



# The Algerian Network for the Defense of Children



## [THE ALGERIAN ALTERNATIVE REPPORT ON CHILDREN'S RIGHTS

study of three thematic :

- Children Abuse.
- Sexual violence against Children.
- Children in Conflict with the law.

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## **Introduction:**

In Algeria, and several countries, the protection of children and teenagers is the matter of the constitution that guarantees the protection of citizens in general.

In a particular way, it is ensured by the laws and specific regulations.

In parallel, on December 19th 1992 Algeria has ratified, the children rights convention (CRC), adopted by the General Assembly of the United Nations on November 20th, 1989, considering the child as a legal subject.

This convention has identified the main rights of the child that focus mainly on peace, dignity, tolerance, freedom, equality and solidarity as well as guaranteeing the right to opinion, to the expression, participation and decision making.

In this context, a large number of organizations working on the field of children have decided to create a network, hoping to emerge in civil society a strong network, likely to ensure common values for the protection of the child.

Such a decision gave rise to the Algerian network NADA for the Defense of Rights of Children, which sets itself as the main tasks the promotion of children rights, the protection of children and to build bridges between the civil society and institutions. Since its inception, NADA Network has conducted several actions that concerns very sensitive topics in our society. The aim is to establish a space for expression and a meeting place for children to develop devices to fight against all forms of abuse and violence perpetrated against children, to create resource center rights of children and to act with the judiciary to take urgent decisions on behalf of the child at risk.

Five major programs have been undertaken by the Network, and have had a positive and very satisfactory in the care of children in non- right situation, including the program "I'm listening to you" through a toll-free number "30 33 ", the" Acting Together "against violence in schools, the" refugees children "to improve the protection of the rights of refugees children in the urban areas, the project on the strengthening of technical and organizational skills network members to fight against sexual abuse against children in Algeria and the project "Juvenile Justice".  
Haut du formulaire

The development of an alternative report on children's rights is part of the advocacy of NADA Network, and is an important and valuable document to the national and international bodies

concerned with children's issues. This is a first initiative, which will not address the situation of children in all its diversity, but it is limited to address three main themes can be developed through the experience of the Network NADA. However, such a report may provide useful information on child abuse and violence against children, UN bodies, responsible for monitoring the implementation of the CRC. The report will focus on the following topics:

- Child abuse;
- Children in conflict with the law;
- Sexual violence against children.

The first report would also discuss measures taken to ensure the fundamental rights of children, and make proposals for the modification and enhancement of the existing body of legislation and adoption of new procedures to strengthen the protection of children's rights in Algeria, with the involvement of civil society.

## THEME 1: CHILD ABUSE

### **I-Definition and problems:**

Child abuse means the abuse and neglect of any person less than 18 years. It includes all forms of physical abuse and / or emotional, mental cruelty, sexual abuse, neglect, heavy with serious consequences on the physical and psychological development of children, or commercial exploitation or other resulting in actual or potential harm to the health of the child, its survival, its development or its dignity in the context of a relationship of responsibility, trust or power. This definition also joined the one cited in the International Convention on the Rights of the Child in its article number 19. Sometimes, it is also considered as a form of abuse the exposure of children to the spectacle of violence between intimate partners.

According to the World Report on Violence and Health (2002), it is defined as "the threat or intentional use of physical force or power against a child by an individual or group that causes or is likely to cause a detrimental to the health, survival, development or dignity of the child."

This is a global problem with serious consequences, complex and difficult to study. Current estimates vary considerably between countries and the research method used. They are based on definitions of abuse that are retained, the type of abuse studied, the coverage and quality of studies based on information provided by the victims themselves, the parents or persons who are responsible for the child.

In Algeria according to the results of the national survey with multiple indicators conducted in 2006, 86% of children have received at least once, some form of physical punishment during the month that preceded the interview, from the interviewee itself or a household member.

The use of the issue of "child abuse" refers to the wider truth of violence against children and the question of how to protect children against violence. This problem actually is not new since it has been the subject of various studies, including at the request of the United Nations. It is also not characteristic for our country, since these same studies show that it exists in all countries.

However, these global standards, and often socially approved and legally permitted cannot find grounds for compromise or justification in the name of "tradition" of "discipline" or any other reason. The aim is to protect the child because of his vulnerability and his dependence on the adult, which means not only to punish the perpetrators of violence against children but also to make sure to transform the mentality of the societies and of the associated conditions to violence through prevention and assurance of effective protection.

Why is it important to protect children against all forms of violence? Several studies have shown that the impact in the short and long term is very often grave and damaging not only for the child but also for the society as a whole.

