

Legal Safeguards for Juvenile Offenders under Law No. 15-12 on Child Protection

الضوابط القانونية الخاصة بالأحداث الجانحين في إطار القانون رقم 12-15

المتعلق بحماية الطفل

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Abstract:

Given the sensitive and pivotal stage of juvenile offenders' development, it is essential to implement special procedural guarantees before assessing the nature of the act or behavior committed by them. These procedures differ from those applied to adults. Such guarantees are crucial due to the increased vulnerability of minors to criminal influences, especially amidst the rise of social issues within society. In terms of criminal liability, the Algerian legislator, like other legal systems, has adopted special and distinctive measures based on various considerations, in accordance with the requirements for protection and rehabilitation. These measures include the involvement of a juvenile judge and a specialized judicial investigation process. This method adheres to global principles, including the Convention on the Rights of the Child, aiming to safeguard minors during every phase of judicial processes while promoting the rehabilitation and social reintegration of young offenders.

Keywords: Procedural guarantees; juvenile offenders, penal liability, juvenile judge, judicial investigation.

ملخص:

باعتبار خصوصية المرحلة العمرية الحرجة للجناة الأحداث، وجب التقيد بضمانات إجرائية خاصة قبل النظر في طبيعة العمل أو التصرف الذي قام به الحدث، حيث تختلف هذه الإجراءات عن تلك المطبقة على البالغين. هذه الضمانات ضرورية نظراً لزيادة تعرض القاصرين للتأثيرات الإجرامية في ظل تنامي الآفات الاجتماعية في المجتمع. وفي سياق المسؤولية الجنائية، قام المشرع الجزائري، على غرار الأنظمة القانونية الأخرى، باتخاذ تدابير خاصة ومميزة استناداً لعدة اعتبارات حسب متطلبات الحماية والإصلاح، بما في ذلك إشراك قاضي الأحداث وإجراء تحقيق قضائي مخصص. إن هذا النهج يتماشى مع المعايير الدولية، مثل اتفاقية حقوق الطفل، لضمان حصول القاصرين على الحماية في جميع مراحل الدعوى، كذا ضمان إعادة تأهيل الطفل الجانح وإعادة إدماجه في المجتمع.

الكلمات المفتاحية: الضمانات الإجرائية، الحدث الجانح، المسؤولية الجنائية، قاضي الأحداث، التحقيق القضائي.

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Introduction

With the aim of fostering a healthy society and emphasizing the importance of nurturing children to safeguard future generations, global attention has progressively shifted toward the protection of children's rights. These rights are considered a cornerstone of human development and a critical responsibility for nations to uphold and safeguard. As a result, most legal systems have implemented regulations designed to provide essential legal safeguards for children in all circumstances, including cases of juvenile delinquency. These measures include both substantive and procedural protections aimed at facilitating their rehabilitation and reintegration into society. Juvenile delinquency not only undermines the present but also jeopardizes the future and stability of communities. Therefore, children must be treated with special consideration, even in instances of misconduct, to ensure their protection and preserve their dignity, recognizing their limited capacity for full criminal responsibility.

Juvenile delinquents are afforded substantive and procedural legal guarantees to protect their rights in accordance with modern trends in criminal policy. The Algerian legislator has displayed a deep concern for the well-being of young individuals, particularly following Algeria's endorsement of the 1989 Child Rights Agreement. This concern focuses on protecting children from various forms of mistreatment, whether they are juvenile delinquents or at risk. As a result, legal protections have been established to ensure that children are safeguarded from mistreatment by adults, and specific measures have been put in place to offer special treatment for minors involved in criminal acts. This approach reflects a high level of concern for this vulnerable demographic and imposes criminal penalties for any violations of children's rights or actions that endanger them or incite delinquency. Furthermore, a specialized penal system has been created, incorporating a range of procedural safeguards in line with the requirements for the criminal protection of juvenile delinquents.

Juvenile delinquency represents a significant social issue that poses a serious threat to communities and can lead to their decline. It can create a potential criminal trajectory that may escalate and contribute to the widespread prevalence of crime, particularly given the limitations on social control. This alarming situation calls for judicial intervention focused on rehabilitating and reintegrating juvenile delinquents, rather than merely pursuing deterrent measures, which often reinforce a sense of retributive justice.

