

The role of the National Authority for the Protection and Promotion of Children in child care

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Abstract:

The National Authority for the Protection and Promotion of Children, which reports to the Prime Minister, plays an important role in protecting children from any danger that threatens them, whether physical or moral. It provides comprehensive protection for children in terms of health, education, and their relationship with society, as well as protecting them in legal matters.

The aforementioned agency is an asset to children, as its commissioner coordinates with various departments, institutions, public agencies, and individuals responsible for child welfare. The commissioner is assisted in these tasks by a permanent coordination committee comprising 14 ministerial departments and representatives of the General Command of the National Gendarmerie and the Directorate General of National Security, as well as civil society associations, in order to provide the commission with information on the situation of children in Algeria.

In addition to receiving all notifications from any child, their legal representative, or any natural or legal person regarding any violation of children's rights, the Commissioner intervenes to protect the child from this danger. He may also intervene on his own initiative and without any notification. The Authority's mission is not only to combat violence against children, but also to work in various areas, including the promotion of children's rights through the development of national and local programs.

The National Commissioner for Child Protection prepares an annual report and submits it to the President of the Republic. He also assists in the preparation of reports on children's rights that the state submits to the relevant international and regional bodies.

Introduction:

The Algerian legal system for the protection of children's rights has undergone clear and tangible developments, particularly in recent years, given the various types of violence to which children have been subjected, such as abduction, sexual abuse, exploitation in begging and labor, etc. One of the most important laws enacted to protect children's rights is Law No. 15/12 on the protection of children's rights, dated June 9, 2015, which aims to define mechanisms for the protection of children. It provides for the establishment of a national body for the protection and promotion of children, operating under the authority of the Prime Minister and headed by a national commissioner. This is set out in Chapter II, entitled "Protection of Children at Risk".

The Child Protection Law referred the organization and operation of this body to the regulations, and on December 21, 2016, Executive Decree No. 16/334 was issued, clarifying the organization and operation of the body as well as its role in the protection and promotion of children. Its aim is to protect children from any danger that threatens them, whether physical or moral, by providing comprehensive protection in terms of health, education, and their relationship with society, as well as protecting them in legal matters.

Based on the above, we pose the following question: **Have the efforts made by the Algerian state in the field of child protection, particularly those introduced in Law No. 15/12 on child protection, in establishing a national body for the protection and promotion of children, and the issuance of Executive Decree No. 16/334, which specifies the conditions and procedures for the organization and operation of this body, provided effective protection for children in guaranteeing their rights and security, or not?**

Through this question, we raise the following questions:

- **What are the powers of the National Authority for the Protection and Promotion of Children that ensure the effective protection of children from any danger that threatens them?**
- **To what extent is the National Authority for the Protection and Promotion of Children committed to ensuring the safety of children in reality?**

To address this issue, this research paper includes the following topics:

First: General concepts related to the terms used in the study.

Second: Organization of the National Child Protection Authority.

Third: Contribution of the National Authority for the Protection and Promotion of Children in ensuring the care and protection of children from any danger.

First: General concepts related to the terms used in this study

1) Child:

Childhood is the first stage of life that a person goes through, and its definition varies from one law to another, from one authority to another, and from one jurist to another. We will present some definitions of a child as follows:

- Children are generally defined as “persons whose age is limited from the moment of birth until puberty .¹”.
- According to Article 2 of Child Protection Law No. 15/12 dated 19/06/2015, a child or minor is defined as: “any person who has not reached the age of eighteen (18) years ²..”
- The 1989 International Convention on the Rights of the Child adopted the following definition in its first article: “A child is every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.” This convention provides flexibility in determining the age of a child to accommodate all circumstances, such as the age of child labor, education, or imprisonment.. etc³.

The African Charter on the Rights and Welfare of the Child defines it in Article 2 of Part I as follows:

“A child means every human being below the age of eighteen years. ⁴”.