Violence may indeed lead to "greater predisposition to social unrest, emotional and cognitive behaviors and health hazard, such as substance abuse and early initiation to sexual activity. Mental and social problems related may well occur: anxiety and depressive disorders, hallucinations, impaired in performing the tasks, memory problems and aggressive behavior "...

For all these reasons, it is useful to know the reasons and the type of violence that our children undergo and the role of associations and the state in support of that class that becomes fragile and vulnerable. The statistics and information about child abuse are difficult to obtain, but the field work of associations and programs implemented by the Government, will support the debate on proposals to make to end all violent behavior or maltreatment of children.

## **II- Description of the different forms of abuse suffered by children in our society:**

In Algeria, as elsewhere, some children are abused and mistreated by their parents, their teachers or in the street. One of the features of abuse is that it occurs most often in private.

The experience of the network "NADA", including through the toll-free number "3033" of "I'm listening to you" program for abused children, in conflict and / or in danger, has allowed to know the different types of abuse incurred by children in their families, schools, various public and in the street. Many children and their parents have called "NADA" network to deal with their problems and benefit from legal support and / or psycho-social.

Most of the treated cases are children abandoned by their families especially in divorce cases, children requiring KAFALA and / or an affiliation when the birth had been out of wedlock,

drug addicts' teenagers, children who have had a failure at school and those who have been victims of violence and abuse.

As an illustration, Amel a teenager of 14 year old raped by her neighbor, and the consequence of which was an unwanted pregnancy. Dounia, a new born of two days was found abandoned, Mohamed, a thirteen years old boy ran away from home.

Amina a fifteen years old girl is treated by a psychologist for school failure caused by the bad conditions at home after the divorce of her parents, and Farouk became a drug addict who requires monitoring and a specialized care.

### **The "I'm listening to you" program:**

This is a warning device equipped by a toll-free number "30 33", allowing the listening and the support in respect of people and / or children in need of protection .

The program has given priority to listen to children, through the narration of the facts that they have incurred in their family life and institutional (school) as well as the coaching and the support for families (parents) who try through the toll-free number to deal with the problems of their children.

It is based on two activities:

- Sensitization of stakeholders particularly children and their families about children's rights and the need of the denunciation of any violation of these rights by anyone, through promotional activities and media;
- Capacity building of all stakeholders who could help in the protection and promotion of children's rights including NADA Network.

Before the official launch of the program, a seminar on the children welfare mechanisms and meetings with national and international associations have been organized to discuss the methods of listening and supporting people in difficult situations including children.

sensitization campaigns of the toll-free number "30 33" were also organized with the support of national institutions such as the Ministry of Youth and Sports, the Ministry Delegate in charge of Family and Women conditions, and the Ministry of Education.

Since the beginning of the program in 2008, 9050 telephone calls denouncing acts of violence against children were received. The helpline “NADA” Network who carried out the processing, analysis and management of received calls has identified 470 cases in difficulty (children abused, raped, abandoned , unwed mothers, school failure, drug addict teenagers, divorce children, child makfoul) that require mandatory, a psychological care, legal and psycho-social.

In partnership with the various services within many of the government sectors, including the Ministry of Health, Population and Hospital Reform, the Ministry of Justice, Ministry of National Solidarity and Family and many associations, the NADA network provides support for children in difficult circumstances that are subject of appeal through the toll-free number.

Moreover, it should be emphasized that the program "I'm listening" was launched as a pilot program in the department of Algiers, and allowed to control the mechanism of support and management of difficult situations and urgent and the designation of professionals in the various associations. Currently, the toll-free number "30 33" is available in 15 departments (Algiers, Blida, Bouira, Boumerdes, Tipaza, Annaba, Ouargla, Oran, Tizi Ouzou, Medea, Ain Temouchent, Bechar, Adrar Bordj Bou Arreridj and El Oued).

The staff in charge of this program has also been trained in listening and counseling, and developing a communication plan and awareness on child rights through advertising campaigns, exhibition of photographs and drawing competitions.

