Penal Reform International”; and
- Bilateral cooperation: agreements on the training of juvenile court judges and staff responsible for providing educational, medical, social and psychological support to minors have been entered into with France and Belgium. Training for six judges is scheduled in 2009, during the second quarter, under the Belgian Technical Cooperation (CTB)-Ministry of Justice agreement.

Recommendations 26, 27 and 28

Non-discrimination

72. See the replies in relation to articles 2, 28, 29 and 30, and to recommendations 45, 46, 53, 54, 55, 76 and 77.

Recommendations 29 and 30

Best interests of the child

73. See the reply concerning article 3.

Recommendations 31 and 32

Right to life, survival and development

74. See the reply concerning article 6.

Recommendations 33 and 34

Respect for the views of the child

75. See the reply in relation to articles 12 and 13.

Recommendations 35 and 36

Birth registration

76. The birth of any child born in Algerian territory must be declared within five days of birth to the registrar at the birthplace. Article 61 of Ordinance No. 70–20 of 19 February 1970 relating to civil status stipulates that: “Births shall be declared within five days to the registrar at the birthplace, failing which the penalties provided for in article 442, third subparagraph, of the Criminal Code shall apply”.

77. If the statutory time-limits have not been observed, the child will be registered according to article 442, second subparagraph, which provides “Where a birth has not been declared within the statutory time-limit, the registrar may enter the birth in the register only on the basis of an order issued by the president of the court of the district in which the child was born, with a brief entry in the margin of the date of birth. If the place of birth is unknown, the president of the court having jurisdiction shall be that of the place of usual residence of the person applying to register the birth.” However, for the Saoura and Oasis regions, the time-limits have been extended to 60 days pursuant to Decree No. 73–161 to enable the nomadic peoples to register births.

78. It is the duty of the father or mother or, failing that, the doctors and midwife who assisted at the birth to declare the birth. If the mother gave birth away from home, the declaration must be made by the person who attended at the birth (art. 62 of Ordinance No. 70–20 relating to civil status).

79. The birth certificate is drawn up immediately and sets out the child’s surname and given name, the time and place of birth and the gender of the child (art. 63 of the above-mentioned Ordinance).

Recommendations 37 and 38

Freedom of religion

80. See the reply in relation to article 14.

Recommendations 39 and 40

Torture or other cruel, inhuman or degrading treatment or punishment

81. See the reply in relation to article 37.

Recommendations 41 and 42

Corporal punishment

82. It should first be pointed out that:

1. Under articles 254 to 280 of the Criminal Code, all deliberate acts of violence are liable to be punished.

2. Corporal punishment is strictly prohibited in schools, within the family and within all other contexts and institutions.

83. As far as the prohibition of corporal punishment in educational establishments is concerned, article 21 of the Education Act (Act No. 08-04 of 23 January 2008) stipulates that “corporal punishment, psychological ill-treatment and all forms of bullying shall be prohibited in educational establishments. Persons violating the provisions of this article shall be subject to administrative penalties, and may be subject to prosecution”.

84. Circulars are regularly sent out to educational establishments to draw attention to this measure, and administrative penalties are imposed on the perpetrators of such acts.

85. It should also be pointed out that the Algerian Criminal Code, enacted by Ordinance No. 66-156 of 8 June 1966, contains a number of articles for the protection of minors, given that this is the group within society that is the most affected by the many forms of deviant behaviour on the part of individuals, whether the main perpetrators or victims.

Art. 269 – Any person who deliberately injures or strikes a minor of 16 or deliberately deprives that minor of food or care with the result that his or her health is jeopardized, or who deliberately commits any other act of violence or assault against a minor, with the exception of light physical injury, shall be liable to imprisonment of between one and five years and a fine of between 500 and 50,000 dinars.

Art. 270 – Where the blows, injuries, violence, assault or deprivation referred to in art. 269 above result in illness, incapacitation or total inability to work for a period of more than two weeks, or, if the offence was premeditated or the victim was waylaid, the penalty shall be between three and 10 years imprisonment and a fine of between 500 and 6,000 dinars.

The perpetrator may, in addition, be deprived for a minimum of one year and a maximum of five years of the rights set out in article 14 of this Code and be prohibited from residing in certain areas.

Art. 271 – Where the blows, injuries, violence, assault or deprivation referred to in art. 269 above result in mutilation, amputation, loss of use of a limb, blindness, the loss of an eye or other permanent disabilities, the penalty shall be imprisonment for between 10 and 20 years. If the result is to cause death, unintentionally, but as a consequence of repeated acts, the penalty shall be life imprisonment. If the blows, injuries, violence, assault or deprivation were inflicted with the intention of causing death, the perpetrator shall be punished as being guilty of murder or attempted murder.

Art. 272 – Where the perpetrator is the lawful father or mother, another legal relative in the ascending line, or any other person with authority over the child or having custody of the child, that person shall be liable:

1. In the case for which article 269 provides, to the penalties set out in article 270;

2. In the case for which article 270 provides, imprisonment of between five and ten years;

3. In the cases for which article 271, first and second paragraphs, provides, life imprisonment;

4. In the cases for which article 271, third and fourth paragraphs, provides, the death penalty.

Art. 275 – Any person who causes another person to be sick or unfit for work by administering to that person substances damaging to health, in whatever manner, knowingly but without intending to cause death, shall be liable to a term of imprisonment of between two months and three years and a fine of between 500 and 2,000 dinars.

Art. 276 – Where the offences listed in article 275 have been committed by a relative in the ascending or descending line, spouse, heir or person having custody of the victim, the penalty shall be:

1. In the case for which article 275, first subparagraph provides, imprisonment of between two and five years;
2. In the case for which article 275, second subparagraph provides, fixed-term imprisonment of between five and ten years;
3. In the case for which article 275, fourth subparagraph provides, fixed-term imprisonment of between ten and twenty years;
4. in the case for which article 275, fifth subparagraph, provides, life imprisonment.

Art. 281 – Injuries and blows shall be excusable where they have been inflicted on an adult caught in the act of indecently assaulting, with or without violence, a minor aged 16 or over.

Abandonment and neglect of children and incapable persons

Art. 314 – Anyone who abandons or causes to be abandoned, neglects or causes to be neglected, in an isolated place, a child or incapable person whose physical or mental state renders that child or incapable person unable to fend for him- or herself, shall, based on that act alone, be liable to imprisonment of between one and three years. If the abandonment or neglect results in illness or total incapacity lasting for more than 20 days, the term of imprisonment shall be between two and five years.

If the child or incapable person is left mutilated or crippled, or with a permanent disability, the penalty shall be fixed-term imprisonment of between five and ten years. If the act of abandonment or neglect resulted in death, the penalty shall be fixed-term imprisonment of between ten and twenty years.

Art. 315 – Where the perpetrators are the relatives in the ascending line or any other person with authority or custody over the child or incapable person, the penalty shall be:

- Imprisonment for between two and five years in the case provided for in article 314, first subparagraph;
- A term of imprisonment of between five and ten years in the case for which article 314, second subparagraph, provides;
- A term of imprisonment of between ten and twenty years in the case for which article 314, third subparagraph, provides
- Life imprisonment in the case for which article 314, fourth subparagraph, provides.

Recommendations 43 and 44

Parental responsibility

86. Remarkable progress has been achieved here in so far as:
- The mother has the right to stand in for the father, where the latter is prevented or absent, in an emergency, in carrying out certain civil formalities, such as administrative formalities and those relating to children's education; and
 - In the event of divorce, (automatic) guardianship of her own children, placed in her care.

Recommendations 45 and 46

Institutional and alternative care

87. As regards the care of children without family, in addition to institutional care, the State has set in place a range of mechanisms and measures in which the focus is on foster care.

- There is **paid foster care** where one or more children without a family, and under the guardianship of the State, are placed in the care of an individual or family, and the State pays a monthly allowance to cover the costs of child-raising and maintenance, the amount of which varies according to the child's physical state, i.e. whether he or she is healthy or suffers from a disability.

88. Moreover, in connection with helping children in distress or temporary difficulty, notably children from disadvantaged families, the legislation makes provision for **financial assistance or assistance in kind**, the level of which is determined by a committee set up within the Social Welfare Department of the *wilaya* (see annex 2).

- **Placement in *kafalah* or legal placement:** this structure enables individuals to enter into a voluntary commitment to take responsibility for the maintenance and protection of a minor in the same way as would a father. The *kafalah* is drawn up by legal act before a judge, and confers legal guardianship on the beneficiary.

89. For a person to be able to take responsibility for a child under a *kafalah* arrangement, certain conditions must be met concerning, including the socio-economic circumstances of the applicant parents. Applications for *kafalah* from national residents are reviewed by an appropriate committee, which takes its decision on the basis of the administrative file submitted to it and the social welfare report.

90. For the period 2005–2008, the number of anonymous births recorded and noted was relatively stable, but there was an increase in *kafalah* family placements both in Algeria and abroad (Algerian families living abroad) (see annex 3).

91. While this arrangement has the advantage of providing the opportunity for integration within the family and society for this population group, some concerns may, nonetheless, remain the subject of particular attention.

With that in mind, the State has instituted a range of measures concerning:

- Review of the period of time accorded to the biological mother before she gives up the child;
- The principle of the irrevocability of the *kafalah* arrangement except in cases of ill-treatment or where there has been a failure to respect the fundamental rights of the child; and

- The establishment of a body responsible for monitoring the integration of children without a family.

92. As part of its efforts to improve the care of children without a family, the State has set in place a number of interdisciplinary working groups supported by both national and international experts.

93. It should, moreover, be noted that children placed in institutions are placed there **temporarily** while awaiting placement under a *kafalah* arrangement.

- **Biological mothers who resume care of their children:** in order to encourage unmarried mothers in difficulty, who desire to keep their child, and to meet the costs of child maintenance, a measure increasing the grant of child support to unmarried mothers has been in place since 2005. As a result of an awareness-raising campaign conducted, at local and national level, by the Ministry of [National] Solidarity and its subdivisions (Social Welfare Departments of the *wilaya*) to prevent biological mothers from abandoning their children born out of wedlock, the number of children taken back by their young unmarried mothers has continued gradually to increase from **478** children in 2005 to **564** in 2007.

Recommendation 47

***Kafalah* abroad**

94. It should be noted that *kafalah* is the prime objective of the policy applied in relation to children permanently without a family. Childcare facilities and residential nurseries are regarded merely as a **transitional stage** between mother and foster family. The authorities encourage fostering.

95. In that connection, it should be pointed out that *kafalah* applications from residents abroad submitted to the consular services are forwarded by the Ministry of Foreign Affairs to the National Commission. The Commission reaches its decisions in accordance with the best interests of the child.

96. As *kafalah* is an increasingly familiar arrangement outside Algeria, it has been possible to find ways of gaining recognition and acceptance for it, while avoiding confusion with adoption. For instance, in the context of family reunification for children taken in under a *kafalah* arrangement, Italy, Spain, France, Germany, Luxembourg and Belgium require that the name should be the same (application of Executive Decree No. 92/24 of 13/01/1992 on change of name).

Recommendations 48 and 49

Illicit transfer and non-return of children abroad

97. The legislature endeavours to secure the best possible protection for children whose parents have separated, wherever they reside, and to guarantee the proper exercise of visiting rights. That protection has been broadened by the national legislation in force and the bilateral agreements on judicial matters which Algeria has ratified.

98. Article 69 of the Family Code states that “if the person having custody wishes to elect domicile in a foreign country, the judge may confirm or remove custody, taking into account the interests of the child”. Several articles in the Criminal Code stipulate penalties for the non-return, kidnapping and abduction of children.

Art. 327 – “Anyone entrusted with custody of a child who fails to present the child to persons having a legitimate right of access shall be liable to imprisonment for a term of between two and five years”.

Art. 328 – “When a court has handed down an enforceable judgement concerning custody of a minor, either in the form of an interim or a final decision, the father, mother or anyone who fails to present the minor to persons having a legitimate right of access, or any person who, even without fraud or violence, kidnaps, abducts or arranges for the kidnapping or abduction of the child from the custody of those to whom it has been granted, or from the premises where the child has been placed, shall be liable to imprisonment of between one month and one year and a fine of between 500 and 5,000 dinars. If the perpetrator has previously been deprived of parental authority, the term of imprisonment may be increased to three years.”

99. Article 329 provides that, except where the act is a punishable act of complicity, anyone who knowingly hides or conceals a kidnapped or abducted minor, or who conceals a minor from the authority to which he or she is legally subject, is to be liable to imprisonment of between one and five years and/or a fine of between 500 and 2,500 dinars.

100. The Algerian courts monitor respect for and the guarantee of visiting rights and the right of access to the child. Relevant legal decisions are communicated to the parties concerned through the usual procedural channels, if they are resident in Algeria.

Recommendations 50, 51 and 52

Violence, abuse, ill-treatment and neglect

101. (b) In addition to national studies and surveys carried out since 2000 by Algerian research organizations and UNICEF, the subjects of which have included such emerging problems as the ill-treatment of children, child labour, street children, abandoned children, unmarried mothers and domestic violence, there are plans for a range of surveys to be carried out during the period to 2025 (see annex 4).

(c) A national strategy for combating violence against children was produced, in 2005, with representatives of the ministries concerned working with UNICEF. This is a comprehensive strategy which emphasizes the prevention of violence, intervention by the relevant agents, child protection and the social reintegration of victims. The agents of the State, including teachers, social workers and educational social workers, have a duty to report allegations of violence at school or within the family.

102. Within the framework of this strategy, a communication plan for 2009–2011 has been prepared to promote the rights of the child, and is accompanied by the following child protection measures:

- Child protection squads throughout the national territory, responsible for children in moral danger, [young] offenders and child victims of violence of any kind. The squads are run and coordinated by the National Child Protection Bureau, located centrally within the Judicial Police Directorate;
- The establishment since 1998 of neighbourhood policing, which is a priority of the Directorate-General for National Security, in an effort to improve relations between citizens and police officers, and especially those victims in need of special attention;
- An extensive recruitment programme for women (at all levels of seniority) to improve the care provided for women and children who are victims of any form of violence; and

- awareness-raising programmes for the general public, conducted periodically by the National Security Department during information weeks organized throughout the national territory and in educational establishments.

103. (d) To ensure that specialized establishments operate effectively, and provide them with professionals in educational psychology, the State has three national training centres for social workers (educational social workers, specialist educational social workers and social workers), backed up by three branch establishments, as well as a national multidisciplinary training centre for specialist staff which is planned in 2008. The remit of the centres is to provide initial and in-service training for professionals working in various fields relating to social problems.

104. The modules on child protection taught in these training centres for social workers are based on a comprehensive and systematic multidisciplinary analysis, and deal generally with legal issues relating to the rights of the child, with matters relating to the educational, psychological and social support provided for groups in social difficulty, in care either in institutions or in the community, and with the development of social communications and conflict management. Total resource expended on the three national centres for 1999–2007 is of the order of 702,613,800.49 dinars.

105. During 2005–2008, refresher sessions on the care of child victims of violence were held, as part of in-service professional training for psychologists and social workers in the sector, in cooperation with national and foreign experts and foreign NGOs (such as War Trauma Holland); they dealt with the following themes:

- Post-traumatic stress disorder;
- Discussion groups; and
- Various psychological and art-based therapeutic techniques for the treatment of child victims of violence.

106. During 2007, a diagnostic study on training those active in child protection was undertaken, in partnership with UNICEF. The need for this step was confirmed by the study's recommendations that training arrangements needed to be diversified and the approach re-thought and made more open to the world of the child, and that it was imperative to put in place a watchdog to monitor the ill-treatment of children.

In addition:

- Judicial police officers take part in the work of various kinds and training activities of the specialist Interpol group on sexual offences against children;
- In the context of the MEDA programme [under the Euro-Mediterranean Partnership], police officers in the child protection units have benefited from specialist training in new techniques and methods used by criminals in the fields of sexual abuse and youth offending; and
- Cooperation with other countries has been strengthened to raise the national capacity to improve the care provided for children, particularly in relation to technical support.

Recommendations 53, 54 and 55 Children with disabilities

107. (a) The effort the State devotes to protecting children with disabilities and promoting their interests is apparent from the commitment shown by the Algerian

Government to taking care measures which will guarantee the integration of children with disabilities into their family, educational and socio-economic environment.

108. These measures reinforce legal arrangements through the adoption of legislation implementing the Promotion and Protection of Persons with Disabilities Act of 9 May 2002, namely:

- Executive Decree No. 03–45 of 19 January 2003 implementing the provisions of Article 7 of the Promotion and Protection of Persons with Disabilities Act of 9 May 2002;
- Executive Decree No. 03–175 of 14 April 2003 on the *wilaya* Specialist Medical Committee and the National Appeals Board;
- Executive Decree No. 03–333 of 8 October 2003 on the *wilaya* Committee for Special Education and Vocational Guidance;
- Executive Decree No. 06–144 of 26 April 2006 on arrangements to provide persons with a disability with free transport and reduced fares;
- Executive Decree No. 06–145 of 26 April 2006 on the membership, working arrangements and responsibilities of the National Council for Persons with Disabilities;
- Executive Decree No. 06–455 of 11 December 2006 on arrangements to enable persons with disabilities to access the physical, social, economic and cultural environments;
- Executive Decree No. 07–340 of 11 October 2007 amending Executive Decree No. 03–45 of 19 January 2003 implementing the provisions of Article 7 of the Promotion and Protection of Persons with Disabilities Act of 9 May 2002;
- Executive Decree No. 08–02 of 2 January 2008 on the creation, organization and operations of establishments for work-based support;
- Executive Decree No. 08–83 of 4 March 2008 on the creation, organization and operations of sheltered employment establishments;
- **The allocation of a social benefit** to disadvantaged families with responsibility for children with disabilities: a fixed benefit of the order of 1,000 dinars per month, provided for under Decree No. 94–336 of 24 October 1994, is paid for each child with a disability. It should be noted that all beneficiaries of this arrangement are covered by the social security system;
- **Care assessments for children with a trisomic condition and for autistic children** to allow personalized project plans to be prepared and make access to specialized education possible as a result of structures set in place across the national territory. With a view to setting up specialized centres for the care of these two groups, the State has begun to provide space within existing facilities for those with learning difficulties;
- **The programme of early detection and pre-school education for children with a disability** has taken the form of a pilot which has begun in 14 wilayas. The 14 specialized schools involved have been provided with qualified staff and with the tailored educational resources, such as textbooks, that they need to make the operation a success; and
- **The programme for the care of child victims of anti-personnel mines** undertaken by the State in accordance with the provisions of the Ottawa Convention, including the section relating to assistance for the victims of mines, has proceeded via the

modernization of the information, registration and identification system for all victims of anti-personnel mines or explosive devices.

109. Additional resources have been devoted to developing and implementing a programme to support associations working with people with disabilities designed to improve their ability to help victims, particularly in border areas.

110. Priority has been given to training, with the objective of providing victims with improved psychological support, ensuring that they receive social assistance and achieve reintegration, and, above all, promoting awareness by all available means

111. Work to implement the strategy inaugurated in May 2005 has been completed with the conclusion of a study on the socio-economic impact of mines and the preparation of a programme of education and accident prevention.

- **Institutional care for children with disabilities** is delivered through a network of 155 centres (see annex 5). The main remit of these centres is to provide residential care for children aged from 4 to 25 years suffering from various degrees of learning difficulty, in order to provide them with specialized education. The centres are governed by the provisions of Decree No. 80–59 of 8 March 1980 on the Creation, Organization and Operation of Medical-pedagogical Centres and Specialized Teaching Centres for Children with Disabilities.

112. Multi-disciplinary teams provide care for children on a day-care basis in some institutions and on a residential basis in others. Children are provided with a programme of teaching and therapy in group or individual sessions.

113. Experimental early care arrangements for different types of sensory and mental disability have been launched in three specialist establishments in the *wilaya* of Algiers, before being implemented more widely.

114. The establishments involved are schools for young blind people (*écoles de jeunes aveugles* (EJA)), schools for young deaf people (*écoles de jeunes sourds* (EJS)) and centres for those suffering from respiratory insufficiency (*centres pour insuffisants respiratoires* (CIR)) (see annex 6). The schools for young blind people provide care for blind or partially-sighted children aged from 5 to 16 years to enable them to follow a programme of education that mirrors the normal national curriculum.

115. Specialist teachers (trained by the National Staff Training Centre for People with Disabilities), along with psychologists and specialist educational social workers, provide children in this group with support in following the national curriculum transcribed into Braille.

116. The schools for young deaf people (EJS) provide residential care to allow children who are deaf or have hearing difficulties, and are aged between 5 and 16, to follow a programme of school education identical to the normal national curriculum. The schools are governed by the provisions of Decree No. 80–59 of 8 March 1980 on the Creation, Organization and Operation of Medical-pedagogical Centres and Specialized Teaching Centres for Children with Disabilities.

117. Using the appropriate teaching methods, specialist teachers (trained by the National Staff Training Centre for People with Disabilities), along with psychologists, educational social workers and specialist educational social workers, ensure that children receive care which is essentially based on the national curriculum.

118. It should be pointed out that a number of these centres have experienced a low level of occupation, making it necessary to convert some of them into regional training centres.

119. According to the national associations dealing with children, children with disabilities are finding difficulty in integrating into ordinary schools when they leave these centres. This is because of the lack of facilities in schools to help with integration (such as special classes and equipment, help with writing and modified time-tabling during examinations).

- **Enhancing arrangements for specialist education and integration:** in addition to the State social assistance accorded to disadvantaged families with one or more children with disabilities, and in parallel with the institutional arrangements described above, the joint efforts of the Departments of National Solidarity and National Education, have made it possible to introduce arrangements for teaching children with sensory difficulties into mainstream national education.

120. Conducted in the early 1980s, this experiment has progressively gathered momentum (see annex 7). Teaching is free, and, in addition, disadvantaged children with a disability also benefit from a school allowance which was raised in 2008 from 2,000 to 3,000 dinars annually.

121. A considerable effort has been made to improve specialized teaching for those with sensory disabilities by acquiring equipment and adopting suitable teaching techniques:

- The acquisition, at a cost of 12 million dinars, of a Braille press, making it possible to transcribe 45 works and print 55,000 literary, scientific and technical books;
- The establishment at a cost of 147,263,795 dinars of 18 complete digital sound libraries and the production of 25,000 audio works;
- The establishment of 18 cyber-spaces in schools for young blind people; and
- The supply of digital hearing aids and the acquisition of SUVAG voice transmission units for all children with a hearing deficiency in the schools for young deaf people.

122. These educational support measures have facilitated the total integration of 231 children with a visual and 341 with a hearing disability and the partial integration of 24 children with a visual and 437 with a hearing disability, with the numbers distributed across 608 places in primary schools, 262 in middle schools and 163 in secondary schools.

123. In terms of gender, the numbers are 460 girls and 573 boys (see annex 8).

124. A partnership agreement signed with the vocational training and education sector also allowed 2,169 young people with disabilities to be targeted through apprenticeships and vocational training programmes during 2007–2008. Boys remain in the majority, accounting for 1,281 places, with greater numbers of those with motor disabilities represented in apprenticeships and those with hearing disabilities more strongly represented in vocational training (see annex 9).

125. The results of the policy that Algeria has pursued in relation to integrated schooling for children with disabilities have been apparent in the progress recorded in relation to school attendance. Progress has continued year on year, boosting the success levels of programmes of specialized education, in consequence both of their development by the State and the genuine commitment across the board of children and their parents, who are less hostile than in the past to issues of disability.

