



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fortieth session

SUMMARY RECORD OF THE 1056th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 14 September 2005, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Algeria (CRC/C/93/Add.7; CRC/C/Q/DZA/2; CRC/C/RESP/91; HRI/CORE/1/Add.127)

1. At the invitation of the Chairperson, Mr. Benbouzid, Mr. Bessedik, Ms. Boumghar, Mr. Fenni, Ms. Heddad, Mr. Jazaïry, Ms. Keddad, Mr. Khelifi and Mr. Nouri took places at the Committee table.
2. Mr. JAZAÏRY (Algeria) said that his Government was committed to implementing children's rights. Since the submission of the report, steps had been taken to improve the human rights situation in Algeria. In particular, the Code of Algerian Nationality had been adopted, the Family Code was being revised, and a number of new laws and regulations on the rights of children had been introduced. Equality of all citizens was guaranteed under the Constitution, which explicitly referred to the protection of children and families. Various institutions protected the rights of children at the national and local levels. Significant achievements had been made in recent years, particularly in the fields of health and education. Lastly, he said that the Government attached priority importance to bringing Algerian legislation into line with the provisions of the Convention.
3. Mr. KOTRANE, Country Rapporteur, said that the State party had adopted many laws and regulations that had improved the situation of children in Algeria particularly the amendments to legislation on prison organization and the social reintegration of detainees and the amendments to the Nationality Code and the Family Code. He wished to know the status of discussions on the draft child protection code. He welcomed the establishment of new institutions for promoting children's rights and combating child labour. He asked how the Government ensured the effective implementation of International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
4. He wished to know whether Algeria planned to withdraw the interpretative declarations it had made in respect of several articles of the Convention, and whether it intended to bring its domestic legislation fully into line with the Convention. He was particularly concerned that, in certain circumstances, minors in conflict with the law could be sentenced to up to 20 years' deprivation of liberty. He asked how the Government ensured coordination between the activities of the various ministries and institutions working in the field of human rights. The delegation should provide information on the results of the implementation of the National Plan of Action for the Survival, Protection and Development of Children, and on how the Government intended to develop the Plan in the future. He asked whether a national advisory commission on the rights of the child would be established.
5. The statistics provided in Algeria's replies to the Committee's list of issues showed that insufficient funding was being allocated to assistance programmes for vulnerable and underprivileged families. He asked what measures would be taken to ensure that the necessary human resources were made available for the successful implementation of such programmes.

He wished to know what steps had been taken to carry out systematic analyses of the effects of budgetary allocations on the realization of the rights of the child. It appeared that the limits placed on the allocation of the standard solidarity allowance might lead to increased poverty among the most vulnerable families. Further information should be provided on the efforts of the judiciary and social workers to eliminate child labour and exploitation.

6. He asked how the Algerian Government would ensure that the best interests of the child were guaranteed, both in legislation and in practice, and how the right of children to be heard was exercised in Algeria, particularly by judges during legal proceedings. The Committee had been informed that the Algerian police were holding a large number of children in prolonged detention, where they were exposed to sexual violence. The delegation should explain what practical measures were being taken to prevent such practices and protect children from all forms of exploitation.

7. Mr. LIWSKI, Alternate Rapporteur, commended the State party's progress in implementing the Committee's recommendations. He asked whether civil society and youth organizations had participated in the drafting of the second periodic report. In recent years, Algeria had been exposed to considerable violence including terrorist attacks, which had caused physical damage to institutions such as schools and hospitals and had given rise to a climate of insecurity, which was impeding the implementation of the Convention.

8. He requested further information on budget allocations to programmes for the promotion and protection of children's rights. He asked what measures would be taken to address the problems caused by the Government's 8 per cent cut in social sector funding, and whether budget lines would be redistributed. He also asked what the short- and long-term effects would be of the Government's increased spending on security forces and the military. He would appreciate information on strategies to renegotiate State party's external debt payments so that funds could be released for social services and education.

9. He wondered whether the State party intended to ratify the two optional protocols to the Convention. Although the establishment of the post of Deputy Minister for the Family and the Status of Women demonstrated the State party's commitment to improving the situation of children, he wished to know whether the Government planned to establish a national policy coordinating body for children's issues, and appropriate monitoring mechanisms at the national and local levels. He was concerned that the State party did not have a national body to receive complaints. He asked how the Government supported civil society organizations, and what steps were being taken to facilitate cooperation with non-governmental organizations (NGOs) in order to promote children's rights. Information should also be provided on measures that had been taken to guarantee the right to freedom of association and assembly, and whether there were any obstacles to the exercise of that right.