The judicial system is subject to exceptional circumstances. Given that the conditions surrounding a juvenile offender's commission of a crime are notably different from those of adult offenders, this situation demands special and appropriate treatment within the judicial framework. This necessitates the establishment of procedural guarantees that align with the juvenile's legal status. Such guarantees are vital to fulfill the legal protection requirements arising from the need to safeguard children's rights within a fair and just system.

The importance of this topic stems from the necessity to emphasize the distinctive procedural approach introduced by Law No. 15-12 on child protection. This legislation creates a framework that differentiates the treatment of juveniles from that of adults, thereby ensuring robust protection for children. It focuses on the rehabilitation and reintegration of juvenile offenders into society by designating officers and judges with specialized training in juvenile justice to handle their cases. Furthermore, the law outlines specific formal and substantive rules to guarantee comprehensive protection at every stage of the trial process.

Based on this context, we have developed a key question: How effective are the procedural guarantees outlined by the Algerian legislator in Law No. 15-12 concerning child protection in ensuring the safety of juvenile offenders?

To tackle this issue, we adopted a descriptive methodology paired with an analytical framework for our examination of the legal texts, ensuring that our analytical style aligns with the research objectives. Our study is organized into two main parts: the first examines the measures ensuring procedural rights for juvenile offenders prior to trial, while the second focuses on the safeguards provided to them during the trial proceedings.

I. The Procedural Protection Afforded to Child Offenders during the Pre-trial Stages

Acknowledging the specific vulnerabilities linked to age among juvenile offenders, the Algerian legislator has implemented Law No. 12/15 on child protection. This law establishes a specialized procedural framework for the initial stages of truth-seeking, particularly during prosecution and investigation. It underscores the necessity for suitable and tailored treatment for this vulnerable group, setting it apart from the procedures applied to adults.

In this context, the third chapter of the Child Protection Law details a range of substantive and procedural safeguards for juvenile offenders. These provisions are designed to guide their behavior and facilitate their rehabilitation, with distinct procedures outlined for the prosecution of juvenile offenders (First Section). Moreover, the procedural protections afforded to juvenile offenders are fully effective only when they include the preliminary investigation phase, as this stage is critical in shaping the juvenile's future (Second Section).

1. The Procedural Protection Afforded to Child Offenders During the Follow-up Phase

In its ongoing commitment to protect children, particularly those at risk or involved in delinquency, The legislator places the well-being of juveniles at the forefront in all contexts and under all conditions outlined in the framework of modern criminal policy. This objective is achieved by initially reinforcing the procedural guarantees outlined in general legal principles (First Subsection) and subsequently implementing specific procedures tailored for the prosecution of juvenile offenders (Second Subsection).

a. Affirming the Procedural Guarantees Established under General Legal Principles

Under Article 2, paragraph 3 of Law No. 15-12 on Child Protection, the Algerian legislator defines a juvenile offender as “a child who has committed a criminal act and is at least ten (10) years old.” The child's age is assessed according to their age on the date the offense occurred..

Therefore, juvenile delinquency can be described as "any actions or behaviors undertaken by an individual under eighteen years of age that result in, or have the potential to result in, a criminal act punishable by law."¹

The international community is committed to protecting children's rights from conception through adulthood, ensuring comprehensive support for their physical, emotional, and mental health. As a result, juvenile offenders benefit from procedural guarantees similar to those provided to adults under general legal principles. International agreements stress the necessity of informing the accused promptly about the charges they face, a principle equally recognized in Algerian legislation. Juveniles are entitled to understand the grounds for the accusations and their right to express their viewpoint, ensuring their protection during questioning. This includes the presumption of innocence and the choice to remain silent. Article 40, paragraph 4, of the Convention on the Rights of the Child further reinforces this by stating that juveniles must not be forced to give testimony or confess guilt.²

