

# International and National Standards for Establishing Child-friendly Justice

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## Abstract

*This article aims to identify the most important international standards established by the international community for the criminal protection of the child. These standards have become the main reference for establishing child-friendly and restorative justice, regardless of the child's legal status. The article also examines the extent to which the Algerian legislator respects these standards through its domestic legislation, particularly after the introduction of Law No. (15/12) relating to child protection.*

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## Introduction

In many international instruments, human beings enjoy rights that are binding on the States Parties that have ratified and acceded to these instruments. Accordingly, it has become necessary to have a means of enforcing these rights. In this sense, access to justice is pivotal—not only because it is a human right in itself, but also because it makes other human rights a reality; otherwise, those rights would be nothing more than promises and would remain “rights on paper.” Therefore, all people must be able to use the justice system and have confidence in it in order to protect their rights through swift, effective, and fair responses to violations that may affect them. The child, as a human being first and foremost, enjoys the same rights as human beings in general; and as a distinct group within society, children also enjoy specific rights and special protection that guarantees those rights.

Children's rights within the justice system are no less important or a lower priority than the rights children enjoy in normal environments. When children come into conflict with the law—whether as offenders, victims, or even witnesses—they require special measures and immediate procedures that cannot tolerate delay, so as to ensure that they continue to enjoy the same rights, and at the same level, as other children. This has been affirmed by all international instruments, especially the Convention on the Rights of the Child, which is often not taken into account by authorities, courts, or juvenile judges.

The Algerian legislator has given special attention to childhood, particularly after the issuance of Law No. (15-12) relating to them, for several considerations. The first is Algeria's commitment to its international obligations, especially after ratifying the 1989 Convention on the Rights of the Child. The second is that raising and nurturing the child is considered a cornerstone of the progress, prosperity, and advancement of any country.

*The Issue Raised in This Regard Is:*

What are the international standards adopted by modern criminal policy to establish child-friendly justice? And has the Algerian legislator respected these standards through its legislation or not?

This study aims to shed light on the foundations of the criminal protection of the child, whether at the international or national level, and their role in creating justice that aligns with the child's particular circumstances and best interests—what is referred to as child-friendly justice. This concept reflects the modern trend among those concerned with this group, especially at the international level. The importance of discussing this topic lies in providing a forward-looking perspective that can be implemented in practice

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by facilitating procedures and reducing the legal formalities that must be followed when a child becomes involved in or violates the law, in addition to enabling the national legislator to remedy shortcomings in the field of juvenile justice, particularly after the enactment of the Child Law.

Accordingly, we will attempt to analyze, describe, and examine all documents related to the subject of this study using an analytical and descriptive approach that allows us to discuss what these documents contain.

To enrich this topic, we divided this study into two sections: the first addresses the conceptual framework of the study, while the second addresses international and national standards.

### *Section One: The Conceptual Framework of Child-Friendly Justice*

Before addressing the international and national standards upon which a comprehensive justice system specifically for juveniles is built, it is necessary to understand the concepts used in this study—especially given the differing views regarding what is meant by “the child,” as well as the concept of child-friendly justice, which is considered a modern concept, as follows:

#### *First Requirement: The Concept of the Child in International Law and Algerian Legislation*

Since the child is the focus of this study, it is necessary to clarify what is meant by “child,” particularly as several issues have been raised regarding the beginning and end of childhood age. Therefore, it is necessary to address the definition of the child from several perspectives, as follows:

#### *Subsection One: The Child in the Arabic Language*

The word “طفل” (ṭifl), with a kasrah on the letter ṭā’ and with emphasis (doubling), in Arabic means the young or small of anything, whether an entity or an event. The young among humans or animals is referred to as a child. The term “child” is derived from ṭafālah (infancy) or softness. The word “child” applies to both male and female, and also to the plural.

