



Convention on the Rights of the Child

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Summary record of the 1714th meeting

Held at the Palais Wilson, Geneva, on Friday, 8 June 2012, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

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

1. *At the invitation of the Chairperson, the delegation of Algeria took places at the Committee table.*
2. **Mr. Delmi** (Algeria), introducing the State party's combined third and fourth reports (CRC/C/DZA/3-4), said that Algeria was in the midst of a broad programme of political reform initiated by the President of the Republic in an effort to consolidate democracy and the rule of law. That reform would undoubtedly have a beneficial effect on the enjoyment of human rights in general, and children's rights in particular. The protection of children's rights had been one of the main priorities of successive Governments, whose efforts in that area had been actively supported by civil society. The international human rights instruments ratified by Algeria took precedence over domestic legislation and could be directly applied by the courts.
3. Children were perceived as a key component of the family, which in turn was the basic unit of society; the Government therefore strove to ensure that they grew up in a family environment conducive to their self-fulfilment. Steps to achieve that goal had included progressively aligning domestic legislation with the Convention on the Rights of the Child, reforming the Nationality Code and the Family Code, and establishing the Office of the Minister of State for the Family and the Status of Women. The definition of the child in Algerian legislation was in line with article 1 of the Convention; all children born in the country must by law be registered within five days of birth; the minimum age for marriage was 19 years for both sexes; and Algerian mothers could henceforth transmit their nationality to their children.
4. Algerian law was based on the principle of equal treatment and non-discrimination between Algerians and foreign nationals and did not impinge in any way on the fundamental rights of foreigners, migrants, refugees or asylum seekers. Children's freedom of conscience and opinion was guaranteed under the Constitution and any restrictions on it were designed to protect the child's best interests, safety and emotional and psychological stability. Algeria maintained its interpretative declarations regarding the Convention only on issues it deemed fundamental, namely, the principles that a child must be raised in the father's religion, that a child must be educated according to norms deemed appropriate in Algerian society, and that freedom of information did not extend to publications and advertisements that gave a distorted view of children.
5. As far as institutional protection was concerned, two new mechanisms had been established: the National Council for the Family and Women and the National Centre for Studies, Information and Documentation on the Family, Women and Children. A national plan of action for children had been formulated for the period 2008–2015 to promote a better quality of life for children, guarantee them a high-quality education, strengthen their protection against ill-treatment, exploitation and violence, and promote their rights. Civil society was a key supportive player in all Government efforts to promote child development and children's rights.
6. Education was compulsory and free of charge until the end of basic education at age 16. An outline act on national education had been promulgated in 2008 to address schools' changing aspirations. The Amazigh language had been enshrined in the Constitution as a national language and was taught in all the country's schools and at all levels of education. As a result of Government efforts to develop infrastructure and recruit qualified teaching

staff, the enrolment rate for children under the age of 6 years was 98 per cent and that for children between the ages of 6 and 16 was 96 per cent.

7. The national health-care system was predominantly State-run and free of charge. Reforms carried out since 2000 had led to improved maternal and paediatric services, greater efficiency and fewer disparities in service in the southern and Hauts Plateaux regions.

8. The Government had implemented programmes to combat social inequality and ensure that disadvantaged children had access to education and leisure activities. Mechanisms had been set up to assist and integrate children with disabilities in their family, school and socioeconomic environment. Children deprived of a family were placed in an institution or with a foster family.

9. A national strategy for combating violence against children for the period 2005–2012 aimed to prevent the various forms of violence against children, improve the protection of children and promote a culture of non-violence. Thanks to civil society organizations, a hotline had been set up for children to report violence. The Criminal Code expressly prohibited corporal punishment in the home, in schools and in other institutions. Strict controls had been put in place to prevent and combat the exploitation of child labour, while trafficking in persons and exploitation for the purpose of prostitution were offences under the Criminal Code. Victims of sexual exploitation and trafficking were not, under any circumstances, treated as offenders but rather as victims.

10. Algeria was committed to protecting children's rights and satisfying their needs in terms of education and health care. It would continue with its efforts to curb or eliminate school dropout, child labour, crime, violence within and outside the home, and gender inequality in access to education. All the Government's actions in those areas were an integral part of its five-year plan for economic and social renewal, which was centred on the advancement of each Algerian person at every stage of their life.