The assessment of listening activities focuses on lessons and recommendations:

- ✚ **The number of calls is an important indicator of concurrent distress, The "I'm listening to you " program " is an important mechanism for reporting and support services;**
- ✚ **Listening, guidance, support, alternatives, mediation and solidarity are the best treatment to the distress of the child and his family;**
- ✚ **Increase the efforts to ensure that the "I'm listening" program becomes a permanent protection mechanism for the Algerian children;**
- ✚ **Need to strengthen the reporting by legal texts;**
- ✚ **Need to strengthen institutional coordination by one side and the civil society and family, in the other;**

- ✦ Training of professional and specialized employees in children's issues (social workers, psychologists, doctors in the host institutions and support for abused children or in moral hazard);
- ✦ Need to create a group of specialized lawyers in children's rights and family cases and reinforce the provisions of support for children victims of the national tragedy (children victims of terrorism, children of missing families, children born in the bush);
- ✦ Strengthen the measures of fight against the use of information technologies in the sexual exploitation of children or other forms of violence;
- ✦ Improve the quality of KAFALA and prevent releases and disclaimers;
- ✦ Create the families committee to assist children born from single mothers, divorced mothers, children born under X, children placed in the KAFALA context, children placed in foster homes and families foster for an emergency period;
- ✦ Facilitate the administrative procedures to meet the high demand of foster families in the context of the Kafala since the birth of the baby;
- ✦ To give a financial and social help to the makfoul's family for a better integration of the child
- ✦ Ensure the affiliation of children reported by their mothers under X in a legal form to avoid a future distress
- ✦ Strengthen and create new structures suitable for healthy children and those who are in situations of disability or abandoned;
- ✦ Provide a psychosocial support and financial assistance for unwed mothers, often rejected by their families and society.

These recommendations have allowed identifying four strategic areas for the next work plan of "NADA" network ", namely:

1. Insure the handling of a cumulated distress in our society;
2. Strengthen the denunciation of child abuse, exploitation and violence against Children;
3. Strengthen institutional coordination between different stakeholders;
4. Strengthen the legal protection of children.

### **III- the measures laid down by the Algerian law for the protection of children and teenagers:**

#### **Legal provisions:**

Dice national independence, Algeria has initiated social protection measures in the framework of Law No. 63-99 of April 12, 1963 on the severely disabled during the war of national liberation.

At the same time, protection of children and teenagers has been the subject of Ordinance No. 72-03 of February 10, 1972.

In the same context, the text was followed by Ordinance No. 75-64 of 26 September 1975, creation of institutions and services responsible for the protection of childhood and adolescence and Order No. 76 -26 of 18 February 1976 on civil status.

Also, Ordinance No. 76-79 of 23 October 1976 Code of Public Health has devoted several chapters to children deprived of family and the disabled.

Under the medico-social assistance, the Ministry of Health has established the decree No. 80-59 of March 8, 1980 decree on the establishment, organization and operation of health centers and educational centers for handicapped children in as supervision of these institutions (text still in force). This ordinance was repealed by Law No. 84-11 of June 09, 1984 Family Code (Article 116 and 125) and Law No. 85-05 of February 16, 1985 on the protection and promotion of health (amended and supplemented by law No. 90-17 of July 31, 1990).

And under the Ministry of National Solidarity and Family, homes for assisted children (FEA) were created and organized by the Decree No. 80-83 of March 15, 1980 (text in force).

#### **The regulations:**

Presidential Decree No. 92-461 on 19/12/1992, concerning the ratification, with the interpretative declaration of the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, on November 20th 1989

Decree No. 71-157 of 06/03/1971 concerning the name change, supplemented by Executive Decree No. 92-24 of January 13, 1992

Interministerial Order of 11/02/1988 determining the amounts of monthly allowances paid in respect of paid foster care and relief for assisted children, amended and supplemented by the

ministerial order of July 16th 2001.

**The provisions concerning children deprived of family and welfare:**

❖ **placement in institutional settings:**

Children without families are welcomed and cared for in institutions funded by the general budget of the state, organized as homes for assisted children (nurseries) in charge of the early childhood (0-6 years) and homes for children over 6 years until their majority. The social associations act also in this framework, in complimentary with the social action of the state.

Children who have lost their parents, during the terrorist acts are placed in institutions created for this purpose (FAO). The full support, in institutional settings concerns the accommodation, protection, feeding, education and the teaching in the context of socio-professional integration of young people.

**Placement in Kafala:**

The Kafala is the welcome of a child legally as provided by the article 116 of Law No. 84-11 of 9 June 1984 Family Code which states that "the welcome is the commitment to support voluntarily, care, protection and education of a minor child, just as would do a father to his son, it is established by legal act."

**From this definition, it results that:**

- The welcome is done voluntarily, that means that the KAFIL has to act exactly as a father ensuring all the needs of the child (Makfoul).
- The child (Makfoul) has to be minor, unspecified in the current Algerian legislation of minimum and maximum ages. Referring to the Civil Code (article 40) which fixes majority at 19 years of age, the minor child in question must be under 19 years. The minimum age is not required.