126. In 2008, 105 students with a disability, of the 231 entered for the examinations, passed the *baccalauréat*, a success-rate of 45.45%.

127. The pass rate in the examinations for the middle-school certificate was 62.79% (114 passes out of 18 candidates), and the entry rate into the first year of middle school was 70.46% (563 of the 799 candidates entered for the examination).

128. These advances by people with a disability, including those enrolled at university, are being assessed with the help of the social welfare offices, in an effort both to identify the difficulties that may be encountered in following university courses and obtaining degrees, and to find out more about rates of success in working life after graduation.

129. Nevertheless, national associations dealing with children's issues point to the poor quality of the mobility equipment available (such as wheelchairs and sticks), which discourages parents and makes it harder to pursue studies.

130. **(b)** The project to produce the social map, which is being taken forward through a sustained process of cross-sectoral cooperation, is expected to propose indicators for assessing the situation and criteria for access to the range of support payments on offer under the various the national solidarity arrangements.

131. This structural mechanism will make it possible to establish a picture of the situation of children with disabilities and thus help secure decision-making that is geared to better defining their needs, categorising them with the requisite transparency, so that they are provided with the most relevant forms of assistance.

132. The social map will provide a set of indicators, capable of authorizing prompt action, and a scale making it possible to assess difficulties that need to be attenuated and resolved, based on a pragmatic and balanced organizational plan.

133. Pending publication of the final results of the general census of population and housing of 16 April 2008, and the establishment of the social map, the figure for persons with a disability will remain at 1.752 million, including the chronically sick.

134. **(c)** Following the adoption of Executive Decree No. 06-455 of 11 December 2006 on arrangements for access by persons with disabilities to the physical, social, economic and cultural environments, a cross-sectoral commission on access for people with disabilities to the built environment, the urban landscape, transport and communication and information services was set up in December 2007.

135. The purpose of the commission is to provide for access to the physical, social, economic and cultural environments, by defining appropriate programmes and other measures.

136. **(d)** The Ministry of National Solidarity, the Family and the National Community Abroad holds the portfolio for public information and awareness-raising about the position of children with disabilities, and regularly organizes, in partnership with the media—making full use of both audio-visual and print-based resources—information activities and debates about the rights of children with disabilities and the problems inherent in giving effect to those rights. It also organizes meetings and themed seminars about disability issues in Algeria in connection with national and international disability days.

137. Recreation days are also organized by and for children with disabilities who are in institutional care. Leaflets dealing with the measures and arrangements that have been put in place to protect and promote persons with a disability are produced and widely distributed.

138. The 152 neighbourhood solidarity units, which are established throughout the most remote and isolated areas of the country, play an important role in terms of social support, community health, therapeutic and psychological care, mediation and social communication.

139. **(e)** As indicated in the reply to question 51 (d), training for social workers caring for children with disabilities is provided by the three national centres.

140. The centres have trained 293 staff this year, including 180 educational social workers and 53 specialist educational social workers: these are the workers tasked with providing care

and personal support for children with disabilities placed in institutional care. For 2008, the operational budget for these centres is estimated at 191.607 million dinars.

141. In parallel, pending the finalization of the project for the creation of the Algerian School of Sign-Language, which will be a real advance in arrangements for the care of people with hearing disabilities, the Ministry of Solidarity has undertaken to train its social workers in sign-language, as well as legal officers under the partnership approved with the Ministry of Justice.

142. However, the national associations dealing with children's issues take the view that the causes of disabilities are birth accidents, foetal illness, high-risk pregnancies and the sequelae of meningitis, which cause motor disability of cerebral origin in many children.

Recommendations 56 and 57

Health and health services

143. (a) The Government's Action Plan includes a development programme for the health system.

The aims of the programme are:

- To bring health closer to citizens;
- To improve the quality of health provision;
- To manage demographic and epidemiological change;
- To achieve the Millennium Development Goals set by the United Nations to be achieved by 2015;
- To eliminate geographical inequalities; and
- To rationalize management.

144. Specific and effective means of achieving the presidential guidelines are provided by the programme for the renewal of existing health structures, the very intensive programme for the creation of new health structures, the associated allocations of human and financial resources to the health sector and the reorganization on which the President of the Republic has decided.

145. The more intensive coverage in terms of general hospitals and the increasingly striking delivery of specialist hospitals; the devolution of authority to neighbourhood health services and their extension towards the most remote areas, as a result of the implementation of the new health map; the renewal of medical equipment; and an initial and in-service training plan all augur an improvement in the healthcare situation. The new health map, in operation since 2007 with the creation of 195 public hospitals and 271 public neighbourhood health facilities, is facilitating access to high-quality health services and bringing an end to disparities.

146. Health spending as a proportion of GDP rose from 4.38% in 2005 to 4.64% in 2006 and 6.77% in 2007. Public expenditure on health as a proportion of total expenditure on health, accounting for 74.3% in 2005 and 75.39% in 2006, reached 76.06% in 2007. Per capita expenditure on health rose from \$US141 in 2005 to \$US165 in 2006 and \$US171 in 2007.

147. (b) The State provides free medical treatment and preventive healthcare for everyone.

148. Chapter V of the Health Protection and Promotion Act, No. 85–05 of 16 February 1985, as amended and supplemented, demonstrates the attention paid to protecting mothers and children. The objective of the latest restructuring of the health map, begun in 2007, is to bring healthcare structures closer to the people. Executive Decree No. 07–140 of 19 May 2007 on the creation, organization and operation of public hospitals (*établissements publics hospitaliers* (EPH)) and community public healthcare facilities (*établissements publics de soins de proximité* (EPSP)) set in place 195 public hospitals and 271 community facilities.

149. In addition to the two existing “Mother-and-child” healthcare complexes, a further 26 have been made into complexes under Executive Decree No. 07–204 of 30 June 2007. These specialized hospitals (*établissements hospitaliers spécialisés* (EHS)), which have independent status and funding, are provided exclusively to care for these vulnerable population groups.

In the context of the Development Plan 2005–2009:

- Seven other “Mother-and-child” complexes are currently being set up; and
- 72 general hospitals are also under construction.

150. All other healthcare establishments (public hospitals, university medical centres (*centres hospitalo-universitaires* (CHU)), specialized hospitals, university medical facilities (*établissements hospitalo-universitaires* (EHU)) and hospitals have a maternity service and neonatal services or units. Five neonatal services and 185 neonatal units have been created as part of the process of implementing Executive Decree No. 05–435 of 10 November 2005.

151. The special features of neonatal units and maternity services are among the specific issues covered in the technical specifications for new developments. Launched in 2005, the National Perinatal Programme (*Programme national de périnatalité*) has political support at the highest possible level, reflected in the publication of the Executive Decree setting standards for the organization and operation of neonatal and perinatal services (Executive Decree No. 05–435 of 10 November 2005).

152. This is a three-year programme (2006–2009) to ensure proper management of “Mother-and-child” issues and to reduce neonatal risk. The aim is to reduce perinatal mortality by 30% and maternal mortality by 50% particularly through:

- The prevention of, screening for and effective treatment of diabetes, high blood-pressure and common illnesses during pregnancy. In this connection, **246 referral centres for the monitoring of high-risk pregnancies** have been established, containing multi-disciplinary specialist medical teams which coordinate their work with the basic mother and child protection (MPI) centres, running a screening system and providing basic guidance about managing the risks of maternity;
- The introduction of standards for obstetrical care to reduce by 30% maternal deaths linked to complications involving haemorrhage at delivery, which are the main cause of maternal mortality; and
- The introduction of standards for delivery rooms and of a hierarchy of levels of neonatal care (general basic care, neonatal resuscitation, intensive care) in accordance with the above Decree.

Reducing mortality among mothers and children (see annex 10)

153. The following 9 of the 26 national programmes of prevention specifically target mothers and infants: the Perinatal Programme, the Expanded Vaccination Programme (*programme élargi de vaccination* (PEV)), the Acute Respiratory Infections Programme, (*infections respiratoires aiguës* (IRA)), the Diarrhoeal Diseases Programme, the Acute

Rheumatic Fever Programme (*rhumatisme articulaire aigu* (RAA)), and the Nutrition, Domestic Accident, Trachoma and Cerebro-spinal Meningitis Programmes.

154. The general aim is to reduce the serious forms of these illnesses and their complications, and especially the mortality associated with them.

155. Strategies and programmes for children are a part of the general framework of minimum development targets set for 2015, in accordance with the provisions of the Convention on the Rights of the Child.

National Nutrition Programme (see annex 11)

156. In 2006, at the time of MICS3 (Multiple Indicator Cluster Survey 3), anthropometric indicators showed that:

- 3.7% of children were moderately or severely underweight, 0.6% of them severely (the figures in 1995 were 10% and 3% respectively); and
- 11.3% of children were suffering from moderate or severe growth retardation, 3% of them severe (in 2000, the figures were 18% and 5.1% respectively).

157. This reduction in malnutrition indicators in the under-fives is confirmed, based on analysis, by trends in the general data on poverty among the population from household consumption surveys carried out by the Office of National Statistics and from surveys of living standards and poverty indicators (the Living Standards Measurement Study, LSMS), most recently conducted in 2005.

Diseases controllable by vaccination

New vaccines in the national vaccination schedule

158. In 1997, booster vaccinations against diphtheria-and-tetanus, polio and measles were introduced in schools:

- In 2003, vaccination against Hepatitis B was introduced; and
- In October 2008, vaccination against *Haemophilus influenzae b* was introduced.

Other measures

159. The National Programme for the Eradication of Poliomyelitis was launched in 1993, and the disease has been eradicated in Algeria.

The national programmes for the elimination of measles and for monitoring the side-effects of vaccines were launched in 2001.

The epidemiological situation

160. No case of poliomyelitis has been reported since 1996:

- Tetanus in the newborn has been eliminated;
- There have been no cases of diphtheria since 2006;
- Cases of measles fell by 77% between 2005 and 2007.

Expansion in vaccination coverage

161. Coverage has improved significantly for all vaccines, resulting in a major reduction in diseases controllable by vaccination (see annex 12).

Combating HIV/AIDS

162. Algeria is among the countries with a favourable epidemiological profile, with a seroprevalence rate of about 0.1%. Targets for action include the prevention of transmission from mother to child at birth, and countering risk among young people in the context of reproductive health and, with help from the association movement, in health programmes for schools and universities.

163. Fifty-four centres offering free and anonymous screening (*centres du dépistage du VIH (CDV)*) have opened at the *wilaya* level across the country, increasing to 60 in late 2008.

164. Institutional care arrangements were considerably boosted during the 1990s through the creation of the National Blood Agency, responsible for the safety of transfusions; the introduction of compulsory monitoring of blood donations and blood products throughout the country; and the setting-up eight reference centres (*centres de référence (CDR)*) for dealing with HIV/AIDS, of a total of 12 planned by the end of 2008; as well as by supplying antiretrovirals free of charge through the reference centres.

165. The national strategic plan for 2007–2012 is based on four types of measure:

- (a) Prevention for vulnerable groups;
- (b) Care for people living with HIV/AIDS;
- (c) The mobilization of associations and communities; and
- (d) Improving knowledge of epidemiological developments through behavioural and seroprevalence surveys.

166. (c) A huge programme of action is in place to encourage breast-feeding in general, and exclusive breast-feeding during the first six months of life in particular, based on:

- The preparation of various communication aids (posters, leaflets and brochures) during 2008;
- Television and radio spots;
- TV programmes;
- Articles in the print media;
- The organization, during October 2008, of an extensive awareness-raising programme for imams and women spiritual guides (*mourchidates*) as an aid to communication in mosques;
- The celebration in November 2008 of National Breast-Feeding Week;
- The completion of a national plan for promoting and supporting breast-feeding;
- The completion of the national code governing the sale of breast-milk substitutes; and
- The involvement of 104 hospitals in the “Baby-Friendly Hospitals” initiative to encourage breast-feeding.

(e) Cooperation with UNICEF

167. Cooperation with UNICEF dates back to the early days of independence in July 1962. From 1962–70, UNICEF assistance essentially took material form, given the urgency of the situation. From 1970, the year in which the first five-year plan for national development was launched, until 1985, UNICEF’s contribution was geared to mother-and-child protection, family planning, the development and upkeep of drinking-water resources,

the training of nutritionists and industrial food technologists and the production of protein-enriched weaning foods.

168. After the adoption, in 1985, of the National Programme to Combat Infant Mortality, the Algerian Government and UNICEF established an action plan for 1986–1990 with the aim of reducing infant mortality by 50%.

169. From 1991–1995, the health of children living in difficult conditions, social communication and advocacy were identified as the bases for cooperation.

170. The short-term cooperation programme for 1996–97 was designed to safeguard the progress achieved thus far. The programme for 1998–2001 had limited impact, given the circumstances of the time. The aim of the programme for 2002–06 was to contribute to improving the well-being of children and women, with a view to promoting their rights and their development more generally.

171. The programme for 2007–08 basically consists of technical assistance for mother-and-child health programmes and social communication.

Cooperation with the World Health Organization (WHO)

172. The WHO has a liaison officer in Algeria. Cooperation with the WHO takes place on the basis of biennial plans in all health fields: mother-and-child health, communicable and non-communicable diseases, information system support, etc.

173. Cooperation takes the form of assistance for various projects undertaken by the Ministry of Health. The Ministry of Health also takes part in all the events (training, conferences and working groups) organized by the WHO.

Recommendations 58 and 59 Adolescent mental health

174. The number of hospital child psychiatry departments rose from 3 to 12 in 2007, with a total of 146 beds located in specialized psychiatric hospitals. Care for children and adolescents is mainly delivered on an outpatient basis.

175. One hundred and eighty-eight intermediary mental health centres have been set up at public community health facilities (EPSP). A huge programme for the development of child psychiatry services is under way. In addition, major efforts are being made to treat drug addiction.

176. Action includes the following:

- The creation, in 1992, of a national cross-sectoral committee to combat drug addiction, chaired by the Ministry of Health;
- The creation in 1997 of the National Office to Combat Drugs and Drug Addiction; and
- The setting-up, in 2004, of a national sectoral committee to combat drug addiction (in accordance with Decree No. 13 of 31 May 2004). The committee has prepared an action plan, drawing on guidance from the National Steering Plan.

Information and awareness-raising

177. The organization of awareness-raising seminars in schools, universities and vocational training establishments has included:

- The organization throughout the country of study days on the prevention and treatment of drug addiction;
- The organization of training seminars, in November 2006, by the Directorate-General of Prisons in collaboration with UNICEF, on the treatment of drug addicts in the penal system;
- Radio and television broadcasts;
- The celebration, on June 26 annually, of the International Day against Drug Abuse; and
- The provision of information (posters, leaflets and periodicals).

Training

178. Training seminars on the prevention of drug addiction have been organized on the following subjects for doctors dealing with health in schools and universities and vocational training establishments:

- The treatment of drug addicts in the prison system;
- The treatment of addictive behaviours for doctors working in preventive medicine;
- Courses on drug addiction have been organized for those training to be doctors in intermediary centres for the treatment of drug addiction; and
- Training seminars have been organized in collaboration with the National Office to Combat Drugs and Drug Addiction and the Pompidou Group of the Council of Europe:
 - One national seminar for psychiatrists on the treatment of drug addiction in drug rehabilitation centres; and
 - There have been three regional seminars on the treatment of addicts in intermediary centres for the treatment of drug addiction.

Current infrastructure for the treatment of drug addicts

179. There are currently two centres for the prevention and treatment of drug addiction (treatment centres), at Blida since 1996 and at Sidi Chami, Oran, since 1997. There are three other intermediary centres for the treatment of drug addiction at Annaba, Sétif and Bab El Oued (Algiers).

Action plan for 2007–2009

180. There is a project to create 15 drug rehabilitation centres at Batna, Tizi Ouzou, Tlemcen, Sétif, Sidi Bel Abbes, Annaba, Constantine, Oran, Algiers (2), Adrar, Bechar, Tamanrasset, El Oued and Ghardaia.

- There is also a project to create 53 intermediary drug-addiction treatment centres; 44 of the *wilayas* will have one intermediary centre: of the other four *wilayas*, Algiers will have three centres, while Oran, Annaba and Constantine will each have two.

Recommendations 60 and 61

Standard of living

181. **(a) and (b)** Policy for national solidarity is based on action to provide support and assistance and constitutes a genuine resource for preventing exclusion and economic insecurity and for supporting vulnerable groups within society. It provides a response to cross-cutting needs and issues, which are partly dealt with through welfare support and the welfare system, but has an impact that extends beyond the scope of social protection.

182. Based on a participative, coordinated and cooperative approach, national solidarity programmes are extremely diverse, and adapted to the needs of the various target groups and individuals.

183. Based on analysis of indicators of the situation of disadvantaged groups and emerging social phenomena, confirmed by various surveys, including those carried out in connection with the updating of the household poverty map and with abandoned and street-children and unmarried mothers, the Government found itself faced with the need to bring its programmes into line with the realities of social developments. This new policy direction involves broadening the scope of intervention to tackle the major challenges facing particular social groups and vulnerable and/or disadvantaged individuals at all stages in their lives.

184. The new approach was put into practice during 1999–2007 through the provision of suitable support and assistance arrangements and mechanisms for combating social marginalization of all kinds, thus giving all citizens, without exception, access to basic human rights.

185. The results achieved, since 1999, in terms of growth, poverty reduction and raising living standards, are the results of the whole range of actions taken under the Support Programme for Economic Renewal for 2001–04, complemented by the Supplementary Support Programme for Economic Growth for 2005–09.

186. The proposals under the Supplementary Support Programme for Economic Growth include:

- 1.2 million dwellings;
- 500 *lycées* and 1,000 secondary schools;
- 2,000 school canteens and semi-boardings facilities;
- 500,000 university places and 50,000 vocational training places;
- 60 general hospitals, a major burns hospital, a cardiac institute, a renal institute and a cancer care facility, community health facilities and 17 centres for medical and surgical emergencies located on main arterial roads;
- 10 dams and 10,000 km of new or improved roadways;
- A library for each of Algeria's 1,543 communes, the purchase of 40 mobile libraries and the provision of 14 annexes to the National Library and a cultural centre in each *wilaya*; and
- The connection of 1.2 million homes to the natural gas network and another 600,000 rural homes to the electricity grid.

187. As well as strengthening existing solidarity measures, new programmes for care and support were put in place, between 2003 and 2007, for children and others living on the streets, the homeless, victims of the Algerian national tragedy and victims of national disasters.

188. National policy for solidarity is backed by a strategy to combat poverty and exclusion, which aims to allow economically disadvantaged segments of the population to access the basic necessities of life. The philosophy underlying action against poverty is to seek to preserve family cohesion and the family connections which provide individuals with opportunities for uninterrupted development within their own environment. This is why the five national programmes and five pilot programmes involved have transcended the framework of sectoral responsibility and taken on a primarily human dimension, organized around the achievement of strategic, regionally balanced development.

189. Experts have cited improved communications, distance, unemployment, under-employment and lack of income among the factors which have resulted in a continued state of dependence which is unjustified, given Algeria's true material potential.

190. Support for local development has taken real shape in the commune of Sidi-Fredj, where one of the five pilot projects has been launched with the help of Belgian Technical Cooperation, as a result, in particular, of a €5 million donation. Arrangements for getting the programme started have been finalized, and the first activities, built around training and support for farmers, have been put in place.

191. The re-launch of investment, with the different development plans set under way since 2001, has provided support for the economic aspects of national solidarity policy, by giving citizens the opportunity to gain access to a worthwhile job properly listed under the different initiatives set up for the purpose.

192. Since November 2007, detailed studies of the 47 most disadvantaged communes, produced by refining the poverty map, have been used as the basis for implementing a huge catch-up programme in various fields where progress had fallen behind, including social integration and welfare. This in-depth review has led to the identification of 69 pockets of deprivation containing 5,640 households and the provision of a financial allocation of 762 million dinars to roll out social welfare and integration initiatives.

193. Urgent action has been taken on the construction and/or renovation of dwellings, the provision of drinking water, connection to the sanitation and natural gas networks, the provision of social infrastructure and the fitting-out of health centres and school canteens. As of 31 December 2007, 1.623 billion dinars had been spent on these activities, as well as an additional 525.9 million dinars spent on support for 1,753 young traditional fishermen.

194. The first half of the current year has been devoted to action on connections to the natural gas network, especially in the *wilaya* of Oum-El-Bouaghi, where 600 families have benefited from 7.1 million dinars from the Special Fund for National Solidarity. Similarly, an initiative to help disadvantaged families has also covered the rental payments of 32 heads of disadvantaged households in social housing, at a cost of 341,600 dinars.

195. Finally, measures to combat poverty and exclusion require the roll-out of a community development programme designed to mobilize populations of rural and disadvantaged areas and meet a number of expectations. The fourth quarter of 2007 saw 79 projects launched at a total cost of 234.3 million dinars, and, as at 30 June 2008, there were 208 projects to a value of 595.05 million dinars. Assistance is also provided by means of specific measures taken at neighbourhood level by multi-disciplinary teams working in units to break the cycle of illiteracy, poor hygiene and under-nourishment.

196. At 30 June 2008, there were 152 neighbourhood units with 460 members, 21 of them created during the first half of 2008 (131 at 31 December 2007) working on social support, community health, psychological and other therapeutic care, mediation and social communication (see the diagram at annex 13)—115,054 persons received help in these fields.

197. In terms of support for local socio-economic development provided through international cooperation, the implementation of the PADSEL-NEA project (the Programme to Support Local Socio-economic Development in North-East Algeria) continues, with aggregate expenditure so far of €31.4 million out of a total provision of €70 million. This has produced:

- 50 local development plans;
- Three model local development plans using a people-based approach; and
- One training programme, based around the UN Millennium Development Goals, for community development, the development of micro-enterprises and the strategy for combating poverty.

198. It has also helped develop local infrastructure, with 422 small-scale infrastructure projects comprising:

- 235 public works projects;
- 115 water management projects;
- 5 building projects; and
- 67 borehole projects.

199. Associated with this international cooperation project to combat poverty is a micro-credit scheme under which 783 micro-projects have been evaluated and accredited, and 564 projects have been financed to a value of 56.057 million dinars. Of these projects, 217 have been for the benefit of women, and 71% have concerned services, small-animal farming, manufacturing and processing.

200. Micro-credit is at the forefront of this raft of measures: since its introduction in 2004, it has attracted many citizens with qualifications and skills and created 54,71 enterprises, 65% of which have benefited women. Despite its modest scale (ranging from 50,000 to 400,000 dinars), this form of credit has made it possible to create 23,52 enterprises in the small business sector and 12,583 and in agriculture, the two “lungs” of the national economy.

201. The impact on the living standards of some families is undeniable: it has allowed women in the home, craft workers and farmers, people with disabilities and others to gain a foothold in the business sphere.

202. Lending has not really attained the levels suggested by public enthusiasm for the scheme (22,657 applications as at 30 June 2008), perhaps reflecting reluctance on the part of the financial institutions? In 2007, 17,231 loans were accorded, amounting to 569.086 million dinars and, as of 30 June 2008 a further 11,927 loans amounting to 408 million dinars. In 2007, 866 projects were financed, and 11,927 up to 30 June 2008, so that further support is needed, particularly in the light of consultations held under the supervision of the Head of Government.

203. Jobs created from this source numbered 25,846 in 2007 and 17,890 in 30 June 2008, confirming the potential for economic integration with which the scheme has been credited, all the more so, since people with disabilities are easily able to take part: 282 entrepreneurs with disabilities are among the beneficiaries (see annex 14).