11. **The Chairperson**, speaking as Country Rapporteur, commended the State party on the timely submission of its report and replies to the list of issues (CRC/C/DZA/Q/3-4/Add.1) and expressed satisfaction at the lifting of the state of emergency in February 2011. He noted that the country had seen spectacular economic growth and had progressed in a number of areas, notably health and education. Highlighting a number of recent laws, legislative amendments and institutions, he said that Algeria had also made progress on children's rights. However, despite its wealth, the State party had not noticeably increased the budget allocated to children's affairs, while expenditure on health represented a mere fraction of the overall budget and was significantly lower than military expenditure. Some children lived below the poverty line, family subsidies were negligible and wealth did not appear to trickle down to the most disadvantaged. Regional disparities and disparities between urban and rural areas remained a major challenge in sectors such as services, employment, health care and education, and were compounded by inequalities based on gender, disability, place of employment and residency status. The Committee was particularly concerned by the level of discrimination suffered by children born out of wedlock.

12. He urged the State party to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), the Convention on the Reduction of Statelessness and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. He asked for a fuller explanation of the State party's position on its remaining interpretive declarations regarding the Convention on the Rights of the Child, and on its reservations to articles 15 and 16 of the Convention on the Elimination of

All Forms of Discrimination against Women. He also asked about the status of the bill on a children's code and of the proposed observatory for children, and whether the State party was considering changes to family law, which currently favoured fathers over mothers, especially in cases of divorce, separation and custody of children born out of wedlock.

13. Turning to the topic of coordination, and noting the lack of a high-level coordinating body for the Convention on the Rights of the Child, he asked who liaised with the ministries of finance, foreign affairs and justice with a view to harmonizing their efforts to promote and implement the Convention. He also asked about the nature of the mandate of the National Council for the Family and Women, and how protection services and budgets filtered down from the central Government to the provinces, districts and municipalities.

14. While welcoming the adoption in 2008 of the national plan of action for children, he asked whether there was a steering committee responsible for its implementation; whether an assessment mechanism had been set up; how much funding was allocated to the plan; how the plan fitted in with the plethora of sector-specific programmes; and how aware the general public was of the plan.

15. It was unfortunate that data collection remained decentralized, unsystematic and uncoordinated, making it impossible to conduct meaningful research for the purpose of policymaking. Data on children should be disaggregated by geographic location and socioeconomic status and extended to cover areas such as violence, abuse, exploitation and vulnerable children. He asked if the State party planned to establish an independent monitoring body specifically to look at children's issues; if so, would it have the authority to receive complaints about violations of children's rights? Despite a reorganization, the National Advisory Committee on the Promotion and Protection of Human Rights still did not have a children's component, did not fully comply with the Paris Principles, did not cooperate regularly or effectively with civil society, and did not appear to do much in the way of human rights promotion.

16. **Ms. Al-Asmar** (Country Rapporteur) commended the spirit of the action plan drawn up by the Office of the Minister of State for the Family and the Status of Women, in collaboration with the United Nations Children's Fund (UNICEF), to raise public awareness of the Convention, but regretted that it had never been fully implemented and had not produced any sustainable training programmes. She expressed concern that polygamy was not prohibited in cases where the first wife approved additional spouses and that provisions in family law regarding the best interests of the child did not apply to children placed in *kafalah*. She commended the State party on creating opportunities for children to express themselves and participate in the decision-making process, as demonstrated by the youth conference held in 2007, although a significant proportion of parents and children were still unaware of children's right to participate. She was concerned that children in some provinces were not enrolled in, or did not attend, school, and that corporal punishment was tolerated and went unpunished despite being prohibited in schools and homes.

17. She asked whether children's rights were systematically taught in schools and included in university curricula; whether all professionals working with children received training on children's rights; and whether the Convention had been translated into Amazigh. Lastly, she asked whether clerics could perform underage marriages without official authorization; whether the State party might consider revising the Family Code to cover children placed in *kafalah*; how it intended to eliminate socioeconomic and gender inequalities; whether the Government had completed the planned study on equal access to services; and whether corporal punishment was explicitly prohibited in alternative care settings.

18. **Ms. Maurás Pérez** said the fact that more resources were being allocated to social development activities was a positive development. However, she noted with concern that the allocation of more resources to the education sector had failed to curb the high dropout rate at the secondary level. She asked whether that fact could be attributed to the Government's failure to distribute resources to where they were most needed or to other factors. She also asked what measures the Government was taking to ensure transparency in the management of those resources and the visibility of investment in children's initiatives.