- The legal act of Kafala is established by court order after parental consent (if the child is from a known parentage), given by deed in front of the judge.

If the child is from known parents, he must retain his original filiations; otherwise, it is made pursuant to Ordinance No. 76-26 of February 18th 1976 (article 61). In this case, the officer of civil status gives names to foundlings and children whose parents are unknown and for which the declaring has not entered a name. The child is identified by a series of first names and the last first name serves as a surname.

Pursuant to the Decree No. 92-24 of 13/01/1992 supplementing Decree No. 71-157 of June 03th 1971 on the name change, the Kafil may ask the court change of name of Makfoul (unknown father) to match his own, subject to the agreement given in authentic form by the mother when it is known and still alive.

The system set up for Kafala does not require special conditions for the Makfoul, which extends the benefit of the Kafala to all minor children without families or with their parents or even one of them, subject to consent by way of deed.

For cons, the conditions for the Kafil are specified by the law. In this sense, Article 118 of the Family Code states that "the kafil must be Muslim, sensible, honest able to take care of the child (Makfoul) and able to protect him.

**In practice, it is also required of Kafil:**

- A maximum age of 60 years for men and 55 for women (except the Commission's assessment), without specifying the margin of appreciation left to the commission. Haut du formulaire
- Resources equal or superior than the national minimum wage guaranteed, net of expenses.
- To prove a decent and sanitary housing as owner or tenant.
- To meet the psychosocial survey.
- The consular card and Social Survey completed and signed by the consular in territorial jurisdiction regarding the resident abroad.
- The child received at the home of Kafil must be placed in the same conditions as the legitimate child as stipulated in the law "just as would do a father to his son"

In this context, the Kafil gets the family and school benefits for the minor child raised in the home. he also administers the assets of the child got from an estate, gift or bequest.

Within a third of its property, Kafil can make bequests or donations to a foster child. For exceeding this limit, the testamentary disposition is null and void, except with the consent of the heirs.

In case of death of Kafil, the right to the legal welcome of the Makfoul is transmitted to the heirs if they undertake to provide it. Otherwise, the judge awards the custody of the child's to welfare institution.

These provisions provide a legal framework to the Kafala in order to protect the best interests of the minor child placed in the context of this device.

These provisions are further reinforced by the procedures and practical arrangements that require certainly a lot of time for their completion but are required to act in their discipline, as a preventive measure in the interest of the child in Kafala.

### **The welcome paid:**

The child without family that is not placed in Kafala process for various reasons can benefit from foster care paid. it could be a person or a family, under the ministerial order of November 2, 1988 as amended and supplemented by the order inter of July 16th 2001.

The person or the family can accommodate, with a monthly financial allowance be paid by the state, one or more children without families.

The maximum number of children that could be placed is not specified by the regulations. Section 1 of the ministerial decree of 1988 refers to "one or more children.

"However, foster care paid is determined on the basis of a social survey of social services responsible for children department.

The welcome act is established by an order established by the wali to the person's name or the head of the family (Article 2).

For each child under the age of 19 years, the financial allocation is 1300DA. It is brought to 1600DA / month for the disabled child of a family (Article 4 of the ministerial order of July 08<sup>th</sup>2001.)

According to the relevant social services, this welcome poorly paid, does not sufficiently motivate these individuals and families who prefer in this case support in Kafala when they are qualified as such.

The welcome of children by certain persons or host families was carried out with several integration problems within the family, identified in the course of operations monitoring and control field. Inadequate human and material resources available to the devolved services do not ensure a regular monitoring and control of these investments paid.

The legal process of this kind of welcome is not sufficient to regulate contentious situations that may occur during the welcome of the child. The obligations of the host family are not determined by the texts in consideration of the compensation provided.

This form of welcome has not reached its objectives and is therefore a very limited social impact compared to the Kafala.

### **The provisions for young people (teenagers) with social problems:**

Young people constitute a particularly vulnerable population including unemployment, poverty exclusion from school, the family in some cases negative and juvenile delinquency. As part of the protection of young people, the legislation includes preventive and curative measures. Thus Ordinance No. 72-03 of February 10, 1972 on the protection of childhood and adolescence in Article 1 stipulates that "minors of 21 years of age whose health, safety, morals or education are endangered or whose conditions of existence or behavior may jeopardize their future may be subject to safeguards and educational assistance....» These safeguards and educational assistance are decided by a juvenile judge, by order.