204. In addition, the reorganization of the sector since June 2007 has led to a review of social programmes for integration, the purpose of which is to support local authority initiatives and to enhance the employability of young graduates seeking their first jobs.

205. The reform consequently involves replacing the CPE (*contrats de préemploi*, pre-employment contracts), ESIL (*emplois salariés d'initiative locale*, “Local Initiative

Employees”) and TUP-HIMO (*travaux d'utilité publique à haute intensité de main-d'oeuvre*, the Highly Labour-intensive Public Works Programme) with, in turn, the Social Integration Grants for Young Graduates Programme (*programme de prime d'insertion sociale des jeunes diplômés*, PID) within the Business Grants for Social Integration Programme, (*programme de prime d'activité d'insertion sociale*, PAIS) and the Business for Social Needs Programme (*programme d'activité pour les besoins collectives*, ABC).

206. As at 31 December 2007, social integration grants for graduates had targeted 61,987 individuals, 6,942 of them during the fourth quarter of 2007, at cost of approximately 1.576 billion dinars.

207. Quotas for 2008 were 60,930 posts for which 48,278 young people were recruited, at a cost of 4.436 billion dinars, thereby specifically pursuing the process of integrating young graduates and high-grade technicians into the world of work.

208. Business grants for social integration made it possible to find jobs for 246,417 individuals at the fourth quarter of 2007 and 126,622 at 30 June 2008, at a cost of 7.661 billion dinars and 2.214 billion dinars, validating the strategy of realizing potential encouraged by and on behalf of the local authorities.

209. The Business for Social Needs Programme and the “*Blanche-Algérie*” (environmental clean-up) Programme accounted for the creation of 2,090 jobs during the fourth quarter of 2007, on the 301 sites that were operational, at a cost of 702.35 million dinars, and for 2,279 jobs as at 30 June 2008 on 2,994 sites, at a cost of 714.14 million dinars.

210. The Allowance for the Performance of Community Service (*l'indemnité pour activité d'intérêt général*, IAIG) benefited 265,435 people in 2007, at a cost of 2.477 billion dinars, and 268,575 recipients at 30 June 2008, at the cost of 5.012 billion dinars.

211. In the context of developing revenue-generating businesses, a study is under way to enable a strategy to be devised for the creation of local initiative and employment development centres (*centres d'initiative locale et de développement de l'emploi*, CILDE).

212. (c) Social transfers from the State budget amounted, at 31 March 2008, to 880 billion dinars, representing 12.82% of GDP (compared with 12.06% in 2007), confirming their importance for the State's continuing commitment to maintaining proper living standards for the population (see annex 15).

213. That factor underscores the political determination that was demonstrated in the face of the directives issued to Algeria by the international financial institutions when the international economic crisis dictated the need to remove price support for the basic essentials.

214. The setting-up in 1996 of Algeria's national fund for social development in the form of the Social Development Agency was fully in keeping with development principles and ideals, since social integration programmes are being developed using this route and are consistent with both levels of training and qualifications and the scale of the needs indicated (see annex 16).

Recommendations 62, 63, 64, 65, 66 and 67

Education, leisure and cultural activities

215. (a) Taking as its starting-point the fundamental principles set out in the Constitution, which are based on non-discrimination, and in a context of equality of opportunity for all Algerian children, the State has put into effect an educational solidarity programme for the benefit of schoolchildren from families that are disadvantaged and/or living in remote areas. The programme seeks essentially to combat any social inequalities

which could compromise access for children from disadvantaged groups to education and leisure.

216. Action on educational solidarity falls within the framework of the guidelines set by the **President of the Republic** and takes the following forms:

- **The payment of a special schooling allowance** to 3 million children a year; for 2000–2008, a package of 46.4 billion dinars was allocated, benefiting 23.2 million schoolchildren;
- **Issues of school clothing:** during 2000–2008, 2,544,354 school-clothing outfits were distributed at a cost of 1,971,396,451 dinars, and more than 10,000 outfits have been issued to children of Algerian families living abroad;
- **Issues of school books and textbooks:** in 2008, the initiative to purchase school books for pupils from disadvantaged families involved the distribution of 20,000 books at a cost of 24 million dinars, in addition to books issued to children taught in specialized institutions costing 4.9 million dinars;
- **Equipping and furnishing school canteens:** this initiative involves acquiring and installing complete school canteen kits (kitchen equipment, refrigerators, utensils, cutlery, tables and chairs) for the most isolated schools in impoverished communes. The cost is of the order of 152 million dinars;
- **The provision of school buses to remote communes:** from 1999–2008, the State has made 3,656 buses for school transport available to isolated communes, at an overall cost of 8.1989 billion dinars;
- **Support classes:** 7,000 young university graduates will be recruited during 2008 under the Social Integration Grants for Young Graduates (PID) programme to support and mentor pupils in southern Algeria and the Hauts Plateaux; and
- **The organization of school holidays:** holiday camps are run each year for children:
 - From disadvantaged families;
 - From families that have been victims of the Algerian national tragedy;
 - From the far South; and
 - For children with disabilities.

217. Forty-seven holiday centres are set up in the 14 coastal *wilayas* to accommodate 2,334 children, at a cost of 214.206 million dinars.

218. A new development introduced this year has been to offer this benefit to 248 children, cared for by 11 support staff, from the Algerian national communities in the Lebanon (13), Syria (74), Egypt (32), Tunisia (65) and Morocco (53).

- **Provision of financial assistance or assistance in kind for children in distress or temporary difficulty:** this assistance is decided on by committees based in social welfare offices at *wilaya* level, depending on the kind of help required.
- **Community development programmes:** these programmes complement the efforts of the National Education Service in relation to:
 - The improvement and renovation of schools in disadvantaged areas by the Social Development Agency;
 - The construction of paths and access roads in isolated areas; and
 - The provision of lighting and environmental improvements in areas surrounding State-run schools.

219. The total cost of solidarity operations in schools for 1999–2008 was 61,664,539 dinars.

220. **(b)** The Algerian State launched the reform of its educational system in 2005. The objective of the reform is to build a modern and republican school system to provide Algerian children with a high-quality education and to educate the citizens of tomorrow. This involves far-reaching and radical reform based on improving staff qualifications, a complete overhaul of school curricula and textbooks, fresh organization of the system, new working methods for schools and new roles for those involved, including teachers, pupils and parents.

221. **(c)** Access to early childhood education is currently a priority of the Government's programme which is primarily designed to reorganize the way in which early childhood establishments and centres are organized and supervised. Early childhood care was regulated in 1992 with the aim, on the one hand, of allowing working women to reconcile their work and family obligations, and, on the other, of giving nursing mothers opportunities to create remunerated activity.

222. An executive decree has been introduced to set the basic principles for the creation and operation of early childhood establishments, and, in addition, to define the forms that care should take and the practical arrangements for delivering it. What is new in this legislation, promulgated in September 2008, is not just the organization of care for those able-bodied children not admitted to pre-school classes run by the National Education Service, but also for those with a disability, for whom specially-adapted units are provided and teaching support incentives are offered by the public authorities.

223. The legislation includes provisions to encourage the creation of facilities offering two forms of care:

- Group care in establishments set up by local authorities, public enterprises or services, social welfare bodies, mutual benefit societies, associations, individuals and corporate bodies in accordance with a care specification and conditions determined by the relevant public institutions concerned;
- Group care may be provided in the form of crèches for children aged from three months to three years, kindergartens for children aged three and above, day-nurseries for temporary or occasional care, and establishments combining two or more of these types of care to meet parental needs; or
- Family care, provided in the home of the child-minder under a formal contract with parents which is accredited by the social welfare office of the *wilaya*.

224. Finally, setting in place regulatory provisions governing childcare establishments for pre-school children, along with the diversification of forms of care and the rigorous monitoring arrangements that are proposed, will contribute considerably to extending provision of pre-school education and early learning for all Algerian children without exception.

225. **(d)** As part of its reform of the education system, the Algerian Government has taken measures to reduce the number of children repeating a year in primary education. The main measures are as follows:

1. The organization of teaching

226. Remedial classes have been introduced into primary education as a lever for change; the intention is to develop a common culture among all those involved in teaching, as well as effective practices which serve educational quality, fairness and equality of opportunity. "Remedial education" should be construed as the whole range of teaching activities which

are capable of getting each pupil to improve in areas of weakness, catch up where they have fallen behind and avoid any accumulation of gaps which could have a fundamental impact on later phases of learning.

227. Timetable-slots are provided for remedial sessions, mainly in the basic languages:

- Two sessions per week for Arabic and mathematics at all levels of primary teaching; and
- One further weekly session for primary years four and five.

228. During the sessions, pupils with difficulties are grouped together, so that they can be given help, individually or collectively, in accordance with both their needs and their capabilities.

- Teaching programmes are being simplified by placing the emphasis on knowledge which encourages thought and by eliminating learning by rote and abstract content which is not a pre-requisite for the pursuit of learning.
- The length of the weekly timetable is being reduced for all levels in the primary cycle, and time at school is being put to more rational use in order to adapt the pace of learning under the syllabus to pupils' chronological rhythms, improve the organization of remedial teaching and devote more time to non-academic activities.
- Support lessons in the fundamental languages (Arabic, mathematics and French) are being provided for all pupils who are keen to improve their academic performance, particularly those in primary year five.
- Ideas are being developed to structure teaching programmes so that each lesson refers back to knowledge already acquired, to enrich them with new information, to improve concept-based learning and to achieve progress in the learning process.

2. Assessment

229. Educational assessment practices are being developed which work on a continuous basis and are not tied to specific time-points based exclusively on marking.

230. Assessment is an integral part of the learning process and as well as providing pupils with information, it gives them feedback on what they have still to achieve. It also allows errors of a systematic kind to be identified and corrective action to be taken, so as to avoid gaps and difficulties becoming irremediable, leaving pupils at serious risk of educational failure.

- The frequency of assessment is being increased to prevent disengagement and recognize effort.
- Parents are being given useful information about their children's work, including the results of assessments accompanied by a qualitative appraisal, guaranteeing a constructive three-way relationship between pupils, teachers and parents.
- Remedial examinations are held at the end of the school year for pupils with an average mark over the year of between four-and-a-half and five out of ten, and a remedial class has been introduced for pupils who have not achieved the average marks needed for admission to the first sitting of the concluding examination at primary level.

3. The organization of teaching

231. School conditions for children are being improved (reduced class size [?] and the provision of new infrastructure to make access to schools easier for pupils, particularly in rural areas).

- Double-shift teaching is being gradually abolished.
- Pre-school education, the aims of which are essential for the later phases of schooling, is gradually being extended.

5. Teacher-training

232. Institutions are being created to provide initial and in-service teacher-training to produce primary teachers who have undergone sound academic and vocational training three years after the *baccalauréat*.

- Preparation of a national plan prepared to provide in-service and refresher courses for teachers, taking account of the various methods of delivery and development (including distance-learning using new technology, short courses and sandwich courses).
- In the plan for updating teaching skills, priority is being given to those teachers at primary level in greatest need of further training.
- The skills of school inspectors in providing teachers with support are being improved.

Recommendations 68 and 69

233. See the replies in relation to articles 28, 29 and 30.

Recommendations 70 and 71 Children in armed conflict

234. Group therapy sessions have been organized since 1998 to provide care for traumatized child victims of the Algerian national tragedy. These groups have facilitated children's psychological rehabilitation through a combination of therapy and play. Drawing their members from specialized establishments across the sector, 800 multi-disciplinary teams have been mobilized to provide psychological care in the community for children who have had to suffer the anguish of the decade of violence.

235. In parallel, since March 2006, counselling, information and awareness-raising centres in the 48 wilayas have been up and running and caring for victims of the national tragedy, with no-one excluded. Professionals based in the 152 neighbourhood units have also been involved in caring for child victims of the national tragedy, in providing information and in disseminating the contents of the presidential decrees on the implementation of the Charter for Peace and National Reconciliation.

236. In addition, a particular feature of the measures to care for child victims of the national tragedy has been the provision of group or individual therapy for more than 500 such children.

Recommendations 72 and 73

Assistance for Western Saharan refugee children

237. The local health authorities provide permanent assistance to the Sahrawi refugee camps. A joint local committee meets regularly to evaluate the health situation of the Sahrawi population via the delivery of health programmes. The health authorities of the *wilaya* of Tindouf are responsible for:

- Giving technical assistance to the Sahrawi health authorities;
- Helping to train Sahrawi health personnel;
- Providing assistance in the event of an epidemiological emergency;
- If necessary, providing help in the form of pharmaceutical products and consumables; and
- Caring for the seriously ill who require hospitalization or transport.

238. Vaccine stocks for the Sahrawi vaccination programme are stored in the cold storage facilities of the Algerian health sector owing to difficulties in the cold chain system. Sahrawi children below the age of five are systematically included in vaccination campaigns in Algeria (annually between 1994 and the present for poliomyelitis, and in 1996 and 2003 for measles).

239. As UNICEF has requested, the Algerian Ministry of Health, Population and Hospital Reform has provided regular expert assistance to Sahrawi health programmes.

Observation 74

Children working in the informal sector

240. It must be stressed at the outset that monitoring the state of implementation of employment legislation, including the provisions of Labour Relations Act No. 90/11 of 21 April 1991, as amended and supplemented, applies to all workplaces, whether in the formal or the informal sector. According to article 1 of the Act, its provisions apply to individual and collective relationships between employers and workers.

241. Under the Act, a worker is any person who undertakes paid manual or non-manual work within the organization and on behalf of another natural or legal person, whether in the public or private sector (an “employer”). This clearly establishes that the scope of the Act extends to persons involved in the employment relationship, that is to employers, to workers or to both. It follows that workers in the informal sector cannot under any circumstances be excluded from the scope of the Act.

242. Article 4 of the Act provides that exemptions are confined solely to particular categories of workers. Those categories of workers are excluded on the basis that they are covered by other administrative provisions governing their conditions of employment.

243. In addition, and in accordance with the Labour Inspection Act, No. 90/03 of 6 February 1990, as amended and supplemented, the members of the Labour Inspectorate responsible for monitoring the application of labour legislation and regulations operate in all workplaces in which employees or apprentices of either sex are employed, with the exception of staff covered by the military code and establishments to which access for unauthorized persons is not possible for reasons of defence or national security.

244. Labour inspectors are therefore authorized to visit workplaces under their jurisdiction, at any time of the day or night, and to carry out any test, check or investigation

deemed necessary to confirm that labour-law legislation and regulations are actually being observed.

245. However, where a workshop or other industrial or commercial production facility is located in premises used for residential purposes, labour inspectors have the power of entry, in order to carry out their inspections, at any time during working hours.

246. It is thus clear that the Algerian public authorities are mobilizing all the means at their disposal to ensure that labour law is enforced, and to bolster the effectiveness of labour law in all workplaces, including in the informal sector.

Recommendation 75

Economic exploitation

247. (a) In its efforts to combat child labour, Algeria continues to take effective measures to implement both national legislation and the recommendations of the Committee on the Rights of the Child.

248. Relevant measures have already been taken by the public authorities to strengthen the powers of labour inspectors by means of Act No. 04–17 of 10 November 2004 amending and supplementing Act No 83–14 on the Obligations of Persons covered by the Social Security System. Article 21 provides that: *“In the performance of their duties, labour inspectors shall be empowered to note any breach of social security legislation or regulations. They shall be required to report such breaches to the social security authorities in writing”*.

249. On this basis, and since the introduction of the Act, the Labour Inspectorate has intensified its monitoring activities in an effort to combat informal working. Monitoring child labour specifically has become a priority for the Labour Inspectorate's decentralized services.

250. That issue is also very closely monitored, and the Labour Inspectorate takes measures both to intensify monitoring of the informal sector, where a great deal of effort has been devoted to developing an inter-sectoral approach involving mutual assistance and coordination of the resources available to combat all forms of illegal work, including working with the social security, tax and trade authorities, and measures to enhance the monitoring skills that labour inspectors deploy in their efforts to prevent child labour.

251. It must be pointed out that, in a number of ways, the part mutual administrative assistance with other public services has played in improving the performance of the Labour Inspectorate in combating child labour is beyond question.

252. Measures to combat child labour taken by the Labour Inspectorate, as part of its standard monitoring operations, reveal that in 2005, of 13,999 offences reported, only five involved non-observance of the legal minimum working age, or 0.085% of the total. This number had fallen in comparison to the figure for 2004, when the Labour Inspectorate issued 26 reports for the same offence, accounting for 0.42% of the 6,049 offences reported.

253. The figures for 2006 show that, of 21,359 reported offences issued, only 188 related to child labour, 106 of which concerned breaches of the minimum legal working age and 82 the failure to produce the guardian's authorization for the employment of a minor: taken together, these represent 0.88% of total offences.

254. The following data comes from Labour Inspectorate investigations:

255. In 2002, taking all sectors together, the Labour Inspectorate monitored 5,487 undertakings employing 16,985 people and identified 95 child workers under the legal minimum age, equivalent to 0.56%.

256. A second investigation was carried out in 2006. It revealed that, in 3,583 undertakings employing 28,840 workers, 156 children below the legal minimum age of 16 were employed, equivalent to about 0.54%.

257. A third investigation in 2008, covering 4,820 organizations employing 38,650 workers, identified 98 children below the age of 16, equivalent to 0.17%.

258. It should be emphasized that each of the two sectors mentioned in the Committee's recommendation (agriculture and domestic services) has been the subject of a general inspection by the Labour Inspectorate.

- The first inspection focused on homeworking and was carried out in 2004 in three regions. It focused mainly on craft activities, shoemaking, dressmaking, traditional costume-making, pasta manufacture, domestic cleaning-women and children's nurses. No cases of child labour in the home were identified.
- The second inspection took place in 2005 and focused on 235 agricultural concerns (individual and collective, public and private) employing 3,929 workers. It did not uncover a large number of child labourers, save for a number of small-scale family concerns, where a total of 20 workers were seasonally employed (equivalent to 0.50% of the workforce surveyed).

259. **(b)** Algeria has taken comprehensive measures to enhance the Labour Inspectorate's monitoring capacity. The objective is to take all necessary measures to enable the Labour Inspectorate to play a decisive part in combating illegal employment in its various forms, particularly the economic exploitation of children. Against that background, the reform of the Labour Inspectorate has focused on the aspects set out below.

(1) Reorganization of the Labour Inspectorate

260. Executive Decree No. 05–05 of 6 January 2005 has changed the way in which Inspectorate-general of Labour is organized at both central and local level. Under the decree:

- Two sub-directorates (for monitoring working conditions and for computerization and statistics) have been set up;
- The eight regional labour inspectorates have been reorganized;
- Local arrangements have been set in place at *wilaya* level (48 *wilaya* labour inspectorates);
- Services at the level of all regional and local structures have been set in place;
- Executive posts in the decentralized services have been upgraded; and
- There is better coverage of employment catchment areas.

(2) Extending the scope of the Labour Inspectorate's remit

261. The powers of labour inspectors have been extended to cover offences including:

- Failure to declare workers to the social security fund (Act No. 04–17 of 10 November 2004 amending and supplementing Act No 83–14 on the Obligations of Persons covered by the Social Security System), and

- Non-compliance with legislative provisions concerning recruitment (the Recruitment of Workers and Supervision of Employment Act No. 04-19 of 25 December 2004).

(3) Better equipment

262. The capabilities of the Labour Inspectorate have been strengthened by providing it with 131 vehicles: from 2007, this meant that there was one vehicle available per five labour inspectors for carrying out inspections, compared to one vehicle per 11 inspectors in 1999.

(4) Training sessions

263. Twenty-eight training sessions have been held benefiting 370 labour inspectors.

- Seventeen training sessions have been held for 145 managerial staff in cooperation with the International Labour Organization (ILO), the Arab Labour Organization and the French Republic.

(5) Boosting human resources

264. Forty graduate inspectors were recruited at the end of 2007.

- Total staff numbers comprise 697 inspectors.

That staff complement permits substantial coverage of the world of work, with a ratio of one labour inspector for every 7,000 workers.

265. The coverage rates recommended by the ILO are:

- One inspector for every 15,000 workers in industrializing countries, and
- One inspector for every 20,000 workers in economies in transition.

(6) Modernization of the Labour Inspectorate

266. The modernization process has hinged on:

- Improving the Labour Inspectorate's computer systems, increasing the ratio of microcomputers to inspectors from 1:53 in 1998 to:
 - 1 microcomputer for every 2 inspectors in 2006, and;
 - 1 for each inspector in 2007.

267. At the end of 2007, a total of 1,043 microcomputers were being used for the management and the technical activities of the Labour Inspectorate.

- The digital communications network has been improved:
 - By the creation of an intranet; and
 - By expanding the network linking the Inspectorate's central administration and its decentralized structures (the regional and *wilaya*-level inspectorates and Labour Inspectorate offices).

268. All of the above has formed part of a major project which has transformed the Labour Inspectorate, leaving it with clear, useful and productive objectives, including compliance with labour laws and regulations, both in general and particularly in regard to preventing and combating child labour.

269. (c) Both the ILO and UNICEF are consulted whenever there is a need for cooperation. The following points should be made in that context:

- On 22, 23 and 24 September 2002, the Ministry of Labour, Employment and Social Welfare held an international seminar on “**the role of the labour administration in combating child labour**”. It was organized with the help of the Tunis-based Arab Centre for Labour and Employment Administration, a part of the Arab Labour Organization (ALO), and participants included national and international experts from the ILO and UNICEF. The experts made a number of recommendations, including the need to put in place cross-sectoral supervisory staff for the prevention and suppression of child labour.
- On 12 June of every year, the ILO and UNICEF representatives in Algeria are invited to take part in a variety of events to commemorate the World Day against Child Labour.
- The ILO and UNICEF are kept regularly informed about progress made with activities to prevent and combat child labour, including statistics on child labour and the application of international standards.
- They help with activities to disseminate information on the rights of the child by regularly putting posters, guides and leaflets on children's issues at the disposal of the Intersectoral Commission for Preventing and Combating Child Labour, for use in awareness-raising and monitoring activities.
- They have contributed to the manual on the rights of the child prepared by the Intersectoral Commission for Preventing and Combating Child Labour.

270. In conclusion, the interest demonstrated by Algeria in effectively involving both organizations in all activities for preventing and combating child labour demonstrates a high level of cooperation. This increasingly productive form of cooperation is definitely exercising growing influence on the success of Algeria's efforts in this area.

271. The phenomenon of child labour is not a cause for concern in Algeria, and the worst forms, as defined by the ILO, do not exist here. Moreover, the strategy adopted to date has achieved progress, and action to prevent and combat child labour will be pursued. Finally, the rights of children to social welfare protection remain fundamental rights, guaranteed by the State.

Recommendations 76 and 77

Street children

272. A range of measures have been taken to help people in social difficulty, including a national programme of assistance for people living on the street or homeless which was launched in December 2003.

273. Initiatives to help people living on the street are taken on a daily basis in the form of the night patrols for children by *SAMU Social* (mobile social emergency service) working with the Algerian Red Crescent (ARC) and the Algerian Muslim Scouts (SMA). The programme is made up of seven elements:

- Mobile teams of street workers;
- A free emergency telephone number;
- Social emergency centres;
- Post-emergency centres;

- Day centres;
- Services with specific responsibilities; and
- The *SAMU Social* observatory.

Mobile SAMU teams

274. These are teams of street counsellors who move around the areas frequented by street children and the homeless. They use vehicles designed for transporting people, including ambulances. *SAMU Social's* mobile teams of street counsellors visit street-dwellers, outside normal hours, and offer the following by way of emergency help:

- Counselling and support;
- Help on the spot for those who refuse to leave the street; and
- Transport to emergency accommodation

275. *SAMU Social* goes to the excluded, offering them emergency assistance and, with its partners, more long-term solutions.