2) Child protection:

Child protection refers to “a set of measures and frameworks that prevent child abuse, exploitation, and neglect, as well as violence that affects the child's psyche, as stated in the United Nations Convention on the Rights of the Child, all human rights conventions, and applicable national laws.”⁵

Child protection includes measures, guidelines, and standards aimed at protecting children from intentional and unintentional harm and adopting appropriate methodologies to respond immediately to avert or address danger in this document. The term “child protection” applies in particular to the duty of associations or institutions caring for children in their custody and under their care. ⁶ .

3) Child at risk:

Article 2/2 of the aforementioned Child Protection Law defines a child at risk as: " a child whose health, morals, upbringing, or safety is at risk or vulnerable, or whose living conditions or behavior expose him or her to potential danger or harm to his or her future, or who is in an environment that jeopardizes his or her physical, psychological, or educational well-being.

The following are considered to be among the situations that put a child at risk:

- ✓ The child's loss of parents and remaining without family support.
- ✓ Exposure of the child to neglect or homelessness.
- ✓ Violation of the child's right to education.
- ✓ Begging or exposing the child to begging.
- ✓ The inability of the parents or guardians to control the child's behavior in a way that affects his or her physical, psychological, or educational well-being.
- ✓ Clear and continuous neglect in upbringing and care.
- ✓ Abuse of the child, especially by subjecting him to torture, assaulting his physical safety, detaining him, withholding food from him, or committing any act of cruelty that could affect the child's emotional or psychological balance.
- ✓ If the child is the victim of a crime committed by his or her legal representative.
- ✓ If the child is the victim of a crime committed by any other person, if the child's best interests require his or her protection.
- ✓ Sexual exploitation of the child in its various forms, particularly through pornography, prostitution, and involvement in sexual performances.
- ✓ Economic exploitation of the child, particularly by employing or assigning him or her to work that prevents him or her from continuing his or her education or is harmful to his or her health or physical and/or moral integrity.
- ✓ Children falling victim to armed conflicts and other situations of turmoil and instability.

The cases mentioned in the above article are some of the cases, not all of them.

4) Child care:

Recently, attention has begun to focus on children as the pillars and foundation of the future. Therefore, it has become necessary to provide care and protect their rights. Child care is defined as: "caring for children, providing them with assistance, and providing everything necessary for their healthy and normal development, whether moral or material."⁷

Those responsible for the care of children are, primarily, the parents, followed by the legal guardian or any other person who undertakes the care of the child. The latter includes all persons who bear legal, professional, moral, or cultural responsibility, whether they are foster parents, adoptive parents, or caregivers within the kafala system in accordance with Islamic law and civil society, as well as those working in the educational field, in schools and kindergartens, and employees of governmental and non-governmental institutions who perform care-related duties, such as juvenile justice and adolescent health care.⁸

Second: Organization of the National Child Protection Authority.

1) Introduction to the National Child Protection Authority

The National Authority for the Protection and Promotion of Children is a unique model in the Arab region as a whole and should be emulated, as confirmed by the Regional Directorate of the International Organization for Penal Reform in the Middle East and North Africa.⁹

The legislator did well to place this body under the authority of the Prime Minister, given the importance of its role in protecting the most vulnerable members of society, namely children. The body is headed by the National Commissioner for Child Protection, as stipulated in Article 11 of Law 15/12 on child protection.

The legislator has granted this body legal personality in order to give it independence. Its headquarters are in Algiers, in accordance with Article 2 of Executive Decree No. 16/334 of 19/12/2016 on the conditions and procedures for the organization and functioning of the National Authority for the Protection and Promotion of Children¹⁰.

