



THE ALGERIAN LEGAL FRAMEWORK FOR THE ECONOMIC EXPLOITATION OF CHILDREN: International Standards and Prospects for Reform

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ARTICLE INFO

Article History:

Received	04.01.2026
Accepted	06.04.2026
Published	30.06.2026

Keywords:

Child, Child rights, Child labour,
Legal protection, Economic
exploitation

ABSTRACT

The phenomenon of child economic exploitation is an alarming global reality, often exacerbated by economic precariousness that forces many families to sacrifice their children's education for the sake of an additional income. However, this practice exposes a particularly vulnerable population to serious risks, affecting their physical, mental, and social development.

To address this challenge, the international community has developed a legal framework aimed at guaranteeing the protection of children. Major instruments such as the United Nations Convention on the Rights of the Child (UNCRC) and the conventions of the International Labour Organization (ILO), particularly Convention No. 182 on the Worst Forms of Child Labour, have established universal standards. These texts serve as the foundation for national legislation, obliging states to implement concrete measures to prohibit dangerous child labor, set a minimum age for employment, and sanction offenders.

Thus, this study aims to explore in depth the legal protection framework for children against economic exploitation. It will not be limited to cataloging international and national instruments but will also analyze how these laws are applied, the challenges encountered in their implementation, and the persistent gaps. The objective is to highlight the complexity of the phenomenon and to emphasize the need for constant vigilance to ensure the dignity and fundamental rights of every child.

INTRODUCTION

The protection of the child is a fundamental component of legal systems, critical for ensuring both individual development and societal stability.¹ In legal terms, childhood is a specific developmental phase requiring a distinct status to ensure physical integrity and social integration. Despite extensive international and national legal frameworks, economic exploitation remains a persistent challenge, particularly child labour at an early age.²

In response, international bodies, notably the International Labour Organization (ILO), have established standards to legislate against these practices.³ Algeria, as a signatory to major international conventions, has transposed these norms into its domestic law, primarily through Law No. 90-11 on labour relations and Law No. 15-12 on child protection.

These instruments establish a framework aimed at regulating the minimum age for employment and prohibiting hazardous work.

The relevance of this issue in Algeria is underscored by the ongoing monitoring of labour standards. Official data from the General Labor Inspectorate indicates that between the beginning of 2024 and May 31, 2024, inspections of 28,952 employers (covering 372,327 workers) identified child labour in only 0.001% of cases involving children under 16.⁴ While these cases were referred to judicial authorities and no “worst forms” of child labor were recorded in this period,⁵ the severity of the issue lies in the potential for undeclared exploitation in the informal sector, which often escapes official statistics.

Despite this legislative framework, significant challenges persist regarding the practical implementation of Laws 90-11 and 15-12. A critical research gap exists, as few recent studies analyze the specific procedural shortcomings and institutional constraints that hinder full enforcement in the current socio-economic context. Consequently, this study addresses the following unanswered questions: What are the specific forms of le-

1 Apakhayev, N., Adilova, K., Bugybay, D., Toktybaev, A., Kopbayev, D. (2024). The problem of protecting the rights and legitimate interests of the child in the family and outside it. *Danube*, 15(3), 221-236. <https://doi.org/10.2478/danb-2024-0013>.

2 Sarkar, G., Shukla, S. K. (2024). Bi-directional exploitation of human trafficking victims: Both targets and perpetrators in cybercrime. *Journal of Human Trafficking*, 1-22. <https://doi.org/10.1080/23322705.2024.2353015>.

3 Carrillo, D. T. K. (2023). The International Labour Organisation and Freedom of Religious Belief. In: Paladini, L., Iglesias Vázquez, M.d.Á. (eds). *Protection and Promotion of Freedom of Religions and Beliefs in the European Context*. Springer, Cham. https://doi.org/10.1007/978-3-031-34503-6_15.

4 Barkat, A. (2024). Child Labor in Algerian society – according to a realistic approach. *The Comprehensive Journal of Psychological Studies and Educational Sciences*, 9(2), 368-387.