Free emergency number

276. The free emergency number (15–27), which is accessible from any telephone 24 hours a day, makes it possible to process, analyse and store information. Citizens can use this number to report sightings of street children or homeless people.

***SAMU Social* emergency centres**

277. Emergency accommodation centres provide access to shelter for one or more nights for those at greatest risk, depending on their circumstances, and make it possible to try to gain a better understanding of their situation and analyse what the position might be in the longer term.

Post-emergency centres

278. Post-emergency centres for accommodation and nursing care, although part of the emergency arrangements, provide longer-term accommodation. They are specifically designed for those in need of a period of rest or convalescence, but who do not belong in hospital and are too weak to remain in conventional emergency arrangements

279. The centres for post-emergency care are:

- 3 *Diar Errahma* (hostels for the distressed elderly and sick), in Algiers, Oran and Constantine;
- 39 residential facilities for children receiving assistance;
- 6 centres for those suffering from respiratory insufficiency;
- 42 specialist rehabilitation centres; and
- A number of centres run by associations.

Day centres

280. Day centres provide opportunities to make contact and provide care (medical treatment and health services, social or psychological consultations, etc.). The objective is always to ensure that those concerned are treated with respect and that account is taken of their requests, and that they are given the opportunity to explain their needs and wishes.

281. Between 2005 and the first quarter of 2008, a large number of street children were provided with care by *SAMU Social* (see annex 17).

282. Training seminars for the social workers involved (general and specialist social workers, psychologists and psychiatrists) have been organized with the cooperation of Paris-based *SAMU International*. Technical assistance provided by *SAMU International* has made it possible both to develop an integrated care strategy for street children, and to enhance social workers' capacity to tackle with emerging phenomena such as ill-treated minors placed in institutions.

Recommendations 78 and 79

Sexual exploitation and trafficking

283. (a) and (c) Articles 342 to 346 of the Algerian Criminal Code punish human trafficking and the exploitation of prostitution. Some of those provisions deal specifically with penalties for inciting minors to vice and soliciting.

284. As regards abduction, a whole section of the Criminal Code is devoted to violations of personal freedom, abduction, kidnapping and false imprisonment. Article 291 establishes penalties for kidnapping, arbitrary detention and false imprisonment.

285. Indecent assault committed or attempted upon a minor is punishable by imprisonment for between five and ten years. A relative in the ascending line who commits indecent assault on a minor is liable to imprisonment for between five and ten years. Attempted or actual indecent assault on a minor with the use of violence is punishable by fixed-term imprisonment for between 10 and 20 years.

286. Rape of a minor aged 16 is punishable by imprisonment for between 10 and 20 years if the perpetrators are relatives in the ascending line of the victim. If the perpetrator falls within the category of those who have authority over the victim, or if he or she, whoever they may be, has been assisted by one or more others in committing the offence, the penalty is fixed-term imprisonment for between 10 and 20 years, and life imprisonment where violence has been used.

287. Moreover, in the context of protecting society, particularly women and children, from all forms of crime, **a number of sequential amendments have been made to the Criminal Code on matters including the criminalization of trafficking in persons as part of the process of bringing the provisions of Algerian law into line with obligations consequent on the ratification of the United Nations Convention against Transnational Organized Crime and the supplementary Protocol to Suppress and Punish Trafficking in Persons, especially Women and Children.**

288. It should be emphasized that the victims of sexual exploitation and trafficking are treated as victims, and not, in any event, as offenders, and that the Criminal Code is more rigorous still in relation to minors, as it makes attempted offences against them punishable by the same penalties that apply to the offences themselves.

Recommendation 81

Administration of juvenile justice

289. Criminal cases involving minors are governed by specific rules for young offenders contained in Book III of the Code of Criminal Procedure (arts. 439–494). Articles 447–450 specify that every court is to have a juvenile division comprising a juvenile court judge, a presiding judge and two associate judges. Article 491 stipulates that proceedings are to be held *in camera*, once the parties have been heard. The court's decision is also handed down in

camera (art. 493), and every case is tried separately in the absence of all the other defendants (art. 498). The juvenile division reaches a decision after hearing the minor, witnesses, the parents, guardian, the representative of the public prosecutor and defence counsel. It may, if the minor's interest so requires, permit the minor not to attend the hearing (art. 497).

290. No child may be suspected, accused or convicted of an offence against criminal law by reason of actions or omissions that were not prohibited by national or international law at the time of their commission. This principle is guaranteed by article 43 of the Constitution and by article 1 of the Criminal Code, which states that: "*in the absence of law there can be no breach of law, nor any penalties or preventive measures.*"

291. Any child suspected or accused of offences under the criminal law has the right to a number of safeguards. He or she is presumed innocent until proved guilty according to law.

292. As regards the establishment of guilt, article 453 of the Code of Criminal Procedure provides that: "*The judge in the juvenile court shall undertake all necessary steps and investigations to arrive at the truth, become acquainted with the personality of the minor and determine appropriate measures for the minor's rehabilitation.*"

293. In order to do this, the judge may either order an official investigation, or follow preliminary investigation procedures. He may issue any warrant considered necessary, in accordance with the rules of ordinary law.

294. Article 458 of the Code of Criminal Procedure stipulates that: "*When the juvenile court judge considers that the facts do not constitute an offence or petty offence, or that there is insufficient evidence against the offender, he shall discharge the defendant as prescribed by the law.*"

295. An accused minor must be informed of the charge against him, in accordance with article 100 of the Code of Criminal Procedure. Article 154 stipulates that the juvenile court judge is to notify the parents or guardian of the proceedings initiated against the minor.

296. If the minor, or his or her legal representative, fails to appoint defence counsel, the judge will assign counsel automatically or instruct the chairman of the local bar to do so. He may request a social inquiry report from the social services or duly authorized persons holding a social service diploma. If the juvenile court judge considers that the facts constitute an offence, he must refer the matter to the juvenile division sitting in chambers. The proceedings must be held in camera; the parties must be heard; and the minor must appear in person, assisted by his or her legal representative and counsel.

297. Any minor prosecuted for a criminal offence has the right to examine, or have examined, the witnesses for the prosecution and to obtain witnesses for the defence under the same conditions as the witnesses for the prosecution. This right is recognized during both the pre-trial stage and during the trial. An accused minor has the right not to be forced to testify against him—or herself or to confess guilt.

298. Any minor accused of a criminal offence has the right, free of charge, to assistance from an interpreter, if he or she does not understand the language of the hearing. Various articles of the Code of Criminal Procedure contain provisions amplifying this right, which is recognized also for deaf and speech-impaired persons (arts. 91–95 and 108–298) at all stages of the proceedings. The interpreter is obliged to take an oath if he or she is not sworn in (art. 91).

299. If, in *inter partes* proceedings, it is established that the offence is not attributable to the minor, the juvenile court judge will dismiss the case. If, however, the hearing establishes the minor's guilt, the juvenile division specifically sets out that finding in the judgement, reprimands the offender and returns him to his parents, guardian, the person who had custody over him or a trustworthy person.

300. The juvenile division may also order non-custodial supervision for the minor, either provisionally, for one or more probationary periods to be determined by the division, or definitively up to the age of 19 years. The juvenile division may order this decision to be enforced notwithstanding appeal. The final decision is handed down in camera and may be appealed within 10 days of being announced in court.

301. In order to safeguard the minor's privacy, Algerian legislation stipulates that the proceedings are to take place, and the judgement be handed down, in camera (Code of Criminal Procedure, arts. 461 and 493). The publication of the record of juvenile court proceedings in books or the press, on radio or film, or through any other medium is prohibited. The publication by the same means of any text or illustration concerning the identity or personality of young offenders is also prohibited (art. 477), and may give rise to penalties under the criminal law.

302. As mentioned previously, the legal procedure applicable to minors is subject to the provisions of Book III of the Code of Criminal Procedure (rules in regard to young offenders). The rules aim to protect children and take account of the desirability of rehabilitating them.

303. Article 442 sets the age of majority in criminal proceedings at 18 years. Article 443 stipulates that the age to be used in determining criminal majority is the age of the offender at the time of the offence. However, a minor aged over 13 may also be placed in a State supervised or remedial educational establishment.

304. Article 465 of the Code provides that "*in the case of a serious indictable offence, if the minor has co-principals or accomplices who are of age and the investigating judge has brought charges against all of them, he shall refer the latter to the competent ordinary court. The case against the minor shall be separated and heard by the juvenile division*".

305. Decisions handed down by the juvenile courts are recorded in a special closed register kept by the clerk of the court (art.489). Decisions involving protection or educational measures are placed on the individual's criminal record. However, they are indicated solely on bulletin No. 2 made available to judges and not to any other public administration or public authority. If the individual concerned has pledged to mend his ways, the juvenile division may decide, five years after the expiry of the protection or rehabilitation measure, and at the request of the individual concerned, the public prosecutor's office, or of its own motion, to destroy bulletin No. 1 which records the measure in question. Bulletin No. 1 recording the measure is destroyed as soon as the order to do so is received.

Non-custodial supervision

306. Within the competence of each juvenile division, minors placed under non-custodial supervision are supervised by one or more permanent officials and by volunteers. The supervisor for each minor is appointed either by order of the juvenile court judge or, possibly, of the investigating judge with special responsibility for minors, or by the judgement or order on the merits.

307. Supervisors are responsible for looking after the material and moral aspects of the minors' lives, their health, work and education and the proper use of their leisure time. They report back quarterly to the juvenile court judge. They are required to make an immediate report in the event of bad conduct by or moral danger to the minor, of abuse against him or of systematic obstacles to progress requiring a change in the measures taken for his placement or care (art. 479 of the Code of Criminal Procedure).

308. The permanent supervisors are responsible for directing and coordinating the volunteer supervisors under the authority of the juvenile court judge. They also supervise the minors that the judge has entrusted to them personally.

309. Volunteer supervisors are appointed by the juvenile court judge and must be aged 21 or over, trustworthy and fit to counsel minors.

310. The permanent supervisors are recruited from among specialist educational social workers. Whenever the regime of non-custodial supervision is applied, the minor, his parent or guardian are advised about its nature and purpose and the obligations that it entails. Parents, guardians or employers have a duty to inform the supervisor immediately in the event of the death, serious illness, change of residence or unauthorized absence of the minor.

311. Should an incident indicating a failure of supervision by the parents or guardian occur, or if systematic obstacles to the performance of the supervisor's functions exist, whatever the decision taken in relation to the minor, the juvenile court judge or juvenile division has the power to impose on the parents or guardian to a fine of between 100 and 500 dinars (art. 481 of the Code of Criminal Procedure).

Recommendation 82

Administration of juvenile justice

312. (a) As part of the process of reforming the justice system, there have been a number of amendments to legislation introducing a set of measures providing for community service as an alternative to custodial penalties.

(b) and (c) in the case of indictable offences, a child aged under 18 years may be made subject only to one or more of the protection or rehabilitation measures listed below:

1. Restoration to his parents, his legal guardian or a trustworthy person.
2. Non-custodial supervision.
3. Placement in an authorized public or private educational institution or establishment or a licensed vocational training establishment.
4. Placement in an authorized medical or medical-pedagogical establishment.
5. Placement in State care.
6. Placement in a boarding school suitable for young offenders of school age.

313. A minor aged over 13 May, however, also be placed in a State supervised educational establishment.

314. In all cases, the measures described above must be applied for a specific term which may not exceed the date at which the minor reaches the age of **civil majority**.

315. (d) The priority given to training is reflected in arrangements for the in-service professional development of judges, including juvenile court judges. A series of training sessions were held for juvenile court judges during 2002–2006 in the light of their leading role when it comes to the protection of children. This training forms part of the partnership programme between UNICEF and the National Legal Service Training College (*École supérieure de la magistrature* (ESM)).

316. The main purposes of this training programme are to improve the arrangements for protecting minors against dangers of all kinds and to protect the rights of the child. The following are the main issues dealt with by the foreign and Algerian experts involved:

- The rights of the child and women's rights through the Convention on the Rights of the Child (CRC).
- The rights of child offenders.
- Minimum custody standards for women.
- Human rights and public freedoms.
- Alternatives to imprisonment.
- The psychology of prison life.
- The care of children in custody.
- Violence and criminality.
- Specific features of the children's justice system.
- Mechanisms for applying the Convention on the Rights of the Child.
- The preparation of a compendium of laws and regulations governing the rights of the child.
- A comparative study (now under way) of Algerian legislation and its alignment with the Convention on the Rights of the Child.
- Case-law in the children's justice system (now being printed).
- Enhancement of the library of the National Judicial Training Institute through the acquisition of documentation on child protection issues.

317. (e) The presence of an advisor to assist the minor at all times during the prosecution and judgement is compulsory. If necessary, an advisor will be assigned automatically by the juvenile court judge.

318. Legal aid centres have been introduced into courts and tribunals to give guidance and advice to litigants and other citizens and ensure access to legal advice where necessary.

Legal protection for convicted minors

319. The Code on the Organization of Prisons and Rehabilitation provides that minors in relation to whom a definitive custodial sentence has been handed down are to serve the remainder of their sentences in appropriate establishments known as “specialized centres for the rehabilitation of minors”.

320. The main task of the centres is to rehabilitate minors and make them aware of their responsibilities to society.

321. To be transferred to these centres, minors must:

- Have received a definitive custodial sentence;
- Be below the age of criminal majority, namely
 - 18 in normal law cases, or
 - 16 in terrorism-related cases; and
- Have at least three further months to serve.

322. The minors concerned must be transferred to the centres within eight days of the expiry of the time allowed for ordinary appeals. The transfer of minors subject to custodial

sentences is the responsibility of the public prosecutor's office. The public prosecutor for the court with jurisdiction in relation to the centre concerned and the director-general responsible for the prison administration and rehabilitation are kept informed.

323. The sending establishment and the receiving centre are also required to inform the sub-directorate for the protection of minors.

324. The cases of prisoners over the age of 18, who are serving definitive custodial sentences and have not been transferred to specialized centres, must be referred to a classification committee with a view to placing them in the prison section reserved for young prisoners under the age of 27.

325. Minors who are the subject of placement orders for specialized centres run by the Ministry of Justice or the Ministry of Social Affairs are transferred by specialist educational social workers from the centres concerned, without, however, involving prison establishments or the security services.

326. A dossier containing the following information is kept on every minor subject to a definitive custodial sentence: family and given names, date and place of birth, parents' address, nature of the offence, length of sentence, date of imprisonment, date of judgement, level of education, training undertaken and date of permanent release.

327. A decree governing the internal regulation of centres for the rehabilitation of minors was issued on 9 June 1997. It defines the rights and obligations of minors in custody while in such centres. Its application is the responsibility of the centre directors and is monitored by the judges competent in that regard, namely:

- The juvenile court judge;
- The judge responsible for the execution of sentences;
- The public prosecutor;
- The president of the court; and
- The Principal State Prosecutor.

328. The centres are organizations, run under the auspices of the Ministry of Justice, for the accommodation of minors subject to custodial sentences, and placed under a definitive court order, judgement or decision.

329. Their main purpose is to provide minors in custody with an education by giving them, depending on their level of education, training that will help them become properly reintegrated into society.

330. The centres contain:

- The judicial registry responsible for monitoring detention conditions and for monitoring and managing the penal status of minors. It fixes the precise date of release;
- The accounts registry looks after the personal effects of the minors, the management of their property and the allocation of their money:
 - Part of which is saved for their release date, and
 - Part of which is used for their day-to-day needs;
- The finance registry which is responsible for managing the centre's budgets and assets.

331. **(f)** As regards cooperation between UNICEF and the Ministry of Justice, action of various kinds was taken during the period 2004–2008 (see annex 20).

332. The Ministry of Justice has initiated a number of programmes in connection with prison reform and its youth justice aspects with foreign partners and relevant United Nations organizations: the United Nations Development Programme, UNICEF, the International Committee of the Red Cross (ICRC) and the NGO Penal Reform International.

333. These programmes deal with issues including the training of prison staff and also [inspection] visits to penal establishments.

334. Given the importance of involving civil society in the process of reintegrating prisoners, agreements have been entered into with the Algerian associations the Iqra Foundation, the El-Amel association for social development (for the social reintegration of detainees) and the Algerian Muslim Scouts (SMA).

Recommendations 83 and 84 The teaching of the Amazigh language

335. See the replies in relation to articles 28, 29 and 30.

Recommendation 85 Optional protocols to the Convention on the Rights of the Child

336. Algeria has ratified the two optional protocols to the Convention, on the Sale of Children, Child Prostitution and Child Pornography (2 September 2006, Algerian Official Journal No. 55) and on the Involvement of Children in Armed Conflict (2 September 2006, Algerian Official Journal No. 55).

Part Two

Provisions of the Convention

Article 1

Definition of the child

337. Algerian legislation conforms to the provisions of article 1 of the Convention, where the child is generically defined as a “*human being below the age of 18 years*”.

338. The definition of the child under Algerian law can be identified from various provisions:

- Article 40, paragraph 2, of the Civil Code (Ordinance No. 75–58 of 26 September 1975, amended and supplemented by Act No. 07–05 of 13 May 2007) fixes the age of civil majority at 19 years;
- Article 442 of the Code of Criminal Procedure (Ordinance No. 66–155 of 8 June 1966) lays down that “*the age of criminal majority is 18 years*”. Article 443 of the Code stipulates that the age to be used in determining whether or not an offender is of age is the age on the date of the offence;
- As regards education, article 5 of the Ordinance of 16 April 1976 lays down that “*education is compulsory for children between the ages of 6 and 16 years*”;
- Ordinance No. 75–31 of 29 April 1975, relating to general labour conditions, stipulates that the minimum age for admission to employment is 16 years (art. 180). Article 182 prohibits the employment of young people under the age of 16 years except where an exemption is granted by the Minister of Labour, Employment and Social Welfare in the case of certain fixed-term temporary jobs;
- Ordinance No. 74–103 of 15 November 1974 establishing the National Service Code sets the call-up age at 19 (art. 1). Article 98 postpones call-up if the individual concerned is pursuing studies until the student has reached the age of 27 years; and
- Since February 2005, marriageable age, which was formerly 21 years for men and 18 years for women, has been standardized at 19 years for both sexes.

Article 2

Non-discrimination

339. Since independence, Algeria's successive constitutions have all enshrined equality for all citizens in terms of rights, freedoms and obligations.

340. The preamble of the Constitution states that it constitutes the highest authority and that “*it is the Fundamental Law that guarantees individual and collective rights and freedoms*”. It aims to ensure legal protection and to oversee the acts of the public authorities in a law-governed society devoted to the fulfilment of every aspect of the human personality.

341. Article 29 of the Constitution states that: “*All citizens are equal before the law. No discrimination shall prevail by reason of birth, race, gender, opinion or any other personal or social condition or circumstance.*” Article 31 states that: “*The aim of institutions is to ensure the equal rights and duties of all citizens, male and female, by removing the obstacles that hamper the fulfilment of human beings and impede the effective participation of all in political, economic, social and cultural life.*”

342. Article 34 guarantees the inviolability of the human person and proscribes any form of physical or psychological violence. This provision is complemented by article 35, which states that offences against rights and freedoms and physical or psychological violations of the integrity of the human being are punishable by law.

343. Childhood is specifically referred to in article 63, together with the family and youth, in the context of respect for the right to honour, privacy and protection.

344. In addition, Algeria has acceded to many international legal instruments that enshrine rights contributing to respect for the dignity and integrity of the human being.

345. To entrench these universal provisions in the domestic context, Algeria has taken care to prohibit and eliminate all forms of racial discrimination and is endeavouring to guarantee the equality of all persons before the law and ensure that the various rights can be exercised without distinction as to race, colour, language or gender:

- Article 140 of the Constitution enshrines equality before the courts. Justice is based on the principles of legality and equality. It is accessible to all and manifested by respect for the law;
- Protection of citizens' rights and freedoms and inviolability of the human being with respect to any form of physical violence are guaranteed;
- The freedoms of conscience and opinion are inviolable; and
- The right to nationality is guaranteed by articles 6 and 7 of the revised Nationality Code.

Articles 3, 4 and 5 Best interests of the child

346. Algerian legislation contains a great many provisions concerning children and their interests in several fields, including education, health and legal and judicial protection.

347. The Algerian justice system emphasizes the protection of children. The family law element of the new Code of Civil and Administrative Procedure (*code de procédure civile et administrative* (CPCA)) enshrines protection of the child based on the child's best interests in relation to the following.

1. Guardianship of minors

348. Applications for the cessation or temporary withdrawal of guardianship over a minor can be made by one of the parents, by the public prosecutor's office or by any other person having an interest. They are submitted by way of summary proceedings (art. 453 CPCA).

349. Either of his own initiative, or at the request of one of the parents or the public prosecutor's office, the judge may:

1. Hear mother and father, and any other person whose views he deems relevant;
2. Hear the minor, unless his or her age or condition prevents it; and
3. Order any social report, medical examination or psychological or psychiatric counselling (art. 454 CPCA).

350. The original applicant must inform the other parties of a summary order made under article 453 within 30 days of it being issued, failing which the order lapses.

351. The order may be appealed:

1. By the parties, within fifteen days of the order being notified; or
2. By the public prosecutor's office, within fifteen days of its issue.

352. The appeal must be considered and judgment handed down in chambers within a reasonable time.

353. The applications provided for under article 453 must be drawn up according to the rules for summary proceedings and heard by the local court of the *daira* in which guardianship is exercised. They must be considered and judgement handed down in chambers. Where the public prosecutor's office or the lawyers for the parties have observations to make, they are heard (arts. 455, 456, 457 and 458 CPCA).

354. Taking account of the minor's best interests, the judge may order any temporary measure connected with the exercise of guardianship. He may entrust custody of the child to the other parent, or, where there is no other parent, to one of the other persons specified in the Family Code.

355. Such measures may be modified **when the best interests of the child require this**, either at the judge's own initiative, or at the request of the guardian, or of the minor when he or she is capable of understanding, or of the public prosecutor's office or of any other person with the locus to act for the protection of minors. The judge must rule on such applications by means of a summary order.

356. A measure for the cessation or temporary withdrawal of rights in connection with the exercise of guardianship may be overturned, in whole or part, by the judge on the application of the parent affected (arts. 460 and 461 CPCA).

357. At the hearing, the judge hears the minor, the father, mother or person with custody of the child, along with any other person whose views he deems relevant. He has discretion to excuse the minor from attending. Where the lawyers for the parties have observations, they are heard.

358. The application must be examined and judged in chambers and the submissions of the public prosecutor's office heard. The order is not subject to appeal.

359. **Article 468** – In the event of the deaths of both parents, the administration of the minor's possessions must be placed under the supervision of the judge.

2. Authorization and emancipation

360. The prior authorization required under the law concerning certain acts by a legal guardian is granted by an order on request, and is given by the family judge (art. 479 CPCA). **Article 480** provides for emancipation to be accorded by the family judge by an order in non-contentious proceedings, under the conditions laid down by the law. Where a minor is separated from his or her parents, article 62 of the Family Code provides for a right of custody which covers the maintenance, schooling and upbringing of children and the safeguarding of their physical and moral health.

3. Right of custody

361. Articles 64 and 65 of the Family Code make provision for the right of custody based on the presumption that the best interests of the child will be best assured by the allocation the right of custody to the persons best fitted to exercise it. They give the judge the authority to assess fitness.

362. Articles 66–68 set conditions governing the allocation of the right of custody and make provision for its removal in the best interests of the child.

