



Convention on the Rights of the Child

Distr.: General
18 July 2012

Original: English

Committee on the Rights of the Child

Sixtieth session

29 May – 15 June 2012

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

Concluding observations: Algeria

1. The Committee considered the combined third and fourth report of Algeria (CRC/C/DZA/3-4) at its 1714th and 1715th meetings (see CRC/C/SR.1714 and 1715), held on 8 June 2012, and adopted, at its 1725th meeting, held on 15 June 2012, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the combined third and fourth periodic report of the State party (CRC/C/DZA/3-4) and the written reply to its list of issues (CRC/C/DZA/Q/3-4/Add.1), which allowed for a better understanding of the situation in the State party. The Committee expresses appreciation for the constructive and open dialogue held with the multi-sectoral delegation of the State party. However, the Committee regrets that the State party's report did not follow its revised reporting guidelines.

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

3. The Committee welcomes the adoption of the following legislative measures:
- (a) Act No. 09-01 of 25 February 2009 which criminalizes trafficking in persons;
 - (b) Education Act No. 08-04 of 23 January 2008; and
 - (c) The lifting, on 24 February 2011, of the State of emergency in force since 1992.
4. The Committee also notes with satisfaction the ratification of or accession to:
- (a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in May 2009;

(b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in December 2006; and

(c) Convention on the Rights of Persons with Disabilities (CRPD) in December 2009.

5. The Committee also welcomes the following institutional and policy measures:

(a) The establishment of a National Council for the Family and Women by Decree No. 06-421 of 22 November 2006; and

(b) The generalization process of preschool education initiated by the Ministry of Education and the pilot programme of early detection and preschool education for children with a disability which has begun in 14 Wilayas.

6. The Committee commends the State party for the invitation it extended in March 2010 to seven United Nations special-procedures mandate holders, as well as the invitation extended to other mechanisms, including the Special Rapporteur on the Rights of Women in Africa of the African Commission on Human and Peoples' Rights.

III. Main areas of concerns and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

7. The Committee, while welcoming the State party's efforts to implement the concluding observations on its previous reports (CRC/C/15/Add.269), notes with regret that some of the recommendations contained therein have not been fully addressed.

8. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report under the Convention that have not been implemented or sufficiently implemented, particularly those related to interpretative declarations, legislation, independent monitoring, cooperation with civil society, non-discrimination, corporal punishment, parental responsibilities, violence against children, children with disabilities and refugee children. The Committee further urges the State party to provide adequate follow-up to the recommendations contained in the present concluding observations.

Interpretative declarations

9. The Committee notes with concern that the State party has maintained its declaration on article 14, paragraphs 1 and 2, which amounts to a reservation to the Convention. The Committee is also concerned that the State party has still not reviewed its declarations on articles 13, 16 and 17.

10. The Committee reiterates its recommendation of 2005 (CRC/C/15/Add.269, para. 11) that the State party should review its interpretative declarations with a view to withdrawing them, in accordance with the 1993 Vienna Declaration and Plan of Action of the World Conference on Human Rights.

Legislation

11. The Committee notes as positive the legal reforms undertaken to harmonize the legislation with the provisions of the Convention, in particular as regards nationality and civil registration. The Committee is however concerned about:

(a) The lack of progress in the adoption of the Child Protection Code, the elaboration process of which was initiated in 2005; and

(b) The provisions of the Family Code which continue to discriminate against girls and to maintain severe gender discrimination that negatively impact on child rights.

12. The Committee urges the State party to speed up the adoption process of the Child Protection Code and ensure that civil society organizations and children are fully involved in the upcoming elaboration stages of this Code. The Committee also urges the State party to ensure that the Child Protection Code be fully in compliance with the principles and provisions of the Convention and that, once enacted, it supersede all legislation that is not in conformity with the Convention. The Committee further urges the State party to promptly repeal from the Family Code all other provisions that discriminate against girls and women and negatively impact on all children, such as legal provisions concerning child custody, inheritance, divorce, polygamy and repudiation.

Coordination

13. While noting the coordination role played by the Delegate Ministry in charge of Family and the Status of Women, the Committee however reiterates its concern (CRC/C/15/Add.269 para. 14) about the absence of a full-fledged mechanism to ensure the coordination between the different ministries, departments and offices, as well as between the central, regional (Wilayas), municipal (Dairas) and local levels for an effective implementation of the Convention.

14. The Committee urges the State party to establish a high-level coordinating mechanism and to ensure that it has full authority and capacity to coordinate the implementation of children's rights across all ministries and other agencies which are responsible for the State Party's obligations under the Convention as well as between national, regional, municipal and local levels. This mechanism should be provided with adequate human, financial and technical resources to fulfil its mandate.

National Plan of Action

15. While welcoming the National Plan of Action for Children (2008-2015) launched on 25 December 2008 and entitled "An Algeria fit for children", the Committee is however concerned about the lack of specific budgetary allocations for the implementation of this plan and about the weak technical capacity of the steering committee in charge of monitoring its implementation.

16. The Committee urges the State party to ensure that appropriate human financial and technical resources are allocated for an effective implementation of the National Plan of Action for Children. The Committee also recommends that the State party conduct the mid-term review of the plan which was due to take place in 2010 in cooperation with civil society organizations and children and ensure that the outcome of this assessment is used to ensure an effective implementation of the action plan.

Independent monitoring

17. The Committee reiterates its concern (CRC/C/15/Add.269, para.16) about the absence of an independent child sensitive monitoring structure with a clear mandate to

receive and address individual complaints of alleged violations of child rights. The Committee also expresses concern that the National Consultative Commission for the Promotion and the Protection of Human Rights (CNCPPDH) is still not fully in compliance with the Paris Principles, in particular as regards its independence, despite its reorganization by Law No. 09-08 of 22 October 2009.

