

Promotion of the Convention on the Rights of the Child and the legal protection of children and adolescents – *Algeria (2002)*

An independent National Commission on the reform of the legal system in Algeria was set up in the year 2000. Among the conclusions were issues concerning the independence of judges and the implementation of international conventions ratified by the country. This gave UNICEF an opportunity to promote the effective use of the Convention on the Rights of the Child (CRC) in the judiciary system. The entry point was the "Institut National de la Magistrature"- INM, which is the only school in Algeria providing full time three-year post graduation training for future magistrates.

UNICEF's partnership with INM has the main objective of integrating practice and understanding of child rights and international standards for juvenile justice in the Algerian legal system by referring to the application of ratified international treaties such as the CRC. In Algeria, international treaties ratified by the country have a higher legal power than national law, except for the Constitution. This is key to promoting the respect of commitments assumed through the ratification of treaties.

The application of the CRC is limited so far because of lack of knowledge of principles of child rights. Although ratified treaties are published in the official newspaper, it is not certain that judges will use these treaties in their work. The same is the case for lawyers and other professional groups such as the police.

The approach adopted by the INM and UNICEF has been to increase the knowledge base in the judiciary system by training student magistrates and serving judges on the CRC. This has resulted in the incorporation of a new course in the curriculum on "International Human Rights Legal Instruments". There is also in-depth teaching on the CRC and its Optional Protocols and their practical application.

A second aspect is to review the degree of conformity of Algerian law with the CRC as well as current practice in terms of decisions made by judges. A comparative study of Algerian law and the CRC was made in 1993 to study the compatibility of legislation with the CRC. However, this study was not extensive. Since 2002, the INM has been carrying out a detailed study to compare each article of the CRC with Algerian legislation in order to identify gaps and ways of ensuring greater harmonization between Algerian law and the Convention.

To complement this study, further research will be carried out to examine the conformity between jurisprudence in the Algerian courts and the CRC in matters affecting children.

Alongside this, it is planned to study practice in juvenile justice and its conformity with international standards. The aim will be to collate all legal provisions related to juvenile justice in Algerian laws. The study will then compare the legal provisions to the standards provided by the international instruments relating to juvenile justice. Finally, it will identify mechanisms and propose any necessary amendments to Algerian laws in order to harmonize them with the international standards and new trends in juvenile justice.

The initiative has made children more visible in the judiciary system. It has resulted in the recent decision taken by INM to have one-year specialization on juvenile justice after the

three year postgraduate. The Minister of Justice has decided to create a Department for Human Rights with a Directorate for Child Rights. In a related development, the Parliamentary Committees on Youth and on Justice have agreed to work with UNICEF to create mechanisms for the effective application of the CRC in all draft legislation before Parliament.