2) Organization of the Authority:

Article 11 of the Child Protection Act refers to the organization of the National Authority for the Protection and Promotion of Children in Chapter II of Executive Decree No. 16/334, mentioned above in Articles 7 to 18. Article 7 lists the structures that comprise the Authority under the authority of the National Commissioner for Child Protection, as follows:

- General Secretariat
- Directorate for the Protection of Children's Rights
- Directorate for the Promotion of Children's Rights
- Permanent Coordination Committee

1/ President of the National Authority for the Protection of Children (National Commissioner for the Protection of Children):

The National Commissioner for Child Protection is appointed by presidential decree, selected by the President of the Republic from among national figures with experience and an interest in children's issues, as confirmed by Article 7 of the aforementioned decree and Article 12 of the Child Protection Act. The President of the Republic appointed Ms. Mariam Charaf as Commissioner of the National Commission for the Protection of Children. She was inaugurated on 9 June 2016 by the Prime Minister.¹¹

The function of the National Commissioner for Child Protection is a senior state function, and the classification and monthly salary of this position are determined by a special text. The National Commissioner is assisted by two study directors, in accordance with Article 08 of the aforementioned decree.

As for his tasks, he is the first responsible for managing the Authority and activating it and coordinating its activity. Through this mission, he undertakes the following powers as numbered in Article 09 of the aforementioned decree as well as Article 13 of the Child Protection Law:

- Preparing the Authority's work program and ensuring its application.
- Managing the work of the various structures of the Authority, coordinating it and evaluating it.
- Expressing an opinion on the national legislation in force related to children's rights.
- Taking any measure that would protect the child in danger, and this shall be in coordination with the open environment services.
- Exploiting the reports submitted to him by the open environment services.
- Coordinating the works related to preparing the draft annual report, in addition to the results of the Authority's activities.
- Representing the Authority before national authorities and international bodies, as well as representing the Authority before the judiciary and in all civil life works.

- The Commissioner has the authority to recruit and appoint the Authority's employees, in accordance with the legislation and regulations in force, and therefore will exercise hierarchical authority over all employees.

- Submitting an annual report to the President of the Republic explaining the extent of the implementation of the Convention on the Rights of the Child at the national level.

Indeed, this Authority contributed to study days and seminars addressing child protection topics, such as its contribution in the Province of Mostaganem by organizing a study day on children's rights and their participation in social life, on July 15, 2017, on the occasion of reviving the Algerian National Child Day.

2/ General Secretariat: The General Secretariat is managed by a Secretary-General appointed by the President of the Republic by presidential decree after the proposal of the National Commissioner, in accordance with Article 14 of Decree 16/334, and undertakes the tasks mentioned in Article 10 of the same decree, which are:

- Ensuring the administrative and financial management of the Authority, where he assists the National Commissioner in implementing the Authority's work program.

- Undertaking the coordination of the work of the Authority's structures, as well as preparing budget estimates and managing the financial credits allocated to the Authority.

- Undertaking the follow-up of the financial and accounting operations of the Authority.

3/ Directorate of Protection of Children's Rights:

In accordance with Article 11 of the aforementioned decree, the Directorate of Protection of Children's Rights is assigned the following:

- ✓ Setting up national and local programs for the protection of children's rights in coordination with various administrations, institutions, public bodies and persons in charge of child care and their periodic evaluation.
- ✓ Implementing procedures that fall within the national policy for child protection.
- ✓ Setting up practical mechanisms for reporting children in danger.
- ✓ Ensuring the qualification of employees and users in the field of child protection.
- ✓ Encouraging the participation of civil society bodies in the field of protecting children's rights.

4/ Directorate of Promotion of Children's Rights:

It has been stipulated in Article 12 of the aforementioned executive decree that the Directorate of Promotion of Children's Rights is assigned the following:

- ✓ Setting up national and local programs for the promotion of children's rights in coordination with various administrations, institutions, public bodies and persons in charge of child care and their periodic evaluation.
- ✓ Implementing the work program of the Authority's structures in the field of promoting children's rights.
- ✓ Preparing and activating awareness-raising works in the field of protecting children's rights in coordination with civil society.