18. **The Committee urges the State party to establish an independent mechanism either as part of a National Human Rights Institution with a Child Unit, or as a separate mechanism (e.g. Ombudsperson for Children) to monitor the implementation of the Convention and deal with children's complaints of violations of their rights in a child-friendly and expeditious manner, and to provide remedies for such violations. The Committee also urges the State party to ensure that the institution monitoring child rights comply with the Paris Principles. The Committee further draws the attention of the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2).**

Allocation of resources

19. The Committee expresses concern that while the State party has a flourishing economy, the budgetary allocations for social sectors and especially for the health sector remain extremely limited. The Committee is also concerned that corruption remains pervasive in the State party and continues to divert resources that could enhance the implementation of the rights of the child. The Committee is further concerned about the high level of military expenditure in contrast to allocations to the health sector.

20. **The Committee urges the State party:**

(a) To allocate adequate budgetary resources in accordance with article 4 of the Convention for the implementation of the rights of children and in particular to increase the budget allocated to social sectors, including, but not exclusively to the health sector;

(b) To utilize a child-rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment on children. The Committee also urges that this tracking system be used for impact assessments on how investments in any sector may serve "the best interests of the child", ensuring that the differential impact of such investment on girls and boys is measured;

(c) To conduct a comprehensive assessment of budget needs and establish clear allocations for those areas that progressively address the disparities in indicators related to children's rights;

(d) To ensure transparent and participatory budgeting through public dialogue, especially with children and for proper accountability by local authorities;

(e) To define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;

(f) To take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption; and

(g) **To take into account the Committee's recommendations during its Day of General Discussion in 2007 on "Resources for the Rights of the Child - Responsibility of States".**

Data collection

21. The Committee notes with concern the limited progress made to establish a national, comprehensive and centralized data collection system covering all areas of the Convention. The Committee is particularly concerned that data by geographic location, socio-economic status and groups of vulnerable children as well as data on violence, abuse and exploitation is completely lacking and that policy makers often use unreliable national data to assess the situation and to formulate policies to address the problems of children, especially those in the most vulnerable and disadvantaged situations and among them children with disabilities and children working in the informal sector.

22. The Committee encourages the State party to set up a national and comprehensive system to collect data disaggregated, inter alia, by age, sex, ethnicity, geographic location and socioeconomic background, on all areas of the Convention in order to facilitate the analysis of progress achieved in the realization of child rights and to help design policies and programmes to implement the Convention. The State party should ensure that the information collected contains up-to-date data on children in vulnerable situations, including girls, and children living with disabilities, in poverty and children victims of abuse and exploitation. The Committee further urges the State party to develop and implement a policy to protect the privacy of children who have been registered in all national databases.

Dissemination and awareness-raising

23. The Committee notes with concern that initiatives undertaken to disseminate and raise awareness about the Convention, including among parents, caregivers, teachers, youth workers and children have remained limited. In particular, the Committee regrets the weak implementation of the National Communication Plan for the Promotion of Child Rights (2009-2011) developed by the Delegate Ministry in charge of Family and the Status of Women.

24. The Committee urges the State party to take more active measures to systematically disseminate and promote the Convention, raising awareness in the public at large and among children in particular. In this respect, the Committee encourages the State party to provide the necessary human, financial and technical resources for the effective implementation of the above-mentioned plan.

Training

25. While welcoming the fact that juvenile-court judges are given specialized training on the Convention, the Committee regrets that such training does not reach all the other professionals working with or for children.

26. The Committee recommends that all professional groups working for and with children be adequately and systematically trained in children's rights, in particular law-enforcement officials, teachers, media, health workers, social workers, personnel working in all forms of alternative care and migration authorities.

Cooperation with civil society

27. The Committee expresses concern that members of non-governmental human rights organizations, including those monitoring the situation of child rights as well as journalists are often subjected to intimidation, harassment and arrests. The Committee is also

concerned about Law No. 12-06 of 12 January 2012 on associations, which greatly reduces the possibility for associations to receive funds from international donors and may therefore have a detrimental impact on the activities of non-governmental organizations working for the promotion and protection of the rights of the child.

28. The Committee urges the State party to take concrete steps to facilitate and give legitimate recognition to human rights defenders and their work, including those who report child rights violations for appropriate State party's action, to ensure that non-governmental organizations and journalists can safely carry out their functions in a manner consistent with the principles of a democratic society.

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

29. The Committee notes with satisfaction the measures taken by the State party to increase girls' school enrolment. The Committee however expresses concern at the persistence of legal provisions that discriminate against girls and women such as those related to inheritance contained in the 2005 Family Code. The Committee is also concerned that limited measures have been taken by the State party to change societal discriminatory and patriarchal attitudes and behaviours as well as stereotyping of gender roles. The Committee further reiterates its concern (CRC/C/15/Add.269, para.26) at the persistent de facto discrimination faced by children with disabilities, children living in poverty, children born out of wedlock, working children, children in conflict with the law, street children, children living in rural areas and Western Saharan refugee children.

30. The Committee urges the State party:

(a) To repeal all legal provisions that discriminate against girls and women, in particular those relating to inheritance;

(b) To take all the necessary measures to eliminate societal discrimination against women and girls through public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media in line with the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/DZA/CO/3-4, para. 28), and

(c) To adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all groups of children in vulnerable situations, and implement it in coordination with a wide range of stakeholders and involving all sectors of society so as to facilitate social and cultural change and the creation of an enabling environment that is supportive of equality among children.