5 Effah, K. O. (2025). Deconstructing the Factors Engendering Child Labour in Ghana: A Legal Approach. *The International Journal of Children's Rights*, 33(2), 349-368. <https://doi.org/10.1163/15718182-33020005>.

gal protection granted to children against economic exploitation in Algeria, and what systemic challenges prevent these laws from reaching total effectiveness? This research aims to fill this gap by identifying the disjunction between statutory goals and the reality of enforcement.

METHODOLOGY

This research employs a qualitative and doctrinal legal analysis. It examines the Algerian legislative framework, specifically Law No. 90-11 and Law No. 15-12, in comparative perspective with international conventions, such as the ILO Conventions No. 138 and 182. The study relies on a systematic review of legal texts, official reports (notably the 2024 Labor Inspectorate data), and available institutional data to assess the gap between statutory provisions and their practical enforcement. This methodology allows for a critical evaluation of the effectiveness of the current legal protections and identifies the necessary legislative reforms.

FINDINGS AND DISCUSSION

1. INTERNATIONAL PROTECTION OF THE CHILD FROM ECONOMIC EXPLOITATION

In this section, we address the role of the United Nations in protecting the child from economic exploitation (First Requirement), in addition to the protection provided by the International Labour Organization (Second Requirement).

1.1. The role of the United Nations in protecting the child from economic exploitation

It is worth noting in this regard that the League of Nations was the first to adopt the

Geneva Declaration of the Rights of the Child in 1924,⁶ in which it called for the necessity of protecting the rights of the child, including protection from exploitation, particularly economic exploitation.⁷ After the League of Nations became the United Nations, the latter sought to protect children's rights through numerous efforts, including the Declaration of the Rights of the Child of 1959 (First Branch) and the Convention on the Rights of the Child of 1989 (Second Branch).

1.1.1. *The 1959 Declaration of the Rights of the Child*⁸

This declaration contained ten principles affirming that the child enjoys a set of rights in various fields, and it called upon all countries to recognize them.⁹ Perhaps the most notable of these rights is stated in Principle Nine, which reads as follows: "The child shall enjoy protection from all forms of neglect, cruelty, and exploitation. Trafficking in children in any form shall be prohibited. A child shall not be employed before reaching the appropriate minimum age, and in all cases, he shall not be made or allowed to work in any occupation or trade that may harm his health, education, or hinder his physical, mental, or moral development".

By examining this principle, we can see that the declaration provides the child with essential protection, particularly safeguard-

6 Shpytalenko, G., Havrik, R., Vatrás, V., Sabluk, S., Andrukhiy, O. (2024). Safeguarding children's rights through international legal frameworks. *Multidisciplinary Science Journal*, 6. <<https://doi.org/10.31893/multiscience.2024ss0735>>.

7 Skinner, G. C., Bywaters, P. W., Kennedy, E. (2023). A review of the relationship between poverty and child abuse and neglect: Insights from scoping reviews, systematic reviews and meta-analyses. *Child Abuse Review*, 32(2). <<https://doi.org/10.1002/car.2795>>.

8 The Declaration of the Rights of the Child. 20 November 1959. Adopted under UN General Assembly Resolution No. 1386.

9 Politakis, G. (2023). The recognition of occupational safety and health as a fundamental principle and right at work. *International & Comparative Law Quarterly*, 72(1), 213-232. <<https://doi.org/10.1017/S0020589322000446>>.

ing them from all forms of exploitation, in addition to prohibiting their employment or coercion into work before reaching the appropriate minimum age.¹⁰

1.1.2. The 1989 Convention on the Rights of the Child¹¹

This convention is considered a major achievement in the field of human rights, as it recognized the role of children as active participants in social, economic, political, civil, and cultural spheres. A total of 196 states ratified the convention,¹² including Algeria.¹³

It defined a child as every human being below the age of eighteen, unless, under the applicable law, they attain the age of majority earlier.¹⁴

The convention urged the state parties to protect the child from all forms of violence, injury, or physical and mental abuse, as well as neglect, negligent treatment, maltreatment, or exploitation...¹⁵

It also emphasized the necessity for state parties to recognize the child's right to pro-

tection from economic exploitation and from performing any work likely to be hazardous,¹⁶ interfere with the child's education, or be harmful to their health or physical, mental, spiritual, moral, or social development.