5/ The Permanent Coordination Committee:

This committee was established on 20/03/2017, and its mission, in accordance with Articles 15 and 16 of the aforementioned executive decree, is to study issues related to children's rights that are presented to it by the National Commissioner, This is supported through cooperation and consultation

between the Authority and various private and public sectors and bodies, which provide it with information relating to children.

The Permanent Coordination Committee, which is chaired by the National Commissioner or his representative, is composed of representatives from:

- _ The ministries responsible for foreign affairs, interior affairs, and local communities.
- _ The Ministry of Justice, Finance, Religious Affairs, National Education, Higher Education, and Vocational Training and Education.

The Ministry of Labour, Employment, Social Security and Culture, the Ministry of National Solidarity, Family and Women's Affairs.

The Ministry of Health, Youth and Sports, as well as the Ministry of Communication.

The General Directorate of National Security, the National Gendarmerie Command, and representatives of civil society.

These members are appointed for a renewable period of four (04) years by decision of the National Commissioner, based on a proposal from the authorities to which they belong.

The Authority may seek assistance in its tasks from the Permanent Coordination Committee, and may also seek assistance from representatives of any public administration, public or private institution, as well as civil society or any qualified person who can assist the Coordination Committee in exercising its functions.

Article 17 stipulates that the agenda of the meetings of the Permanent Coordination Committee shall be determined by the National Commissioner, in addition to his duty to determine the dates of its meetings, as it shall meet at least once per month.

Third: Contribution of the National Authority for the Protection and Promotion of Children in ensuring the care and protection of children from any danger.

A- How to notify the National Commissioner for Child Protection:

Referring to Article 19 of the aforementioned decree, it becomes clear that the persons who assist the National Commissioner in reporting any danger threatening children are the children themselves or their legal representative. Also, any natural or legal person may assist the Commissioner in his work by informing him of the existence of a situation of danger threatening a child or a group of children.

The intervention of these persons does not mean that the National Commissioner does not intervene automatically to assist children from danger that threatens them or affects their best interests.

The reporting or notification mechanism adopted by this body is through rapid communication means, where a free green number was allocated to receive notifications, in addition to an email address that will be launched in the near future under the supervision of the Permanent Coordination Committee, as confirmed by the National Commissioner in a speech delivered on the occasion of celebrating the International Day of the United Nations Convention on the Rights of the Child, which falls on November 20 of each year.¹².

The decree regulating the Authority also ensured that information related to the identity of the person who made the report shall remain confidential and shall not be disclosed except with his consent, and in case of failure to respect this matter, the person who discloses the secret shall be exposed to the penal sanctions provided for in the legislation in force.

B- The Authority's competence to investigate notifications related to the violation of children's rights:

After receiving notifications related to the violation of children's rights, the Commissioner of the Authority begins the investigation phase, where he refers them to the open environment services, which must take the appropriate measures to remove any danger that may violate children's rights¹³. We mean by open environment services, as defined in Article 02 of the decree, "observation and education services in an open environment".

Article 22 of the decree concerning the Authority stipulates that the investigation process shall end with the Authority issuing recommendations and opinions regarding the general and specific situation of the child, and regarding the notifications that reached its knowledge according to the procedures provided in the internal regulations of the Authority.

If the Authority considers that any notification submitted to it may have a criminal description, it shall refer it to the Minister of Justice, Keeper of the Seals, to complete the possible follow-up. The Authority shall also notify the juvenile judge in the case of imminent danger threatening the child and requiring his removal from his family, according to Article 23 of the decree.