Best interests of the child

31. The Committee notes with satisfaction that the principle of the best interests of the child was included in the Family Code in 2005 as a principle to follow in all family-related decisions and that, according to the Law No. 08-09 of 25 February 2008 related to civil and administrative procedures, magistrates have the obligation to take this principle into consideration. The Committee is however concerned that the general principle of the best interests of the child has not been incorporated in all legislation concerning children and is therefore not applied in all administrative and judicial proceedings, nor in policies and programmes relating to children.

32. The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently

applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate them to the public or private social welfare institutions, courts of law, administrative authorities and legislative bodies. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle, specifying the criteria used in the individual assessment of the best interests of the child.

Right to life, survival and development

33. The Committee expresses deep concern about the situation of girls and women pregnant out of wedlock as well as single mothers and their children and about the lack of measures taken by the State party to ensure that they effectively enjoy their right to life survival and development. The Committee notes with serious concern that:

(a) Dozens of single mothers living alone with their children were physically and sexually attacked and subjected to torture by hundreds of men in Hassi Messaoud in 2001 and 2010 and that similar attacks recently took place in other cities of the country. The Committee is extremely concerned that attacks against single mothers and their children continue to be committed with impunity and that victims of these crimes live with their children in situations of fear and extreme poverty without support being provided by the State party; and

(b) Social rejection and stigmatization often lead women and girls pregnant out of wedlock to resort to clandestine abortion at the risk of their lives, to abandon their children or to live on the streets without any other opportunity but to prostitute themselves to feed their children.

34. **The Committee urges the State party to take urgent measures to end the grave violations of the right to life, survival and development of women and girls pregnant out of wedlock as well as single mothers and their children. In particular, the State party should take urgent measures to protect them and to ensure that perpetrators of violence against them are brought to justice and are subjected to sanctions commensurate to their crimes. The Committee also urges the State party to take all necessary measures to ensure as a matter of priority that single mothers and their children no longer live on the streets and that they are effectively supported to keep and care for their children. The Committee also urges the State party to launch awareness-raising campaigns and educational programmes in order to put an end to their social marginalization, stigmatization and brutalization.**

Respect for the views of the child

35. The Committee notes that in spite of ad hoc initiatives to develop youth participation, such as the 2007 Youth Conference Walis, limited sustainable actions have been undertaken to change societal attitudes towards children within the family, schools and the community at large. The Committee is further concerned that:

(a) The right of the child to have his or her views respected is negatively affected by the requirement that children have to obtain the authorization of their guardian to exercise their rights to freedom of expression and information, as stated in its previous recommendations (CRC/C/15/Add.269, para. 33);

(b) The right to be heard in all judicial and administrative proceedings remains largely ineffective, and

(c) Mechanisms for children to participate in all matters affecting them, particularly in family, schools and communities are lacking.

36. **The Committee urges the State party to promote the right of children to be heard fully in all matters affecting them, including before courts and administrative bodies, within families, schools, media, and in society in general without the requirement of obtaining the authorization of his/her guardian. In this regard, the Committee recommends that the State party undertake awareness-raising campaigns and educational programmes in order to inform children and others, including parents and legal professionals, of children's right to express their views and of the mechanisms and other opportunities which exist for this purpose. The Committee draws the attention of the State party to its general comment No. 12 (2009) on the right of the child to be heard.**

C. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

Birth registration

37. The Committee notes as positive that birth registration is almost universal in the State party. The Committee is however concerned that:

(a) Registration officers and family judges often refuse to register children born out of wedlock although no legal restriction exists concerning the registration of those children;

(b) Refugee and stateless children are not systematically provided with birth certificates which puts them at risk of statelessness and hinders their access to essential social services; and

(c) Unregistered children are deprived of access to schools and are enrolled in mosques and in literary classes.

38. **The Committee urges the State party to ensure that all children within the territory of the State party living in Algeria, including children born out of wedlock, refugee and stateless children are registered at birth. The State party should also urgently issue clear instructions to all schools throughout the territory that all children, irrespective of their registration status should be enrolled into public schools and that no child should be deprived access to education.**

Name and nationality

39. While welcoming the amendment of the Nationality Code in 2005, giving Algerian women the right to transfer their nationality to their children born to a foreign father, the Committee expresses concern that in some cases however, Algerian mothers have to seek the agreement of a family judge in order to pass on their nationality to their children. The Committee also expresses concern that children born out of wedlock are often denied to take their mother's family name and instead are registered with two surnames, a situation which leads to their identification as children born out of wedlock and to their subsequent stigmatization. The Committee is further concerned that in some cities, Berber families are denied their right to register their children with an Amazigh surname.

40. **The Committee recalls the responsibilities of the State party, in accordance with articles 2 and 7 of the Convention, to ensure that all children within the State party's jurisdiction have the right to be registered and acquire a nationality,**

irrespective of the child's or his or her parents' or legal guardians' sex, race, religion or ethnicity, social origin or status. The Committee therefore urges the State party:

- (a) To ensure that children born to an Algerian mother married to a foreign national can automatically acquire their mother's nationality as prescribed in the Nationality Code;
- (b) To send clear instructions to family judges and civil registration officers that children born out of wedlock should be registered in accordance with the law under their mother's name when their mother presents such a request;
- (c) To ensure that Amazigh families can freely chose the surname of their children without interference from civil registration officers; and
- (d) To ratify the Convention on the Reduction of Statelessness of 1961.