The word “childhood” is used only for living beings. Thus, one cannot say “a child car,” “the childhood of a street,” or “a child chair.” However, it may be used for young animals, such as saying “a cheetah cub” or “a human child.” Living beings have a childhood that begins with birth and emergence, whereas inanimate objects have no childhood.

#### *Subsection Two: The Child in International Legislation*

There are many international instruments that have addressed children’s rights and their protection, such as general instruments including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

There are also specific instruments such as the Geneva Declaration of 1924 and the Declaration of the Rights of the Child of 1959. Although all these instruments addressed children’s rights and protection, whether directly or indirectly, they did not provide a definition of the child, nor did they specify who is meant by the “child” who is the subject of these rights and this protection.

In 1989, the Convention on the Rights of the Child was adopted, marking a decisive shift in the history of attention to this group. Children’s rights came to be viewed as human rights that cannot be disregarded. It is considered the first international instrument to define the child clearly and explicitly, through Article 1, which states that a child is “every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.”

### *Subsection Three: The Child in Algerian Legislation*

Before the enactment of Law No. (15/12) relating to child protection, the Algerian legislator—particularly in criminal law—did not provide any definition of the child, but rather limited itself to referring to the matter in certain legal provisions. For instance, Article (442) of the Code of Criminal Procedure (before its repeal) stated that “the age of criminal majority is reached upon completing eighteen years.”

Meanwhile, Article (49) of the Penal Code provides that a person who has not reached the age of ten is not criminally liable, stating: “A minor who has not completed ten (10) years of age shall not be subject to criminal prosecution.”

After the legislator introduced Law No. (15/12) on child protection, it included a definition of the child in Article (2), stating: “A child is any person who has not reached the full age of eighteen (18) years. The term ‘juvenile’ carries the same meaning.”

### *Second Requirement: The Concept of Child-Friendly Justice*

In fact, it is not possible to point to a single, specific definition of child-friendly justice. Rather, multiple definitions have emerged from what instruments concerning children’s rights have provided, particularly when a child is in conflict with the law. Therefore, we will attempt to identify the most important definitions and the principles associated with them.

#### *Subsection One: Definition of Child-Friendly Justice*

Child-friendly justice refers to providing special care to a child when they become involved with the legal system, whether the child is an offender, a victim, or even a witness. It also means the set of methods through which justice systems interact with children.

The concept of child-friendly justice refers to justice systems that ensure respect for and effective implementation of the rights of all children to the highest possible level, taking into account the principles set out therein, due consideration of the child’s level of maturity and understanding, and the circumstances of the case. Child-friendly justice can be characterized as focusing on the child’s needs and respecting their rights, including the right to a fair trial and the right to participate and understand the procedures taken concerning them, while also respecting their privacy and ensuring their safety and dignity.

It aims to guarantee the rights of children in conflict with the law, including the right to information, the right to legal representation, and the right to participation and protection, with full respect while taking into account the child’s level of maturity and understanding, as well as consideration of the circumstances of the facts of their case.

It also involves ensuring a set of strategies that can be used to adapt legal proceedings to the particular circumstances of the child or children concerned.

Child-friendly justice has several similar terms, such as child-sensitive justice, children’s justice, and children in contact with the law or children in conflict with the law. Accordingly, all of these terms address the same subject.

Child-friendly justice works to reduce the difficulties and problems that children face at every step and in every aspect of legal proceedings. It also requires building trust in the justice system as a solution to children’s legal issues. Respecting the principles of child-friendly justice will not only eliminate many of the painful experiences children have faced in the legal system, but will also strengthen respect for children’s rights by ensuring full access to the justice they need to investigate violations of those rights.

### *Subsection Two: Principles of Child-Friendly Justice*

Child-friendly justice works to introduce principles that enable children to put their rights into effect and encourages governments, courts, and law enforcement officials to adopt policies that address children's fragile situations within the justice system, in accordance with international child rights obligations.