As such, the minor in question can be placed in a specialized institution of social protection in residential or open with monitoring service compliance and community education.. These institutions and services responsible for the protection of children and adolescents have been the subject of Ordinance No. 75-64 of September 26, 1975. Both of these old texts have not been able to update to reflect the changing context and the emergence of new social problems affecting young people in social difficulties. These two ordinances are "minors 21 years" when they are no longer under the new legislation applicable to most civil and criminal.

### **Support in institutional settings:**

Care, in institutional settings, takes place through a network of 311 specialized institutions, according to figures released by the sector responsible for national solidarity, spread across the country and composed of:

- Guidance centers for mentally handicapped children (CMPEIM);
- Medical and educational centers for handicapped (CMPHM);
- Schools of young deaf (EJS);
- Schools for blind children (EJA);
- Centers for respiratory failure (CIR);
- Homes for children in care (FEA);
- Homes for orphans (FAO);
- Centers for specialized rehabilitation (CSR);
- Specialized Centers of Youth Protection (CSP and CSPJ).

These centers are governed by executive decrees, namely:

- The CMPEIM CMPHM and are governed by Executive Decree No. 80-59 of March 8, 1980, creation, organization and operation of health centers and educational centers for handicapped children with the exception of centers for respiratory failure subsequently created by Decree No. 87-228 of October 27, 1987.
- The CSR and CSP / CSPJ are governed by Ordinance No. 75-64 of 26 September 1975, creation of institutions and services responsible for protection of children and adolescents, whose statutes are set-type by Decree No. 75-115 of September 26, 1975;
- Specialized institutions of social protection of children assisted consist of nurseries and schools catering for children aged from 6 to 18. They are governed by Decree No. 80-83 of 15 March 1980, creation, organization and operation of the FEA.

The legal framework that still governs most of these different categories of special schools is made up of old texts and undiscarded of its creation, organization and functioning. Their inadequacy may cause difficulties in operation of concerned institutions. Some of these provisions have become obsolete with changes in laws and regulations. Facilities in the protection of children and teenagers are still governed by Ordinance No. 75-64

of September 26, 1975 taken as part of Ordinance No. 72-03 of February 10, 1972 on the protection of children and teenagers who have fallen down and out of step with current realities.

At the structural framework, the network of specialized institutions of social protection has evolved increasingly characterized by the realization that many structures are thus the theoretical capacity of 33,555 seats according to figures released by the sector responsible for solidarity national.

This capacity remains underutilized in that the average occupancy rate does not exceed 70% although some structures such as CMPEIM example show an utilization rate above 80% even with the shortcomings of capacity in certain department, despite supplementation of institutions run by associations. The large number of institutions made during the current decade has not yet allowed to have a capacity sufficient in relation to the request (waiting list) and to meet specific needs. Their relations with the community sector are still limited and irregular within the complementarily of their actions developed in social action.

In addition, the management of technical-pedagogical pensioners has improved gradually since the strengthening of managerial staff with product training and development of national training centers, established in 1987. However, this form of care, in terms of quality, is still unsatisfactory, according to experts and relevant officials for various reasons among which, there is a lack of specialized personnel, training programs unsuitable and the irregularity of the improvements.

## **THEME 2: SEXUAL VIOLENCE AGAINST CHILDREN.**

### **I-The problem of sexual violence against children in Algeria:**

Sexual violence against children is a global phenomenon that has millions of victims spread over all continents. In the region of North Africa and the Middle East, sexual violence on children is a subject still little documented and available information is mostly anecdotal and do not reflect the real situation.

Sexual abuse is made when sexual practice is imposed to the child. These practices encompass all physical contact of a sexual (touch, urogenital penetration, anal and genital penetration).

This is a harsh reality of Algerian society, 957 children were victims of sexual violence during the first half of 2008<sup>(1)</sup>.

In Algeria, sexual violence against children is very poorly controlled because of its taboo aspect the coats, which prevents them from revealing the various incidents committed in this context.

Aut du formulaiAwareness of the phenomenon of sexual violence against children in our society is recent, and many actors are involved in the fight against this phenomenon. We cite in this context, the role of management of social action that leads emergency actions to protect children, and the observatory of child rights in the FOREM which conducts studies and surveys situation of children in Algeria and NADA network through listening and support for victims. The support is located at the prevention, protection and rehabilitation, but is limited in capacity and technology.

It should be noted in this context, that " NADA" network carries out actions care of children victims of sexual abuse and awareness, in partnership with the sectors of Education, Health and Justice.

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<sup>(1)</sup>- figures provided by the national office of child protection and juvenile delinquency - Directorate of Judicial Police (2008).