Freedom of thought, conscience and religion

41. The Committee remains concerned that the right of the child to freedom of thought, conscience and religion is not fully respected as reflected in the State party's interpretative declaration to article 14 of the Convention. The Committee is also concerned that the restricted conditions for professing another religion than Islam as set in Act No. 06-09 of 17 April 2006 and the attacks and violence against religious minorities which take place in the State party undermine the effective enjoyment of the right of the child to freedom of thought, conscience and religion.

42. **The Committee reiterates its recommendation (CRC/C/15/Add.269, para. 38) that the State party ensure full respect of the right of the child to freedom of thought, conscience and religion. To this end, the State party should consider withdrawing its interpretative declaration to article 14 of the Convention, and ensure conformity of its laws with the Convention. The Committee also urges the State party to take all the necessary measures to end all forms of violence and harassment of religious minorities.**

Corporal punishment

43. While noting as positive the prohibition of corporal punishment, psychological ill-treatment and all forms of bullying in schools contained in the Education Act No. 08-04 of 23 January 2008, the Committee is however concerned that corporal punishment remains widely accepted in society and routinely used as a disciplinary measure in schools. The Committee is also concerned that corporal punishment remains lawful in the home and in alternative-care settings and that there is no explicit legal prohibition of the use of corporal punishment as a disciplinary measure in penal institutions, as already stated in the previous concluding observations (CRC/C/15/Add.269, para. 41).

44. **The Committee urges the State party:**

- (a) **To prohibit corporal punishment unequivocally in all settings;**
- (b) **To ensure that laws prohibiting corporal punishment are effectively implemented and that legal proceedings are systematically initiated against those responsible of mistreating children;**
- (c) **To introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on both the physical and the psychological harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promoting positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment;**

(d) **To ensure the involvement and participation of the whole society, including children, in the design and implementation of preventive strategies against corporal punishment of children; and**

(e) **To take into account its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.**

Violence against children, including abuse and neglect

45. The Committee is concerned about the lack of measures adopted by the State party to address domestic violence, which is pervasive, not specifically prohibited by law and widely accepted as part of normal life. The Committee is particularly concerned that:

(a) The vast majority of children and two thirds of women are subjected to violence in the home;

(b) Even in case of serious injuries, victims of domestic violence are discouraged from pursuing the case and are directed by the police and the judiciary to mediation and reconciliation services;

(c) So-called “honour” and “provocation” are used as legal grounds to attenuate perpetrators’ sentences;

(d) Most of the support services to women victims of domestic violence and their children, including medical, legal and psychological assistance, vocational training and housing support are provided by non-governmental organizations; and

(e) Due to limited capacity of the specialized shelters for women and children, victims of violence based in Bou Ismail and Tlemcen and victims of domestic violence are often directed to centres for homeless and mentally and physically disabled persons.

46. **The Committee urges the State party to adopt as a matter of priority a law criminalizing all forms of domestic violence, including marital rape and to repeal legal provisions that excuse perpetrators of domestic violence, such as article 279 of the Penal Code, and to ensure that children and mothers victims of domestic violence are provided with appropriate medical, legal and psychological assistance and housing support.**

47. **With reference to the United Nations Secretary-General’s Study on violence against children (A/61/299) and the Committee’s general comment no. 13 (2011) on the right of the child to freedom from all forms of violence the Committee further encourages the State party:**

(a) **To prioritize elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations Study on violence against children, paying particular attention to gender; and**

(b) **To provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on Violence against children, namely:**

(i) **The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;**

(ii) **The introduction of an explicit national legal ban on all forms of violence against children in all settings; and**

- (iii) **The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.**

D. Family environment and alternative care (arts. 5, 18, paras. 1-2, 9-11, 19-21, 25, 27, para. 4, and 39 of the Convention)

Family environment

48. While noting the removal of the formal reference to the “inferior” position of women in the 2005 Family Code, the Committee reiterates its concern (CRC/C/15/Add.269, para. 43) that parental responsibilities are still not assigned equally, under law, to fathers and mothers, parental responsibility only lying with the father. The Committee is also concerned that:

- (a) Repudiation of women has not been prohibited and polygamy, though subject to certain restrictions, is still permissible, a situation which affects children negatively;
- (b) The 2005 Family Code still prohibits the marriage of Muslim women to non-Muslims, which has an obvious negative impact on the rights of children born of such marriages;
- (c) In case of divorce, article 65 of the Family Code grants the mother custody of male children only until age 10 and of female children until they reach marriage age;
- (d) In accordance to article 66 of the Family Code, women who remarry after divorce loses the custody of their children; and
- (e) Women and girls only inherit only one half of the share inherited by male members of the family.

49. **The Committee urges the State party to ensure that mothers and fathers equally share the legal responsibility for their children in accordance with article 18, paragraph 1, of the Convention. The Committee also urges the State party:**

- (a) **To revise the 2005 Family Code and ensure that all provisions that discriminate against women and negatively impact on their children, such as those which authorize polygamy, and repudiation be repealed;**
- (b) **To recognize by law the marriage between a Muslim woman and a non-Muslim, as already recommended by the Committee on Economic, Social and Cultural Rights (E/C.12/DZA/CO/4, para.14);**
- (c) **To review its legislation relating to the custody of the child with a view to ensuring that all decisions taken are based on the principle of the best interests of the child in line with articles 3 and 12 of the Convention and that children can no longer be withdrawn from their mother’s custody if she remarries; and**
- (d) **To enable women and girls to inherit on terms of equality with men.**

Illicit transfer and non-return of children abroad

50. The Committee reiterates its concern about the difficulty in implementing judicial decisions regarding custody and visitation rights for Algerian children with one parent living outside Algeria and the prevalence of child abduction among children of mixed marriages.