363. The interests of the child are also protected in the following articles of the Family Code:

- **Article 82**, which stipulates that *“because of their young age, the acts of persons below the age of discretion shall be null and void”*;
- **Article 83**, which stipulates that the acts of a person who has reached the age of discretion, but is not of age within the meaning of article 43 of the Civil Code, are valid if they benefit that person and null and void if they are prejudicial to that person. Such acts require the authorization either of the legal or of the testamentary guardian if there is any uncertainty regarding benefit or prejudice. Any dispute is referred to the courts;
- **Article 88**, concerning the administration of the assets of the child, which sets out that *“the guardian is required to administer the assets of his ward in the latter’s best interest”*. The guardian must seek the authorization of a judge for certain acts, such as: sale, division, mortgaging and transaction, sale of movable assets of special value, commitment of capital belonging to a minor in the form of loans, borrowings or shareholdings, or renting of the real property of a minor for a period of more than three years or for a period extending beyond the minor’s majority by one year;
- **Article 89**, which permits the judge to authorize sale, bearing in mind the needs and interests of the minor, provided that the sale is by public auction;
- **Article 93** concerning testamentary guardianship, which stipulates that *“the testamentary guardian must be of the Islamic faith, judicious, capable, upright and a good administrator. If he does not fulfil the aforesaid conditions, the judge may dismiss him”*;
- **Article 96**, paragraph 5, which states that the guardian may also be dismissed at the request of an interested party, if it can be proved that his administration compromises the minor’s interests; and
- **Article 98**, which states that *“the testamentary guardian shall be liable for any damage to the assets of his ward resulting from his negligence”*

364. **In criminal-law matters**, the Code of Criminal Procedure preserves the best interests of the child by setting out, in article 337 bis, that, in the event of wilful desertion of the family or failure to hand over a child to the person entitled to custody of the child, a complainant may bring a direct action against an accused person before the competent court. This principle contained in article 3 of the Convention is enshrined by the Code of Criminal Procedure in the Chapter dealing with rules relating to young offenders (articles 444 et seq.) and by Ordinance No. 72–03 on the Protection of Children and Young People.

365. Under these two instruments, no measures are taken in relation to minors until their personalities have been assessed. The juvenile court judge and the associate judges are selected on the basis of the concern they have for minors. The procedure is simple because it is designed to achieve the aim of serving the minor’s best interests.

366. Certain provisions in the Information Act (No. 90–70) of 3 April 1990 relate specifically to children, namely:

- Article 27, which permits any institution with a human rights or child protection mandate to bring an action as a civil plaintiff; and
- Article 37, which states that journalists may not invoke confidentiality of sources before a judicial authority when the information in question relates to children or young persons.

367. Articles 42 and 43 of the Civil Code state that *“any person who does not possess understanding because of his young age or because of mental weakness or dementia shall not have capacity to exercise his civil rights”*. *“A child who has not reached the age of 16 years is deemed not to possess understanding”*; *“a person who has reached the age of discretion without being of age, as well as a person who is of age but profligate or suffering from imbecility, shall have limited capacity to exercise civil rights in accordance with the provisions set out in law”*.

Article 6

Right to life, survival and development

368. The right to life, the basis of all human rights, is enshrined in articles 33 and 34 of the Constitution, which provide that *“the State guarantees the inviolability of the human person. Any form of physical or psychological violence shall be prohibited.”* *“Offences against rights and freedoms and physical or psychological violence against the individual are punishable by law”*:

- Title II of Ordinance No. 66–156 of 8 June 1966, which establishes the Criminal Code, deals with crimes and offences against the person (unlawful killing, murder, parricide and infanticide). Infanticide is defined in article 259 as the unlawful killing or murder of a newborn child. Article 261, subparagraph 2, lays down the penalty of fixed-term imprisonment of between 10 and 20 years for a mother who unlawfully kills or murders or is an accessory to the unlawful killing or murder of her newborn child.

369. The right to life is also guaranteed to children at all stages in their development. Article 304 of the Criminal Code prohibits abortion; article 306 provides that, if the perpetrator of the offence under article 304 is a physician, midwife, surgeon, dentist, pharmacist, medical student, dental student, pharmacy student or employee, herbalist, supplier of surgical appliances, dealer in surgical instruments, male or female nurse, masseur or masseuse, and that person recommended, encouraged or performed the abortion, he or she is to be punished, as appropriate, in accordance with article 304 or article 305, which doubles the term of ordinary imprisonment and raises to the maximum the term of extended imprisonment provided for in article 304. Any persons found guilty are to be banned from engaging professional activities and may, in addition, be forbidden from residing in certain areas.

370. The death penalty may not be imposed on minors aged between 13 and 18. Article 50 of the Criminal Code states that: *“if it is decided to impose a criminal punishment on a minor aged between 13 and 18, the following sentences shall be appropriate: if the minor is liable to the death penalty or life imprisonment, he shall be sentenced to between 10 and 20 years’ imprisonment.”*

371. The death penalty is not imposed in Algeria on pregnant women or women nursing children aged under 24 months. Article 16 of the Prison Organization Code suspends the enforcement of criminal sentences in the case of pregnant women or women nursing children.

372. Algeria has been observing a moratorium on the death penalty since 1 September 1993.

373. Articles 314 to 320 of the Criminal Code lay down penalties in cases of abandonment or neglect of children. Wilful desertion of family and child neglect are defined in article 330 as follows:

- Where a father or mother *“without just cause deserts the family residence for more than two months or evades all or part of the moral or material obligations*

connected with parental authority or legal guardianship". The two-month period may be interrupted only by return to the family home with the intention of resuming family life on a permanent basis;

- Where a husband "*without just cause voluntarily deserts his wife for more than two months, knowing her to be pregnant*". Proceedings are initiated at the instigation of the abandoned spouse, and the penalty set out in the Criminal Code is a term of imprisonment of between two months and one year and a fine of between 25,000 and 100,000 dinars; and
- Where a father and mother, regardless of whether parental authority has or has not been removed from them, seriously compromise, by ill-treatment or want of care, the health, security or morals of their children.

374. Failure to pay maintenance is punished under article 331, which lays down a term of imprisonment of between six months and three years and a fine of between 500 and 5,000 dinars.

Articles 7 and 8

Name and nationality

375. Article 30 of the Constitution lays down that "*Algerian nationality is defined by law*", specifically Ordinance No. 70–86 of 15 December 1970 establishing the Code of Algerian Nationality.

376. This Ordinance has been amended and supplemented by Ordinance No. 05–01 of 27 February 2005 in order to ensure that national legislation meets the requirements of the international instruments ratified by Algeria.

377. The new Act amending and supplementing the Code of Algerian Nationality protects children's nationality and takes account of new circumstances that have become apparent in relationships within society. Accordingly, under articles 6 and 7 of the Code, the following are deemed to be Algerian:

Article 6 – "*a child born of an Algerian father or mother*";

Article 7 – "*the following are Algerian by virtue of birth in Algeria*:"

1. *A child born in Algeria of unknown parents:*

Except that a child born in Algeria of unknown parents shall be deemed never to have been Algerian if, during minority, filiation is established in relation to a foreign father or mother and if the child has the nationality of that foreign father or mother under his or her national law.

A new-born child found in Algeria shall be presumed, until the contrary is proved, to have been born in Algeria.

2. *A child born in Algeria of an unknown father and a mother whose name is the only one to appear on the birth certificate, in the absence of any other information to prove the mother's nationality:*

Article 8 – *A child who is of Algerian nationality by virtue of article 7 above shall be deemed to have been Algerian since birth, even if the conditions required by law for the attribution of Algerian nationality were established only after birth*".

Qualification as "an Algerian national" from birth, as well as the withdrawal or renunciation of that status pursuant to the provisions of article 7 above, has no effect on the

validity of any legal instruments executed by the person concerned, or the rights acquired by third parties on the basis of the nationality previously acquired by the child.

Article 17 – *“Collective effect: minors who are the children of a person who acquires Algerian nationality by virtue of article 10 of this Act shall become Algerian at the same time as their parent.*

However, they shall be able to renounce Algerian nationality within a period of two years of attaining majority”.

Article 21 – *“The effect of the loss of Algerian nationality in the circumstances provided for in article 18 above shall not extend to children who are minors”.*

Article 24 – *“The loss [of nationality] shall not be capable of extension to the spouse and children, who are minors, of the person concerned.*

It shall however be capable of extension to the children if it is also capable of extension to their parents.”

Article 32 – *“Proof of Algerian nationality of a child born in Algeria of an unknown father and a mother whose name is the only one to appear on the birth certificate in the absence of any other information to prove the mother’s nationality, shall be established by the birth certificate and by a certificate issued by the competent public authorities.”*

378. **As regards the naming of the child**, article 61 of Ordinance No. 70–20 on Civil Status stipulates that: *“Births shall be declared within five days to the registrar at the place of birth, failing which penalties shall apply.”* Article 60 lists the persons required to make this declaration and specifies that the birth certificate shall be drawn up immediately. Article 63 states that, in addition to the date, time and place of birth and the sex of the child, the birth certificate must indicate the child’s given names

379. The child automatically takes the father’s patronymic where the father is known. If no father or mother is in evidence, the person declaring the child is to **choose the child’s given names** (art. 64).

380. Under article 66, any person who finds a newborn child must declare this to the registrar at the place where the child was found. In the case of newborn children whose parents are not known, the registrar will choose given names for the child, with the last given name serving as patronymic (art. 64).

Article 9

Separation from parents

381. Article 4 of the Family Code defines marriage as *“a contract concluded between a man and a woman in legal form. Among its purposes are to found a family based on affection, kindness and mutual help; to provide moral protection for the spouses and to preserve family ties.”* It is therefore natural that children should live with their parents, unless the best interests of the child provide grounds or justification for separation. No child may be separated from its family or parents except by the decision of a judge.

382. Article 1 of Ordinance No. 72–03 of 10 February 1972 on the Protection of Children and Young Persons sets out a number of guarantees:

- Only a juvenile court judge may order a protection and assistance measure in respect of children covered by this law (arts. 2 and 3);

- Interim custody of the child may be decided upon by the juvenile court judge (arts. 5 and 6). The judge may change these measures at any time, at the request of the minor, his parents or the State prosecutor's office;
- Once the investigation has been closed and the State prosecutor's office has received the file, the judge must summon the minor and his parents or guardian, as well as any other person whose views are deemed relevant (art. 9). He must make every effort to obtain the support of the minor's family for the procedure adopted;
- The juvenile court judge must issue his ruling in chambers; and
- When a minor is placed, temporarily or definitively, with a third party or in one of the establishments referred in article 11 of this Ordinance, the parents, who have an obligation to provide for his needs, must contribute to his maintenance, unless poverty can be demonstrated (art. 15).

Article 10

Family reunification

383. Article 44 of the Algerian Constitution provides that: "*any citizen in possession of his civil and political rights shall be entitled to choose his place of residence freely and to travel within the national territory. The right to enter and leave the national territory is guaranteed to him.*"

384. The law imposes no individual limitations on the right of citizens to move freely throughout the national territory, their right freely to choose their place of residence or to leave and enter their country. Exit formalities comprise only the normal customs and frontier police controls and possession of a valid travel document and any visas that may be required.

385. However, if the person having custody of a child born of a separated couple elects domicile in a foreign country, the judge may confirm or remove custody, taking into account the interests of the child (Family Code, art. 69).

386. Foreigners living in Algeria can at any time take advantage of "the right of entry to and exit from the national territory" and return to live in their country of origin, provided that they comply with laws and regulations in the receiving country, including those relevant to entry visas to and to residence in Algeria (the Conditions of Entry, Residence and Movement of Foreigners Act No. 08-11 of 21 June 2008).

Article 11

387. See the replies to recommendations 48 and 49.

Articles 12 and 13

Respect for the views of the child

388. Children's freedom of conscience and freedom of opinion are guaranteed in general terms by the Constitution as rights that apply to all individuals. Accordingly, article 36 of the Constitution provides that "*freedom of conscience and freedom of opinion shall be inviolable*".

389. Restrictions comparable to those found in other countries are, however, laid down by legislation to protect the best interests of the child and the security and moral and psychological equilibrium of children, as well as to maintain order, ensure respect for the law and protect morals.

Article 14

Freedom of religion

390. Freedom of thought, conscience and religion are guaranteed in Algeria. However, article 2 of the Constitution lays down that “*Islam is the State religion*”, and the Family Code stipulates that children are to be educated in their father’s religion.

391. These provisions in no way restrict the freedom of worship and religion of other faith communities living in Algeria.

392. Under the Criminal Code, it is a punishable offence to insult any person or persons because they belong to a specific ethnic group or espouse a particular philosophy or religion (art. 298 bis).

393. Article 77 of the Information Act provides that anyone who, in writing or by sound, image, drawing or any other direct or indirect means, insults Islam and the other celestial religions may be liable to penalties under the criminal law.

394. Article 107 makes arbitrary acts or offences against liberty, if committed or ordered by a public official, punishable by 5 to 10 years' imprisonment.

Article 15

Freedom of association and peaceful assembly

395. The Associations Act (No. 31–90) of 4 December 1990 provides for freedom of peaceful association and assembly. Several associations for the defence of children's rights have been formed on the basis of the Act. Assembly is governed by the Act No. 91–19 of 2 December 1989 which also provides for freedom of assembly.

Article 16

Protection of privacy

396. This right is enshrined in article 39 of the Constitution, which lays down that: “*The privacy and honour of the citizen are inviolable and shall be protected by law. The confidentiality of private correspondence and all forms of communication shall be guaranteed.*”

397. Under article 40 of the Constitution, the home is inviolable. No search may be conducted unless authorized by and in accordance with the law.

398. Searches and inquiries are conducted subject to the procedures and conditions laid down in the Code of Criminal Procedure (arts. 44-50 and 60–65).

House searches and seizures of evidence may not take place without the express consent of the person concerned.

Article 17

Access to information

399. The Information Act, No. 90–07 of 3 April 1990, stipulates that “*the right to information shall be exercised freely, having due respect for the dignity of the human person, through any element of the media, including the written word, radio, sound media and television*”.

400. Under article 2, *“The right to information shall consist of the citizen’s right to be informed fully and objectively of facts and opinions of interest to society at the national and international levels, and of the right to participate in information through the exercise of the fundamental freedoms of thought, opinion and expression, in accordance with articles 35, 36, 39 and 40 of the Constitution.”*

401. This definition covers both facets of the right to information: the right to inform, and the right to be informed. Action of various kinds has been taken under these provisions and others to encourage children's access to information:

- A number of training workshops for journalists on the rights of the child;
- Young people's book festivals;
- The creation of a network of child-friendly journalists to promote the rights of the child;
- Participation by the media in activities to spread awareness of the rights of the child locally and nationally; and
- Support for the media in their activities dealing with children, for example the international children's festival held from 3 to 10 November 2008.

Article 18

Parental responsibility and State assistance

402. **Paragraph (1):** see the reply to recommendation No. 44.

403. **Paragraphs (2) and (3):** meeting the needs and expectations of parents in relation to childcare for children aged under 6 (those, in other words, who have not reached school age) remains an important focus for action by local authorities, institutions and businesses. This right is a response to two issues: social needs in relation to young children, and the policy aim of keeping working parents in employment.

404. Under current employment legislation, crèches and kindergartens are subsidized from sources including businesses' social welfare funds.

405. The right of all workers to social welfare support is recognized (art. 6 of Labour Relations Act No. 90–11 of 21 April 1990, as amended and supplemented, and arts. 180, 181 and 182 of the Workers' Conditions of Employment Act No. 78–12 of 5 August 1978).

406. Under Decree No. 82–179 of 15 May 1982, as amended and supplemented, laying down the content of and method of funding social welfare support, action or measures which contribute to improving the physical and moral well-being of workers and their families is deemed to constitute “social welfare support”.

407. Employers' social welfare funds draw on an annual contribution calculated on the basis of three per cent of total payroll.

408. The Government has updated and amended the provisions of the regulations governing pre-school childcare establishments to keep pace with changes in society (see the reply to recommendation 67).

Article 19

Abuse and neglect

409. The current Constitution and the provisions of the Civil and Criminal Codes and other laws and regulations, specifically Ordinance No. 72–03 of 10 February 1972 on the

Protection of Children and Young People, protect children against all forms of violence, physical or mental abuse, desertion or ill-treatment.

410. Violations of these provisions are punishable by law. When the family environment in any way endangers a child's health or harmonious development, a juvenile court judge orders that the child be immediately removed from this environment and placed in a youth protection institution designed to accommodate and care for the child, pursuing educational programmes adapted to the child's needs in terms of upbringing, schooling, culture and sports.

411. Upon placement in one of these institutions, children become the responsibility of the Central Monitoring and Guidance Service, which identifies and assesses their welfare and support needs and devises a tailor-made case management plan. To this end, social workers and educational social workers visit the child's family or the juvenile court judge who placed the child to obtain whatever information they consider necessary to understand the situation.

412. Alternatively, the child may be left in the family environment, always at the discretion of the juvenile court judge, who keeps the parent/child relationship under review and recommends psychological assistance or other help for the parents, if this is felt to be necessary.

413. For this purpose, non-custodial monitoring and education services give support to juvenile court judges in carrying out their functions. These services, supervised by the Ministry of Social Welfare, are periodically monitored by social welfare managers, juvenile court judges and inspectorate-general of the Ministry of National Solidarity.

414. Other teaching establishments responsible for children (either with disabilities or deprived of their family) are subject to the same regulations as schools. Regular inspections are carried out to check whether the child protection provisions in force are actually being complied with.

415. Instruments governing the education sector and school regulations prohibit violence within educational establishments, including the use of corporal punishment. Ministerial circulars are regularly sent out to remind school authorities of these measures and administrative penalties are imposed on violators.

416. The cases of all children admitted to counselling as a result of any kind of ill-treatment (physical abuse, sexual violence) are reported to the various competent services, thus triggering an inquiry and action if required. At the same time, school doctors also have a responsibility to raise teachers' awareness of how to prevent violence, monitor children's health and manage issues relating to different forms of violence.

Articles 20 and 21

Children deprived of a family environment

417. Children temporarily or permanently deprived of their family environment or who, in their best interest, cannot be left in that environment, are taken into the care of State institutions under Ordinance No. 72-03 of 12 February 1972 and Ordinance No. 75-64 of 26 September 1975 on the creation of establishments and services for the protection of children and young people.

418. When a child has been placed in a suitable establishment, the State provides the necessary resources, both in human and material terms, to guarantee the best living conditions and opportunities for social integration.

419. The *kafalah* is an arrangement for care and assistance of children deprived of their family environment. Article 115 of Act No. 84-11 of 9 June 1984 amending the Family

Code provides that the *kafalah* or legal fostering is a voluntary commitment, drawn up by legal deed, to take responsibility for the maintenance, upbringing and protection of a minor on the same basis as a parent.

420. The new Code of Civil and Administrative Procedure strengthens procedures relating to the *kafalah* arrangement to protect the best interest of the child:

Article 492 – *“An application for a kafalah arrangement shall take the form of a submission made by the applicant to the family judge of the court for his place of residence”.*

Article 493 – *“The judge shall rule on the application for a kafalah arrangement by means of an order in non-contentious proceedings.”*

Article 494 – *“An application for a kafalah arrangement shall be considered in chambers, after receiving the opinion of the public prosecutor’s office.”*

Article 465 – *“The family judge shall verify that the kafil (fosterer) fulfils the legal requirements. If necessary, he shall proceed to an investigation and may order any measures expedient for determining whether the kafil is capable of protecting, maintaining and bringing-up the foster-child.”*

Article 496 – *“An action for the revocation or abandonment of a kafalah arrangement shall be brought according to the rules of procedure of ordinary law.*

The case shall be considered in camera and the submissions of the public prosecutor’s office heard.

Appeal against this judgement shall be as for cases under ordinary law”.

Article 497 – *“In the event of the death of the kafil, his heirs shall be required immediately to inform the family judge who made the order for the kafalah arrangement.*

The judge shall, during the month which follows, hold a meeting of the heirs to hear them on the issue of retaining the kafalah arrangement.

If the heirs undertake to continue the kafalah arrangement, the judge shall designate the heir on whom it shall devolve.

If the heirs refuse, the judge shall terminate the kafalah arrangement in the same legal forms as provided for its assignment.”

Article 125 of the Family Code lays down that *“an action to abandon a legal fostering arrangement must be referred to the court that established it, the public prosecutor having been notified. In the event of death, the right to foster shall be transferred to the heirs if they undertake to exercise it. If this is not the case, the judge shall give custody of the child to a welfare institution”.*

421. The foster child may be of known or unknown filiation. The child must retain his original filiation if his parents are known. If they are not, article 64 of the Civil Status Code applies. The foster parent may bequeath or donate up to one third of his property to the foster child.

422. If the father and the mother, or either of them, should seek to regain guardianship of the child in question, it will be for the child, if he has attained the age of discretion, to decide whether or not to return to his parents.

423. If the child has not attained the age of discretion, he may be returned only if the judge so authorizes, taking account of the interests of the child.

424. Children born out of wedlock may also be fostered under the *kafalah* system pursuant to an arrangement whereby the foster parent (*kafil*) confers his patronymic on the foster child (*mekfoul*), thus ensuring that their names coincide (Executive Decree No. 92–24 on Change of Name of 13 January 1992).

425. When a child is placed in an appropriate institution, the State mobilizes all necessary human and material resources to ensure optimum living conditions and social integration.

Article 22

426. See the reply to recommendation 73.

Article 23

427. See the reply to recommendation 54.

Article 24

428. See the reply to recommendations 56 and 57.

Article 25

Periodic review of placement

429. Decree No. 80–59 of 8 March 1980 on the establishment, organization and operation of child guidance centres and specialized centres for children with a disability, established medical and educational child guidance boards “to guide medical and psychological treatment and educational, re-educational and teaching activities”. They keep track of and monitor children’s development, and recommend to the directors of the centres any individual or collective educational and medical-educational measures. Ordinance No. 75–64 of 26 September 1975 setting up establishments and services for the protection of children and young persons provides for the physical and mental protection of children who have been placed pursuant to a court order. Decree No. 76–101 of 23 May 1976 setting up the Commission for the Protection of Children and Young Persons lays down rules for the periodic examination of children placed in an institution. Homes for children in care established under Decree No. 80–83 of 15 March 1980 are administered by boards of psychologists, educational social workers and physicians. The rules on cooperation between the staff of ministries responsible for monitoring children placed in specialized institutions are set out in various inter-ministerial decrees.

Article 26

Right to benefit from social security

430. In the context of the social welfare arrangements for children, the system of social benefits, such as sickness insurance and family allowances, exists side by side with a number of social welfare measures intended for low-income families.

431. Algerian law accords substantial cover to children who are the dependants of an insured person in order to help protect them and to contribute to their development.

432. In point of fact, the benefits in relation to sickness insurance are provided to the insured person and that person’s dependants. This encompasses the non-working spouse,

children under the age of 18, or 21 if engaged in a course of study, 25 if under an apprenticeship, or at any age, as a result of a disability or chronic illness, if they are unable to engage in any form of paid activity, or dependent children without an income or the children of a prisoner engaged in prison work (art. 67 and 68 of Act No. 83/11 of 2 July 1983 on social insurance, as amended and supplemented).

433. The following are regarded as dependent children:

- The children of the insured person or of that person's spouse;
- Children in relation to whom the insured person has entered into a *kafalah* arrangement; and
- Children taken in by the insured person who are effectively dependants, whether or not related to the insured person.