The same convention required state parties, in particular, to:

1. Set a minimum age or minimum ages for admission to employment.
2. Establish an appropriate system for regulating working hours and conditions.
3. Impose suitable penalties or other sanctions to ensure the effective enforcement of this article.¹⁷

From examining these two articles, it is clear that the 1989 Convention on the Rights of the Child paid great attention to the child, protecting them not only from economic exploitation but also from engaging in dangerous work that could hinder their education or harm their health.¹⁸ This is because, at a young age, a child needs education and mental development, and only after reaching a certain age can they enter the world of work.

1.2. The International Labour Organization and its role in protecting the child from economic exploitation

Since its establishment in 1919, the International Labour Organization has made significant efforts to eliminate the economic exploitation of children. Among the measures it has adopted to achieve its objectives is setting a minimum age for child employment

- 10 Meinck, F., Franchino-Olsen, H., Hafstad, G. S., Jud, A., Liel, C., Nikolaidis, G., Græsholt-Knudsen, T. (2025). Who gets to decide when children participate? Considering the complexities of consent and gatekeeping in violence research. *Child Abuse & Neglect*, 169. <https://doi.org/10.1016/j.chiabu.2025.107679>.
- 11 Convention on the Rights of the Child. 20 November 1989. Adopted under UN General Assembly Resolution 44/25. Entered into force 2 September 1990 pursuant to Article 49.
- 12 Montà, C. C., Bianchi, D., Edling, S., Biffi, E. (2025). Motivations for paying regard to children's right in relation to democracy and education: An analysis of Swedish and Italian policy investigations. *European Educational Research Journal*, 24(4), 530-556. <https://doi.org/10.1177/14749041251314098>.
- 13 Presidential Decree No. 92-461 dated 19 December 1992, including interpretative declarations, *Official Gazette*, No. 91, issued 23 December 1992.
- 14 Adams, C., Pente, P., Lermeyer, G., Rockwell, G. (2023). Ethical principles for artificial intelligence in K-12 education. *Comput. Educ. Artif. Intell.*, 4. <https://doi.org/10.1016/j.caeai.2023.100131>.
- 15 Kurniasi, N. F., Sumardi, J., Sakharina, I. K. (2022). Elimination of Violence Against Children During the Covid-19 Pandemic based on the United Nations Convention on the Rights of the Child (UNCRC 1989). *Khazanah Hukum*, 4(2), 154-169.

- 16 Donnelly, P. (2024). Child labour in high performance and professional sport: The struggle for children's rights. *Annals of Leisure Research*, 27(3), 361-380. <https://doi.org/10.1080/11745398.2023.2232056>.
- 17 Convention on the Rights of the Child. 20 November 1989. Adopted under UN General Assembly Resolution 44/25, *ibid*.
- 18 Daly, A., Stern, R. T., Leviner, P. (2022). UN Convention on the Rights of the Child, Article 2 and Discrimination on the basis of Childhood: The crc Paradox?. *Nordic Journal of International Law*, 91(3), 419-452. <https://doi.org/10.1163/15718107-91030007>.

(First Subsection) in addition to prohibiting the employment of children in hazardous work (Second Subsection).

1.2.1. Minimum Age Convention No. 138¹⁹

This convention set the minimum age for employment at 18 years for admission to all types of work that may endanger the health, safety, or morals of young persons as a general rule.²⁰ As an exception, national laws may allow work starting from the age of 16, provided that the health, safety, and morals of young persons are fully protected, and they receive appropriate training for the intended field of activity. The convention also established 15 years as the minimum age for employment, on the condition that this age is not lower than the age of completion of compulsory (primary) education.²¹

The aim behind this is to ensure that the child fully benefits from their childhood and is not pushed into the world of work at an early age due to their young age and vulnerability.