51. **The Committee reiterates its recommendations (CRC/C/15/Add.269, para. 49) that the State party undertake all necessary efforts to prevent and combat illicit transfer and non-return of children and to ensure proper and expeditious**

implementation of judicial decisions made with regard to custody and visiting rights. It further recommends that the State party strengthen dialogue and consultation with relevant countries, notably those with which the State party has signed an agreement, regarding custody or visitation rights. The Committee also urges the State party to ratify the Hague Convention on Civil Aspects of International Child Abduction of 1980.

Adoption/Kafala

52. The Committee notes that there is no system of adoption in the State party and that the State party has a Kafala system in place. The Committee notes as positive the legal provisions regulating the Kafala which enable children in Kafala to acquire the family name of their legal guardian. The Committee is however concerned that the legal situation of children in Kafala remains precarious. In particular, the Committee notes with concern that:

(a) An internal circular of the Ministry of Interior reportedly requests the civil registration officials not to register the child in Kafala (Makfoul) on the family record book (*livret de famille*);

(b) In case of divorce, the child in Kafala automatically stays with the Kafil and has no right to live with his/her mother;

(c) When the legal guardian (Kafil) dies, the Makfoul (child placed in Kafala) is considered as part of the heritage, and therefore, the legal heirs can decide whether or not to keep him or her in the family, a situation which places them at risk of being re-institutionalized.

53. The Committee expresses concern at reported cases of illegal adoption and illegal placement in Kafala of children born out of wedlock.

54. The Committee urges the State party to amend its legislation regulating the Kafala system in order to bring it into full compliance with the Convention and in particular to repeal the Ministerial Circular preventing the Makfoul from being registered in the family record book. The State party should ensure that children in Kafala have the possibility to stay with their mothers in case of divorce. The Committee further urges the State party to take all necessary measures to prevent and punish cases of illegal adoption and placement in Kafala of children born out of wedlock.

E. Basic health and welfare (arts. 6, 18, para. 3, 23- 24, 26 and 27, paras. 1-3, of the Convention)

Children with disabilities

55. The Committee reiterates its concern (CRC/C/15/Add.269, para. 53) that social stigma, fears and misconceptions surrounding children with disabilities remain strong in society, leading to the marginalization and alienation of these children. The Committee is also concerned that in the absence of an inclusive education policy in the State party, children with disabilities rarely access mainstream education and that although integrated classes reportedly exist for children with visual impairments, these classes are in fact specialized classes placed in ordinary schools. The Committee is also concerned that:

(a) There are no specialized teachers for children with intellectual impairment in the State party which deprive those children of any access to education;

(b) The lack of a transportation system for pupils with disabilities and the lack of accessibility of school buildings are major obstacles to their integration into mainstream schools;

(c) Mainstream school teachers are not trained to support children with disabilities and that there is lack of personnel to provide individual support to children with disability in the classrooms;

(d) Children with multiple disabilities are not accepted in specialized centres and are therefore totally deprived of any educational opportunities; and

(e) Programmes and support provided to children with disabilities in specialized centres are obsolete.

56. The Committee reiterates its previous recommendations (CRC/C/15/Add.269, para. 54). The Committee urges the State party to review the situation of children with disabilities in terms of their access to suitable health-care and education services and adopt as a matter of priority a comprehensive policy to develop inclusive education. In this regard, the Committee urges the State party:

(a) To promote the social and human rights based approach which acknowledges that the disabling factors reside in the environmental and attitudinal barriers created by society, and that all children with disabilities are subjects of their own rights, and undertake awareness-raising campaigns aimed at the government, public and families to promote the positive image of children and adults with disabilities and their role as active participants and contributors to society;

(b) To ensure that the development of inclusive education is given priority over the placement of children in specialized institutions, paying particular attention to children with mental and multiple disabilities;

(c) To provide sufficient numbers of specialist teachers and professionals providing individual support into all schools and ensure that all professionals are adequately trained so that all children with disabilities can effectively enjoy their right to quality inclusive education;

(d) To ensure transportation and support in classrooms, and the accessibility of educational materials, curricula, and school environments;

(e) To ensure that enforceable remedies are provided to children with disabilities and their families who have been refused access to inclusive education, or who have been denied the provision of reasonable accommodation with respect to education;

(f) To consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and

(g) To take guidance from the Committee 2006 general comment No. 9 on the rights of children with disabilities (CRC/C/GC/9).

Health and health services

57. The Committee expresses concern that budgetary allocations to the health sector remain greatly insufficient to address the health problems of children, especially those living in rural areas who face considerable difficulties in accessing health care due to an unequal geographic distribution of care facilities and medical practitioners. The Committee is also concerned about:

(a) Maternal, neonatal and under-five mortality rates, which remain at very high levels;

- (b) Limited post-natal care which only one third of women benefit from;
- (c) The problem of availability of medicines in the State party;
- (d) The nutritional status of young children which has not improved since 2002; one child in ten being underweight and one in five being stunted; and
- (e) The poor conditions of work of health-care professionals.

58. **The Committee reiterates its recommendation (CRC/C/15/Add.269, para. 57, 2005) that the State party ensure that appropriate resources be allocated for the health sector, and develop and implement comprehensive policies and programmes for improving the health situation of children and to facilitate greater and equal access to quality primary-health services by mothers and children in all areas of the country in order to end the disparities in health-care provision between the different areas. The Committee also urges the State party to take more effective measures to address the nutritional status of young children. The Committee draw the attention of the State party to the fact that ensuring decent conditions of work for professionals in the health sector is essential to the provision of quality services for children.**

Adolescent health

59. The Committee is concerned that sexual and reproductive health services for adolescents are scarce and that sexual and reproductive health education remains underdeveloped. The Committee is also concerned that knowledge of HIV transmission and prevention is low among adolescents.