19. Furthermore, she noted with regret that, despite the resources available and the existence of a specialized national institution, little progress had been made in the fight against corruption. She wished to know of the specific measures the Government was taking to combat that phenomenon.

20. Turning to the question of discrimination against women, she noted with satisfaction the legislative advances that had been made in that area but expressed concern at the persistence of patriarchal stereotypes, attitudes and traditions that governed the role of women in the home and in society, especially with regard to their succession rights. She drew attention to the underrepresentation of women in public and decision-making posts and to the fact that the gender wage-gap was such that many women earned only one third of what their male counterparts earned. Moreover, the unemployment rate among women and young people was alarmingly high and could affect the quality of life of families and children. She asked what steps the Government had taken to combat discrimination against women in all its forms.

21. **Mr. Pollar**, noting with satisfaction the growing number of NGOs in the State party, asked whether they had been involved in the preparation of the State party's periodic report. Furthermore, the Committee had received reports that NGOs often had little opportunity to engage in dialogue with the Government and, in many cases, lacked capacity. He wished to know whether that was indeed the case and whether the Government had taken measures to build the capacity of such NGOs. He also enquired as to the current status of the agreements between the Ministry of the Interior and various civil society associations. Lastly, he asked whether any initiatives had been launched to help foster a harmonious relationship between the Government and civil society in general.

22. He commended the State party on its efforts to improve the living conditions of the population, especially those of children. Noting that the Algerian population enjoyed high life expectancy and a low general mortality rate, he asked what measures the Government had taken to curb the high neonatal mortality rate. In addition, in its previous concluding observations, the Committee had underscored the importance of protecting children from all forms of violence. He wished to know of the progress achieved in that area to date.

23. Turning to the question of children's privacy, he asked how children's privacy was protected, particularly in the home and in alternative care settings. He also asked how children's privacy was protected from arbitrary or unlawful interference and what measures were taken to protect their personal data. Lastly, he asked how children's privacy was protected when they communicated with others and whether they enjoyed access to confidential counselling and advice.

24. **Mr. Kotrane** said the fact that Algeria had now ratified most of the core international human rights instruments was a positive development. However, noting that the Government had signed the International Convention for the Protection of All Persons from Enforced Disappearance, he asked whether the Government planned to ratify it in the near future. Recalling the primacy of international instruments over domestic legislation, he also asked whether there had been specific cases in which they had been invoked by the courts. Lastly, he asked whether the principles of the Convention on the Rights of the Child

were effectively applied by the courts and whether the necessary steps had been taken to align Algerian domestic legislation with the Convention.

25. Turning to the question of the State party's reservations to the Convention, he noted with concern that the majority of those reservations effectively prevented children from exercising their civil rights and freedoms, particularly their right to freedom of expression, their right to freedom of thought, conscience and religion and their right to privacy. He asked why the State party had entered those reservations and whether the State party envisaged withdrawing them. He also asked whether they were able to establish associations where children could meet with other children and express their opinions. Lastly, he asked what steps the Government was taking to encourage children to access information from a wide range of national and international sources.

26. Recalling the progress achieved by the State party in amending domestic legislation concerning children's rights, he noted with interest that a number of fundamental children's rights, such as the right to education, were enshrined in the Algerian Constitution. However, he noted with regret that the child protection code had still not been adopted and wished to know why that was the case. While the State party maintained that all children enjoyed the same rights and were not subject to any form of discrimination, the fact remained that, in some schools, there were up to 40 children in a class, owing to the uneven distribution of budgetary resources. Furthermore, single mothers continued to encounter difficulties in passing their name and nationality on to their child and had to bear the cost of identifying the child's father. Moreover, children born out of wedlock had to overcome many obstacles in order to be registered and to be accorded their rights. Unfortunately, the Government appeared to provide little assistance in those matters. In addition, the Committee had received reports that children with Berber names were often denied registration, given that their name did not appear on an unofficial list of approved names. Despite the fact that domestic legislation enshrined the right of parents to choose the name of their child, that right was apparently not always upheld in practice.

27. **Mr. Madi** said that the Committee had expressed concern at the prevalence of corporal punishment in Algeria as far back as 1997 and had reiterated its concern on several occasions. Noting that the delegation had stated that corporal punishment was prohibited in the home, in schools and in other institutions, he enquired as to whether there was a legislative reference to support that statement.