C- The work of the Authority's Commissioner with institutions and bodies charged with protecting children's rights:

The work of the Authority's Commissioner is not limited to receiving notifications and investigating those notifications, but extends to leaving the headquarters of the Authority and conducting visits to the institutions and bodies legally charged with protecting the child, in order to:

- Submit any proposal that would improve their functioning or organization.
- To be informed of all information related to cases of children placed under the responsibility of the persons in charge of their care, with the obligation to restrict himself from disclosing secrets to others except to the judicial authority. Therefore, the disclosure of professional secrecy by natural or legal persons who assisted the Commissioner by providing information regarding the situation of children at risk, provided that it was done in good faith, shall not incur any administrative, criminal, or civil liability, in accordance with Article 18 of the aforementioned decree.
- Ensure that the concerned institutions and bodies provide the Commissioner with all facilities that help him perform his work.
- After the notification, investigation, and visit process, the Commissioner shall prepare a report once every year and submit it to the President of the Republic, explaining the situation of children's rights, as well as showing the extent of the implementation of the Convention on the Rights of the Child on national territory during that year.
- The Commissioner shall contribute to the preparation of reports submitted by the State to the competent international and regional bodies .¹⁴

Conclusion:

From the above, it is concluded that the Authority is newly established and we cannot evaluate its work, which is very little compared to the huge amount of powers assigned to it. Therefore, the Algerian State was very keen to take legal measures that guarantee the child a decent and safe life, free from all forms of violence, but these measures alone are not sufficient, rather they must be strengthened by institutional and associative work as well as the role of civil society, in addition to moving the public action when necessary, and most importantly activating the role of the family which remains the basis in protecting the child from all danger.

Also, the slow issuance of the application texts that help in supporting and making effective the protection procedures entrusted to the National Authority for the Protection and Promotion of Children, as well as the delay in installing the Coordination Committee until last March is one of the reasons that delayed the appearance of results on the ground.

Therefore, it has become necessary to hasten the issuance of all application texts that lead to the effectiveness of applying all the powers entrusted to the Authority, such as the notification mechanism that saw the light after the creation of a green number and an e-mail for reporting cases of violence, in addition to providing appropriate conditions to protect the child inside his family in the first degree, schools, kindergartens, playground spaces and streets... etc., in addition to the role of civil society which is considered an effective partner in such matters.

In addition, activating the process of evaluating the reports carried out by the Commissioner and ensuring that they are positive, and in case the reports are negative, the competent national authorities must remedy the deficiencies and treat the reasons at the time in order to protect children.

References:

- ¹ – See the website <http://www.topicaat.com>, accessed on Sunday: 11/05/2025.
- ² – Law No. 15/12 relating to child protection, dated 15/07/2015, published in the Official Gazette No. 39, dated 19/07/2015, p. 04.
- ³ – Anis Hasib Al-Sayyid Al-Mahlawi, *The Scope of Criminal Protection for Children (Comparative Study between Islamic Criminal Jurisprudence and Criminal Law)*, Dar Al-Kutub Al-Qanuniyah, Al-Azhar University, Egypt, 2011, p. 30.
- ⁴ – African Charter on the Rights and Welfare of the Child, adopted by the Assembly of Heads of State and Government of the Organization of African Unity, session 17–20 July 1979, entry into force 29/11/1999.
- ⁵ – See the website: <https://www.unicef.org/arabic/protection/24267.html> ,accessed on Sunday: 11/05/2025.
- ⁶ – See the website: <https://www.abaadmena.org> ,accessed on Friday: 09/05/2025.
- ⁷ – See the website mawdoo3.com, accessed on Saturday: 10/05/2025.
- ⁸ – See the website <https://www.abaadmena.org> ,accessed on Friday: 09/05/2025.
- ⁹ – Article published on the Algerian News Agency website: ar.aps.dz, accessed on Monday: 12/05/2025.
- ¹⁰ – Executive Decree No. 16/334 dated 19/12/2016, relating to determining the conditions and modalities of organization and operation of the National Authority for the Protection and Promotion of Children, Official Gazette No. 75, issued on 21/12/2016, p. 09.
- ¹¹ – See the website aljazairalyoum.com, accessed on Saturday: 10/05/2025.
- ¹² – See Al-Massa newspaper website: <https://www.el-massa.com/dz>, accessed on Saturday: 17/05/2025.
- ¹³ – See Article 16 of the aforementioned Child Protection Law.
- ¹⁴ – See Articles 19 and 20 of the aforementioned Child Protection Law.