60. **Taking into account the Committee's general comment No. 4 (2003) on adolescent health, the Committee urges the State party to design and implement an inter-sectoral public policy for health, sexual and reproductive rights aimed at adolescents within and outside the educational system and taking into account sexual and reproductive rights, healthy sexuality, prevention of unplanned pregnancies, sexually transmitted diseases, HIV/AIDS, and the accessibility and use of condoms and other contraceptives.**

Standard of living

61. The Committee notes as positive the significant progress made by the State party to eradicate poverty and in particular the increase in social investment and social transfer programmes. The Committee is however concerned that structural and long-term investment measures to maintain families out of poverty have been insufficient to maintain families out of poverty and to reduce the high level of disparities in the quality and level of access to social services, with rural regions and city suburbs being in the most disadvantaged situation. The Committee is also concerned that:

- (a) Over a million of families live in slums and millions in precarious housing conditions due to the housing crisis. The Committee is also concerned that families displaced during the "black decade" have not benefited from any programme to facilitate their safe return to their place of origin or to meet their specific housing needs in localities where they currently live;
- (b) Social programmes targeting families in the most vulnerable situations such as the free education and health services and social housing programmes hardly reach the poorest children;
- (c) Families and children of disappeared persons are requested to obtain a court declaration stating that the disappeared relative has died to obtain social security benefits including child education benefits; and

(d) The high level of women's and youth unemployment and the low representation of women in leadership positions which configure an overall situation of disempowerment of women and children.

62. The Committee urges the State party to strengthen its efforts to eradicate poverty and to this end, address the root causes and structural determinants of poverty. The Committee also urges the State party:

(a) **To take all the necessary measures, including affirmative action policies to address the economic disparities which affect rural regions and urban suburbs and lead to unequal enjoyment by children of the rights enshrined in the Convention;**

(b) **To assess the impact of its social-protection programmes and review them to ensure that they are sustainable and give priority to children in the most vulnerable and disadvantaged situations;**

(c) **To ensure that families of disappeared persons are no longer obliged to prove the death of their disappeared relative to obtain social security benefits; and**

(d) **To take all the necessary measures to increase employment opportunities for women and youth and the number of women in leadership positions in order to keep families out of poverty in a sustainable manner.**

F. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

63. The Committee notes as positive the significant increase in the primary education enrolment rate (98 per cent in 2007). The Committee also welcomes Education Act No. 08-04 of 23 January 2008 which provides, inter alia, that education is compulsory for all girls and boys between the age of 6 and 16 years, the significant efforts to develop early childhood programmes, the strategy launched in 2009 to eliminate illiteracy by 2015 and the significant progress made to realize girls' right to education. The Committee is however concerned that:

(a) There are significant regional disparities in access to education, some Wilayas such as Djelfa and Mila being particularly disadvantaged;

(b) Ten (10) per cent of education costs at primary level and 21 per cent at secondary level are paid by households;

(c) Primary school enrolment, although at a high level, has been decreasing over the past years and fewer than 50 per cent of primary school students reach the secondary level;

(d) One third of girls and about one fifth of boys aged 10 are illiterate;

(e) The quality of school education remains low and school drop-out is at high levels at secondary level. The insufficient training as well as the precarious contractual status and salaries of a significant proportion of teachers negatively affect the quality of the educational system;

(f) Textbooks still include negative or patriarchal stereotypes; and

(g) Teaching of written or spoken Berber languages in the State party's schools remains unavailable in most of the State party's schools despite the guarantee contained in the 2008 Education Act.

64. The Committee recommends that the State party strengthen its efforts to eliminate illiteracy, to promote girl's education and to develop pre-school education. The Committee also urges the State party:

(a) To take as a matter of priority all necessary measures to ensure that children living in the most disadvantaged Wilayas enjoy their right to education and that education is effectively free for all children in the State party without hidden costs;

(b) To improve the quality of education and take all measures to ensure that children complete their schooling, including concrete action to address the reasons behind failure to complete schooling;

(c) To provide all teachers with adequate salaries and status, expand teacher-training capacities and ensure that all teachers undergo continuous and intensive in-service training and periodic evaluation training;

(d) To expand the system of vocational training institutions and make sure that children who have dropped out of school also have access to it;

(e) To develop non-stereotyped educational curricula that address structural causes of discrimination against women and enhance educational opportunities and achievement for girls and boys at all levels;

(f) To ensure that Berber languages are effectively taught in the State party's schools as guaranteed by the Education Act (Act No. 08-04); and

(g) To take into account its general comment No. 1 on the aims of education (CRC/GC/2001/1).

G. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d) and 32-36 of the Convention)

Asylum-seeking and refugee children

65. The Committee is concerned that there is no comprehensive legal framework for refugees and asylum seekers in the State party and that the Bureau Algérien pour les Réfugiés et les Apatrides (BAPRA) created within the Ministry for Foreign Affairs does not have the executive capacity to address the situation of asylum seekers and refugees. The Committee is also concerned that:

(a) Asylum seekers and refugee children, including those recognized by the Office of the United Nations High Commissioner for Refugees (UNHCR) are generally considered and treated as illegal migrants, and face arrest, detention and occasionally expulsion;

(b) The State party does not provide free legal aid, the assistance of a guardian, protection, psychological and medical support and shelter to unaccompanied minors and child victims of gender-based violence;

(c) Sub-Saharan child asylum seekers and refugees lack birth certificates and are denied most of their economic, social and cultural rights, especially their right to health, and education; and

(d) The UNHCR has still not been able to conduct proper registration of Sahrawi refugees who still live in precarious conditions in the Tindouf province under the administration of the Polisario Front and has not been granted access to detention centres where migrants deemed "irregular", including children are held.