28. **Mr. Cardona Llorens** said that it was not sufficient for a law to simply state that the best interests of the child should be taken into account. Instead, the principle should be effectively applied and should form the basis of every decision concerning children. Moreover, the best interests of the child were also a right and victims should be able to seek redress when that right was violated. He asked whether the State party had established objective criteria to govern the application of that principle and what progress the State party had achieved in incorporating that principle into its domestic legal system.

29. **Ms. Nores de García** said that countries which owed their economic growth to oil and gas exports often failed to promote development in their most deprived areas. Given that many of the country's problems could be attributed to regional disparities in income and economic development, she asked what measures the State party was taking to create jobs in the most deprived areas of Algeria and whether the Government had devised any specific programmes aimed at increasing the income of the families living in those areas.

30. **Mr. Gastaud** asked whether there was currently a mechanism in place to ensure that the right of a child to express their views freely in all matters affecting them and to be heard in all relevant proceedings were respected and, if not, whether the Government envisaged establishing such a mechanism.

31. **Ms. Wijemanne** said that the preparation of the national plan of action for children in Algeria for the period 2008–2015 was a positive development. She asked whether there was a mechanism in place to coordinate implementation of the plan, whether it had a separate budget and what steps had been taken to build the capacity of the different ministries involved in its execution. She also asked whether the State party intended to align its legislation with the provisions of the Convention in order to ensure the effective application of children's rights.

32. Despite the fact that most births took place in health-care institutions, the country's high neonatal mortality rate and the fact that most infants died during their first week of life were a major cause for concern.

33. Turning to the question of data collection, she noted that the scarce data available on child protection came from the national police and asked whether pertinent data were available from other sources.

The meeting was suspended at 11.10 a.m. and resumed at 11.35 a.m.

34. **Ms. Benmansour** (Algeria) said that the amended Family Code made it more difficult for a husband to obtain a unilateral divorce, as both his first and second wives now had to give their consent in order for the divorce to be granted. Moreover, the Family Code had been amended to increase the number of situations in which a wronged wife could ask for a divorce. A wife could also seek divorce by exercising her right to *khula*. In accordance with that right, she had only to request a divorce from the courts. In such cases, a judge had no discretionary power to refuse the divorce.

35. She explained that the conditions governing polygamy had become more stringent. In order for a judge to authorize polygamy, both the first wife and the proposed second wife had to give their consent.

36. Turning to the question of child custody, she said that the courts tended to favour the mother or, if applicable, her blood relatives when granting child custody. Whereas in the past a judge would have hesitated about granting custody to a working mother, the amended Family Code provided that the fact that a mother was employed should not preclude her from being granted custody of her child.

37. **Mr. Kotrane** said that the best interests of the child should be the guiding principle in all custody decisions. Since automatically awarding custody to the mother was not necessarily in the child's best interests and beyond a certain age children should have the option of choosing to live with their father, he would like to know how the authorities ensured that that principle was respected.

38. **Ms. Maurás Pérez** said that, despite the more stringent rules on taking a second wife, numerous surveys had found polygamy to be contrary to children's interests as well as discriminatory to women and she urged the State party to consider an absolute prohibition on the practice.

39. Divorce procedures were also discriminatory in that women had to support their petitions by citing 1 of 10 permissible grounds expressly established by law and to pay a special fee when exceptional grounds not expressly established by law were cited, whereas men had simply to submit a petition and were not required to cite grounds.

40. **Mr. Delmi** (Algeria) said that although mothers were generally awarded custody in divorce and separation proceedings, custody agreements were flexible and subject to review as the children grew older. The parent without custody always had visiting rights and upon reaching the age of majority children were free to choose with which parent they wished to live. Furthermore, in situations where a mother with custody of a child remarried and the

father believed that it was no longer in the child's best interests to remain in her care, he could petition the judge to change the existing custody arrangements.

41. The Government recognized that polygamy could be harmful to children but since polygamous unions were considered acceptable in certain, specific circumstances, such as when a woman was infertile and her husband wished to remarry in order to have children, its policy was to discourage, restrict and regulate the practice rather than to impose an outright ban. The incidence of polygamy was in any case falling.

42. **The Chairperson** asked whether the Family Code had been amended to remove the provisions that prevented Muslim women from marrying non-Muslims.