However, poor families often rely on their children's work to meet their needs. In addition, the migration of the workforce abroad often leads to child labour as a means of replacement. The difficulty of schooling in remote rural areas, along with poor quality education and its high cost, are other factors that encourage the employment of children.²²

1.2.2. Convention No. 182 on the Prohibition of the Worst Forms of Child Labour²³

Child labour has been a familiar phenomenon since ancient times and is part of traditional culture, especially in Arab families. However, a child helping their family with household tasks, farm work, or herding is entirely different from the present-day practice of employing children in agriculture, factories, and workshops. When a child works under the supervision of their parents, they are not overburdened, they have the freedom to stop whenever they wish, and they receive full care and protection from their parents, who remain attentive and concerned for their well-being while they assist in such tasks.

However, new forms of child labour have emerged, such as exploitation in factories, agricultural work, and other activities that pose a danger to a child's health and morals. They are employed in tasks that are unsuitable for their age and incompatible with their physical and mental abilities, violating their most basic rights to education, development, and rest.

To combat this phenomenon, and after setting the minimum age for employment through Convention No. 138, the International Labour Organization saw an urgent need to adopt new instruments aimed at prohibiting and eliminating the worst forms of child labour. This led to the adoption of Convention No. 182.²⁴

This convention called on the member states that ratified it to take immediate and effective measures without delay to prohibit and eliminate the worst forms of child labour.²⁵ Given the severity of these types of

19 Haitham, H, A-M., (2008). *Al-Muntaqa fi Sharh Qanun Al-Amal: Comparative Study with Civil Law*. 1st ed., Dar Al-Hamed Publishing and Distribution, Amman, Jordan, 50.

20 Koski, A., Mangat, S., Wright, D. (2023). The evolution of child marriage as a human rights concern. *Human Rights Review*, 24(4), 585-604. <<https://doi.org/10.1007/s12142-023-00707-2>>.

21 Mačernytė Panomariovienė, I., Wroclawska, T. (2025). Employment of Adolescents and Children: Minimum Working Age in Lithuanian and Polish Law. In: Limantė, A., Vaičiūnienė, R. (eds.). *Children's Rights in Central and Eastern Europe. European Union and its Neighbours in a Globalized World*, Vol. 29. Springer, Cham. <https://doi.org/10.1007/978-3-032-07092-0_6>.

22 Food and Agriculture Organization of the United Nations, (2020). *Manual for monitoring and evaluating child labour in agriculture. Measuring the impacts of*

agricultural and food security programmes on child labour in family farming, Rome, 15.

23 Decree No. 2000-387 dated 28 November 2000, *Official Gazette*, No. 73, issued 3 December 2000.

24 Hammas, H. (2014-2015). *Criminal protection of the child victim: comparative study*. PhD thesis in Public Law, Faculty of Law and Political Science, University Abou Bekr Belkaid – Tlemcen, 123.

25 Koliev, F., Lebovic, J. H. (2022). *Shaming into compli-*

work on the child's health, the convention defined the forms of such labour through four points:

- Slavery or practices similar to slavery, such as the sale and trafficking of children.
- Using, employing, or exposing the child to prostitution, the production of pornographic materials, or performing pornographic shows.
- Using, employing, or exposing the child to engage in illegal activities, especially drug production, as defined in relevant international treaties and trafficking.
- Work that, by its nature or the circumstances in which it is performed, is likely to harm the health, safety, or moral behaviour of children.²⁶

In addition to the aforementioned conventions, the International Labour Organization has adopted several programs to eliminate child labour, the most important of which are:

1.2.2.1. The International Program on the Elimination of Child Labour Research, launched in 1979

It helped provide a clear picture of this phenomenon by counting, describing, and analysing child labour across various economic activities.