## **Study the need for capacity building of stakeholders in child protection, in the fight against sexual violence against children:**

A study on the need for capacity building of stakeholders in child protection, in the fight against sexual violence against children was conducted in four countries in the MENA region Middle East and North Africa (Morocco, Tunisia, Algeria and Lebanon), the French consulting firm ATDAP.

The study was conducted as part of a regional project "Capacity Building for intervention and networking of local civil society for the promotion of child rights and the fight against sexual exploitation in the countries of the south shore of the Mediterranean ", implemented by the International NGO Acting for Life represented in the MENA region by the Moroccan Association " Better future for our children-Aman ", to which NADA Network is a partner.

It is a frame of reference in developing training modules for all actors involved in the issue of sexual violence against children.

The results of this study, for Algeria have been returned in a thematic workshop held in Algiers, in November 25th 2010, the NADA Network in consultation with the Moroccan Association AMANE/Acting for Life. The workshop was structured around four axes, namely:

- The prevention of child sexual abuse;
- The sustainable support of children victims of sexual violence;
- The welcome and the specialized accommodation of children victims of sexual violence.

The survey showed that violence and sexual abuse against children in Algeria are defined very vaguely in the Algerian penal code, in particular Article 336, which defines rape as a crime but not specify the types of violence and sexual abuse is given. For a description of all acts of violence committed against the child, no mechanism exists to date, except for health care professionals, who are in "moral obligation", which does not allow effective management of the victims.

Also, it was found that the majority of the players association, professional and volunteer, is relatively well qualified (doctor, lawyer, psychologist, etc.). But their respective courses do not include aspects of the fight against violence and sexual abuse on children. Within this framework, a training program is planned as part of a cooperation project between the NADA

network and the Association AMANA, entitled "Strengthening of technical and organizational skills of NADA network members to fight against sexual abuse against children. »

The project integrates in its contained the organization of trainings for the benefit of the NADA network specialties about the prevention of sexual violence and the support of victims and carry out information activities, education and communication with stakeholders associations and institutions as well as families, on the theme "fight together against sexual violence against children." it concerns the creation of tools that could be duplicated and used as support by the associations and interested national institutions for facilitating awareness days on the phenomenon.

Real associative strategy for coordinating actions to fight against violence and sexual abuse of children is committed by NADA network and introduced gradually.

• **Some cases of child victims of sexual violence, accompanied by NADA network:**

**ZAKARIA**

Is a seven years old boy, growing between divorced parents. He presented himself at the head of the network "NADA" accompanied by his mother. He speaks calmly and quietly while admitting that he was assaulted by her father several times, and this, during the few days of vacation at his passing. He said: "... .. I went to the toilets, my father followed me and put his finger in my anus and scratched me. I felt very bad. "It also states that he takes a shower and sleep naked with him and he used to hit him and give him wine to drink. The child described the subject objectively. He asks to stay with his mother where he feels safe and rejects the idea of seeing his father. He describes him as an alcoholic person and aggressive toward his entire family.

**Adel and Sarah**

The Story of Adel and Sarah has been known through a citizen, which was presented to NADA network to support two children through the device of "KAFALA" legal procedures that would put a child in foster care (Article 116 of Law No. 84-11 of 9 June 1984 of the family Code which states that "the legal welcome is the voluntary commitment to take care, to protect a minor child, just as would a father to his son. It is established by legal act ").

The two children lived in very difficult conditions unacceptable by the religion and the law.

Adel a seven years old boy and Sarah a three years old girl, have no family. They lived in a private clinic owned by a surgeon 66 years old, a divorced man and has no family relationship with the two children mentioned above. Both children were born out of wedlock at the clinic, and who have not been registered with Vital Statistics. Adel bore the name of the doctor, owner of the clinic, said that the child was his from his ex-wife. The old doctor, who had previously many legal problems, has repeatedly sexually abused the two children NADA network and after being approached by the woman, began all the necessary procedures of justice to prosecute the aggressor (the doctor) in the courts (Article 334 / 1 of the Criminal Code) and ensure that the two children could benefit from a good treatment in a family that could guarantee them a suitable lives

**Imane:**

This is an underage girl (17 years) who experienced sexual assault (rape), whose consequence was the birth of the child Mohamed Sakr. This minor mother could not keep her child by what she did not reach the age of majority (over 18) which gives her the right to give his son in her name to his son (Article 44 of the Code of family).

Currently, and after reaching the age of maturity, the mother was presented to the network asking for help so she could give her name to her baby in accordance with the regulations.

The staff in charge of this file at the network "nada" and after entering the juvenile judge could solve this problem and now the child has his mother's name.