Child-friendly justice embraces the idea that courts can be a powerful tool for changing children's lives positively, while at the same time recognizing the reality that contact with the legal system is often a source of additional trauma for children rather than a remedy.

It is also based on several rules upon which a comprehensive juvenile justice policy is built, namely:

- The basic principles set out in the Convention on the Rights of the Child.
- Taking the necessary measures to prevent juvenile delinquency, based on the Riyadh Guidelines.
- Determining the minimum age of criminal responsibility, in line with the Convention on the Rights of the Child, and considering that a child's age of criminal responsibility begins at twelve (12) years.
- Not resorting to detention except as a last resort and for the shortest possible period of time—one of the most important international principles of children's justice.
- Establishing a specialized juvenile justice system that includes all judicial bodies such as the police, the public prosecution, and specialized courts, with knowledge and expertise in handling children's cases and problems; court sessions should also be confidential to protect the child's privacy.
- Considering cases of children in conflict with the law on an urgent basis, in order to reduce as much as possible the negative consequences that may affect the child during proceedings.
- Providing free legal assistance to children in conflict with the law.
- Applying the guarantees of a fair and equitable trial in accordance with Article (40) of the Convention on the Rights of the Child.
- Diverting cases away from the judicial system whenever possible and appropriate for the child; international standards in children's justice encourage, to an appropriate extent, dealing with cases of children's law violations without resorting to formal trials, provided there is full respect for human rights and legal safeguards.

### *Section Two: International and National Standards for Child-Friendly Justice*

There are several international standards that provide for ensuring the best possible methods and adopting all appropriate measures to guarantee the rights of the child who is in conflict with the law. These standards serve as a reference for States by guiding them to follow and respect such standards when enacting domestic legislation, and they constitute the foundation for the judicial protection of the child at the local level. Accordingly, in this section we will address the most important international and national standards for the criminal protection of the child.

#### *First Requirement: Child-Friendly Justice at the International Level*

There are several international standards, some of which are binding—such as the Convention on the Rights of the Child—and others that are non-binding, such as international rules relating to juvenile justice, including the Beijing Rules and the Riyadh Guidelines. All of these include best standards for advancing child-friendly justice.

### *Subsection One: The Convention on the Rights of the Child*

The Convention on the Rights of the Child has a special character that distinguishes it from other related international instruments, particularly due to its binding nature. By agreeing to be bound through ratification or accession, States commit themselves to developing and implementing all their procedures and policies in light of the best interests of the child.

The Convention on the Rights of the Child established leading principles for a comprehensive juvenile justice policy. In the administration of juvenile justice, the basic principles of the Convention must be followed, including non-discrimination in adopting measures, ensuring that the child is not subjected to any form of physical or psychological violence during contact with the judiciary, and guaranteeing the child's participation and the right to be heard in any procedure taken against them.

The Convention also required Member States to establish genuine justice for the child by ensuring judicial protection, through criminalizing all acts that may harm the child's physical or psychological integrity as a result of an offence committed. It also provided that, in any judicial procedure taken against the child, the child's best interests must be taken into account—by avoiding arbitrariness in procedures, reducing them as much as possible, acting promptly, and providing all guarantees to ensure respect for those procedures, such as legal assistance, and resorting to deprivation of liberty only as a last resort.

Child-friendly justice is also reflected in the adoption of necessary measures to deal with such children without resorting to judicial proceedings whenever appropriate and desirable, provided that full respect for human rights and legal safeguards is ensured. If resorting to the judiciary is necessary, the judicial guarantees set out in the Convention on the Rights of the Child must be respected. These can be summarized as follows:

- Immediate notification of the charges brought against him or her, if necessary through parents or legal guardians, and access to legal assistance or other appropriate support.
- Prompt determination of the case without delay by a competent, independent, and impartial authority or judicial body in a fair court according to law, with legal assistance or other appropriate support, while taking into account the child's age and situation, as well as the situation of the parents or legal guardians.
- Not being compelled to give testimony or confess guilt, and the right to examine prosecution witnesses, as well as to ensure the participation and examination of witnesses on the child's behalf under conditions of equality.
- Free assistance of an interpreter if the child does not understand or speak the language used.
- Full respect for the child's privacy at all stages of legal proceedings.