10. He asked what measures the Government had adopted to prevent institutionalized violence against children. Further information on steps to promote the rights and culture of nomadic children would also be welcome.

11. Mr. SIDDIQUI asked how many annual reports on the state of human rights the National Advisory Commission for the Promotion and Protection of Human Rights had submitted to the President, and whether those reports contained a special chapter on children's rights. He wished to know how many Commission members were experts on children's issues, and whether the Government planned to set up an inter-ministerial committee on children's rights. It would be useful to know how many people had been convicted under the Criminal Code for having abandoned or neglected a child. Lastly, he enquired what steps were being taken to encourage compliance with the provision on the legal marriageable age for girls, which was 18.

12. Ms. VUCKOVIC-SAHOVIC asked whether the Government planned to develop a comprehensive database on children and fill in the current gaps in information on children living in extreme poverty, children separated from their parents and children who were victims of sexual and other types of abuse. She would welcome information on the participation of civil society in the implementation of children's rights. It would also be useful to know how the Government envisaged future cooperation with NGOs in that field and whether it planned to fund any NGOs dealing with children's issues. The delegation should provide information on measures taken to ensure that children, in particular those belonging to nomadic groups, were registered at birth.

13. Ms. AL-THANI said that the delegation should provide additional information about the work of associations that protected children's rights. In particular, she wished to know how such associations cooperated with the National Advisory Commission for the Promotion and Protection of Human Rights.

14. According to paragraphs 56 and 57 of the report, a child could take legal action against any person who committed an act of violence against him or her, and the child's parents or guardians must be present at all stages of the procedure. He asked what would happen if an act of violence had been committed against a child by his or her parents or guardians.

15. Although corporal punishment was prohibited by law, ill-treatment still occurred in some schools and families. The State party should encourage parents, guardians and teachers to use other methods of punishment.

16. Ms. KHATTAB said that, when amending the Family Code, the Government should take into account the need to withdraw its reservations to the Convention. She asked when the amended Family Code would be adopted. It would be useful to know whether Algerian law placed any restrictions on the freedom of civil society and whether civil society organizations required the Government's permission to cooperate with foreign organizations or receive foreign assistance. She asked whether the Government monitored civil society and NGOs.

17. She wished to know what funding the Government had received for community development projects and whether additional foreign assistance would be required. She noted that the increase in subsidies for school meals had been accompanied by an increase in the number of beneficiaries; as a result, the support provided to each beneficiary had decreased over the years.

18. She asked whether Algeria had taken steps to implement the recommendations made at recent regional consultations on violence against children and whether a national commission to prevent violence had been established. She expressed concern that children were allegedly taught to stone adulteresses, and asked whether there were any programmes to protect children from radical Islamic tendencies.

19. Ms. OUEDRAOGO expressed concern that parents were given only five days to register the birth of their child and that failure to do so resulted in penalties. The Government should review that procedure with a view to facilitating the birth registration process. She asked whether birth registration was free of charge and what arrangements existed to ensure the registration of children who had not been registered at birth. She requested information on structures that enabled children to express their views on issues of concern to them.

20. Mr. ZERMATTEN said that foster children and children born out of wedlock did not seem to enjoy the same rights as legitimate children. He expressed concern that children could not exercise their civil rights until they reached the age of 18, and that they were considered not to have discernment until the age of 16.

21. Mr. PARFITT asked whether the National Advisory Commission for the Promotion and Protection of Human Rights had investigated any violations of children's rights and, if so, what action had been taken. The delegation should indicate what steps the Commission had taken to promote the Convention. He asked whether there were any plans to establish an ombudsman for children. He wished to know whether children were involved in developing legislation or policies that had a direct impact on them.

22. Ms. ALUOCH asked why the Convention had never been invoked before an Algerian court and what legal framework was in place to protect children's rights.

23. Mr. POLLAR requested further information on the remedies available to human rights or child protection institutions for claiming compensation in criminal proceedings. He wondered whether the Government had taken any steps to assess Algeria's progress in implementing the Convention. He asked whether there were any formal procedures for registering deaths and the causes of deaths, and what measures had been taken to prevent suicide.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

24. Mr. JAZAÏRY (Algeria) said that information on the amount of foreign assistance received by Algeria would be sent to the Committee in due course.

25. Mr. FENNI (Algeria) said that an intersectoral commission to prevent and combat child labour had been set up under the Ministry of Labour and Social Welfare. A second commission was responsible for implementing the provisions of the Convention, receiving input from NGOs and publishing regular reports. The primary function of the second commission was to protect children and adolescents through coordination with government ministries, NGOs, and women's and children's organizations.