43. **Ms. Benmansour** (Algeria) said that the legal prohibition remained in place but was subject to review and that, in any case, marriages contracted between Algerian women and non-Muslim men were generally recognized in practice.

44. **The Chairperson** sought clarification regarding the legal validity of those marriages and the status and nationality of any children born of the union.

45. **Mr. Delmi** (Algeria) said that the children were entitled to take the nationality of either or both parents and that, although many religious leaders refused to recognize mixed marriages, the reality was that marriages between partners of different faiths and nationalities were increasingly commonplace both in Algeria and Algerian communities in Europe. Thus practice on the ground did not necessarily reflect the letter of the law.

46. **Ms. Al-Asmar** asked whether it was true that children born out of wedlock were required to take the family names of both their parents instead of their father's name only, as was standard practice, and that they were stigmatized as a result.

47. **Ms. Hamrit** (Algeria) said that under Algerian law any child born in Algeria had the right to take the family name of either or both parents, whether they were born in or out of wedlock. Where paternity was not established, single mothers had the option of giving the child a name other than her own in order to avoid stigmatization. Children whose parents were unknown were assigned a name either by the person registering the birth or by the registrar and were guaranteed all rights enjoyed by other children despite having no mother or father registered on their birth certificate.

48. **Ms. Benmansour** (Algeria) said that under the new Family Code paternity was established by marriage, by recognition or, in those cases where paternity was contested, by court-ordered scientific testing. Women and children seeking to obtain recognition of paternity but unable to meet the associated costs were entitled to legal aid.

49. **Mr. Kotrane** said that there had been disturbing reports of midwives requiring unmarried women in the later stages of pregnancy to appear before the family court and provide witnesses to attest to their condition before they could be registered for prenatal and postnatal care. He was also concerned that children born out of wedlock did not enjoy the same rights as those born to married couples, including in relation to inheritance, and that the inequalities remained even if affiliation was established. With regard to DNA testing, he would like to know whether paternity was presumed in cases where the alleged father refused to be tested and, if so, what legal status was accorded to the children concerned.

50. **Mr. Delmi** (Algeria) said that reports of such conduct by midwives lacked credibility, since pregnancy could be confirmed only by a doctor and pregnant women were not required to provide proof of their condition when registering for services.

51. Recognition of paternity was problematic because it was essentially a case of one person's word against another's. Often DNA testing was the only solution and it was for that reason that women and children without adequate resources received assistance to

cover the cost. Until paternity was recognized, it was true that children born out of wedlock might be denied certain rights enjoyed by other children. However, all children enjoyed the right to a name and mothers could choose to give their child the father's name even if paternity had not yet been established. Once paternity was established, children born out of wedlock had the same rights as other children, but if paternity was not proven, the child lost the right to any inheritance.

52. **The Chairperson** said that the discrimination suffered by children born out of wedlock was a legitimate source of concern that had been raised previously by several other treaty bodies and that the Committee needed reassurance that the State party was doing all it could to assist and protect those children and ensure that all women had access to prenatal and postnatal care.

53. **Ms. Maurás Pérez** said that the fundamental question was whether or not, by law, children born out of wedlock had the same rights as those born to married couples, irrespective of whether or not paternity was recognized.

54. **Mr. Delmi** (Algeria) said that children born out of wedlock had the same rights by law but that their rights, including, for example, their right to inherit, had to be confirmed by the courts. It was important not to exaggerate the scale of the problem as the number of children affected was very small.

55. **The Chairperson** said that even if only 1 per cent of all children were affected, that number might equate to around 5,000 children in absolute terms and it was important to find solutions and ensure protection for each of those children.

56. **Ms. Benmansour** (Algeria) said that single mothers who found themselves unable to provide for their child's needs could place them in special care centres established for that purpose. In most cases, those children would subsequently be placed in *kafalah* where they would be guaranteed access to education, health care and other welfare entitlements. Children in *kafalah* were also entitled to a legacy from their guardian equivalent to one third of the total estate and could receive more with the agreement of the other inheritors. In cases where the child's birth mother wished to reclaim custody and the child had reached the age of discernment, the child could choose whether or not to return; otherwise the decision was referred to a judge.

57. **Mr. Delmi** (Algeria) said that the number of children born out of wedlock had fallen to less than 2,000 in 2010 and that around two thirds of that number had been placed in *kafalah*. Each year between 100 and 200 children were placed in *kafalah* with Algerian couples living in Europe.