1.2.2.2. The International Program to Eliminate Child Labor (IPEC)

In 1990, the German government made a significant contribution to establishing an unprecedented technical program within the International Labour Organization concerning child labour. This step helped lay the foundation for launching a new and effective long-term campaign against child labour by the

International Labour Organization.

Since then, the program has worked to develop its experience into an effective global operation spanning five continents and nearly 90 countries. The program's strategy is based on the core International Labour Organization conventions, with a focus on eliminating the worst forms of child labour.²⁷

In addition, the organization has issued numerous reports and protocols aimed at limiting exploitation in the workplace and ensuring workers' rights. One such report, published in 2013 under the title "Progress Towards the Elimination of Child Labour", noted that the number of working children worldwide had decreased by one third since 2000, dropping from about 246 million to 168 million by the time of the report.²⁸ At that time, the organization's goal was to eliminate the worst forms of child labour by 2016. The organization also adopted a new protocol in 2014 to address modern forms of forced labour, recognizing it as a violation of human rights and dignity. Millions of men, women, and children fall under this type of labour. This protocol was adopted with the support of government representatives, employers, and workers at the International Labour Conference, with 437 votes in favour, 8 against, and 27 abstentions. The goal of the protocol was to update the International Labour Organization's Convention No. 29 of 1930 concerning forced labour.²⁹

ance? Country reporting of convention adherence to the International Labour Organization. *International Interactions*, 48(2), 258-291. <https://doi.org/10.1080/03050629.2021.1983567>.

26 Khogali, H. O., Mekid, S. (2023). The blended future of automation and AI: Examining some long-term societal and ethical impact features. *Technology in Society*, 73, 102232.

27 International Programme on the Elimination of Child Labour (IPEC). Programme definition and operation. https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/genericdocument/wcms_210595.pdf.

28 Lerouge, L., Trujillo Pons, F. (2022). Contribution to the study on the 'right to disconnect' from work. Are France and Spain examples for other countries and EU law?. *European labour law journal*, 13(3), 450-465. <https://doi.org/10.1177/20319525221105102>.

29 Hassan, O., Abd E. S. A. H. (2018). *International Administrative Justice in the International Labour Organization: A Comparative Study*. Arab Center for Scientific Studies and Research for Publishing and Distribution, Cairo, Egypt, 62.

2. LEGAL PROTECTION OF CHILDREN FROM ECONOMIC EXPLOITATION UNDER ALGERIAN LEGISLATION

Given Algeria's ratification of the aforementioned international treaties on the protection of children from economic exploitation, the Algerian legislator needed to incorporate the provisions of these agreements into a dedicated legal framework. This was achieved through the promulgation of the Algerian Labour Relations Law,³⁰ which established a legal framework governing the employment of children, prohibiting their employment due to their young age and the immaturity of their physical and mental capacities, to safeguard their health (Requirement One). In addition, a specific Child Protection Law³¹ was issued to provide them with comprehensive protection (Requirement Two).

2.1. The role of the labor relations law in protecting the child from economic exploitation

The Labor Relations Law has established a set of provisions to protect children from economic exploitation. These include setting a minimum age for employment (First Subsection), requiring a work permit for employing a child (Second Subsection), prohibiting the child's employment in hazardous work (Third Subsection), and banning nighttime employment of children (Fourth Subsection).

2.1.1. The minimum employment age in Algerian legislation

Humanitarian considerations require prohibiting the employment of children who have

not yet reached the stage where they are capable of working, to protect their youth and preserve their health. Therefore, determining a legal minimum age for child labour was one of the main reasons that prompted the legislator to intervene in labour matters.³² Article 15 of the Labor Relations Law provides: "In no case may the minimum age for employment be less than sixteen (16) years, except in situations that fall within the framework of apprenticeship contracts, which are established in accordance with the applicable legislation and regulations..."³³

It is clear from this article that the Algerian legislator was explicit on this matter and prohibited the employment of persons under the age of 16. This is nothing but a reflection of the provisions of the Minimum Age Convention No. 138 mentioned earlier. The same approach was adopted by the French legislator.³⁴ Some comparative legislations, however, differ in determining the minimum working age. The Egyptian legislator set it at 15 years,³⁵ and this age is the same for both males and females. The Saudi legislator also set the minimum age at 15 years³⁶ for acceptance into any type of work.