The Child Protection Law, notably in Articles 50, 51, and 68, clearly mandates that a juvenile offender must be safeguarded from all forms of violence throughout the investigation process,

particularly during police custody. Therefore, statements given by the juvenile cannot be treated as part of a formal interrogation. The investigating judge's role is solely to listen, meaning the judge is not allowed to question the accused during the initial appearance, nor to dispute or contest the juvenile's statements.³

In order to uphold the core principles underlying children's rights, the Algerian legislator stresses the importance of equality and non-discrimination among all minors. It is expressly stated that no child shall be subject to discriminatory treatment based on race, color, political beliefs, or any other form of segregation. Similarly, the Convention on the Rights of the Child underscores the obligation of State Parties to uphold these principles and guarantee the protection of every child..⁴

b. Follow-Up Protocols for Juvenile Offenders

In response to the issue of juvenile delinquency and to signify a shift toward a more progressive criminal policy, pilot juvenile units have been introduced, paving the way for a specialized Juvenile Police Force in the future. Operating within a state-supported social mediation framework, these units work collaboratively with families, communities, and schools. These teams are expanding to address the growing rates of juvenile delinquency⁵. Staffed by experienced former military personnel trained in social mediation, as well as in educational and social psychology, these units are dedicated to understanding effective methods for engaging with minors, whether they are at risk or displaying delinquent behavior.⁶

The Gendarmerie's specialized approach to juvenile treatment is seen as a crucial initial step in their rehabilitation and reform, emphasizing care over punishment. This approach is essential for addressing the sensitive nature of the juvenile psyche, which is particularly vulnerable to trauma. Consequently, the primary duties of these units center on safeguarding children by preventing adult exploitation in its various forms and protecting juveniles from influences that could lead to criminal behavior and corruption.⁷

To enhance procedural protections for juvenile offenders during the investigation phase, it is crucial that police custody procedures prioritize the safeguarding of children's rights. In this regard, Article 48 of Law No. 15/12 explicitly states that "a child under the age of thirteen (13) years, suspected of committing or attempting to commit a crime, cannot be detained in police custody." Furthermore, Article 49 stipulates that if the detention of a child is deemed necessary for initial investigative purposes, the judicial police officer must promptly notify the Public Prosecutor.

The requirements delineated in the aforementioned articles clearly indicate that specific conditions must be fulfilled before a child can be placed in police custody to ensure their protection. These conditions include:⁸

- The child must be at least 13 years old.
- An immediate report should be acquiesced to the public prosecutor concerning the motives for the custody.
- Custody cannot exceed twenty-four (24) hours.
- Misdemeanors that constitute an apparent breach of public order and those for which the maximum prescribed penalty is more than five (5) years.
- Felonies.

The duration of police custody for a child cannot exceed twenty-four (24) hours, which is half the time permitted for adults. The legislator has established several safeguards to ensure the legal protection of children during custody. These protections encompass limits on the duration of

custody, the right to legal representation, and the establishment of proper procedures for conducting interviews.⁹ Additionally, the safeguards include a mandatory medical examination and the requirement to document the entire process in an official report.¹⁰

Conversely, specific conditions allow authorized parties to access investigative acts, subject to the discretion of the trial judge, the Public Prosecutor, or the investigating judge. This procedure is intended to uphold the confidentiality of these acts and protect the child from possible adverse psychological effects. To ensure adherence to this confidentiality, it is vital to clearly establish requirements for maintaining the secrecy of investigative acts, along with penalties for any breaches.

In the context of public prosecution for crimes committed by juveniles, the Algerian legislator has established specialized bodies and procedural guidelines to ensure the protection of this vulnerable group. To address juvenile delinquency effectively, the General Directorate of National Security has initiated the formation of specialized juvenile protection teams tasked with overseeing activities in neighborhoods, schools, and various institutions. Likewise, the National Gendarmerie has created juvenile units to fulfill the same objective.

The procedure for handling juvenile offenses is distinct from that for adult crimes. The law sets forth particular regulations, including a ban on directly bringing public charges for juvenile offenses before the competent court. Instead, an initial request must be made to the investigating judge, with a focus on the juvenile's rehabilitation. This process involves an inquiry to explore the factors contributing to the juvenile's delinquent behavior and to determine the most effective course of action for addressing their needs¹¹.