66. The Committee urges the State party to adopt a comprehensive legal framework for refugees and asylum seekers in line with international standards and to develop an efficient and well founded cooperation mechanism with UNHCR to identify and provide assistance to children in need of protection, especially unaccompanied asylum seeking children. The Committee also urges the State party:

(a) To ensure that unaccompanied children, refugees and asylum-seeking children are not arrested and/or detained because of illegal entry/stay and have effectively the right to seek asylum and to stay in the State party until the end of asylum procedures;

(b) To ensure that all children born on its territory are properly registered at birth, regardless of the status of their parents and that they fully enjoy their economic, social and cultural rights including their rights to access public schools, obtain diplomas and pass national exams in the same way as nationals;

(c) To ensure that UNHCR has unimpeded access to all centres where refugees and potential asylum seekers are held as well as to all refugee camps in the Tindouf Province. In this regard, the Committee reminds the State party that ensuring an adequate standard of living to children living with their families in the Tindouf province falls under its responsibility; and

(d) To consider ratifying the 1961 Convention on the Reduction of Statelessness.

Children in situations of migration

67. The Committee expresses concern about the vulnerability of children of migrant workers living in the State party who lack access to their basic rights as highlighted by the Committee on the Rights of Migrants Workers (CMW/C/DZA/CO/1, para. 20).

68. **The Committee urges the State party to decriminalize irregular migration as recommended by the Committee on the Rights of Migrant Workers (CMW/C/DZA/CO/1, para. 21) and to take all the necessary measures to ensure that children of migrant workers enjoy their rights without discrimination.**

Children in armed conflict

69. The Committee is concerned that the minimum age for voluntary recruitment into the armed forces or paramilitary forces is unclear.

70. **The Committee urges the State party to establish by law the minimum age for voluntary recruitment into the national armed forces under which recruitment of children would be prohibited with no exceptions, thus ensuring that persons under the age of 18 do not serve in the Algerian armed forces.**

Economic exploitation, including child labour

71. The Committee welcomes the various initiatives taken by the State party to eradicate child labour, including the awareness-raising days on the harm caused by child labour, held in the 48 Wilayas in 2006 and which involved 300,000 children in educational and vocational training establishments. However, the Committee reiterates its concern (CRC/C/15/Add.269, par. 74) that the minimum age for admission to employment (16 years) and the prohibition of hazardous work (Act No. 90-11 of 21 April 1990) is not fully applied in all contexts, in particular for children working in the informal sector. Furthermore, the Committee is also concerned that the State party has still not determined the types of hazardous work prohibited under the age of 18 although thousands of children

continue to be subjected to the worst forms of child labour, especially in agriculture, as vendors in the streets and as domestic servants.

72. **The Committee reiterates its recommendation that the State party continue to take effective measures to put an end to the economic exploitation of children, in particular in the informal sector and to take urgent measures to remove children from hazardous work in the agriculture sector, from street work and domestic work. The Committee urges the State party to speed up the adoption process of the new Labour Code and ensure that the code fully covers children working in the informal sector and define the types of hazardous work prohibited under the age of 18 as already recommended by the ILO Committee of Experts on the Application of Conventions and Recommendations (2010 Direct Request concerning Convention No.182). The Committee also recommends that the State party consider ratifying the ILO Convention No. 189 concerning decent work for domestic workers. The Committee further recommends that the State party seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office (ILO-IPEC) in this regard.**

Children in street situations

73. The Committee is concerned that insufficient measures have been taken by the State party to implement its previous recommendations concerning children in street situations and that the State party considers the phenomenon as marginal, although no data has been collected since 2008 and that thousands of children are reported to live on the streets. The Committee also expresses particular concern about the insufficient measures taken to provide assistance and housing to repudiated, divorced and single mothers living on the streets with their children.

74. **The Committee urges the State party to take urgent and vigorous measures to address the situation of women living with their children on the streets as recommended by the Special Rapporteur on violence against women (A/HRC/17/26/Add.3, para. 82 (b) and (c)) and in particular to ensure that they receive preferential access to subsidized State housing. The Committee also reiterates its previous recommendations to the State party (CRC/C/15/Add.269, par. 77) in particular the recommendation that the State party develop and implement a comprehensive strategy, with the active participation of street children themselves, non-governmental organizations and other relevant professionals, to address the root causes of the phenomenon of street children, with the aim of reducing and preventing it.**

Sexual exploitation and abuse

75. The Committee expresses deep concern that sexual abuse against children in school, including religious schools, incest and pedophilia are on the rise in the State party. In this context, the Committee is concerned that article 336 of the Arabic version of the Penal Code defines rape as an attack on so-called “honour” and that rapists therefore may avoid punishment by marrying the girl they raped and “expunging the dishonour”. The Committee is also concerned about the weak enforcement of existing legislation, child victims of sexual exploitation and abuse being discouraged or afraid of reporting rape, ostracized and stigmatized and law enforcement officials often failing to take accusations seriously and to investigate and prosecute the cases.