Accordingly, it can be said that the Convention on the Rights of the Child—considered the primary reference for the protection of children—guaranteed their criminal protection through judicial protection, which embodies the concept of child-friendly justice, provided that such protection is implemented in a genuine and effective manner through the mechanisms adopted for that purpose.

### *Subsection Two: The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules, 1985)*

These rules are among the most important international instruments relating to juvenile justice, juvenile delinquency, and the treatment of juveniles. They set out key rights of the child, especially those who come into contact with the law. The rules are divided into several parts, the most important of which are those that provide the child with essential legal guarantees during dealings with the judiciary.

These rules also form a foundation for child-friendly justice through the provisions they contain concerning protection of the child from discrimination and the enforcement of the principle of impartiality, without discrimination based on color, sex, religion, language, and so forth.

Child-friendly justice is reflected in these rules through the emphasis on the need to make efforts to broaden the scope of the principles contained therein to include all children who are subject to welfare and care measures. In addition, they urge Member States to establish a unified age as a standard for criminal responsibility—something that States have not fully achieved—while recommending that this age should not be set too low, so that the idea of criminal responsibility does not become meaningless.

As for the judicial rights and guarantees set out in these rules—which are considered international standards in juvenile justice and enjoyed by every child in conflict with the law, enabling the establishment of justice consistent with the child’s circumstances—they can be summarized as follows:

- **Presumption of innocence:** One of the most important procedural guarantees for the child and a key feature of child-friendly justice, as the general principle is that the accused is innocent until proven guilty. Therefore, any procedure taken against the child must be based on the assumption that the child is innocent, not guilty.
- **Right to be informed of the charges:** This right applies to both adults and juveniles. Every person has the right to be informed of the charges attributed to them by the competent judicial authority. The child also has the right to remain silent, and silence can never justify beating or torture to force a confession.
- **Right to legal counsel:** All international instruments have affirmed the right of the accused to legal assistance and the duty of the State to provide this essential right to those who cannot afford it. This is also emphasized by the Beijing Rules.
- **Right to the presence of a parent or guardian:** The presence of parents or a guardian during procedures taken against the juvenile, and during trial, constitutes a psychological safeguard and reduces the harmful impact of such procedures on the child’s mental state.
- **Right to privacy:** This is ensured through special procedures throughout the judicial process to avoid any harm resulting from public exposure or stigmatization due to criminal allegations.

Accordingly, these United Nations Standard Minimum Rules for the Administration of Juvenile Justice serve as a codification and reinforcement of child-friendly justice—whose necessity and benefit are undeniable, especially with regard to the treatment of children in conflict with the law through principles and provisions. However, for these principles and provisions to be implemented, Member States must be encouraged to make efforts to apply and enforce these rules.

*Subsection Three: The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines, 1990)*

These guidelines introduced a forward-looking perspective on child protection by establishing standards for preventing juvenile delinquency, which can help Member States design and implement specialized programs and policies that emphasize assistance, care, and the participation of civil society. For that purpose, these guidelines were developed.

The Riyadh Guidelines regulate nearly all social issues, including the family, school, society, the media, the law, and juvenile justice administration. They emphasize the importance of improving the overall situation of children in the field of prevention and combating crime. Prevention generally consists of comprehensive plans at every governmental level, summarized as follows:

- Emphasizing that juvenile delinquency is an essential component in the production of crime in society, and that through legitimate and socially beneficial activities, efforts by the family and society are required to ensure juveniles achieve development and respect.
- Establishing comprehensive preventive plans at every governmental level with the aim of preventing crime.
- Giving attention to the family, ensuring general education for all juveniles, giving a role to the local community, and encouraging the media to assist juveniles.
- Giving high priority to plans and programs relating to juveniles by government bodies.
- Urging States and governments to issue specific laws and procedures to strengthen the protection of juveniles and safeguard their rights. The guidelines also emphasize the enactment of legislation to prevent harm, abuse, and exploitation of children and juveniles, and to ensure that juveniles are not subjected to harsh punishments. They further stress the establishment of an independent body dedicated to juveniles to ensure the protection of their rights and interests.