58. **Ms. Hendel** (Algeria) said that the interpretative declarations filed with respect to certain articles of the Convention remained in force but emphasized that those filed in respect of articles 13, 16 and 17 were designed not to prevent or suspend application of their provisions but to ensure that they were applied in the child's best interests. Furthermore, a major legislative review initiated in 2011 that was expected to result in the amendment of various laws, including the Constitution, might prompt the authorities to revisit the concerns underlying the interpretative declarations. Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance was under consideration.

59. **The Chairperson** said that, since the entire Convention was designed to guarantee respect for the best interests of the child, it was difficult to understand the sense and purpose of the interpretative declarations concerning articles 13, 16 and 17. He hoped that the aforementioned review would arrive at the same conclusion, including in respect of the interpretative declaration concerning article 14. He asked whether the current legal framework expressly stipulated that judges should base their decisions on the best interests

of the child, included a definition of what the child's best interests entailed and established procedures enabling judges to determine whether or not the principle was respected and explain and justify the related decisions.

60. **Ms. Benmansour** (Algeria) said that the process of adopting a child protection code was still under way. In the meantime, judges were already being trained to implement the new code, which would encompass new trends in juvenile justice such as mediation in criminal matters and restorative justice involving both the youth offenders and their victims.

61. **The Chairperson** asked if the code had been submitted to parliament for adoption.

62. **Mr. Delmi** (Algeria) said that his delegation would be able to answer that question at the next meeting.

63. **Ms. Mehali** (Algeria) said that the National Council for the Family and Women had been established by the Minister of State for the Family and the Status of Women in 2006 and comprised representatives of civil society, representatives of Government ministries, researchers, academics and media professionals. It engaged in national consultation and conducted follow-up on and evaluations of national strategies and action plans. The creation in 2002 of the post of Minister of State for the Family and the Status of Women within the Ministry of National Solidarity and the Family was a testament to the Government's will to strengthen policies in support of families and vulnerable population groups. Within the same ministry, a directorate for the promotion and protection of children and young people had also been established.

64. The drafting of the 2008–2015 national plan of action for children had involved assessing the situation of children in the country and selecting intervention strategies. The plan called for the implementation of a national coordinating mechanism to develop comprehensive policies and programmes that put children's needs first. There was a steering committee for the plan and children were able to participate in the implementation and evaluation of the plan through activities such as workshops, debates and study days. A follow-up and evaluation committee for the plan had also been established in 2009 and was currently drafting recommendations based on its assessment of the implementation of the plan as of the end of 2011.

65. A communication plan for the promotion of the rights of the child had also been established for the period 2009–2011 to raise awareness of children's rights among families, teachers, journalists and other professionals. The Minister of State for the Family and the Status of Women was currently working to establish a high-level mechanism to ensure greater coordination between Government bodies and civil society in the field of child protection.

66. **The Chairperson** asked what budget was allocated for the implementation of the national plan of action for children, and requested further information on coordination at regional and local levels.

67. **Mr. Delmi** (Algeria) said that issues concerning children and the family in general were handled primarily by two institutions, the Ministry of National Solidarity and the Family and the Office of the Minister of State for the Family and the Status of Women. Local governments communicated their needs regarding child protection to those institutions, which then requested the appropriate funding through the budget approval process. Those institutions were then responsible for managing their own finances and deciding how much to earmark for the implementation of the plan. The same was true for other ministries that conducted programmes to benefit children, such as the Ministry of Education and the Ministry of Health.

68. **Ms. Al-Asmar** said that the commitments undertaken by Government bodies were not always implemented in practice and that the allocation of resources as described by the delegate would not necessarily be sufficient to guarantee full implementation of the plan.

69. **Mr. Delmi** (Algeria) said he recognized that further evaluation of the implementation of the plan was needed, and his Government would keep the Committee informed about what was achieved under the plan and whether any weaknesses in implementation were due to insufficient funding.

70. **Ms. Al-Asmar** said that, while the Government paid for educational and health services for the children of unwed mothers, such children faced difficulties with regard to housing. Under current law, children in the *kafalah* system were sent back to institutions upon the death of the person in charge of their care, who was normally male. She asked if the Government might consider developing legislation to allow greater scope for the caregiver's widow to continue to care for the child and also provide her with financial support. The law stated that when a divorced woman who had custody of her children remarried, custody was automatically awarded to the father, but she wished to know what options were available from a legal standpoint if that was not in the best interests of the child.