76. **The Committee urges the State party to take more proactive action to fight sexual abuse and exploitation. In particular, the Committee urges the State party:**

- (a) To revise article 336 of the Penal Code and define the crime of rape as sexual intercourse without consent;
- (b) To develop adequate systems of investigation of cases of sexual exploitation and of recovery for the victims;
- (c) To prosecute and sanction all perpetrators of sexual violence and exploitation, including teachers and ensure that judges and law-enforcement authorities take all appropriate measures to bring the perpetrators to justice and provide them with sentences commensurate to their crime;
- (d) To take active measures to combat sexual violence and harassment in schools by organizing nationwide communications programmes and strengthen the recruitment of female teachers who provide valuable role models for young girls and reduce the probability of abuse by teachers;
- (e) To encourage school and health services to detect and report evidence of abuse and establish clear reporting systems for cases of violence in schools; and
- (f) To undertake awareness-raising programs, including campaigns, particularly for children, parents and other caregivers in order to prevent stigmatization of children victims of sexual exploitation and abuse; and
- (g) To ensure that programmes and policies for the prevention, recovery and reintegration of child victims are in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Commercial Sexual Exploitation of Children, held in Stockholm, Yokohama and Rio de Janeiro.

Sale, trafficking and abduction

77. The Committee welcomes Act No. 09-01 of 25 February 2009 which criminalizes trafficking in persons and increases penalties for offenders who traffic children. The Committee is however concerned that limited measures have been taken to enforce the new anti-trafficking law and that the State party continues to consider trafficking victims including children as illegal migrants and to deport them, sometimes in conditions that threaten their lives. The Committee is particularly concerned that:

- (a) There has been no investigation or prosecution for trafficking offences, or conviction or punishment of trafficking offenders during the year 2010 and that some traffickers reportedly benefit from the complicity of some members the Algerian police;
- (b) Child victims of trafficking may be jailed for unlawful acts committed as a result of their being trafficked, such as engaging in prostitution or lacking adequate immigration documentation;
- (c) There are no Government-operated shelters for victims of trafficking and civil society is prohibited from operating any such shelters because they would be penalized for harbouring undocumented migrants;
- (d) The State party does not provide children with assistance for their physical and psychological recovery and their social reintegration; and
- (e) Legal alternatives to removal to countries where victims may face retribution or hardship are not provided by the State party.

78. **The Committee urges the State party to take all necessary measures for the implementation of its anti-trafficking law and in particular:**

- (a) **To effectively investigate trafficking cases and ensure that perpetrators and their accomplices are brought to justice;**

(b) To train law-enforcement officials and establish capacity to identify victims of trafficking among illegal migrants;

(c) To ensure that child victims of trafficking are offered necessary assistance, including legal aid, shelter, medical and psychological assistance and rehabilitation services and are not punished for unlawful acts committed as a direct result of being trafficked; and

(d) To undertake a campaign to increase public awareness of trafficking, including on the differences between human smuggling and trafficking.

Helpline

79. The Committee notes the existence of a helpline for children managed by a network of civil society organizations. The Committee is however concerned that limited support has been provided by the State party for an effective functioning of such a helpline.

80. **The Committee urges the State party to provide financial and technical support to this helpline in order to maintain it and ensure that it provides 24-hour services throughout the State party. The Committee also urges the State party to promote awareness on how children can access the helpline.**

Administration of juvenile justice

81. The Committee notes as positive the measures taken by the State party to improve its juvenile justice system, in particular the training organized for juvenile judges on the right of the child. The Committee is however concerned that:

(a) The State party's juvenile justice system remains mostly punitive as reflected notably by the possibility of sentencing a child as young as 13 years old to prison from 10 to 20 years;

(b) Children are subjected to long periods of pretrial detention;

(c) The use of restorative measures (mediation, community services orders, and other alternatives to detention) is rare and that detention is in most of the cases the first option; and

(d) Children aged 16 may be detained in the context of counter-terrorism efforts and that children detained are not always separated from adults as observed by the Committee against Torture (CAT/C/DZA/CO/3, para. 7).

82. **The Committee recommends that the State party strengthen its efforts to build a system of restorative and rehabilitative juvenile justice fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice (CRC/C/GC/10). In particular, the Committee urges the State party:**

(a) To ensure that detention, including pre-trial detention is used as a measure of last resort and for the shortest possible period of time, even in case of very severe crimes and that it is reviewed on a regular basis with a view to withdrawing it;

(b) To promote alternative measures to detention, such as diversion, probation, counseling, community service or suspended sentences, wherever possible;

(c) To ensure immediate removal of children from adult detention facilities and place them in a safe, child-sensitive environment where they are treated humanely and with respect for their inherent dignity, and can maintain regular contact with their families, and are provided with education and vocational training;

(d) To ensure capacity-building and specialization of all the justice actors, including judges, prison officers and lawyers, on the provisions of the Convention;

(e) To develop social reintegration programmes for children in conflict with the law; and

(f) To make use, if relevant, of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and NGOs, and to seek technical assistance in the area of juvenile justice from members of the Panel.

Child victims and witnesses of crimes

83. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children who are victims and/or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that the State party take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).

H. Ratification of international human rights instruments

84. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on a communications procedure, the International Convention for the Protection of All Persons from Enforced Disappearance as well as the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities.

85. The Committee also urges the State party to fulfil its reporting obligations under the Optional Protocol on the sale of children, child prostitution and child pornography and to the Optional Protocol on the involvement of children in armed conflict, the reports of which are both overdue, since 27 January 2009 and 9 June 2011 respectively.

I. Cooperation with regional and international bodies

86. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union towards the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

J. Follow-up and dissemination

87. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, Parliament, relevant ministries, the Supreme Court, and to local authorities for appropriate consideration and further action.

88. The Committee further recommends that the third and fourth periodic report and written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its Optional Protocols and of their implementation and monitoring.

K. Next report

89. The Committee invites the State party to submit its next combined fifth and sixth periodic reports by 15 November 2018 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the reporting guidelines. In the event a report exceeding the page limitations is submitted, the State party will be asked to review and eventually resubmit the report in accordance with the abovementioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.

90. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).