### *Second Requirement: Child-Friendly Justice at the National Level*

After Algeria ratified the International Convention on the Rights of the Child in 1992, it was incumbent upon it to implement the provisions contained in that Convention, despite its reservations on certain points. Accordingly, work began on establishing a legal and legislative framework to protect children's rights in a manner consistent with this international commitment, particularly in the field of criminal justice. This was done by amending certain laws—especially the Penal Code and the Code of Criminal Procedure—and by enacting a special law, namely Law No. (15/12) relating to child protection, which will be the focus of our study through an overview and by highlighting forms of child-friendly justice enjoyed by the delinquent child under this law.

#### *Subsection One: Overview of Law No. (15/12) Relating to Child Protection*

Law No. 12/15 on child protection, dated 15/07/2015, was introduced to establish specific rules and mechanisms for protecting the child, by aligning it with the international conventions ratified by Algeria. Its aim is to protect the best interests of children by defining all the rights they enjoy without discrimination, and by enshrining the principle of involving the child in all procedures, measures, rulings, and decisions taken concerning them. These are new measures that support the rights of this vulnerable group within society by providing the necessary conditions for their development and care, safeguarding the child's life, and ensuring a sound and safe upbringing in a healthy and suitable environment—thereby strengthening social and judicial protection measures.

The Child Protection Law contains one hundred and fifty (150) articles distributed across six chapters, with contents as follows:

- **Chapter One:** General provisions in ten (10) articles, explaining the objectives of the law, defining terms, highlighting the role and status of the family for the child, and affirming that the child's best interests are the ultimate goal.
- **Chapter Two:** Protection of children in situations of danger from multiple aspects, across thirty-seven (37) articles divided into two sections, covering four main areas: establishing a national body for the protection and promotion of childhood; open-environment services; judicial protection entrusted to the juvenile judge; and protection of child victims of certain crimes.

- **Chapter Three:** Rules relating to juvenile offenders through protecting them during the stages of public prosecution; it is considered the backbone of the law and consists of sixty-eight (68) articles divided into three sections.
- **Chapter Four:** Mechanisms for protecting the juvenile after judgment, including placement in specialized juvenile centers; it contains two sections: the first addresses centers under the Ministry of National Solidarity, and the second addresses penal institutions under the Ministry of Justice.
- **Chapter Five:** Certain penal provisions that further strengthen child protection by ensuring respect for the application of this law.
- **Chapter Six:** Transitional and final provisions, the most important of which are: considering the date of promulgation of this law as a national day for the child, and maintaining the applicability of the provisions of the Code of Criminal Procedure insofar as they do not conflict with the provisions of this law.

The law also provides that every child enjoys all rights—such as the right to life, the right to a name, and the right to nationality, etc.—without discrimination based on color, sex, language, opinion, or other forms of discrimination. It is notable here that the Algerian legislator, through this law, aligned with most international instruments that provide for the principle of non-discrimination, including the Universal Declaration of the Rights of the Child, the Convention on the Rights of the Child, and the Beijing Rules (1985).

Article 4 of Law 15/12 further emphasized the role and place of the family in protecting the child and ensuring normal development, stating: “The family is the natural environment for the child’s development, and the child may not be separated from his family unless his best interests so require; this shall occur only by order, judgment, or decision of the judicial authority and in accordance with the provisions stipulated by law.” The family and its role in the child’s development occupy a prominent place in international instruments such as the 1959 Declaration of the Rights of the Child, the 1989 Convention on the Rights of the Child, and the 1990 Riyadh Guidelines.