26. Ms. HEDDAD (Algeria) said that a working group had been established within the Ministry of Justice to review all national legislation concerning children and to ensure its conformity with the Convention. The findings of the working group had been submitted to commissions responsible for reforming the Criminal Code and the Code of Criminal Procedure. The Algerian Nationality Code had been amended to take the child's views into account when selecting a foster family. The age of discernment in the Civil Code had been lowered from 16 to 13.

27. A commission, composed of representatives from all government departments concerned with children's matters had been established to draft a bill on child protection. The bill incorporated the main principles of the Convention and provided for the appointment by the President of a national child protection officer. The national child protection officer would carry out activities related to awareness-raising and communication, promote human rights research and education, and participate in the drafting of human rights reports intended for the United Nations and regional organizations. The national child protection officer would prepare an annual report on children's rights for submission to the President. The bill also provided for the appointment of provincial officers, who would ensure child protection at the local level. Other features of the child protection bill included the introduction of a mediation procedure that involved a provincial officer, the parents of the juvenile offender and the victim, and the establishment of regulations governing pretrial detention.

28. Mr. LIWSKI wished to know the legal basis for the establishment of the intersectoral commission to prevent and combat child labour. The delegation should inform the Committee of the current status of the child protection bill.

29. Ms. HEDDAD (Algeria) said that the child protection bill was currently under consideration by the General Secretariat of the Government.

30. Mr. FENNI (Algeria) said that the Council of Ministers, which was chaired by the President of Algeria, coordinated the work of government ministries in the area of children's rights. Technical commissions were set up under the ministries pursuant to legislation or ministerial decrees.

31. A number of government ministries cooperated with international organizations. A guide to the rights of the child, drafted in partnership with the United Nations Children's Fund (UNICEF), had been published and distributed to all institutions that worked with children. Pamphlets relating to children's rights had been published and distributed to schools and institutions. Programmes to inform judges about human rights, including children's rights, had been organized in cooperation with UNICEF. A number of agencies were responsible for providing information on children's rights to institutions, and special programmes had been developed to communicate with the general public through the media.

32. Ms. BOUMGHAR (Algeria) said that the principles of the Convention had been incorporated into school curricula and were taught under the subjects of civics and religion. With assistance from UNICEF, the Convention had been distributed to some 23,000 schools. In 2006, a joint project with the European Union would be implemented with a view to incorporating human rights modules into school curricula. A pilot project, organized jointly by the International Committee of the Red Cross and the Algerian Red Crescent, was being

conducted to teach various aspects of international humanitarian law to schoolchildren. If successful, the project would be extended to other schools. In cooperation with UNICEF, the Government was currently carrying out an overall reform of the public education system.

33. Although school regulations prohibited corporal punishment, incidents of violence at school still occurred. Teachers who used corporal punishment risked administrative sanctions. An intersectoral programme addressed the problems of children who had been traumatized by acts of terrorism, and a training programme had been developed to provide psychological treatment for such children.

34. As part of the reform of the education system, the Government had established a centre under the Ministry of National Education to promote the Amazigh language and culture. Amazigh had been taught in secondary schools for over 10 years and would henceforth be taught beginning in the fourth year of primary school. The Amazigh language was currently included in school curricula in 16 departments; it could be added to a school's curriculum at the request of parents, provided that sufficient resources were available. A new section on Amazigh instruction had been introduced in teacher training colleges.

35. In an effort to encourage regular school attendance, some 912 Government-funded boarding schools at the primary level had been set up for the children of nomads. Since 1999, budget allocations for school canteens had increased substantially, and the number of children who benefited from such canteens had risen from 600,000 to 2 million. The school canteen programme placed priority on schools situated in remote or poor areas.

36. School transport was provided to children who lived at some distance from their school. A schooling allowance of 2,000 dinars was granted to children whose parents' income did not exceed 8,000 dinars a month. In an effort to prevent school dropouts, the Government provided textbooks and school supplies to needy families. The current enrolment rate among children between the ages of 6 and 15 was 94 per cent for boys and 92 per cent for girls.

37. In 2005, projects had been established in secondary schools and colleges to enable parents, pupils and other interested parties to participate in decision-making. In cooperation with UNICEF, similar projects had been set up in some primary schools on a trial basis and would subsequently be extended throughout Algeria.

38. Mr. KOTRANE said that, while the revised Family Code had introduced many positive changes to marriage legislation, the provisions of article 11 regarding the authority of the wali in the marriage of a minor required further explanation.