434. Social security benefits are retained for children who become orphans, if the person responsible for them, the guardian or new spouse (if the widow remarries), is not an insured person.

435. If a child is hospitalized in public health structures, the costs of hospital stay and medical care are provided for.

436. Children with a disability are provided for free of charge by the State in terms of social welfare benefits and the provision of prosthetic aids, in accordance with the law in force.

437. Apprentices, students and pupils in vocational training establishments are entitled to benefits in relation to accidents at work and occupational diseases.

438. The social security system also covers minors of legal working age, who enjoy a fundamental right to be affiliated to the social security system pursuant to the provisions of article 5, paragraph 4, of Act No. 90/11 of 21 April 1990 on labour relations and the provisions of article 3 of Act No. 83/11 of 2 July 1983 on the obligations of insured persons, as amended and supplemented, whatever the sector of activity in which the minor is working, the nature or validity of the employment relationship, the minor's gender or level of remuneration.

439. Moreover, family benefits are provided for the worker's dependent children (up to the age of 17 or 21 if engaged in a course of study), and are funded by the State as well as by the measures set in place by mutual associations and company welfare facilities.

440. The annual schooling allowance is disbursed in a single tranche for each child in education between the age of 6 and 21, if the beneficiary is not in receipt of a monthly income higher than that fixed by the State.

Article 27

441. See the reply to recommendations 60 and 61.

442. Subparagraphs 1, 2 and 3: see the reply to recommendations 60 and 61.

443. Subparagraph 4: see the reply to article 06.

Articles 28, 29 and 30

Right of the child to education

Education that is compulsory and free

444. Article 53 of the Constitution stipulates that the right to education is to be guaranteed and that education is free of charge in the conditions laid down by law.

445. The new Education Act was adopted in 2008 to meet the new aspirations of education in Algeria. This is the Act of 23 January 2008 which guarantees the right to education to all Algerians, both boys and girls, without discrimination on grounds of gender, social or geographic origin.

446. That piece of legislation governing education is consistent with the provisions of articles 28, 29 and 30 of the Convention on the Rights of the Child, since it guarantees that teaching in all educational establishments falling under the responsibility of the Ministry of National Education is to be free of charge, as well as guaranteeing students equality of opportunity as regards the conditions of schooling and the continuation of studies after the age of compulsory schooling, including for students with special needs.

447. Every year, the Algerian State deploys huge efforts in the education sector to bring these measures to fruition.

448. In point of fact, the budget in the education sector has been clearly rising since 1963. During 1997/98, it amounted to 124 billion dinars, rising to 260 billion dinars in 2004/05 and more than 280 billion dinars in 2008/09, accounting for more than 20% of the overall State budget.

449. As a result, not only has Algeria caught up in the field of education but has also been able to cope with the significant and still-growing demand for education.

450. For example, total pupil numbers have increased tenfold since 1962 and now stand at 7.5 million, thereby moving Algeria closer to the Millennium Development Goals (for further detail, see annex 21).

State financial assistance

451. Scholarships are accorded to students in lycées at the rate of 1,296 dinars for boarders and 648 dinars for students taking school dinners. In 2008, the funds earmarked for these scholarships amounted to more than 400 million dinars.

452. Moreover, as part as the national solidarity effort, the State accords an education allowance of 2,000 dinars to every child whose parents' income is equivalent to or below the guaranteed minimum wage (SMIG), that is to say 12,000 dinars/month, accounting, since 2005, for a total of 6 billion dinars. In 2008, the amount of this financial assistance rose to 3,000 dinars per student. In addition, children in need, orphans, the children of parents who have a disability or are unemployed and children from families which have fallen victim to terrorism receive textbooks and school equipment free of charge. In 2008, the number of children who benefited was in excess of 1.5 million.

Educational and career information and guidance

453. To carry out its responsibilities in this area, the Ministry of National Education employs more than 1,000 advisers and educational and career guidance counsellors with basic training in psychology and specialist training in educational psychology or educational and career guidance. These professionals are posted throughout the country in schools or in school and career guidance centres.

Measures to encourage regular school attendance

454. Great efforts are made to encourage regular school attendance.

1. *Extending the school canteen facility*

455. In recent years, the network of school canteens has expanded considerably. They have increased in number from 4,585 in 1999/2000 to 11,802 in 2007/08. For 2008/09, there are plans to set up 1,500 new canteens and the necessary financial resources have been allocated in the 2009 Finance Act.

456. As well as increasing the number of school canteens, the quality of the meals has been improved. The unit food ration cost was actually increased from 12 dinars in the regions of the south and 10 dinars in the regions of the north, in 2001, to 35 and 30 dinars respectively in 2008.

457. The funds allocated to school canteens have risen from 5 billion dinars in 1963, to almost 12 billion dinars in 2008. The cost of the meal has also risen as citizens' purchasing power has increased. Between 1963 and 1991, a standard price was fixed for meals in all of Algeria's school canteens.

2. *Boarding schools*

458. At primary level, there are 44 boarding schools catering for 4,136 children, compared with just 2,021 children in 1999–2000. They have been set up for children (girls and boys) in the most remote areas, and the children of nomads in particular.

459. It should be noted that by building educational establishments in very remote areas, it has been possible to bring schools closer to the people, resulting in decreasing need for boarding establishments.

3. *Improving school transport*

460. School transport for children in isolated areas or areas in which schools are at a distance from population centres is another element of the measures which the State has set in place to encourage regular school attendance.

461. In that connection, for the period 1999–2008, the State has made available to the more remote communes 3,656 buses to transport children in the three levels of education.

4. *School health*

462. School health continues to be an area of action in that 1,228 screening and monitoring units ("*unités de dépistage et de suivi*" (UDS)) are operational every year to take care of pupils' health. School health activities are provided by 1,115 doctors, 694 dentists, 205 psychologists and 1,470 paramedical staff. In addition, staff of the screening and monitoring units have, periodically, to carry out systematic medical inspections in classes in the geographical regions covered by their units, and to keep a file monitoring each student's health.

5. *Cultural and sporting activities*

463. As part of their educational mission, Algeria's schools ensure the development of cultural and sporting activities in their teaching programmes, which incorporate physical and artistic education (drawing, music) as fully-fledged disciplines whether offered by the schools themselves (sports, music, singing, dance, drawing, theatre, crafts) or by scientific and cultural clubs (covering health, astronomy, information technology, natural history and

poetry, etc.). A special *wilaya* fund for initiatives to help young people has been in existence since 2001.

Objectives of education

464. Act No. 08–04 of 23 January 2008 (the Education Act) sets out in the chapter on the objectives of education (art. 2), that the purpose of education is to lay the foundations for a society attached to peace and democracy and which is open to universality, progress and modernity. Emphasis is also placed on the fact that students must learn the value of knowledge, work, solidarity, respect for others and tolerance, fostering values and positive attitudes to, among other things, the principles of human rights, equality and social justice.

465. Moreover, the Algerian education system trains tomorrow's citizens and thus provides civic education by instilling in children national and universal values through a variety of disciplines (history, civic and religious education) with the aim of teaching sound behaviour, positive attitudes and "life skills" from the earliest stage of primary education.

466. As part of the reform of the education system, new elements have been incorporated into the curriculum, namely: education in human rights (Convention on the Rights of the Child, international humanitarian law, etc.), population studies, health education, global citizenship and environmental studies.

467. The principles that are taught are linked to the universal values of peace, tolerance, respect for others, mutual assistance and solidarity.

468. With that in mind, school textbooks are subject to prior, systematic and rigorous assessment. They cannot be distributed in educational establishments unless they have been approved by a committee of experts.

469. It is important to bear in mind that textbooks have been refused approval because they contained discriminatory stereotypical images, even though they were of good quality from a teaching perspective.

Private education

470. The Ordinance of 16 April 1976 governing the system of education and training has been amended in such a way as to enable private education establishments, which had previously been operating illegally, to be integrated into the system.

471. A regulatory framework governing those establishments has been set in place. As a result, 108 establishments have been approved. They cater for about 16,000 students and teach the official Algerian curricula but with a window of between three and five hours every week in which they can organize any other activity not included in the official syllabus.

Teaching of the Amazigh language

472. The Amazigh language, which is recognized in the Algerian Constitution as a national language, is taught in Algerian schools, at all levels of education. It is included in school curricula as a full discipline, with its own timetable, syllabus and textbooks. It is subject to the same system of evaluation and examination as other disciplines.

473. The new Education Act (Act No. 08–04) guarantees the teaching of the Amazigh language. It states, in the preamble, that "**in terms of language, culture and heritage, the Amazigh identity is an integral part of historic personality ...**" and schools "**must convey to students ... the links which bind them to the Amazigh language**".

Article 31

Leisure and cultural activities

474. Social welfare institutions run rich and varied programmes of leisure, sports and cultural activities, involving:

- Music, painting, drawing, physical education, plastic arts, painting on silk, macramé, sculpture, pottery etc.;
- Workshops on photography, information technology, silk-screen printing and agriculture;
- Holiday programmes (outings, visits to museums, inter-institutional holiday camps for disadvantaged children); and
- Sporting events and tournaments organized by sports associations and leagues (football, swimming, athletics, volleyball, table tennis, etc.).

Article 32

Protection against economic exploitation and from performing any work likely to be hazardous

475. The public authorities take immediate measures to prevent and eliminate child labour. National laws, regulations and policies on these matters conform to the standards of the International Labour Organization. In addition, since 2003 a cross-sectoral plan for the prevention and suppression of child labour has set specific objectives for the preventing the economic exploitation of children, ensuring that all players are mobilized. The plan's implementation is closely monitored.

1. Legal protection for children through national labour legislation

476. Algeria has adopted all of legislative and regulatory measures needed to give effect to the rights recognized in international labour standards concerning the prevention and suppression of all forms of exploitation of children, particularly as regards to compliance with the minimum working age.

477. Article 15 of Labour Relations Act No. 90/11 of 21 April 1990, as amended and supplemented, provides that the minimum age for recruitment may not, under any circumstances, be less than 16 years, except in the context of apprenticeship contracts drawn up in accordance with the legislation and regulations in force, and that no worker who is a minor may be recruited except on presentation of authorization from his or her legal guardian.

478. This means that children may not be employed on work which is dangerous or harmful to health or morals. Where these conditions are not observed, the employment contract is deemed to be void under the provisions of article 135, according to which: "*any employment contract which does not conform to the legislative provisions in force shall be null and void*".

479. On this basis, and apart from apprenticeship contracts established in accordance with the legislation and regulations in force, the recruitment of a young worker who has not attained the statutory minimum age is punishable by a fine of 1,000–2,000 dinars. For a second offence, a prison sentence between fifteen days and two months may be imposed, in addition to a fine at twice the original level (art. 140).

480. Furthermore, anyone contravening the provisions that apply to the employment of young workers and women may be liable to a fine of 2,000–4,000 every time an offence is

found to have been committed (art. 141). Article 28 of the same Act provides that “*workers of either sex below 19 years of age may not be employed on night work*”. A person who breaches this provision is liable to a fine of 500–1,000 dinars for each worker concerned (art. 143).

481. In addition, Article 11 of the Health, Safety and Healthcare at Work Act No. 88–07 of 26 January 1988 provides that employer organizations have a duty to ensure that work assigned to women, minors and workers with a disability does not exceed their physical strength. An employer who breaches this requirement is subject to a fine of 500–1,500 dinars. Second offenders incur a penalty of a maximum of three months' imprisonment, or a fine of 2,000–4000 dinars, or both (art. 38).

482. Article 16 of Executive Decree No. 93–120 on the organization of healthcare at work provides that, in addition to apprentices, workers under the age of 18 years are to be individually subject to medical supervision.

483. The Health Protection and Promotion Act, No. 85–05 of 16 February 1985 also introduced a number of provisions guaranteeing medical supervision for children at all stages of their development.

2. Ratified rules of international law

484. Algeria has begun the process of ratifying international instruments for the prevention of child labour:

1. ILO Convention No. 138 concerning Minimum Age for Admission to Employment, adopted by the General Conference of the International Labour Organization on 26 June 1973, ratified by Algeria on 3 September 1983; and

2. ILO Convention No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted by the General Conference of the International Labour Organization on 17 June 1999 and ratified by Algeria on 28 November 2000.

485. Algeria also ratified, on 8 July 2003, the African Charter on the Rights and Welfare of the Child, adopted at Addis Ababa in July 1990.2.

3. The national strategy for preventing and suppressing child labour

486. The Cross-sectoral Committee for the Prevention and Suppression of Child Labour was set up in 2003 and is made up of representatives from 12 government departments and a representative of the Algerian Workers' General Union (*Union générale des travailleurs algériens*, UGTA).

487. The following government departments are involved:

1. Ministry of Labour, Employment and Social Welfare;
2. Ministry of Vocational Training and Education;
3. Ministry of National Solidarity, the Family and the National Community Abroad;
4. Ministry of National Education;
5. Ministry of Agriculture and Rural Development;
6. Ministry of the Interior and Local Government;
7. Ministry of Youth and Sports;
8. Ministry of Communications;

9. Ministry of Justice;
10. Ministry of Religious Affairs and Endowments (*waqfs*);
11. Ministry of Health, Population and Hospital Reform; and
12. The offices of the Minister for the Family and the Status of Women.

488. Considerable progress has been made in managing these issues in Algeria since the Committee was set up.

489. The responsibilities of the Committee include action planning, awareness-raising among the public about the damaging effects of child labour, coordinating the contributions of the different ministries and institutions involved and recommending amendments to the legislation on children's issues.

490. In 2004, the Cross-sectoral Committee for the Prevention and Suppression of Child Labour established an integrated annual and multi-annual programme containing specific objectives and targets.

4. Action taken

491. The Cross-sectoral Committee's latest report shows that the following action has been taken:

1. Fourteen information and awareness-raising days, held from 3–17 May 2004, in collaboration with the National Federation of Parents' Associations and with the involvement of the education, health and religious sectors;

2. The organization on the first day of the 2004–05 school year, for children at all three levels of school education (primary, middle and secondary) and nation-wide, of an introductory lesson on the rights of the child and the consequences of child labour;

3. Contributions to television programmes and various radio channels on the subject of preventing child labour;

4. The production of a guide on the rights of the child;

5. The participation of the decentralized services of the Labour Inspectorate in "open days" on the prevention of child labour held by the Ministry of Justice on 25, 26 and 27 April 2006;

6. The inclusion by the Ministry of Religious Affairs and Endowments of the issue of combating child labour in Friday prayers in all mosques on Friday 2 June 2006;

7. Celebration of World Day Against Child Labour on 12 June 2006 under the distinguished patronage of the Minister for Labour, Employment and Social Welfare and with the participation of the ILO, UNICEF and the social and economic partners, as well as the Algerian Muslim Scouts;

8. Awareness-raising days on the theme of a "Summer free from child labour" in collaboration with the Ministry of Youth and Sports. These involved the coastal *wilayas* over two sessions held on 31 July and 14 August 2006 and were held at leisure and holiday centres;

9. Awareness-raising days on the harm caused by child labour, held in the 48 *wilayas* from 18–30 November 2006, in collaboration with the health sector and involving the local services of the Labour Inspectorate and the health and vocational training services. This event involved 300,000 children in educational and vocational training establishments;

10. Awareness-raising campaigns to combat child labour held by the Ministry of Vocational Training and Education in all training establishments and facilities from 27-31 May 2007. This initiative involved 5,873 trainees and apprentices, 561 craftsmen and 718 representatives from industry;

11. 457 conferences on the rights of the child held between 21 May and 18 June 2007 in collaboration with the Ministry of Justice. The conferences involved 36 higher and 136 local courts;

12. An information day on the theme of “citizenship, environment and action against child labour”, organized by the Ministry of Youth and Sports for World Children's Day, with 3,000 children taking part;

13. Celebration of World Day Against Child Labour, on 12 June 2007, under the distinguished patronage of the Minister for Labour, Employment and Social Welfare and with the participation of the ILO, UNICEF and the social and economic partners, as well as the Algerian Muslim Scouts; the focus of the event was “the elimination of child labour in agriculture”;

14. 242 information and awareness-raising days held by the Ministry of Youth and Sports with the participation of the Labour Inspectorate between 1 July and 31 August 2007 in 121 holiday centres in 14 coastal *wilayas*, with 58,815 children taking part. As part of the same initiative, 48 information days on action against child labour were held by the same Ministry in its local bureaux for providing youth leadership, information and guidance (“*offices des établissements de jeunes*” (ODEJ)) between 15 and 31 October 2007;

15. Celebration of World Day Against Child Labour, on 12 June 2008, under the distinguished patronage of the Minister for Labour, Employment and Social Welfare and on the theme: “education is the right answer to child labour”. Participants in the event included representatives from specialized international organizations (UNICEF and the ILO), the representative of the Commandant of the Algerian Muslim Scouts and representatives of the government departments that sit on the National Committee for the Prevention and Suppression of Child Labour. An exhibition on the rights of the child was organized on the occasion of this event, with the assistance of the offices of the Delegate Minister for the Family and the Status of Women;

16. Seven regional information and awareness-raising days, organized by seven regional labour inspectorates (Annaba, Oran, Constantine, Batna, Tiaret, Ouargla and Bechar) to commemorate World Day against Child Labour on 12 June 2008. These events were held with the collaboration of the *wilaya* directorates for national education, vocational education and training and civil society;

17. 150 information days organized by the Ministry of Youth and Sports with the collaboration of the Labour Inspectorate in 108 holiday camps. These events benefited 21,132 children, 2,465 of them girls, and took the form of sessions lasting between 2 and 27 days, including the showing of documentary films on the harm caused by child labour, theatrical events and photographic exhibitions on the rights of the child;

18. A Parliamentary Children's Day, organized by the Ministry of National Education on 17 March 2008 under the title “**No to child labour**”;

19. Awareness-raising campaigns on the risks of child labour organized by the *wilaya* directorates of education in collaboration with the Labour Inspectorate at *wilaya* level, in association with national events held at the end of the 2007/08 school year; and

20. The launch by the *wilaya* social welfare directorates (*directions de l'action sociale* (DAS)) of the Ministry of National Solidarity, the Family and the National Community Abroad of 48 awareness-raising days on preventing child labour, to run from

January 2009. These gatherings will deal specifically with the issue of **children who themselves take the initiative to work in order to help their families**. The aim is to raise the awareness of the families concerned and to define how a local network can be put in place to help low-income families with working children. These activities are now taking place and are being run by *wilaya* directorates responsible for employment, commerce and national education, along with the Labour Inspectorate and representatives of civil society.

5. Statistics on child labour

492. The available statistical data and surveys on child labour show that the phenomenon is not a significant one and occurs only at low levels in limited areas of economic activity.

493. For instance, a first survey carried out by the Labour Inspectorate in 2002 found that, in 5,847 undertakings surveyed, employing a workforce of 16,895, there were 95 young workers below the legal working age, equivalent to 0.56% of the total workforce.

494. A second survey was held in 2006. It showed that, in 3,853 concerns with a combined workforce of 28,840, 156 children below the legal age of 16 were being employed, equivalent to about 0.54% of the total workforce.

495. Finally, a third survey held in 2008 confirmed the low level of employment of children in industry. In 4,820 companies with 38,650 workers, 68 children under the age of 16 were identified, equivalent to 0.17%.

Article 33

496. See the replies to recommendations 58 and 59.

Articles 34, 35 and 36

497. See the reply to recommendation 79.

Articles 37 and 40

Right not to be tortured or subjected to cruel, inhuman or degrading treatment, and the treatment of children deprived of their liberty

498. Algeria is a party to many international instruments, including the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the 1949 Geneva Conventions, which contain specific provisions against torture and ill-treatment, and the Convention against Torture and Other Cruel, Human or Degrading Treatment or Punishment of 10 December 1984. Algeria has entered no reservations to the latter Convention and has recognized the competence of the Committee against Torture.

499. In Algeria, the prohibition of torture is a constitutional principle, and various legal and other measures have been adopted to enforce it fully in law and in practice. All laws and regulations are based on this principle and that of respect for the dignity and physical and moral integrity of the human being. Acts of torture are crimes in the eyes of the criminal law.

500. No legal provision authorizes a State official to order or perform acts of torture or other forms of violence or ill-treatment. What is more, the Criminal Code and various laws,

such as the Prison Reform Code, punish and/or prohibit abuses of authority, as well as violations of human freedom or dignity. The Criminal Code punishes acts of torture and other forms of violence and ill-treatment in articles 254–280, which penalize murder and other capital offences and deliberate acts of violence.

501. Acts of torture are a crime and subject to criminal sanction (art. 293 bis). There are specific provisions punishing persons guilty of violence against minors and of wilfully depriving minors of food or care in such a way as to endanger their health (arts. 26–272). Terms of imprisonment ranging from 3 to 20 years, depending on the consequences of the violence or deprivation, may be imposed. Where such cases result in unintentional homicide, the penalty is life imprisonment.

502. As has been stressed already, the death penalty cannot be imposed on minors. Article 49 of the Criminal Code stipulates that: “*only protective or re-education measures may be applied to a minor aged 13*”.

503. The Criminal Code also penalizes infringements of liberty committed by persons in the performance of their official duties (arts. 107–110). Article 110 of the Criminal Code establishes penalties for arbitrary detention as follows: “*any official responsible for re-education in a penitentiary establishment or detainee facility who admits a prisoner without a lawful committal order or refuses, without citing an injunction issued by the investigating judge, to present the prisoner to the authorities or to authorized visitors, or refuses to hand over records to the said authorized persons, shall be guilty of arbitrary detention and liable to punishment*”.

504. Article 456 stipulates that: “*an offender under the age of 13 May not, even temporarily, be placed in a penitentiary establishment. An offender aged between 13 and 18 years may be sent to a penitentiary establishment only if a provisional measure to that effect seems indispensable or if it is impossible to make other arrangements. In that case, the minor shall be kept in a special section or, failing this, in a location where he is, as far as possible, segregated from other prisoners at night*”.

505. To avoid any inhuman or cruel treatment of persons accused of a criminal offence, articles 45–49 of the Constitution provide the following guarantees:

- The right to be informed as soon as possible, in a language that he understands and in detail, of the nature of and reasons for the accusations against him;
- The person is presumed to be not guilty until his guilt is established by a proper court with all the guarantees required by the law;
- The person may not to be found guilty except in relation to a law promulgated prior to the [commission of the] offence of which he is accused;
- The person may not be pursued, arrested or detained except in accordance with the law and in accordance with the forms that it prescribes;
- Custody during criminal investigation is subject to judicial supervision and may not exceed 48 hours. A detained person has the right to enter into immediate contact with his family. The period of custody may, exceptionally, be extended only in the circumstances laid down by the law. On the expiry of the custody period, the person detained must be given a medical examination, if he requests one, and must, in any event, be informed that he is entitled to a medical examination; and
- Any person accused of a criminal offence has the right to be present at the trial and either to defend himself or to have the assistance of a defence lawyer of his choice (art. 54 of the Code of Criminal Procedure).

506. Finally, the State has implemented special measures to ensure the protection of children against all forms of violence, exploitation or cruel, inhuman or degrading treatment, in conformity with legislation.

507. When the family environment endangers a child's upbringing, health or development, a judge must order that the child be removed forthwith and placed in a foster family or appropriate institution.

Penalties for minors, and in particular the prohibition of capital punishment and life imprisonment

508. It is clear from the Algerian Criminal Code and the various ordinances referred to that the Algerian judicial system pays special attention to the age of minors and to the fact that they are children.