The Public Prosecutor can initiate and pursue a public prosecution against a juvenile by filing a petition with the Juvenile Judge for both misbehaviors and offences. If a child is implicated in a misdemeanor alongside adult accomplices, the Public Prosecutor is required to separate the cases and forward the juvenile's case solely to the Juvenile Judge.¹²

The Algerian legislator has mandated that the legal godparent of a juvenile must be informed if the child is involved in a crime. Additionally, the legal representative is required to be present during procedural stages. In the same way as civil proceedings not directly involving the child, a juvenile cannot be held liable or obligated to compensate for damages unless they are of sufficient age.¹³

The legislator has granted crime victims the right to file a civil claim with the same judicial body in order to seek compensation that is proportional to the damage they have suffered. According to Article 63 of Law No. 15/12: "Any individual who claims to have suffered harm as a result of a crime committed by a juvenile may submit a civil claim to the Juvenile Court."

Civil claims for felonies are initiated by submitting a petition to the investigating judge assigned to juvenile cases, while for misdemeanors, claims may be made through intervention. In the case of infractions, civil claims can be filed or intervened in before the regular investigating judge.

The Algerian legislator's approach, which permits civil claimants to initiate proceedings before the Juvenile Court, is noteworthy and stands in contrast to most Arab legal systems. For instance, French Child Law No. 12 of 129 specifies that civil claims are not accepted before the Criminal Court.¹⁴

2. The Protection Afforded to Juvenile offenders during the Preliminary Investigation Phase.

When investigating a juvenile offender, it is essential to follow procedures aimed at revealing the truth, prioritizing the child's rehabilitation and reintegration into society. This process includes unique methods for assessing the juvenile's personality, distinct from those used for adults, as set forth in Article 68 of the Child Protection Law. According to this article, the Juvenile Judge is responsible for carrying out investigations to uncover the truth, assess the child's personality, and determine the most suitable approach for their upbringing. This process includes formal and informal investigative procedures (Section I), social research (Section II), and, if necessary, medical examinations (Section III).

a. Formal and Informal Investigation Procedures

An investigation is a procedural activity conducted by a competent judicial authority to assess the validity of accusations related to a criminal incident. Preliminary investigation is defined as "a set of procedures aimed at uncovering and collecting evidence regarding a committed crime, followed by an evaluation of this evidence to determine whether it is sufficient to refer the accused to trial." For juvenile offenders, an investigation is mandatory, and the case cannot be directly referred to court through a summons, except in the case of infractions. This requirement is specified in Article 64 of the Child Protection Law.

The process of investigation begins with a formal request to initiate public prosecution, followed by an initial session where the Juvenile Judge explains the charges to the child. The court clerk compiles the juvenile's personal history, and the record is signed by the judge, the clerk, and the legal guardian.¹⁵

Exploring crimes involves actions such as calling witnesses, taking statements, notifying and questioning the accused. The process may also include appointing experts and submitting the case to the appropriate courts.¹⁶

The Algerian legislation has established protective and rehabilitative measures for misdemeanors and felonies during the investigation, as outlined in Article 70 of the Child Protection Law. This approach is based on the idea that juvenile behavior does not pose a significant criminal threat requiring incarceration, and that the harm can be addressed through less severe measures.¹⁷

The informal investigation is solely under the Juvenile Judge's jurisdiction and bypasses the formal procedural requirements. The judge does not use a court clerk or follow the usual sequence of hearings, allowing more flexibility to implement measures that best assist the child's welfare.¹⁸

The procedure begins with an initial request from the Public Prosecutor in cases involving misdemeanors and felonies, or may stem from a complaint with a civil claim from the aggrieved party. The investigator then starts the investigation process following general rules, while ensuring that safeguards specified by the Child Protection Law are observed, particularly during the hearing and interrogating the child.¹⁹