The law also provides for the responsibility of the parents and the State to protect the child, to provide all living conditions necessary for the child’s development, and to offer the necessary material assistance for care and protection. The State also guarantees alternative care for the child when deprived of a family, in accordance with regulations. Moreover, the State ensures the child’s right to protection from all forms of harm, neglect, violence, ill-treatment, exploitation, or physical, moral, or sexual abuse, and takes all appropriate measures to prevent such harm and to provide the necessary conditions for the child’s development and care, preserve the child’s life, and ensure a sound upbringing. It also protects the child’s rights in emergencies, disasters, wars, and armed conflicts, and ensures that information directed to the child does not harm the child’s intellectual and physical balance.

Article 7 of this law affirmed one of the principles set out in the Convention on the Rights of the Child—specifically Article 3 thereof—namely the principle of the best interests of the child, stating: “The best interests of the child must be the objective of every procedure, measure, judgment, or judicial or administrative decision taken concerning him.”

Article 8 also affirmed the child’s right to express opinions freely in accordance with the child’s age and degree of maturity, within the framework of respect for law, order, and public morals.

The law further provides judicial protection for the child in the event of committing or attempting to commit an offence through guaranteeing the right to a fair trial. It also prohibits, under penalty of criminal prosecution, the use of children in advertising clips, films, images, or recordings except with authorization from the child’s legal representative and outside school periods.

Accordingly, the Child Protection Law constitutes a basic reference for dealing with children in need of care and protection, as it establishes special treatment for juvenile offenders. It is thus akin to a social law aiming to implement such treatment in practice rather than a purely criminal law. This law can therefore be divided into two parts: one regulating social care for the child before committing an offence—i.e., the child at risk of delinquency—and another providing criminal protection for the child after committing an offence, whether as an offender or as a victim.

*Subsection Two: Judicial Protection of the Delinquent Child under the Child Protection Law*

Constitutionally, every person is presumed innocent until a regular judicial authority proves their guilt within the framework of a fair trial that guarantees the necessary safeguards for defense. Accordingly, the child is even more entitled to such safeguards, given that the child constitutes a special category. Therefore, juvenile justice seeks special protection for the juvenile child through applying specific rules from the very beginning of prosecution—from the moment of detention or investigation up to trial.

This is reflected in Law No. (15/12), which addressed judicial protection of the child in Chapter Three, setting out special rules for juvenile offenders by protecting them during the stages of public prosecution. This chapter is the backbone of the law and consists of sixty-eight (68) articles divided into three sections. Accordingly, in this subsection we will address the most important judicial guarantees this law affords the delinquent child during contact with the judicial system, which embody the image of child-friendly justice.

*First: At the Stage of Police Custody (Detention for Questioning)*

Police custody constitutes the first stage through which a child subject to criminal proceedings passes. At this stage, the child relies on several standards set out by the Child Protection Law, foremost among them consideration of the detained child's age. The child's age is a decisive criterion in determining whether the child may be placed in custody. This is provided in Article (48) of Law (15/12): "A child under thirteen (13) years of age suspected of committing or attempting to commit an offence may not be placed in police custody." Therefore, a child under the age of thirteen (13) cannot, under any circumstances, be placed in police custody.

There is also another criterion concerning the **duration** of police custody. Before the adoption of the Child Protection Law, the Algerian legislator did not give special attention to the duration of custody, making it the same for a child and an adult. However, the legislator addressed this in Article (49), paragraphs (2), (3), and (4) of Law (15/12), which provide: "The duration of police custody may not exceed twenty-four (24) hours, and may be applied only in misdemeanors that constitute a manifest breach of public order, and those for which the maximum prescribed penalty exceeds five (5) years' imprisonment. In felonies, renewal shall be in accordance with the conditions set out in the Code of Criminal Procedure, and any extension of custody may not exceed 24 hours."