71. She asked what measures the Government was taking to implement the strategy to combat violence against children. While the national plan of action called for the widespread integration of children with disabilities into mainstream schools, structural problems and reluctance on the part of teachers and school administrators were impeding those efforts. Children with disabilities had little chance of being adopted and had only limited enjoyment of their rights. Moreover, families of children with disabilities who did not belong to an active disability association were often not even aware of their rights. Priority should be given to strengthening services for children with disabilities, including school, health and family services.

72. It was difficult for children of illegal refugees to gain access to school and health services, and many families remained separated for years because under the law the children were not entitled to residency for purposes of family reunification. Many Moroccan migrant workers were housed in accommodation that resembled a prison, with only the bare minimum of services available. The State party had not yet ratified the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). She asked if it was true that illegal migration was a punishable offence subject to fines or even imprisonment.

73. She wished to know what the Government was actually doing to encourage school enrolment among Amazigh children and to meet their educational needs. Lastly, she enquired about the status of the preparation of the State party's initial reports on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

74. **Ms. Lee** said that she was concerned about girls' access to education in the State party, noting that the illiteracy rate for girls of 10 years of age was more than double the rate for boys of the same age. Dropout rates were also high, with less than 50 per cent of children who had completed their primary education continuing on to secondary school. In some areas the student-teacher ratio was as high as 40 to 1, and the Committee had received reports that some teachers were not sufficiently trained and did not use appropriate teaching methods.

75. The principle of non-refoulement was not always respected, and in some cases asylum-seeking unaccompanied minors were arrested and placed in detention. She asked if there had been any new developments in the process to amend national legislation on

asylum. Lastly, she asked what measures the Government was taking to monitor and eradicate child labour, particularly in its most hazardous forms.

76. **Ms. Maurás Pérez** said the Committee was concerned that girls did not enjoy inheritance rights on an equal footing with boys. She asked what measures the Government was taking to tackle the structural causes of poverty and inequality, noting that there were huge differences in the education, health and housing services available depending on an individual's geographic location and level of income. Child labour was another problem affecting the general standard of living in the country, with about 300,000 children under 16 years of age currently working. As much as 25 per cent of the State budget was spent on social transfers, which by nature were of short duration and did not address the root causes of poverty and inequality.

77. **Mr. Pollar** said that he recognized that *kafalah* was currently one of the best options to care for children who could not be cared for by their parents, but he would like further information on other forms of informal alternative care. He asked how the Government regulated and monitored *kafalah* arrangements involving families living abroad. Was it true that in the event of the death of the caregiver the child was institutionalized? He asked what measures were in place to combat discrimination in the form of preferential treatment for biological children over children brought into the family through the *kafalah* system. He wondered what approaches were being used to find families to care for children with disabilities.

78. In its previous concluding observations, the Committee had expressed concern about the difficulties in implementing judicial decisions on custody and visitation rights and about the prevalence of child abductions in the case of mixed marriages. He asked if that situation had changed and if Algeria had signed any agreements with other countries on visitation rights. He also asked if Algeria would consider ratifying the Convention on the Civil Aspects of International Child Abduction.

79. He wished to know whether the Government ensured that children, including girls, were able to fully enjoy the right to play by providing sufficient facilities and activities for them. He also wondered whether children were able to enjoy their free time or whether they were under excessive pressure from their parents to study. Noting that the minimum age for compulsory military service was 19 years, he asked what the minimum age was for voluntary recruitment. He would be interested to hear the delegation's comments on reports that there were children serving in paramilitary forces in the State party, and he wished to know if there was any law prohibiting the recruitment of children by non-State actors. He wondered if children from recent conflict areas such as Libya were identified and provided with special counselling. Lastly, he asked if Algeria exported small arms to countries where children were involved in conflict.

80. **Mr. Koompraphant** said that he wished to know what the State party had done to implement the Committee's recommendation that it should consider revising the Family Code to ensure that men and women had equal parental responsibilities, regardless of their marital status, and to abolish the discriminatory classification of children as "illegitimate". He asked the delegation to further explain the related provisions described in paragraph 86 of the State party's report.

81. He wished to know what options were available to the State to intervene in cases of domestic violence involving children. Lastly, he asked what measures were used to encourage parents to fulfil their responsibilities and to ensure that the family environment was characterized by love and affection rather than violence and aggression.

The meeting rose at 1 p.m.