The Algerian legislator has also established criminal protection for the child against employment before the legal age. Any employer in violation is subject to a fine

30 Law No. 90-11 dated 21 April 1990 relating to Labour Relations, Official Gazette, No. 17, issued 25 April 1990.

31 Law No. 15-12 dated 15 July 2015 relating to Child Protection, Official Gazette, No. 39, issued 19 July 2015.

32 Lafarre, A. (2023). The proposed Corporate Sustainability Due Diligence Directive: corporate liability design for social harms. *European Business Law Review*, 34(2). 213-240. <https://doi.org/10.54648/eulr2023017>.

33 Law No. 90-11, *ibid*.

34 Ordonnance n° 2001-174 of 22 February 2001 regarding the transposition of Directive 94/33/CE of the Council of 22 June 1994 on the Protection of Young People at Work, Official Gazette, No. 47, 24 February 2001.

35 Egyptian Child Law No. 12 of 1996, issued 25 March 1996, Official Gazette No. 13, amended by Law No. 126 of 2008, issued 15 June 2008, Official Gazette No. 24 (Republished), issued 15 June 2008.

36 Royal Decree No. M/51 dated 27 September 2005, including the Labour System, Umm Al-Qura, No. 4068, issued 28 October 2005.

ranging from 1,000 to 2,000 Algerian dinars,³⁷ and in the case of a repeat offense, a prison sentence ranging from 15 days to two months may be imposed, without prejudice to the fine, which is doubled. It is worth noting that these penalties are very minimal and cannot achieve the desired deterrent effect.

It should be noted that Article 15, mentioned earlier, allows the reduction of the minimum age of 16 in cases that fall within the framework of apprenticeship contracts. An apprenticeship contract is one in which the employing institution undertakes to provide the apprentice with systematic and complete professional training, in return for which the apprentice commits to working for the institution throughout the duration of the contract and receives a pre-agreed wage. The legal age for apprenticeship is 15, meaning that the minimum age for entering work is reduced from 16 to 15 in the case of apprenticeship.³⁸

2.1.2. The requirement to obtain a permit for employing a child

Obtaining a permit is one of the safeguards established by the Algerian legislator in the Labor Relations Law to protect children from economic exploitation. Article 15 of the Labor Relations Law explicitly states that a minor may not be employed except based on a permit from their legal guardian.³⁹ It would have been preferable if the legislator had used the term “the child’s legal representative”, which encompasses a wider range of meanings, such as a parent, guardian, custodian, court-appointed administrator, or caregiver, as is the case in Law No. 15-12 on Child Protection.⁴⁰

Although a person who has reached the age of 16 is allowed to enter into employment contracts, the Algerian legislator still considers them legally incapacitated, and their consent is not deemed fully valid unless accompanied by the approval of their legal guardian, as they have not yet reached the age of majority, which is set at 19. For this reason, they are referred to as minors.⁴¹

As for the permit, it serves as a means to protect the child, and without it, the contract is considered absolutely null and void. The legislator did not specify the form of the permit, but in light of the spirit of the legal texts, it cannot be oral; it must be in writing. Since the legislator did not stipulate a writing requirement or specify the information the permit must contain, the permit should be attached to the apprenticeship contract, as the legislator requires that such contracts be in written form. Therefore, the contract may include a clause or a dedicated section indicating the existence of a prior permit from the child’s parent or legal representative. Once the contract is signed, this signature serves as acknowledgment of the permit by all three parties: the parent, the child, and the employer.⁴²

2.1.3. Prohibition of employing a minor in hazardous work

From an examination of Article 15 of the Labor Relations Law, it is clear that the Algerian legislator prohibits employing minors in hazardous work or in activities lacking proper hygiene, as well as those that could harm their health or undermine their morals. This includes dangerous occupations such as working on high-rise buildings, in mines, in the manufacturing of weapons or explosives, or in chemical plants. It also includes activ-

37 Al-Mulla, M. S., Barafi, J. (2024). The legality of vaccination in accordance with international and national standards. *International Journal of Public Law and Policy*, 10(4), 430-448.