The Algerian legislator also provided, through this law, several safeguards for the child when placed in custody, to protect the child and take into account the child's particular circumstances and best interests. These safeguards include:

- **The right to legal counsel:** This right is constitutionally established and is one of the guarantees of a fair trial. Article (54) of the Child Protection Law, paragraph one, provides: "The presence of a lawyer during police custody to assist the child suspected of committing or attempting to commit an offence is mandatory."
- **The child's right to the presence of a guardian and to contact family:** This right constitutes a psychological safeguard for the child. Article (50) of Law 15/12 provides: "The judicial police officer must, immediately upon placing the child in custody, notify the child's legal representative by all means, and place at the child's disposal any means enabling the child to contact his family immediately..."

- **Mandatory medical examination:** This is a constitutionally recognized right. The Child Protection Law reinforced it in Article (51), which provides: “A medical examination must be conducted for the person in police custody at the beginning and end of the custody period by a doctor practicing within the jurisdiction of the judicial council, appointed by the child’s legal representative; failing that, the doctor shall be appointed by the judicial police officer.”
- **Custody in a place consistent with the child’s dignity:** Facilities must be appropriate to the child’s dignity as a human being and must take into account the child’s privacy and psychological and health needs. Article 52(4) of Law 15/12 provides: “Police custody must take place in appropriate premises that respect human dignity and the child’s particular circumstances and needs, and must be separate from those designated for adults, under the responsibility of the police officer.”
- **Mediation:** This measure was introduced to protect the child from prosecution. It is regulated by Articles (110) to (115) of the Child Protection Law and is considered an alternative solution for dispute resolution without resorting to criminal proceedings. Its application remains subject to the discretionary power of the public prosecutor to accept it. This measure is among the most important forms of child protection at both the international and national levels and represents child-friendly justice in its most prominent form.

*Second: At the Stage of Investigating the Child*

Law No. (15/12) relating to child protection established a set of guarantees specifically afforded to the delinquent child during the investigation stage, which can be summarized as follows:

- **Conducting a social inquiry into the child:** This measure is carried out by the juvenile judge during the investigation. It aims to identify the child’s personality, background, relationships, and the environment in which the child lives. Under Law (15/12), the social inquiry is mandatory in misdemeanors and felonies, while it is optional in minor offences (contraventions).
- **Non-application of flagrante delicto procedures:** The Algerian legislator expressly provided for this in Article (64), paragraph two, of Law 15/12: “Flagrante delicto procedures shall not apply to offences committed by a child.”
- **Mandatory presence of a parent or guardian during the investigation,** after being summoned by the juvenile judge.
- **Assistance of a lawyer:** The right to defense is among the most important guarantees afforded to the child during investigation, and it is mandatory at all stages of proceedings to assist the child. This is confirmed by Article (67) of the Child Protection Law.

*Third: At the Stage of Trying the Child*

The Algerian legislator affirmed special procedures for the trial of the child, which are considered guarantees that protect the child. The most important of these procedures and safeguards include:

- **A specialized judge:** Article (61) of Law 15/12 relating to child protection provides that one or more juvenile judges are appointed at the court located in the seat of the judicial council by decision of the Minister of Justice. The Code of Criminal Procedure also provides for this.
- **Confidentiality of the trial:** Ordinarily, trials are public, and this principle embodies and guarantees a fair trial. However, the Algerian legislator—as well as many other legal systems—introduced an exception to this principle for juvenile cases, providing for the confidentiality of trials involving children, in order to protect their reputation, privacy, and even their families. The

Child Protection Law states that pleadings before the juvenile division are held in a closed session, and that anyone who publishes or broadcasts what occurs in sessions of juvenile judicial bodies is liable to imprisonment and a fine, or one of these penalties.