39. He asked what measures the Government was taking to ensure that children born out of wedlock had the right to know the identity of both their parents and to be brought up by them. It was difficult to understand why there was a preference to give mothers custody of their children, rather than allowing judges to decide each case taking account of the best interests of the child. He was concerned that a child could be removed from the custody of his or her mother if she brought the child up in a religion different from that of the father. He requested additional information on the kafalah system, which appeared to treat the child as part of the inheritance in the case of the death of the foster parent.

40. It would be useful to have a full account of the Government's efforts to strengthen consultations with other States regarding the custody of children who had one non-Algerian parent living abroad. The reporting State should indicate whether it intended to ratify the Hague Convention on the Civil Aspects of International Child Abduction. Further details on non-legislative measures to protect children from violence and ill-treatment should be provided.

41. He wished to know the Government's position on the forthcoming international conference on drug addiction among young people. He asked whether the Government intended to reduce the maximum prison sentence for minors from 20 to 10 years. He asked why some child victims of incest had been imprisoned.

42. Mr. LIWSKI asked what changes had been made in the health-care system, particularly for the most vulnerable sectors of society, and in primary health care in order to reduce infant and maternal mortality rates. It would be useful to know to what extent communities were involved in such reduction strategies, and what training health professionals in that field received. He wished to know the level of coverage that had been reached by the family planning programmes, and how the implementation of such programmes had been evaluated. Given the high suicide rate among young people, the reporting State should provide additional information on the steps that it was taking to prevent mental health problems among that group. He requested further information on measures to prevent the spread of HIV/AIDS among young people. He asked whether the education reform that had begun in 2003 had the necessary resources to meet its objectives.

43. He requested additional information on the initial results of the programme to prevent child labour. He wished to know what measures the Government was taking to combat the high incidence of paedophilia, particularly in school and religious circles. It would be useful to learn about the results of the programme to help child victims of armed conflict, and the possibility of extending that programme. The reporting State should indicate what it was doing to protect the rights of children in Saharan regions.

44. Mr. SIDDIQUI asked whether the content of religious education in all schools was closely monitored, and whether the Government planned to modernize religious schools.

45. Mr. ZERMATTEN requested updated statistics on the number of children in institutions. It would be useful to have figures disaggregated by gender, and to know whether the placement of girls in institutions posed any particular problems. He asked who was responsible for supervising such institutions, and whether the effectiveness of those institutions was monitored. It would be interesting to learn whether children living in institutions maintained ties with their families.

46. The State party should clarify whether juvenile judges also worked within the regular justice system. He asked why, in the juvenile justice system, mediation took place between the parents of the victim and those of the perpetrator. The reporting State should provide additional information on the regulations applicable to the detention of minors.

47. Mr. KRAPPMANN requested additional information on the current status of the education reform begun in 2000, particularly regarding improvements in teaching methods and teacher training. He wondered whether the State party planned to extend early childhood

education and, in particular, how it ensured that poor and disadvantaged children had access to such education. The reporting State should indicate what measures it was taking to eliminate regional disparities in primary and secondary school enrolment rates. He requested further information on steps to increase the availability of vocational training to young people, particularly girls. He asked whether young people who left school at the age of 14 had an opportunity to work in reasonable conditions, and whether school dropouts could continue their education in an informal education system. It was unclear whether youth unemployment was a problem in Algeria, and whether there were programmes to help young people find jobs. He asked how schools promoted human rights education among their pupils.

48. Ms. AL-THANI requested additional information on disabled children's access to public facilities, schools and transport systems. It was unclear whether children with disabilities were integrated in the mainstream education system. The reporting State should explain whether or not children living in remote areas had access to public and health services. She requested information about government efforts to address the disparities in infant mortality between rural and urban areas. It would be useful to know whether the Government's strategy to prevent the spread of HIV/AIDS and to promote family planning encouraged people to discuss such matters frankly.

49. Ms. ALUOCH asked whether the State party had considered giving judges discretion to allow minors under the age of 16 to give sworn testimony. She wished to know whether the State party would further amend the Family Code in order to allow marriage certificates to be issued to wives in polygamous marriages.

50. Ms. KHATTAB asked whether the amended Family Code would improve Algeria's implementation of the Convention. She wished to know to what degree women and girls were protected from domestic violence under the amended legislation. She requested information on the evaluation of the literacy programme for women and girls that had been carried out until 2002. She asked whether the Government had a strategy for eliminating the gender gap in education. The reporting State should indicate what measures it was taking to enhance the life skills of girls and women.

51. She hoped that the forthcoming meeting between the Government of Algeria and the Government of Morocco to settle the issue of the Saharan people would ensure respect for that people's rights, particularly in the areas of education and health care.

The meeting rose at 1.05 p.m.