509. The death penalty is not applied in the case of minors aged between 13 and 18 years pursuant to article 50 of the Criminal Code, which provides that: "*if it is decided that a minor between the ages of 13 and 18 should be subject to criminal punishment, the following sentencing options are available:*

- *If the minor is tried for an offence for which the penalty is death or life imprisonment, the sentence shall be between 10 and 20 years' imprisonment;*
- *If the minor is tried for an offence for which the penalty is a term of imprisonment, the sentence shall be one half of the term of imprisonment that the minor would have served had he been an adult".*

510. The penalty involved is not the form of extended imprisonment applied for the most serious offences (*réclusion*), but the form applied to other offences (*emprisonnement*), which the minor will serve in an establishment for minors or in a section of a prison reserved for minors. In these circumstances, different conditions apply and he will receive the treatment laid down for minors.

511. The judge therefore has complete discretion to apply paragraph 2 of article 53 of the Criminal Code and reduce the sentence to three years, if the crime concerned is punishable by between 10 and 20 years of extended imprisonment, and also to apply article 572 of the Code of Criminal Procedure, which allows a minor sentenced on first conviction to a term of non-extended imprisonment (*emprisonnement*) to have it suspended in whole or in part.

512. Article 49 of the Criminal Code provides that "only protective or re-education measures may be applied to a minor aged ... 13"; and that "there may be no criminal prosecution of a child aged under 13".

Treatment of children deprived of their liberty

513. The treatment of children deprived of their liberty is governed by the following.

1. The Penal Institutions and Social Reintegration of Detainees Act, No. 05-04 of 6 February 2005

514. By promulgating this Code, Algeria reaffirms its commitment to respecting individual freedoms, and to the principle that penalties must be established by law and that it is for the courts to ensure and enforce this.

Article 1 – "*The purpose of this Act is to establish rules and principles to set in place a policy for penal institutions based on the concept of defending society which means that penalties are applied as a means of protecting society by re-educating detainees and reintegrating them into society*".

Article 2 – “*Detainees shall be treated in such a manner as to preserve their dignity as human beings and constantly to raise their intellectual and moral levels without distinction on grounds of race, gender, language, religion or opinions.*”

Article 3 – “*The imposition of custodial penalties shall observe the principle that penalties should be individually determined on the basis of treatment appropriate to the penal status and to the physical and mental state of the detainee.*”

Article 4 – “*Detainees shall be deprived, wholly or in part, of the exercise of their rights only to the extent necessary for their re-education and social reintegration pursuant to the provisions of this Act.*”

Article 5 – “*The Prison Administration shall be responsible for carrying out custodial penalties, security measures and alternative penalties, in accordance with the law.*”

Article 6 – “*The Prison Administration shall be responsible for ensuring the judicious selection of officers for penitentiary establishments and shall see to it that their professional skills are constantly improving.*”

515. Prisoners are allocated to and classified within prisons on the basis of their penal status, the seriousness of the offence, their age and their personality.

516. Specialized centres for minors have been established to house defendants or offenders who have not reached the age of majority, unless the Ministry of Justice expressly indicates otherwise. All facilities, except for remand units if the layout of the premises does not permit it, have one or more special sections for minors.

517. The centres are staffed by warders with appropriate training, psychologists, youth workers, monitors, instructors and welfare assistants. The diet must be healthy and balanced. The hygiene and cleanliness of the premises are constantly monitored. The centres have infirmaries with specialized medical and paramedical staff.

518. The minors are educated within the establishment and their vocational training is in conformity with the legislation applicable to non-offenders of the same age. No additional work may be required of them and they must never be required to work at night. They are granted annual leave that can be taken at a holiday centre. They may also spend official holidays with their families.

519. Any minor who disobeys the internal rules of the centre may be punished only by reprimand or suspension of visiting rights for a maximum of 45 days. Each specialized centre for the rehabilitation of minors has a re-education board, chaired by the juvenile court judge, whose task it is to organize annual education and vocational training programmes and make any necessary changes. Each minor must have an administrative file and a re-education file. The cost of maintaining, educating and training minors under sentence, who are committed to specialized centres for the reintegration of minors, is borne by the State, unless the sentence provides otherwise.

General custody arrangements

520. On arrival at the facility designated to receive him, the minor follows a process of:

First phase

Reception, observation and counselling

Reception

521. Immediately on arrival, the minor is referred to the reception centre for the formalities connected with his admission: search, shower and medical examinations for

general health and tuberculosis. A gynaecological examination is necessary in the case of female minors.

522. New arrivals are visited by the director of the facility or his deputy, and by a social worker, and are informed of the facility's internal rules.

Observation and guidance

523. For a maximum of 3–6 months, the observation and guidance service is responsible for:

1. Monitoring the physical and psychological state of the minors, assessing their personality and identifying what led them to offend and their receptiveness to re-education, and choosing suitable means to that end;
2. Securing teaching and training for them; and
3. Arranging regular care for them by psychologists and youth workers in accordance with the plan established for them.

524. The psychologist and youth worker keep a dossier on the minor's personality and re-education, including all the necessary documentation. A copy is deposited with the judicial registry and made available to the juvenile court judge, the judge responsible for the execution of sentences and the relevant branches of the Ministry of Justice.

525. The psychologist and youth worker draft a report every three months. The work of the psychologists, youth workers and social workers is recorded in a detailed report on the minor's personality.

526. A meeting is held at the end of the observation period chaired by the director and attended by those mentioned above

Second phase

The re-education service

527. The youth workers, teachers and re-education staff are responsible for ensuring that the minor is provided with education, training and appropriate moral education and for ensuring that his leisure time is put to good use.

Education

528. Teaching courses are organized in lines with the curricula of the Ministry of National Education. Access to the next class is dependent on success in examinations.

529. The course levels are:

- Basic literacy;
- From year one standard to year six standard of basic education; and
- From year six standard to the standard of the certificate of basic education.

530. At higher levels, the minor is able to study either by correspondence or by enrolling in a *lycée* near the facility with the agreement of the re-education board.

Training

531. Minors are given vocational training according to their abilities and wishes, taking account of their employment prospects after release.

532. Training takes the form of theoretical and practical courses either in the minors' rehabilitation centre or in a vocational training facility.

533. Success is rewarded by the award of a diploma which contains no mention of either the minor's penal status or the penal establishment.

534. The regime for minors is collective and they may not be placed in isolation except for health reasons, or be obliged to wear prison uniform: since minors are allowed to wear their own clothing, they are subject to two dress-codes, one for summer and the other for winter. They have visiting facilities that cater for private personal visits, and medical attention each month and whenever necessary. They are entitled to a bath once a week.

Visits

535. Minors may be visited by older family members in the ascending line, children, close cousins, spouse, brothers and sisters and spouse's children. In the case of foreigners, visits by diplomats are allowed exceptionally and on the basis of agreement by the judge responsible for executing judgments, the juvenile court judge and the chairman of the re-education board. Minors may also be visited by their lawyers.

536. Visits take place twice each week. Minors may be allowed to attend the funeral of a close relative, if authorized by the responsible judge if he is on remand and by the director of the facility if final judgment has been handed down in his case. On such occasions the minor leaves the facility in the company of and on the responsibility of his legal guardian.

Leave and special leave

537. After consulting the re-education board, the director of the centre is authorized to grant minors 30 days' annual leave during the summer and leave for official holidays. In cases of good behaviour, he can also give minors ten days' leave every three months (art. 125 of the Prison Organization Code).

538. In accordance with article 7 of the Family Code, the minor may be authorized to marry, either by the juvenile court judge or by the judge responsible for the execution of sentences or by the chairman of the re-education board.

Correspondence

539. The minor is entitled to receive five kilogrammes of food once a week: during Ramadan and holidays, this allowance is increased to three kilogrammes a day. He may also receive parcels by post containing food, clothing, national newspapers, books and magazines. Parcels must be opened in the minor's presence.

Social and religious support

The social worker

540. Social workers are under the authority of the judge responsible for the execution of sentences. They work in coordination with the social services, without prejudicing security, discipline and the proper functioning of judicial procedures. They take care of re-establishing family connections and dealing with social problems which may affect the minor or his family.

The faith worker

541. Under an agreement signed between the Ministry of Justice and the Ministry of Religious Affairs, minors are given courses in religious education and guidance.

Information

542. Minors are allowed to read daily newspapers or periodicals and to listen to and watch radio and television programmes between 17:30 and lights-out, under the supervision of the director. There is a library at the disposal of the minors in every facility.

Culture, education and sport

543. Cultural, educational and sporting activities take place in every specialized rehabilitation centre for minors.

Employment for training purposes

544. Minors who have reached the age of 16 are able to request permission to take a job as a contribution to their re-education, personal development and social reintegration: the decision is taken by the director of the facility on medical advice and with the agreement of the re-education board. Minors under this arrangement are entitled to one day off per week in addition to official holidays. Working time may not exceed that of a normal worker.

2. Ordinance No. 72–03 of 10 February 1972 on the Protection of Children and Young Persons and Children in Situations of Emergency

545. Alongside minors who have broken the law and are being cared for under the Code of Penal Institutions and the Social Reintegration of Detainees, there is another category of children and young people who live a potentially criminal existence and for whom urgent educational measures must be adopted as a preventive measure. These measures are set out in Ordinance No. 72–03 of 10 February 1972 on the Protection of Children and Young Persons, which is designed to protect and assist minors who have not yet come into conflict with the law, but whose security, morals or education are endangered, or whose living conditions or behaviour may jeopardize their future.

546. This Ordinance gives the juvenile court judge broader powers to deal with maladjusted children. Intervention by this specialized judge may have a salutary effect on children and young people at risk and thus forestall youth offending.

547. The matter is referred to the judge on an application from the minor's parents or guardian, the public prosecutor, the officials responsible for non-custodial supervision or the chair of the communal assembly (art. 2). The juvenile court judge may also intervene of his own initiative. This statutorily-conferred prerogative gives juvenile court judge full freedom of action to identify and protect minors at risk. He has very wide-ranging decision-making powers, since he may order the minor to be entrusted to the following persons:

- The father or mother who does not have custody, provided that the right of custody has not previously been removed from that parent;
- Another relative or trustworthy person;
- A State care institution; or
- A public institution or an educational, vocational or medical institution (arts. 5 and 6).

548. The judge may also order that the placement of the minor with his parents or a trustworthy person be supplemented through monitoring by an educational and non-custodial supervision service and, to this end, he may appoint a youth worker to monitor the minor in his family, at school or, if applicable, at work (art. 5). The judge may amend these measures at any time. The option of changing the decision frees the judge from any narrow procedural constraint and enables him to act at all times exclusively in the interest of the child (art. 8).

3. Ordinance No. 75–64 of 26 September 1975 setting up Institutions and Services to Protect Children and Young Persons

549. To support the action of the juvenile court judge in the areas of prevention and social protection, Ordinance No. 75–64 of 26 September 1975 establishes, in each institution for the protection and re-education of minors, a board responsible for coordinating the treatment and education programmes for the children accommodated in such institutions. This “educational action board” is chaired by the juvenile court judge (art. 17). Meetings are called by the chair of the board at least once every quarter.

550. In its efforts to protect children and young people, the Ministry of Labour and Social Welfare is tasked with implementing measures to protect minors whose living conditions and behaviour may jeopardize their social integration. To enable the Ministry to perform this task, Algerian legislation caters for various establishments and services, namely:

- Specialized re-education centres;
- Specialized protection centres;
- Non-custodial monitoring and education services; and
- Multi-purpose youth protection centres.

551. Only juvenile court judges and courts are empowered to order permanent or temporary placement in these centres and services. In no event may temporary placements (defined by article 155 of the Code of Criminal Procedure and articles 5–7 of Ordinance No. 72–03 of 10 February 1972) exceed six months. Any decision on permanent placement must be preceded by a social report compiled by the non-custodial monitoring and education service or a progress report on an individual at a residential institution or in a non-custodial setting.

Article 38 Children in armed conflict

552. In this context, domestic Algerian law is entirely consistent with the relevant provisions of the Convention on the Rights of the Child on the basis of the following regulatory provisions:

- Ordinance No. 74–103 of 15 November 1974 (Chapter I, art. 1) (Algerian Official Journal of 10 December 1974) on the National Service Code, which sets the minimum age for recruitment by conscription at 19 years; and
- Presidential Decree No. 08–134 of 16 May 2008 (Chapter II, art. 10) (Algerian Official Journal No. 24 of 11 May 2008) fixing conditions for the recruitment of career officers in the People's National Army (ANP) at 18 years, in accordance with Ordinance No. 06-02 of 28 February 2006 on the General Status of Military Personnel (Algerian Official Journal No. 12 of 11 March 2006).

553. It should be noted that this regulatory provision applies to career soldiers, mainly non-commissioned officers, and, by extrapolation, to other ranks under an internal regulation dating from 1969 (Ordinance No. 69–90 of 31 October 1969 on the Status of Non-Commissioned Officers on the Strength of the People's National Army (ANP), Algerian Official Journal No. 95 of 11 November 1969); this remains the position until a presidential decree is issued on the subject.

Article 39**Physical and psychological recovery and social reintegration**

554. Children removed from their families, on a temporary basis, for family or other reasons, are placed in an appropriate State institution by the competent judicial authorities. During their stay, the children receive education, training and social welfare provision in accordance with an educational programme decided upon and devised to suit their needs and taking account of their individual requirements.

555. In addition, 43 community services throughout the country provide assistance and support to children in a difficult relationship with their parents. They are guided and monitored by social workers, who accompany them to their schools, workplaces and homes in an effort to resolve and overcome their problems.

Article 41**General provision of the Convention****Article 42****Making the principles and provisions of the Convention widely known**

556. All State organizations undertake considerable efforts to make the provisions of the Convention on the Rights of the Child widely known.

557. The Ministry of Communications contributes to the dissemination of information on the rights of the child through its units dealing with the audiovisual media and the written press by:

558. The signature of cooperation agreements between Algerian Radio and Algerian Television and UNICEF for the promotion of the rights of the child, namely:

- The agreement between Algerian Radio and UNICEF signed on 30 March 2005 for five years;
- The agreement between Algerian Television and UNICEF signed on 30 April 2007, also for five years; and
- The agreement signed with UNICEF on the “child-friendly town” projects.

559. The aim is to raise public awareness about the rights of the child, especially about everything affecting health, nutrition and protection. Another aim is to embed the concept of the rights of the child within Algerian families. The following have been agreed:

- To develop human resource capacities in the interests of the child;
- Technical assistance for Algerian Television and Algerian Radio in the field of production;
- Promotional visits and trips for journalists;
- UNICEF missions in Algeria and abroad;
- Invitations for journalists to meetings, seminars, symposia and conferences organized by UNICEF; and
- The organization of occasional workshops to get children involved and to nurture their rights to cultural and artistic expression.

560. There is wide radio, television and press coverage of all activities by national institutions and UNICEF in connection with the rights of the child (seminars, press conferences, round-tables and forums), and by civil society organizations such as the Algerian Red Crescent.

561. Some activities take place at particular times, for instance, those that celebrate international children's days, such as World Children's Day, World Day against Child Labour and International Children's Rights Day. Others take place throughout the year.

562. Programmes are produced to get across messages aimed at the general public about the rights of the child and to make parents aware of their duties to their children.

563. For example, the right of children to be protected against social evils and dangers that threaten them has been the subject of programmes dealing with: violence, child labour, drugs and drug addiction, AIDS (explaining how it is transmitted from mother to child), abuse, paedophilia and abduction.

564. The programme message takes the form of advice presented through investigative reports and reportage. All of these broadcasts are aimed at families and are produced in a way calculated to develop a culture of children's rights among the population.

565. Other themes have also been dealt with, taking account of the best interests of the child. Topics include divorce, adoption, stress in children and children and leisure.

566. Topics which are especially relevant to the social and cultural context of Algeria have been covered, such as: child-parent relationships, how to help children to succeed, the world of the child, child health, society and the rights of the child and communication within the family.

567. By way of illustration, a one-hour radio programme entitled "Children First", and dealing with the rights of the child, has been broadcast in which those taking part were themselves children. An SMS message was sent out and two television spots broadcast on 20 December to mark the sixteenth anniversary of Algeria's ratification of the Convention on the Rights of the Child.

568. Television and radio schedules will increasingly devote air-time to programmes about children.

Annexes

Annex 1

Subsidies to associations working with children: 2005–2008 (first half year)

<i>Year</i>	<i>Number of associations benefiting</i>	<i>Amount allocated (dinars)</i>
2005	21	10 175 000.00
2006	07	2 500 000.00
2007	00	00
1 st half 2008	01	500 000.00
Total	29	13 175 000.00

Annex 2

Resources provided for paid placement of children deprived of their families and for assistance to children 2005–08

<i>Year</i>	<i>Allocation (dinars)</i>	<i>Number benefiting</i>		<i>Total</i>
		<i>Paid childcare</i>	<i>Assistance to children</i>	
2005	167 459 000	2 583	36 364	38 947
2006	167 459 000	2 468	21 605	24 073
2007	167 459 000	2 350	14 912 605	17 226
2008	180 000 000	2 278	16 759	190 387

Annex 3

Children deprived of their families 2005–2008

	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
<i>Kafalabs</i> in Algeria	1 608	1 972	1 739	1 733
<i>Kafalabs</i> abroad	289	144	192	137
Care resumed by the biological mother	478	512	564	551

Annex 4

Surveys planned to 2025

<i>Survey</i>	<i>Frequency</i>
Standard of living	2 years
Disability	10 years
Begging	10 years
Ill-treatment	10 years
Youth offending	10 years
Poverty-mapping	10 years

Annex 5

Medical-pedagogical Centres for Motor Disabilities (CMPHM)

Number of <i>wilayas</i>	3
Number of CMPHM	3
Places	340
Places occupied	268
Occupation rate (%)	78.82
Administrative staff	105
Teaching staff	59
Hourly-paid staff	17
Staff on fixed-term contract	8
Total permanent staff	164
Total staff	189

Medical-pedagogical Centres for Children with Learning Difficulties (CMPEIM)

Number of <i>wilayas</i>	47
Number of CMPEIM	92
Places	8 936
Places occupied	7 153
Occupation rate (%)	90.1
Administrative staff	1 658
Teaching staff	1 471
Hourly-paid staff	600
Staff on fixed-term contract	348
Total staff	4 077
Budget 2008 (dinars)	2 069 408 984

Annex 6

Schools for Young Blind People (EJA)

Number of <i>wilayas</i>	19
Number of EJA	19
Places	2 300
Places occupied	1 404
Occupation rate (%)	61.04
Administrative staff	449
Teaching staff	377
Hourly-paid staff	165
Staff on fixed-term contract	52
Total permanent staff	826
Total staff	1 043

Schools for Young Deaf People (EJS)

Number of <i>wilayas</i>	33
Number of EJS	35
Places	4 820
Places occupied	3 635
Occupation rate (%)	77.70
Administrative staff	857
Teaching staff	845
Hourly-paid staff	318
Staff on fixed-term contract	149
Total permanent staff	1 702
Total staff	2 169
Budget 2008 (dinars)	1 056 822 787

Centres for those suffering from respiratory insufficiency (CIR)

CIR summary details

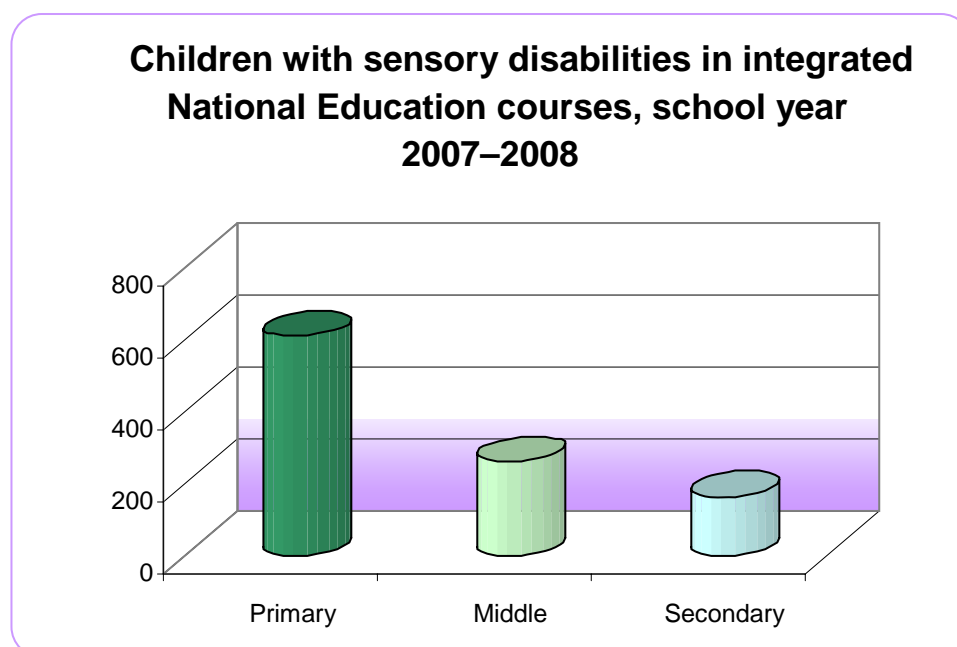
Number of <i>wilayas</i>	6
Number of CIR	6
Places	740
Places occupied	190
Occupation rate (%)	25.68
Administrative staff	185
Teaching staff	82
Hourly-paid staff	23
Staff on fixed-term contract	25
Total staff	315
Budget 2008 (dinars)	118 212 600

Annex 7

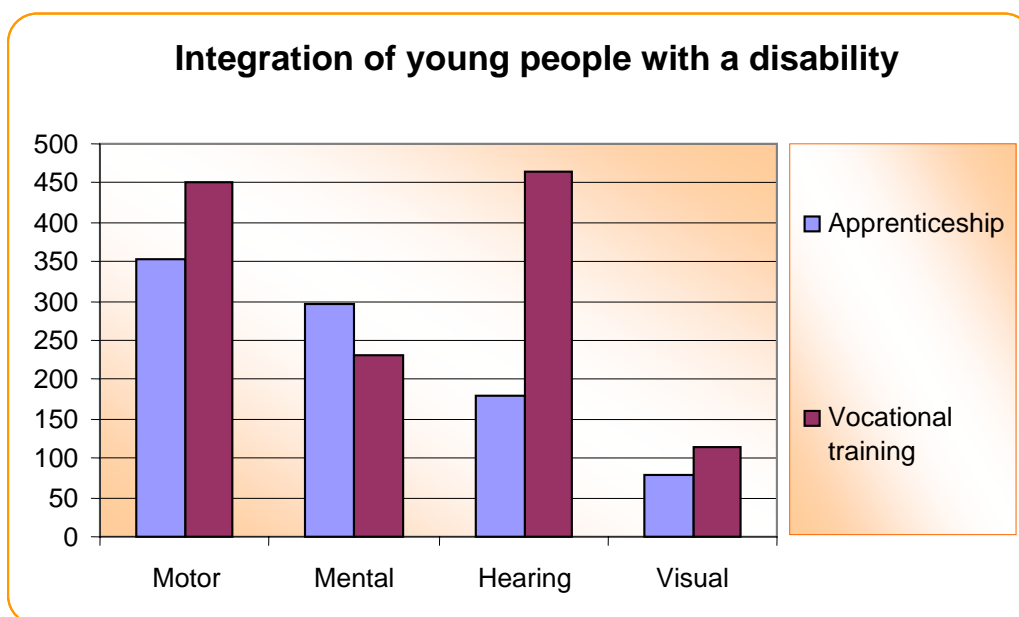
Teaching of children with sensory difficulties, 2005–2008

	2005	2006	2007	2008
Number of integrated classes	47	46	46	52
Number of children with visual/hearing disabilities	417	648	647	1 033

Annex 8



Annex 9



Annex 10

Mortality (mothers and children)

1. Infant mortality

Table 1
Infant mortality 1990–2007
 (Per 1,000 live births)

	1990	2000	2001	2002	2003	2004	2006	2007
Male		38.4	38.9	36.1	34.6	32.2	28.3	27.9
Female		35.3	35.9	33.3	30.3	28.5	25.3	24.4
Total	46.8	36.9	37.5	34.7	32.5	30.4	26.9	26.2

Source: Office of National Statistics, data from the registry of births, marriages and deaths.