While questioning the young defendant about the accusations and specifics of the supposed crime, including presenting contradictory evidence and seeking his response, it is crucial that the process is carried out without intimidation or fear. The interrogation should be conducted using appropriate methods that show respect and care for the child.²⁰

b. A Social Research is Mandatory

The court is required to conduct a social inquiry based on the social worker's report, which highlights the factors contributing to the juvenile's delinquency and provides recommendations for rehabilitation, ensuring the juvenile's protection. This step is mandatory and must be completed before any judgment is made, as outlined in Articles 34 and 68.²¹

Social workers and specialists should conduct social examination. They gather information about the family's economic and emotional conditions, as well as the juvenile's character. Its purpose is to determine the most appropriate measures for the juvenile's situation. This investigation is mandatory during the preliminary investigation phase for juveniles accused of felonies or misdemeanors but discretionary for minor offenses, as outlined in Article 66 of the Child Protection Law²².

c. The Significance of Compulsory Medical Assessments

Article 68 of the Child Protection Law allows the Juvenile Judge to request medical, psychological, or psychiatric evaluations of the juvenile to assess any disabilities or conditions requiring special attention.²³ These evaluations also aim to identify any psychological or mental disorders that may have contributed to the juvenile's involvement in the crime, as well as any physical injuries. If a medical condition is found, the Juvenile Judge can order the juvenile's transfer to a hospital or health facility for treatment. During this period, legal proceedings are paused until the examination is completed and a full health report is provided.²⁴

This procedure holds great importance as it uncovers any health or psychological conditions that may have played a role in the juvenile's delinquent behavior.

II. Legal Safeguards for Juvenile Offenders During the Trial Phase

The trial phase plays a pivotal role in deciding the future of the juvenile offender, making it crucial to implement procedural safeguards tailored to their individual needs to ensure proper protection. The legal protection granted to juveniles remains incomplete without strict compliance with the procedural rules specific to juvenile trials (First Requirement) and the safeguards related to the appropriate penalties (Second Requirement).

1. Distinctive Procedural Rules for Juvenile Trials

The procedural rules governing juvenile trials are shaped by the distinctive legal framework of juvenile courts, which differ from adult courts in both their composition and jurisdiction (Section One). Furthermore, juvenile trials must adhere to key principles throughout the legal process, including maintaining the confidentiality of trial sessions (Section Two) and allowing the juvenile to be excused from attending the sessions (Section Three).

a. The Special Nature of Juvenile Justice

Juvenile courts differ from regular courts by combining judicial authority with a focus on care. Their main mission is the vocational and social rehabilitation of juveniles through modern, scientifically-based educational methods. Additionally, juvenile courts supervise the execution of judgments and make adjustments to protect the juveniles' best interests.²⁵

Contemporary criminal policy stresses the need for safeguards within judicial procedures for juvenile offenders to ensure their protection. This is reflected in international juvenile justice standards and Arab regulation.

b. Ensuring the Privacy of Court Proceedings

The legislator has mandated the confidentiality of trial proceedings in order to defend the child's identity and personal conditions. This confidentiality is considered a matter of public order, and any breach of it renders the procedures during the session invalid.²⁶

Article 83, paragraph 2, of Law 15/12 on Child Protection outlines the individuals authorized to attend juvenile proceedings or trial sessions at all levels of adjudication, including juvenile departments and juvenile panels of the Court of Appeals. These persons comprise the child's legal representative, relatives up to the second degree, witnesses, victims, judges, lawyers, and, when necessary, representatives from child protection organizations.

Confidentiality applies throughout every phase of the juvenile trial process, from the summons of involved parties to the hearing of statements and deliberation of the case. This confidentiality remains until the judgment is rendered in a public session, as specified in Article 89 of Law 15/12.

Arab legislation categorically forbid the release of a child's identity, location, or any details concerning their appearance or court case in the media. This regulation aims to safeguard the child's reputation and prevent potential harm or defamation, which could adversely affect their character and development.²⁷ Consequently, the principle of non-disclosure is inherently tied to the principle of confidentiality. Confidentiality cannot be fully upheld without enforcing both the restriction on public exposure and the embargo on publication.²⁸

c. The Acceptance of Juvenile Absence from Court Proceedings

Under Law 15/12, one of the key protections for juveniles is their exemption from attending court hearings. This provision aims to protect the juvenile's rights and reflects the understanding that their participation in sessions may not always be necessary. Juveniles also have the right to withdraw from any phase of the trial at any level of adjudication. However, the law does not provide specific details, instead stating that the exemption applies "if it is in their best interest." This vague language gives the court discretion to decide when such exemptions are appropriate, allowing it to evaluate each case individually and assess any risks to the juvenile's dignity. In this way, Algerian legislation ensures a crucial constitutional guarantee regarding fair trial rights.