**Sarah:**

This is a minor girl of fifteen years old raped by one of her neighbors. This girl has approached NADA network accompanied by her mother asking for help after she found out that she was pregnant.

The assistance of the victim was provided by NADA network, which took the initiative to follow the minor girl until she gave birth, and had even guaranteed the child a normal life in a host family as part of the device of KAFALA.

## **II-Proposals and suggestions for better prevention against the phenomenon of sexual abuse against children:**

Prevent sexual violence, abuse and other abuses, need the establishment of a protection program, with the participation of civil society, which can, through greater consultation and intervention permanently strengthen the implementation of a protective environment. The approach based on the idea that all children have rights to protection, and the various obligations and responsibilities of various backgrounds, including government, local structures, civil society and individuals.

Also, protection against sexual violence against children could be ensured through information and media. These two aspects are essential to fight against the scourge of this serious social problem. The denunciation should be promoted including the revelation of the facts.

In addition, all persons in charge of children should be trained on issues of sexual abuse: parents, teachers, doctors (particularly academic physicians), educators, etc.. Training is essential in order to improve the early detection of sexual abuse, and a better understanding of therapeutic tools.

The police and justice are also involved in this kind of training so that they can change their behavior. The good will and experience are not enough to be able to effectively support the child victim of sexual abuse.

**In summary, prevention against sexual abuse against children consists of:**

- **Reinforce the legislation on sexual violence against children (inquiry justice and strengthening the legal framework);**
- **Prevent, which is educate children with educational programs (proposed sex education in schools);**
- **Educate parents and staff working with children (teachers, educators, doctors, etc.);**
- **Strengthen the capacity of professionals in the listening to the victims (police, doctor, ...);**
- **Setting up mechanisms for redress for child victims and family therapy;**
- **Implement preventive psychosocial activities;**
- **Make visible the sexual violence suffered by children.**

### **THEME 3: CHILDREN IN CONFLICT WITH THE LAW:**

#### **I-Problem of children in conflict with law in Algeria and legal arsenal:**

The social distress that multiply and takes new forms in the society is the cause of the phenomena of crime, violence, murder and other crimes that appear increasingly in society and affecting especially young teenagers. Social space is both a place of fulfillment and danger to the child.

To ensure the serenity of the society, the state has established mechanisms of penal protection to which the child may be exposed. However, because of his moral immaturity, or a sum of economic and social phenomena, the child may be drawn into situations that bring these devices to punish his actions considered by the law as crimes and / or misdemeanors.

The law relating to the protection of rights of children and young people is particularly provided as based, in addition to the Code of Criminal Procedures and Family Code, the Ordinance of the protection of childhood and adolescence and the order for "the creation of institutions and services responsible for the protection of childhood and adolescence" (mentioned above in the Algerian regulatory) and the provisions in labor laws, education and training and health.

The Family Code contains several articles dealing with child protection, including the consideration of its interests in proceedings concerning particularly in the ranking of the beneficiaries of custody and the duty of the father to guarantee his children a decent home or, a rent and, with regard to guardianship, granting the mother the right to substitute the father in case of his absence or incapacity and the granting of guardianship to the parent which custody in divorce cases. It also provides the ability to use modern means of scientific evidence in terms of establishing parentage and in the context of a legitimate marriage and the possibility of using artificial insemination, in case of legal marriage and in certain specific conditions.

The nationality code enshrines the right to acquire Algerian nationality of origin by descent to the father or mother to children born in Algeria. It was expected the non-extension of the loss of Algerian nationality to the children and the wife.

The Criminal Procedure Code, in its Article 454 provides for the minor has to be represented by a counsel in all proceedings for prosecution and trial. Similarly, Article 8 provides that the

prescription of public action relating to crimes and offenses committed against a juvenile begins to run from the majority.

Law No. 04-18 of 25 December 2004 on the prevention and repression of the use and trafficking of narcotic drugs and psychotropic substances. This law punishes the illicit supply of drugs to a person for personal use with the aggravation of that sentence when drugs are sold or offered to a minor.

Also, there be mentioned Law No. 05-04 of February 6, 2005, on the code of the organization of prisons and the rehabilitation of prisoners, who spent the principles and rules to implement a policy prison based on the idea of social defense which makes the application of penalties a means of protecting society through rehabilitation and social reintegration of prisoners. This law also established a special regime for minors. They have a right to treatment appropriate to their age and personality while respecting their dignity and the guarantee of full support, to have a balanced diet and appropriate clothing, medical care, moments of outdoor recreation and everyday to be entitled to the parlor near and use the means of communication while setting up specific tasks to promote its educational or vocational training (Articles 116 to 121).