Table 2
Mortality (children under four) 1990–2007
 (Per 1,000 live births)

	1990–94	1995–99	2000–02	2005	2007
Neonatal mortality (0–1 month)	22.0	20.2	20.5	19.8	17.8
Post-neonatal mortality (1–12 months)	18.6	14.1	10.7	10.6	8.4
Infant mortality (0–1 year)	40.6	34.3	31.2	30.4	26.2
Infant/child mortality (0–4 years)	45.7	39.4	35.5	34.5	30.8

Deaths in hospital among children under five

- Hospital deaths due to diarrhoea fell by 81% from 1995–2007 (and by 36% from 2005–2007)
- Hospital deaths due to acute respiratory infections fell by 60% from 1995–2007 (and by 22% from 2005–2007).

2. Deaths in childbirth

Table 3

Deaths in childbirth 1985–2007

(per 100,000 live births)

	1985–89	1992	1999	2005 ²	2006 ²	2007 ²
Deaths in childbirth	230	215.0	117.4	96.5	92.6	88.9
(1) Estimated						

Source: Ministry of Health, Population and Hospital Reform: data from surveys.

Assisted births

Table 4

Proportion of births assisted by a qualified health professional 1992–2007 (%)

	1992	2000 ¹	2005 ²	2006 ¹	2007 ²
Assisted births	76	91.2	94.3	95.3	96.5
(1) Data from national surveys					
(2) Estimated					

The MICS3 survey of 2006 identified no disparities between urban and rural areas.

Annex 11

National Programme for Nutrition

Percentage of moderately and severely underweight children among those aged under five: Mid-decade Goals (MDG) Survey 1995, End-decade Goals (EDG) Survey 2000 and MICS3 survey 2006.

%	1995 MDG	2000 EDG	2006 MICS3
Moderately underweight	10	6	3.7
Severely underweight	3	1.3	0.6
Moderately retarded growth	11	18	11.3
Severely retarded growth	7	5.1	3

Annex 12

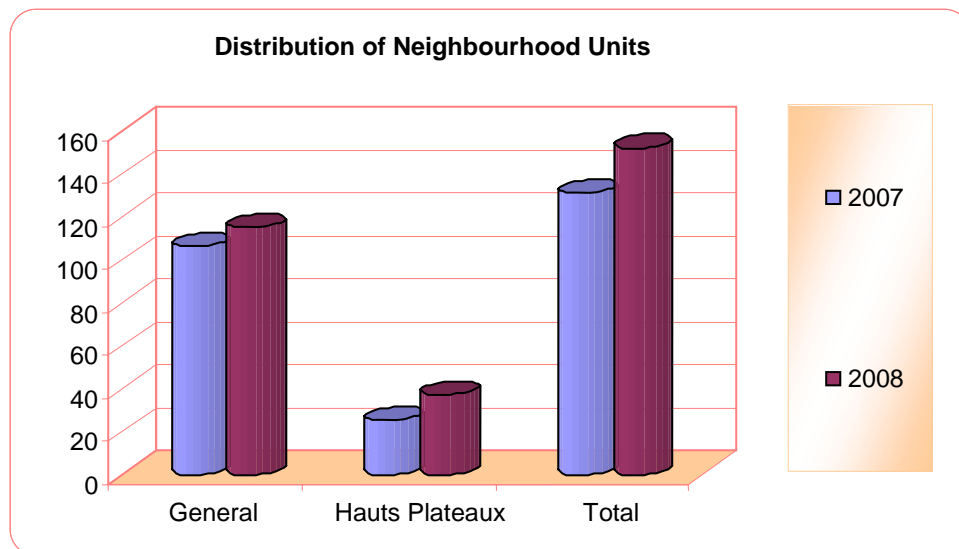
Vaccination coverage 2000–2007

(By percentage)

Year	2000	2001	2002	2003	2004	2005	2006	2007
Vaccines								
BCG (tuberculosis)	98	98	99	99	99	99	99	100
DTC P1	94	94	95	95	97	98	98	98
DTC P2	92	92	92	93	95	97	97	97
DTC P3	89	90	91	92	94	96	95	95
Measles	89	89	90	90	90	91	91	92
1 st dose hepatitis B					97	97	97	99
2 nd dose hepatitis B					91	92	90	95
3 rd dose hepatitis B					81	83	80	90

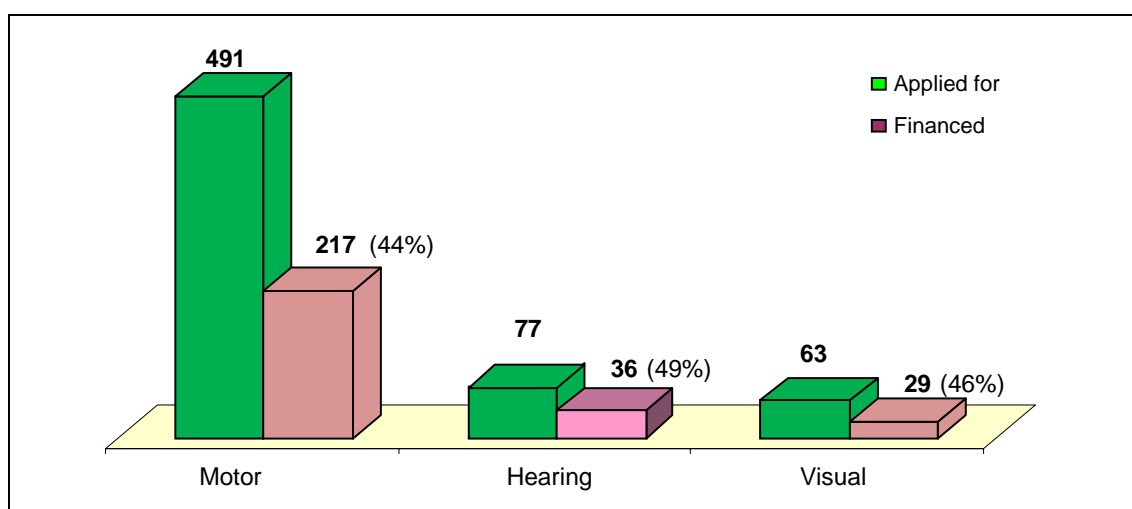
Annex 13

Distribution of Neighbourhood Units



Annex 14

Response to applications [for microcredit] from people with disabilities



Annex 15

Social transfers from the State budget, 2004–2008

	2004	2005	2006	2007 (a)	2008 (b)
Social transfers/general State budget	23.01%	21.79%	24.59%	19.58%	20.36%
Social transfers/ GDP	6.99%	6.10%	7.45%	12.06%	12.82%

(a) Credits under the Supplementary Finance Act 2007 (*Loi de finances complémentaire*).

(b) Finance Act (*Loi de finances*) 2008.

Annex 16

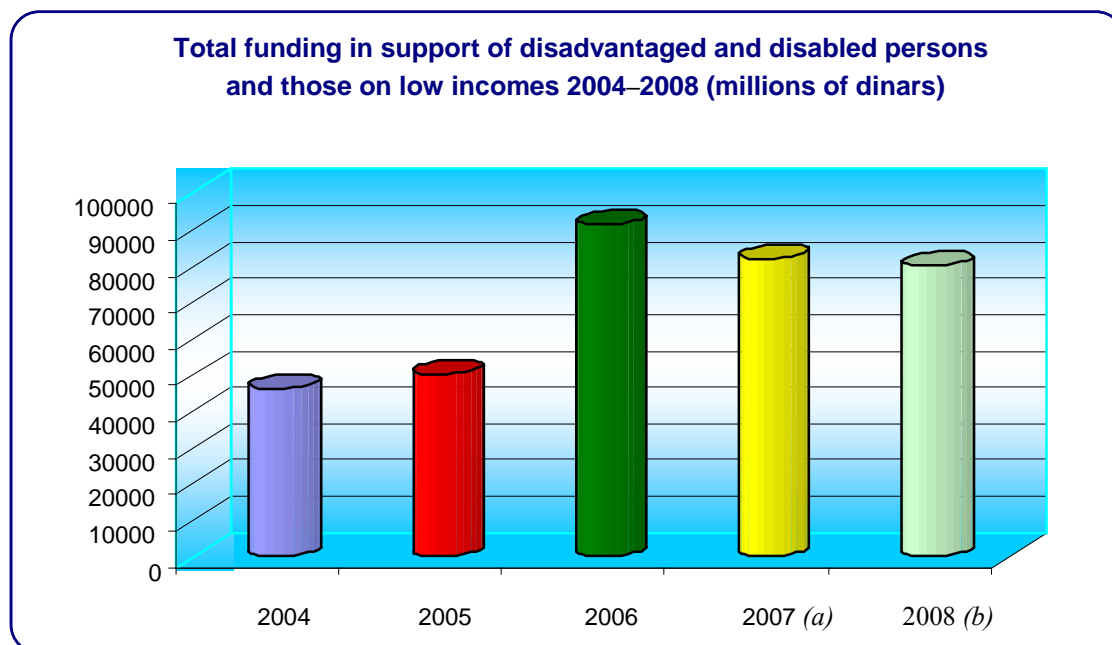
Funding for social welfare and national solidarity: social transfers included in the State budget, 2004–March 2008

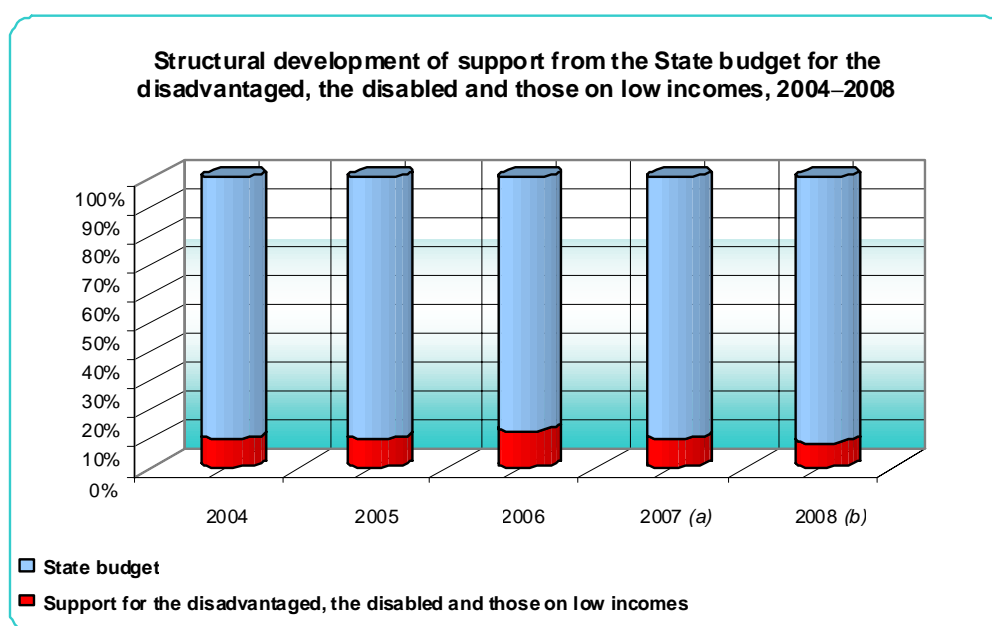
	2004	2005	2006	2007 (a)	2008 (b)	
1. Support for families						
• School canteens		3 893	6 044	6 494	7 350	11 920
• Support for disadvantaged children at school (2,000 dinars/pupil)		6 000	6 000	6 000	6 000	6 000
• School book grants for deprived pupils		-	-	4 419	5 000	5 000
• School transport		-	-	-	2 000	-
• State encouragement for the National Literacy Strategy		-	-	-	934	1 703

	2004	2005	2006	2007 (a)	2008 (b)
2. Health					
• Care and accommodation for disadvantaged people without social insurance		45	0	48	50
3. Support for the disadvantaged, those with disabilities and those on low incomes					
• Contribution to the Social Development Agency (ADS)	19 028	22 966	33 136	36 239	30 900
• Allocation to the National Solidarity Fund (implementation of the Charter for Peace and National Reconciliation)	-	-	15 682	3 000	3 000
• Contribution to specialized social welfare institutions	3 996	4 084	4 534	5 434	5 756
• Pensions and grants for those with 100% disablement	4 297	4 911	5 053	7 806	7 440
• Contribution to associations	1 884	1 471	1 594	1 220	1 958
• Child protection and children in care	125	158	158	167	180
• Transport costs for the disabled	73	44	42	46	76
• Contribution to social security for special groups (estimate)	3 604	4 053	4 673	6 404	7 024
Total	42 945	50 349	81 833	81 650	81 007
Share of social welfare and national solidarity as a proportion of social transfers/general State budget	2.30%	2.39%	3.21%	2.06%	1.87%
Share of social welfare and national solidarity as a component of social transfers/GDP	0.70%	0.66%	0.97%	1.27%	1.18%

(a) Credits under the Supplementary Finance Act 2007 (*Loi de finances complémentaire*).

(b) Finance Act (*Loi de finances*) 2008.





(a) Credits under the Supplementary Finance Act 2007 (*Loi de finances complémentaire*).

(b) Finance Act (*Loi de finances*) 2008.

Annex 17

Street children assisted by SAMU Social, 2005–2008

<i>Year</i>	<i>Number of children assisted</i>
2005	654
2006	450
2007	269
1 st half 2008	159
Total	1 532

Annex 18

Institutional care of children deprived of their families

Number of <i>wilayas</i> with homes for children in care (FEA)	28
Number of establishments (0–6 and 7–19 years)	38
Places	2 900
Places occupied	1 792
Occupation rate (%)	63.59
Total staff	1 967
Budget for FEA establishments (dinars)	976 506 930

Annex 19

Resources provided for paid placement of children deprived of their families, 2005–2008

Year	Allocation (dinars)	Number benefiting		Total
		Paid childcare	Assistance to children	
2005	167 459 000	2 583	36 364	38 947
2006	167 459 000	2 468	21 605	24 073
2007	16 459 000	2 350	14 912 605	17 226
2008	180 000 000	1 599	7 339	8 938

N.B.: Number of beneficiaries for 2008 includes only those for the first six months.

Annex 20

Cooperation between UNICEF and the Ministry of Justice

Action in 2004

- | | | |
|---|-----|--|
| 1. Improving knowledge of legal aspects | 1.1 | Preparation of a collected edition of the relevant laws and regulations. |
| | 1.2 | A comparative study of the conformity of Algerian legislation with the principles of the Convention on the Rights of the Child. |
| | 1.3 | A compilation of case-law on child protection. |
| 2. Partnership with the Prison Administration | 2.1 | Development and signature of a partnership agreement between the Prison Administration and UNICEF on the “promoting follow-up procedures for minors and their social reintegration”, 5 April 2004. |
| | 2.2 | The organization under the partnership agreement of five training seminars for staff responsible for children deprived of their liberty and juvenile court judges on the Convention and on how to put into practice methods for the psychological and social follow-up of children in conflict with the law. |
| | 2.3 | A meeting to evaluate the needs for training and awareness-raising on alternatives to custody. |

Action in 2005

- | | | |
|--|--|--|
| 1. National Judicial Training Institute (Institut national de la magistrature (INM)) | <i>Children in conflict with the law</i> | |
| | 1.1 | Introduction (for judges) to the principles of alternative measures. |
| | 1.2 | Technical support on negotiation and mediation. |

2. Prison Administration	2.1	Training for prison staff on the Convention on the Rights of the Child.
	2.2	Development of skills for the care and psychological support of children in conflict with the law.
3. Prison Administration's partner NGO	3.1	Development of the capacities of the Algerian Muslim Scouts (SMA) to assist with the reintegration of minors deprived of their liberty.
4. Ministry of Justice	4.1	Expert support for the drafting of the bill on the child protection code.

Action in 2006

1. National Legal Service Training College (École supérieure de la magistrature (ESM)).	1.1	Training of the staff of the Prison Administration on the Convention on the Rights of the Child and the follow-up and care of minors deprived of their liberty with a view to their reintegration.
	1.3	Establishment of a working group to develop the Training programme. Initial and in-service training of judges and trainee judges.
	1.4	Expert support for the development of an improved methodology for designing the training programme for judges in the juvenile court at the National Legal Service Training College.
	1.5	Trainee judges and 25 serving judges (family judges and judges in the juvenile court) were trained in techniques for communicating with children in a court setting (psychological training).
2. Prison Administration	2.1	289 trainee judges and 26 serving judges (judges in the juvenile court) trained in "a networking approach to care for minors in serious difficulty", from the judge's perspective.
	2.2	Expert support for the workshop on drug addiction among detainees held on 13 and 14 November 2000.
	3.1	Expert support for a short review of the youth justice system.

Action in 2007

1. National Legal Service Training College	1.1	A working group drawn from the ministries involved in the youth justice system (Justice, National Solidarity, Health, the Police and Gendarmerie) identifying situations on the ground and drawing conclusions about the competences needed by juvenile court judges. Twenty-two working sessions plus three site visits to the Gendarmerie (the youth squad), National Security Department (neighbourhood squad), Ministry of Justice (juvenile court and custody area for minors).
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- 2.1 Dissemination and follow-up of the recommendations of the review of the youth justice system.
- 2.2 Organization of a seminar on the youth justice system (cancelled owing to the bombings of 11 December 2007).

Action in 2008

Ministry of Justice	<ul style="list-style-type: none"> • Organization of a seminar on the youth justice system. • Identification of indicators for the youth justice system. • Working group established. • Research to be defined (situation analysis).
National Legal Service Training College	<ul style="list-style-type: none"> • Validation of programme of initial and in-service training.

Annex 21**Pupil numbers by level of education**

N°	Wilaya	Total		Secondary		Middle		Primary	
		Girls	Total	Girls	Total	Girls	Total	Girls	Total
1	Adrar	49 322	103 871	7 420	14 234	16 423	35 172	25 479	54 465
2	Chlef	122 304	250 963	17 731	31 191	44 497	92 864	60 076	126 908
3	Laghouat	46 855	95 993	7 117	13 443	14 883	30 452	24 855	52 098
4	O.E. Bouaghi	67 751	137 977	10 703	18 023	23 212	47 520	33 836	72 434
5	Batna	135 151	272 372	21 679	37 157	46 624	94 665	66 848	140 550
6	Béjaia	104 812	206 767	21 580	36 519	39 038	76 769	44 194	93 479
7	Biskra	87 857	177 842	12 500	21 104	29 612	59 610	45 745	97 128
8	Béchar	32 869	66 295	4 957	8 710	11 389	22 687	16 523	34 898
9	Blida	115 019	227 406	17 243	28 230	40 421	78 910	57 355	120 266
10	Bouira	78 076	155 154	14 717	24 555	27 895	55 524	35 464	75 075
11	Tamanrasset	20 027	43 015	2 341	4 413	6 020	12 918	11 666	25 684
12	Tébessa	74 452	155 211	10 675	19 874	25 481	54 118	38 296	81 219
13	Tlemcen	92 681	190 485	12 501	23 108	30 028	62 225	50 152	105 152
14	Tiaret	94 888	192 670	12 553	21 314	32 050	64 429	50 285	106 927
15	Tizi-Ouzou	112 815	217 649	24 843	39 224	40 370	77 301	47 602	101 124
16	Algiers	288 399	565 905	46 852	75 042	98 404	192 608	143 143	298 255
	Algiers-East	119 536	234 382	18 437	29 074	41 672	80 865	59 427	124 443
	Algiers-Centre	73 356	143 734	15 119	24 574	22 939	45 896	35 298	73 264
	Algiers-West	95 507	187 789	13 296	21 394	33 793	65 847	48 418	100 548
17	Djelfa	95 334	199 571	10 730	20 173	30 175	63 450	54 429	115 948
18	Jijel	82 049	160 140	15 530	24 741	30 068	58 291	36 451	77 108
19	Sétif	165 758	333 147	24 354	40 393	59 358	119 856	82 046	172 898
20	Saida	34 887	71 148	4 877	8 691	11 573	23 968	18 437	38 489

N°	Wilaya	Total		Secondary		Middle		Primary	
		Girls	Total	Girls	Total	Girls	Total	Girls	Total
21	Skikda	100 548	199 183	15 465	24 854	36 291	71 241	48 792	103 088
22	S.B.Abbes	58 498	119 636	8 690	15 881	19 017	39 069	30 791	64 686
23	Annaba	63 282	124 866	12 238	20 569	22 011	43 644	29 033	60 653
24	Guelma	51 895	102 758	9 383	15 317	18 211	36 470	24 301	50 971
25	Constantine	100 594	197 376	17 293	27 784	37 273	72 838	46 028	96 754
26	Médéa	90 600	182 511	13 440	23 016	34 342	69 960	42 818	89 535
27	Mostaganem	70 873	154 289	8 800	17 083	21 052	50 557	41 021	86 649
28	M'Sila	118 086	239 877	17 394	30 314	40 080	82 138	60 612	127 425
29	Mascara	74 990	157 506	8 245	15 403	23 427	50 920	43 318	91 183
30	Ouargla	77 354	155 864	11 193	19 993	26 567	52 918	39 594	82 953
31	Oran	138 173	274 594	18 012	30 088	45 639	89 170	74 522	155 336
32	El-Bayadh	27 428	57 261	3 543	6 338	8 280	17 425	15 605	33 498
33	Illizi	5 697	12 244	493	885	1 586	3 463	3 618	7 896
34	B.B. Arréridj	77 949	158 962	13 145	23 227	27 647	57 062	37 157	78 673
35	Boumerdes	81 169	159 108	12 598	19 364	28 295	54 119	40 276	85 625
36	El-Tarf	42 165	84 208	7 659	12 634	14 723	29 794	19 783	41 780
37	Tindouf	5 089	10 109	544	953	1 677	3 195	2 868	5 961
38	Tissemsilt	35 082	72 861	5 201	9 377	12 767	26 630	17 114	36 854
39	El-Oued	87 767	178 375	11 849	20 715	30 116	59 826	45 802	97 834
40	Khenchela	45 361	92 123	7 521	13 341	15 191	31 131	22 649	47 651
41	Souk-Ahras	41 134	86 666	6 185	10 685	13 916	30 707	21 033	45 274
42	Tipaza	62 933	125 368	8 855	14 578	22 411	43 964	31 667	66 826
43	Mila	92 730	184 593	15 528	25 364	33 246	67 084	43 956	92 145
44	Ain-Defla	90 146	184 646	12 337	21 730	32 041	66 222	45 768	96 694
45	Naâma	20 376	42 685	2 839	5 089	6 536	13 663	11 001	23 933
46	Ain Témouchent	35 392	71 352	5 108	8 923	11 386	22 962	18 898	39 467
47	Ghardaia	36 632	84 241	5 768	10 797	11 810	26 788	19 054	46 656
48	Relizane	78 324	165 527	10 613	20 307	27 482	59 451	40 229	85 769
Total		3 711 573	7 502 370	570 842	974 748	1 280 541	2 595 748	1 860 190	3 931 874