2. Safeguards Concerning the Nature of the Punishment

The legal safeguards provided to juvenile offenders include the nature of the penalties they may face, which are distinct from those applicable to adults. This protection is extensive, addressing both the criminal dimension (Section One) and offering unique guarantees concerning the civil implications of the punishment (Section Two).

a. Criminal Penalty Adaptation

The procedural protection established by the legislator for juvenile offenders during the trial phase extend beyond mere procedural formalities to include the nature of the penalty. The sanction applied to the child differs according to their age and the type of offense committed.

In cases involving serious crimes or offenses, if the child is adjudicated guilty, the court has the option to impose one or more of the following protective and corrective measures:

- Placement with the child's legal representative or a trusted individual or family.
- Placement in an accredited institution dedicated to child welfare.
- Placement in a specialized center for the protection of juvenile offenders.

This measure is applied for a set duration, not exceeding the date the child reaches the age of criminal responsibility, with the option to include an immediate enforcement order in the ruling. (Articles 84-85 of Law 15/12)²⁹.

Corrective and rehabilitative measures for juveniles are provisional, aimed at ensuring rehabilitation and reform. They lapse once the case is transferred to the Juvenile Court and may be contested within 10 days before the Juvenile Chamber of the Court of Appeals, according to Article 76 of the Law 15/12.³⁰

For children aged 13 to 18, the court may, in exceptional cases, replace or supplement protective measures with a fine or imprisonment, as per Article 50 of the Criminal Code. The court must justify its decision, but the term "exceptional" is vague, and the law does not specify the circumstances under which this may apply.

For minor offenses, the penalty depends on the child's age. A child aged 10 to 13 may receive a reprimand or be placed under supervised freedom if it serves their best interest. For a child aged 13 to 18, the court may impose a reprimand or a fine, as outlined in Article 51 of the Criminal Code.³¹

b. Civil Penalty

The legislator may resort to shifting the punishment to other systems outside the penal sphere if they prove to be effective in relation to the child's delinquent behavior. This method is especially pertinent to the civil dimension of the law, which has been embraced by the Algerian legislator for cases where the child is lacking in discernment or awareness. This signifies a shift towards minimizing criminal sanctions by replacing them with civil forms of punishment, transitioning from criminal to civil penalties.

Accordingly, civil claims can be initiated as either primary or ancillary actions following civil and criminal procedural rules, with proceedings conducted against the child in their own right and in the presence of their legal representative. In cases involving children without discernment, the child's civil liability is nullified, as per Article 125 of the Civil Code, which states, "A person is only liable for harm caused by their actions, omissions, negligence, or lack of care if they possess judgement."³²

The child's procedural safeguards also cover the appeals process. Any appeals against decisions made by the Juvenile Judge must be examined by a specialized body aware of juvenile considerations. Appeals are limited to cases of legal violations or procedural invalidity.³³

Conclusion

Algerian law provides strong procedural safeguards for juvenile offenders, ensuring their rights are respected in line with the principles outlined in the Convention on the Rights of the Child. These safeguards cover every phase of the legal process, supporting the rehabilitation and reintegration of young individuals. The unique character of juvenile trials is underscored by their social dimension, emphasizing the necessity of safeguarding juveniles—whether they are offenders or at risk—while striving to correct their behavior and promote their reintegration into society. This approach reflects a contemporary shift in criminal policy towards social defense and individualized punishment.