- **Mandatory preliminary investigation:** A public action against a child is not admissible, and the child may not be referred for trial, unless a judicial investigation has first been conducted by the investigating judge, whether in misdemeanors or felonies. This is reflected in Article (64) of Law 15/12, which provides for the mandatory conduct of a judicial investigation by the investigating judge in misdemeanors and felonies committed by a child.
- **Issuing the judgment:** At the end of the trial, the juvenile court issues a judgment either acquitting or convicting the child. In the event of conviction, as a general rule only protection and rehabilitation measures provided by law are imposed on the juvenile.
- **Exceptionally,** these measures may be replaced or supplemented by a fine or imprisonment, the conditions for which are set out in Article (50) of the Penal Code. The judge may replace the penalty with one of the measures, or sentence the child to imprisonment, in addition to several other guarantees.

## Conclusion

Through this study, we sought to highlight the standards adopted in the criminal justice system relating to the child, whether at the international or national level. These standards constitute the foundations of child-friendly justice for children in contact with the law, through the availability of an integrated juvenile justice system that reduces legal procedures and judicial difficulties that the child may face when the child is an accused, a victim, or even a witness.

Based on this, we reached the following results:

- The Convention on the Rights of the Child is the first international standard relied upon in the field of juvenile justice, as it is a binding international instrument for States Parties. However, the challenge remains in the mechanisms of monitoring and implementation.
- There are other international instruments considered standards in juvenile justice, such as the Beijing Rules and the Riyadh Guidelines; however, the issue is that they are not binding on States.
- All international texts adopt the concept of child-friendly justice through provisions emphasizing the need for sufficient legal safeguards that respect the child's particular circumstances and prioritize the child's best interests in every measure taken—whether at the level of laws, administrations, courts, judicial bodies, and administrative bodies generally—yet there remains a gap between the texts and their application.
- The Algerian legislator has aligned with international standards in the field of juvenile justice, which led to the enactment of a special child law, namely Law (15/12) relating to child protection, despite the criticisms directed at this law.
- The Algerian legislator introduced new legal provisions in the Child Protection Law consistent with child-friendly justice; however, they do not align with Algerian society's customs and traditions (the trusted family, or alternative families).
- The legislator introduced mediation as a procedure, which represents one form of child-friendly justice; however, it is dependent on its parties—especially the victim—who may find it difficult to be convinced of it.

- Despite adopting a special child law consistent with international standards, an implementation problem remains due to the State's lack of attention to this group in its public policies, including the absence of administrative or judicial facilities specifically for children (specialized courts), specialized judges, or truly specialized judicial police, compared to the large number of children held in pre-trial detention, the conditions in which they live inside penal institutions, and the lack of independent institutions dedicated to juveniles.

In light of these results, we recommend the following:

- Reconsider certain international instruments and conventions, especially the Convention on the Rights of the Child, which has been in place for more than 30 years; the monitoring mechanisms should also be reconsidered so they can compel and monitor States Parties to implement their international obligations, since they are often ineffective.
- Narrow the gap between the abundance of legal texts and the lived reality of assaults and violations in which the child is often the victim.
- Establish effective international mechanisms tasked with monitoring violations of children's rights worldwide, and ensure these mechanisms are independent (financially and institutionally), with the sole aim of protecting the child.
- At the national level, the State should first prioritize this group through its general policy, considering that children represent the future of the State.
- Consolidate scattered legal texts across different laws into a single codified instrument dedicated to juvenile justice, enabling effective application of international standards and rules.
- Amend the Child Protection Law by incorporating all matters relating to the child, especially the child victim, and delete provisions that do not align with Algerian social custom.
- Establish a specialized judiciary for children, composed of specialized judges, a specialized prosecution service, and even specialized lawyers in the field of child protection, with qualification not only in legal aspects but also in social, psychological, and educational dimensions, and reinforce juvenile justice with psychologists and educational specialists.
- Give importance to the role of civil society by supporting it financially and legislatively so it can perform its role in monitoring and participating in the enactment of legislation relating to child protection.

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