

الصفوة بين الحماية القانونية والاجتماعية، دور وزارة الشؤون الدينية والأوقاف أنموذجاً

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عكفت الدولة الجزائرية منذ الاستقلال على تأمين كل الظروف الكفيلة بحماية الطفولة؛ فالحماية الفعلية للطفولة لا يمكن أن تكون من دون الحماية القانونية؛ حيث صادقت الجزائر على الاتفاقية الدولية لحقوق الطفل الصادرة في ديسمبر 1992 وكذا على بروتوكولها الإضافي كخطوة أولى منها في مساعيها التي أقرت أن تكون بواسطة ترسانة قانونية شاملة؛ فكان أولها القانون رقم 15-12 المؤرخ في 15 يوليو 2015، المتعلق بحماية الطفل، ثم تلاه المرسوم التنفيذي رقم 16-33 في العدد 04 المحدد لشروط وكيفيات تنظيم الهيئة الوطنية لحماية وترقية الطفولة وسيرها.

وكان لصدور القانون رقم 15-12 المؤرخ في 15 يوليو 2015، المتعلق بحماية الطفل أهمية كبيرة؛ إذ حدد النص كل الجوانب اللازمة لتهيئة بيئة مناسبة للطفل، كما حددت مواده تعريفا دقيقا للطفل، وكذا الظروف التي قد يتعرض فيها الطفل

للخطر، وبذلك تؤمن بيئة ملائمة لنمو الطفل، ليتمتع فيها بكل حقوقه، وتضمن له العيش الكريم.

وسعيا من الدولة الجزائرية لتحقيق حماية فعلية تم التفكير في تأمين الظروف المواتية لذلك، وتوفير الحماية القانونية والحماية الاجتماعية، وقد بدا ضروريا تضافر جهود كل الفاعلين في المجتمع؛ فكان الإسهام الفعال من وزارة الشؤون الدينية والأوقاف؛ بصفتها المصدر الأساس للمرجعية الدينية الوطنية، ولما لها من دور في تولي مهمة حماية استقرار المجتمع، وترقية القيم الروحية التي يزخر بها الدين الإسلامي، والعمل على توفير شروط نمو الطفل في بيئة تعترف له بمكانته في المجتمع؛ باعتباره النواة الأولى للمجتمع؛ وسيكون مؤهلا نفسيا وسيكولوجيا لخدمة مجتمعه إذا نشأ في ظروف مواتية وتمتع بحقوقه.

وبالنظر إلى الفضاءات المتنوعة التابعة لوزارة الشؤون الدينية والأوقاف والتي تعد المنابر التي تمكن الفاعلين من الإسهام في تمكين الطفل من التمتع بظروف تهيؤه للنمو نموا إيجابيا، وتوفر له الحماية الاجتماعية المستحقة، والعمل على تحسيس المجتمع بأهمية ذلك؛ لضمان استقرار المجتمع وانسجامه، لاسيما وأن الإمام والمرشدة الدينية مؤهلان لتحقيق ذلك بعنوان ممارستهما لمهامهما.

وبناء على كل ما سبق، تم التوقيع على اتفاقية إطار للتعاون بين وزارة الشؤون الدينية والأوقاف والهيئة الوطنية لحماية وترقية الطفولة في السادس عشر يوليو من عام 2020، ارتكزت على أربعة (04) محاور أساسية، يمكن تلخيصها كالآتي:

- اختيار الموضوعات المرتبطة بالتكوين في مجال حماية الأطفال،

- إعداد برامج تكوينية وتدريبية لفائدة الأئمة والمرشدين الدينيين،
 - تنظيم دورات لتكوين المكونين في مجال حماية الأطفال وترقية حقوقهم،
 - العمل على نشر ثقافة حماية الطفولة والتزام سلوك كفيل بتهيئة بيئة ملائمة لحماية الطفل من كل الانتهاكات وكذا مرافقة الأولياء والأسر لأجل تحقيق ذلك.
- لقد اعتمدت الدولة الجزائرية هذا المنحى؛ لضمان توفير بيئة ملائمة لما تسميه منظمة الأمم المتحدة "تحقيق المصلحة الفضلى للطفل".

CHILDHOOD / LEGAL PROTECTION AND SOCIAL PROTECTION

When addressing children, one must bear in mind that the most important thing to know, is what should be done to protect children.

Therefore, what should be known about childhood, and how can we apprehend childhood?

To understand what is childhood, one must refer to its definition?

The Algerian government, when thinking of the protection of children, realized that even living in a society very attentive to children, knew that the ever best way to protect children, was to go straight ahead to legislation, as a means to begin from the source.

As a matter of a fact, children in the Algerian society, live in an environment which rules arise from the legal law or Shariah , in which the child has a particular position, which is positively assumed, regarding the general situation and taking into account that Islam bestows children all due interest.

It is said in Quran :

"Wealth and children are an ornament of the life of the world"
verse 46 of the Surah 18 Al Kahf.1

Childhood's Protection :

Legislative protection :

In this context, Algeria needed to set a battery of legal rules to widen the field of protection of children.

For that purpose, the Algerian legislator had to perform a certain number of steps to achieve that goal.

The first is first, the first step was to ratify the United Nations Convention on the Rights of the Child (Treaty which sets out all the rights required for the safety of child namely: the civil, political, economic, social, health and cultural rights of children.

When ratifying this convention and its explanatory annexes in December 1992, Algeria knew well that, as a state, it will be fully bound to it by international law.

Yet, there was a need for an organic law to step in factual reality, by putting a definition to the term "child".

It might seem strange to argue in such a way that may even induce misunderstanding, yet a question was to be set: "what is a child?"