The findings from this study can be summarized as follows:

- The Algerian legislator has established procedural safeguards for juvenile offenders during the initial investigation phase, including a detention limit of 24 hours and a maximum imprisonment duration of two months, which contrasts with adult provisions. Both the Juvenile Judge and the investigating judge are empowered to exercise this judicial authority through judicial delegation.
- The decision to set the minimum age for criminal prosecution at ten years is commendable and aligns with comparative legislation. Additionally, the mandated presence of a lawyer throughout all proceedings and the incorporation of mediation as an alternative dispute resolution mechanism are significant advancements.

In light of these findings, several key recommendations emerge:

- Clearly outline the confidentiality of investigative processes to prevent adverse psychological effects on juvenile offenders.
- Adjust jurisdictional rules in juvenile cases to align with the sensitive developmental stages of young people, ensuring the protection of their rights. This includes implementing a distribution of jurisdictional powers that separates investigative from adjudicatory functions, following general procedural rules.
- Address the challenges posed by the absence or refusal of a juvenile's legal representative to attend subsequent stages after notification.
- Channel minor offenses directly to juvenile court without the necessity of a preliminary investigation, unless deemed essential for certain misdemeanors.
- Abolish pre-trial detention for juveniles, as indicated in Article 58 of Law 15/12, prioritizing alternatives to detention to mitigate negative impacts on their development. If detention is deemed necessary, it should be imposed for the shortest duration possible.
- Ensure ongoing theoretical and practical training for members of child protection teams and juvenile judges.

¹ Yazid Bouhlit, "Procedural guarantees for child offenders under Law 15-12 on child protection," *Annals of Qalma University of Social Sciences and Humanities*, Issue 24, June 2018, p. 207.

² A juvenile is considered a delinquent if he commits an act that the law considers a crime, while a juvenile is considered to be in a state of danger when his behaviour is contrary to the usual values and norms in the social environment in which he lives in a way that suggests that he is about to break the law.

-Belkacem Souikat, *Criminal Protection of Children in Algerian Law*, Master's thesis, Criminal Law, Kassidi Merbah University, Ouargla, 2010-2011, p. 45.

³ Ahsan Boussikaia, *Judicial Investigation*, 10th edition, Dar Homa, Algeria, 2012. Page 71.

⁴ See : Article 2 of the Convention on the Rights of the Child adopted by UN General Assembly Resolution 44/25 of 20/11/1989, ratified by Algeria by Presidential Decree 92/461 of 19/12/1992, published in Official Gazette No. 91 of 23/12/1992.

⁵ See : Ali Chamlal, *Al-Mustafa'id in the Algerian Code of Criminal Procedure (Evidence and Accusation)*, second edition, Dar Homa, Algeria, 2017, p. 26 et seq.

⁶ Hadj Ali Badreddine, *Criminal protection of the child in Algerian law*, Master's thesis, Faculty of Law and Political Science, Aboubakr Belkaid University, Tlemcen, Algeria, 2010, p. 128.

⁷ Hamoud Ben Ibrahim Fakhar, *Criminal protection of children in Algerian legislation and comparative law*, PhD thesis, Faculty of Law and Political Science, Mohamed Kheder University of Biskra, Algeria, 2015, pp. 343-344.

⁸ Yazid Bouhliet, *op. cit.*, p. 213.

⁹ This is as stipulated in Article 54 of Law 15/12, with the exception that the child may be heard within a period of two hours provided that permission is obtained from the public prosecutor in accordance with Article 54/3. Article 54 also stipulates in its fourth paragraph that a child may be heard if he is between the ages of 16 and 18 years and the acts attributed to him are related to crimes of terrorism, sabotage, drug trafficking, or crimes committed in the context of organised crimes. drug trafficking or crimes committed in the context of organised crime, and it is necessary to hear him immediately to collect or preserve evidence or to prevent an imminent attack on persons, according to the provisions of Article 55 of this law without the presence of a lawyer and after obtaining the permission of the public prosecutor, in order to ensure the interest of the juvenile.

¹⁰ Article 51 of Law 15/12 stipulates that a medical examination of a child in custody must be conducted at the beginning and end of the period of custody, whereas previously it was only conducted at the end of the period of custody.

In addition, according to Article 52 of Law 15/12, judicial police officers must make a hearing report for each child in custody, including the reasons for his arrest, the duration of the hearing, the day and hour of his arrest, and the day and hour when he was released or brought before the competent judge, which must be signed by the child and his legal representative.