The existing legal framework in Algeria protects the child as a victim and / or actor (juvenile offender). However, despite its positive side, the legislative is expected to be enhanced by the adoption of measures regarding the application of existing legal provisions and management aspects such as strengthening the preventive and educational minors.

### **"Juvenile Justice" project:**

The question of the fate of children in conflict with the law is the current preoccupation of professional institutions, civil society and families, and it is important to stimulate debate on opening the different realities and ways of working, to go out with recommendations support professionals and families, reinforcing the interest of the child and restoring trust between society and government.

In this context, a cooperation project between the Algerian network NADA and the Ministry of Justice has been initiated to improve the accompanying measures, rehabilitation and

reintegration of children in conflict with the law, awareness and inform the associations and institutions as well as families on the situation of children in conflict with the law, and strengthen the management of the young child in conflict with justice and dialogue with government.

This project by the tools developed by the new knowledge provided by a light focused on the diversified miner and his family, including research stubborn residual resources, meaningful connections, rehabilitation capabilities, networking, strengthen response capacity of the prison environment and professional preparation of a plea.

This is to support the establishment of new national approaches in the field of juvenile justice, and take more operational measures already done in the Algerian Criminal Procedure Code. To do this, this network of professionals, set to work, is seen dynamic and allows for alternatives to question the conduct of research - analysis.

The project will complete research on the evolution of Algerian society vis-à-vis the rights of the child, conducted by NADA Network. This first phase Project will establish a network of 06 courts and juvenile judges in Algiers: Cheraga, Ain Benien, Abane Ramdane, El Harrach, Hussein Dey, Bir Mourad Rais, and the setting up a team in the courts or tribunal with 02 lawyers in each tribunal, and the involvement of institutional partners.

This project involves the establishment of a protection and support for youth in conflict with the law by acting together, or actors associations and institutions for improved methods and intervention procedure.

Following the pilot phase of one year in Algiers, the project will be extended to other member associations for the protection of children in conflict with the law throughout the country.

## **II-Proposals for better management:**

The experience of NADA Network in supporting children in moral danger, conflict with the law, and victims of crime or crime actor, would propose the following:

- Creation of special courts for children;
- The professionalization of lawyers in children's rights;
- Strengthen the brigades for minors in the services of the Force and the police;

- Set up special rules on detention of child offenders that take into account the specificity of the juvenile justice system;
- Consecration of new rules on judicial protection of children, including juvenile offenders, setting a minimum age for criminal responsibility in establishing mediation as a legal means not to pursue the child and to repair the injury to the victim.
- Involve civil society in the development of future laws relating to child protection.



## **Overall conclusion:**

Children have a special place in the society, they are the men and women, on which depends the future, and all the efforts by the Government and civil society must be directed to them.

The measures taken for the protection and promotion of children's rights in Algeria, and that affected all areas especially the legal framework of protection, remain inadequate and are not implemented as planned.

In this context, it becomes imperative to intensify efforts and coordinate between civil society, the Government and all national and international institutions dealing with the problem of children, to set up protection system rights of the Child, which tracks the status of children's rights in Algeria.

The way to achieve this is not very long, but that requires willingness on the part of all actors of society in particular associations. NADA Network for the rights of children which includes more than 100 associations working in the field of children has already launched the initiative and many activities are underway.

## References:

- The Algerian constitution;
- The Algerian Code of Criminal Proceedings;
- The Algerian Family Code;
- The National Plan of Action for Children 2010-2015 "an Algeria Fit for Children", prepared by the Ministry Delegate in charge of the Family and the Status of Women;
- Directory of institutions specialized care for vulnerable groups (disabled, orphaned children and / or in difficulty, the elderly, women in need, etc..) Prepared by the Ministry of National Solidarity and Family;
- Cluster Survey Multiple Indicator: Monitoring the situation of children and women (MICS3), conducted in 2006, the Ministry of Health, Population and Hospital Reform;
- Study the need for capacity building of stakeholders in child protection, in the fight against sexual violence against children, conducted by the NGO International Acting For Life - Amana;
- Booklet "understand what sexual abuse and sexual exploitation of children", made in 2010 by the NGO International Acting For Life - Amane, with the participation of all partners of the regional project "Capacity Building Intervention those involved in child protection in prevention against sexual abuse ";
- The monthly and annual reports of the Network NADA on the program "I'm listening"
- Activity reports of the Network NADA;
- The NADA Network Strategic Plan for the period 2010 to 2015.