The Algerian legislator needed to answer this question, because it was essential to know at what age, a person is still considered as a child, and how can she be protected, always in the spirit of the principles of United Nations Human Rights Chart, and work to ensure the best environment for the growth and development of the child, who needs indeed very special care, regarding his difficulty to protect himself.

This is in this context, that after 3 years of the ratification of the convention on the rights of the child², that the law n°15-12 of July 15 relating to the protection of the child³ was promulgated, and where there was a precise definition of the term "child".

In its first article, it is stipulated that the purpose of this law is to define the rules and mechanisms for the protection of the child

The article 2, went further defining the terms: "minor, child in danger and the circumstances in which the child is possibly in danger"

it is stipulated and clearly defined what is a child and what the situation in which a child is considered in danger.

- "Child: any person not having reached eighteen (18) years of age"
- "The child whose health, morals, education or security are in danger or suspected of being so or whose living conditions or behavior are liable to expose him to a possible danger or compromising his future, or whose environment puts his physical, psychological or educational well-being in danger."

The law goes deep in definition, to such extent, that even the circumstances in which, the child is supposed to be in danger are defined, explaining the cases and citing them (Art 2.).

The Algerian legislator thought that though law was finally promulgated, the governmental body or entity instituted for the protection and promotion of children, that was chaired by the national delegate for child protection, the official responsible for ensuring the protection and promotion of the rights of the child,

it was significantly determined that to ensure things go firmly into practice, and materialize an effective protection of the child, the organ needed to be put under the authority of the Prime Minister, the state providing all the human and material means that are necessary for the accomplishment of its missions.

Obviously, the following step was setting all the conditions to enable the national body for the protection and promotion of childhood to be operational.

An executive decree was then promulgated in December 2016 to define the conditions and modalities of organization and functioning of the national organ for the Protection and Promotion of Childhood.

It was obvious then, that in every project dedicated and designed for the society, the legal texts are not the only means to achieve the purpose targeted, it is therefore required to adopt an approach that puts together all the stakeholders so as to take up a global solution, with the participation of stakeholders activating in the social protection of children.

Social protection:

The Ministry of Religious Affairs and Endowments being the one logical social partner, took part to the whole process of the protection and promotion of the child.

The Ministry of Religious Affairs and Endowments, has ever been working to promote the moral values inherent to the Algerian society, and therefore, working for the interest of the child, recognizing him as the one part that is to be taken into account for the stability of the society. Bearing in mind, that this child has specific needs to achieve the full development of his or her personality, but also to grow up in a favorable familial environment, breathing serenity and peace, necessary to his personal development.

The mosque being the central spot from which imams and murshidat eddiniatie activate constantly to ensure the securing of the Algerian society, by promoting the values necessary to a harmonious living for the family, the Ministry of Religious Affairs and Endowments has largely contributed to the building up of concepts

and norms necessary to make children enjoy their present and prepare them to assume responsibility for building their future.

It is commonly admitted that children need that their basic rights are fully satisfied, and for that purpose, it was needed and required that an effective work of social actions addressing the family through speeches and sermons of religious orientation, addressing the society and working for its stability by blaming acts and practices prejudicial to the child's dignity.

Considering that the role of the religious institutions in the protection of the society immunizing it from non adapted behavior towards children through the arising of awareness and consciousness to ensure society's stability, and regarding that the Ministry of Religious Affairs and Endowments being the national religious referent, has to work for such values and consecrate an environment fit to such a culture of protective actions addressing families.

This is in this context, and as to answer the most core principles of the Convention on the Rights of the Child clearly defined such as : non-discrimination, devotion to the best interests of the child, the right to life, survival and development, but also to ensure harmony inside family, as well as school and in the whole society, to as to protect them to live in an environment where they can grow, learn and develop their fullest potential, that the Ministry of Religious Affairs and Endowments and the National Organ for the Protection and Promotion of Childhood, signed an agreement or a convention, on July 16.

The convention was articulated into four axes

- 1- Prioritizing topics related to training in child protection (speaking skills, speaking to children, accompanying children);
- 2-Preparing training programs for imams and murshidate eddinniati;
- 3- Initiating training programs for the training of trainers in the field of child protection and the promotion of his rights (addressing imams and murshidate eddinniati .);
- 4- Working for the security of the family , by providing information to instill a culture of child protection, and adopt a behavior that is

favorable to the protection of the child from all violations, accompanying parents and families,

These four essential axes are the consecration of the engagements of the Ministry of Religious Affairs and Endowments in matter of protection of childhood.

And can be developed to achieve the following actions:

1. Reinforce the activities of the imams' and murshidate eddinniati in their ongoing work related to awareness and awareness about protecting the child and ensuring a safe environment for him;
2. Contributing to held consciousness and awareness campaigns, dedicated for the protection of the children (including joint radio and television programs and broadcastings, as well as expanded distribution of leaflets on the rights of the child)..

It is clearly admitted that the mosque, as a midpoint in the Algerian society, it undertakes a "vital" role in the fight against all fleas that might afflict the stability of the above cited society.

The almost 18000 mosques that exist in Algeria know they have to constantly supervise the families and made them aware of any danger that through its spread, can harm the Algerian society.

Besides, the mosque is not only a place of worship, it is a place of communication where men and women of religion come together and can, through simple ideas, explain and prevent the dangers of a scourge that threatens the whole society. This is how the Ministry of Religious Affairs and Endowments takes part in the whole process of facing violations that can threaten childhood.

Bibliographic Notes:

1-Mmuhammad marmaduke pickthall - translation of Quran

2-Convention on the Rights of the Child – OHCHR.

3-Law n° 15-12 of July 15th, 2015 (The General Secretariat of the Government SGG official Journal n° 39 of Shawal 3rd 1436, corresponding to July 19th, 2015)