¹¹ Yazid Bouhlelit, *op. cit.*, p. 210.

¹² See Article 62 of Law 15/12 on Child Protection.

¹³ In this regard, Article 134 of the Civil Code stipulates that whoever is authorised by law or agreement to monitor a person in need because of his minority or because of his mental or physical condition shall be obliged to compensate the damage caused by that person to third parties through his harmful act and the basis for the latter's responsibility is the assumption of mis-raising or neglecting his supervision or committing both mistakes.

¹⁴ Chancellor Adel - Rawahneh Zoulikha, *The legal protection of the delinquent child under Law 12/15 on the protection of the child in the follow-up and investigation phase*, *Journal of Rights and Humanities*, Vol. 10, No. 3, p. 73.

¹⁵ Hamoud Ben Ibrahim Fakhar, *Criminal protection of children in Algerian legislation and comparative law*, PhD thesis, Faculty of Law and Political Science, Mohamed Kheder University of Biskra, Algeria, 2015, p. 369.

¹⁶ Ali Kassir, *Criminal protection of children in Algerian legislation*, PhD thesis, El Hadj Lakhdar University, Batna, 2008, p. 83.

¹⁷ Amara Abdelmajid, *"Guarantees of the litigants during the criminal trial stage in the positive and Islamic legislation*, first edition, Dar Al-Khaldounia, Algeria, 2010, p. 36.

¹⁸ Abdelrahman Khalfi, *Criminal Procedures in Algerian and Comparative Legislation*, second edition, Dar Belkis, Algeria, 2016, p. 38.

¹⁹ Abdul Rahman Khalfi, *op. cit.*, p. 41.

²⁰ *Ibid*, p. 23.

²¹ See... Article 68 paragraph 08 of Law 15/12 on Child Protection, *op. cit.*

²² Mohamed Saghir Saadawi, *op. cit.* p. 27.

²³ Ali Kassir, *op. cit.* p. 86.

²⁴ Houari Sabah-Amar Said Shabha, Special Procedural Protection for Delinquent Children, Journal of Legal and Social Sciences, Ziane Achour University in Jelfa, Issue 6, p. 183.

²⁵ Ibid, p. 181.

²⁶ Belkacem Soueigat, op. cit., pp. 44-45.

²⁷ Zidouma Drissi, Protection of Juveniles in the Algerian Code of Criminal Procedure, Dar Al-Fajr Publishing and Distribution, 2007, p. 345.

²⁸ Abdel Hamid Al-Shawarbi, Juvenile Offences and Childhood Legislation in Law No. 31 of 1974, as amended, and Law No. 12 of 1996, Manshat Al-Ma'arif, Alexandria, Egypt, 1997, p. 74.

²⁹ Ajoud Souad, The procedural criminal protection of child offenders during the trial stage under Ordinance 15/12 on child protection, Journal of Social Sciences and Humanities, No. 15, pp. 454-455.

³⁰ Yazid Bouhlit, op. cit., p. 218.

³¹ Ajoud Souad, op. cit., pp. 454-455.

³² See : Ordinance No. 75/58 of 26 September 1975 containing the Civil Code, published in the Official Gazette No. 78 of 1975.

³³ Houari Sabah-Amar Said Shahba, op. cit., p. 182.

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- Convention on the Rights' of the Child, adopted by United Nations 'General Assembly Resolution 44/25 on November 20, 1989, and ratified by Algeria through ' Presidential Decree 92/461 dated December 19, 1992, published in the Official Journal, No. 91, December 23, 1992.

- United Nations Standard, Minimum Rules for the Administration of Juvenile Justice, known as the Beijing Rules, adopted by the United Nations General Assembly on November 29, 1985.

- Laws

- Law 15/12 dated July 15, 2015, published in the Official Journal, No. 39, dated July 19, 2015.

-Law No. 19/10 dated December 11, 2019, amending Ordinance No. 66/155 of July 8, 1966, containing the Code of Criminal Procedure, published in the Official Journal, No. 78, dated December 18, 2019.

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