38 McCann, D., Stewart, A. (2024). Quality, formality and the evolution of international labour law: the new ILO quality apprenticeships standard. *Industrial Law Journal*, 53(4), 638-678. <https://doi.org/10.1093/indlaw/dwae012>.

39 Law 90-11, *ibid*.

40 Law No. 15-12 relating to Child Protection, *ibid*.

41 Bakhda, M. (2021). Legislative Gaps in Regulating Minor Labour in Algeria. *Journal of Labour and Employment Law*, Faculty of Law and Political Science, Abdelhamid Ben Badis University – Mostaganem, (3), 99.

42 Gangwar, S. (2022). Minors’ contracts in the digital age. *Liverpool Law Review*, 43(2), 237-261. <https://doi.org/10.1007/s10991-022-09298-3>.

ities that are unhygienic, such as garbage removal, handling solid, liquid, or chemical waste, and other similar tasks. Additionally, physically exhausting or harmful labour, such as excavation or prolonged work hours, is prohibited, as is work that infringes on morals, such as employment in bars or casinos.⁴³

In the event of a violation, the employer is subject to criminal liability in the form of a monetary fine ranging from 2,000 to 4,000 DZD, applied each time the offense is recorded. It is also worth noting that these penalties are very minimal compared to the type of violation.

2.1.4. Prohibition of night work for children

The Labor Relations Law does not limit the protection of a child's health to setting a minimum age for employment and prohibiting work in hazardous occupations only. Some of its provisions also require raising this minimum age beyond 16 years in certain circumstances under which a minor may work. Therefore, the Labor Relations Law prohibits employing workers of either gender who are under the full age of 19 years in any form of night work. Night work is defined as any work carried out between 9:00 p.m. and 5:00 a.m.⁴⁴

The legislature considered this a matter of public order, which means no agreement may be made in violation of it. Anyone who breaches this provision is subject to criminal penalties.⁴⁵ It is noteworthy that this article offers children stronger protection than that provided under international standards, as it raises the age limit for the prohibition to 19 years instead of 18. This prohibition applies equally to both genders without distinction or exception.

In addition to prohibiting the employment

of minors at night if they are under 19 years of age, there are other legislations, such as those of Egypt, Kuwait, and France, which set a maximum working time for minors that must not exceed 6 hours per day. This period must include one or more breaks totalling no less than one hour per day, and no work period may exceed 4 consecutive hours.⁴⁶

2.2. Law No. 15-12 and its role in protecting children from economic exploitation

Law No. 15-12 introduced new concepts, defining a child as any person who has not reached the full age of 18. It also defined a "child in danger" as one whose health, morals, education, or security are in danger or at risk, whose living conditions or behaviour could potentially endanger his future, or who is in an environment that poses a threat to his physical, psychological, or educational well-being. In addition, the law provided, by way of example but not limitation, several situations that place a child in danger, among them economic exploitation, particularly by employing the child or assigning work that deprives them of continuing their education or that could harm their physical health, safety, and/or moral integrity.⁴⁷

Law No. 15-12 sought to protect children in danger, including those who are economically exploited, by establishing new rules and mechanisms such as social protection (First Subsection) and judicial protection (Second Subsection).

2.2.1 Social protection of the child from economic exploitation

Social protection of the child from economic exploitation is manifested in the National Body for the Protection and Promotion of Childhood (First) and social protection at the local level (Second).

43 Bakhda, M. (2014). Legal Protection of Minor Workers in Algerian Legislation. *Law Journal, Institute of Legal and Administrative Sciences, University Center – Relizane*, (4), 55.

44 Law No. 90-11, *ibid*.

45 Harmon, R. (2023). Law and Orders. *Columbia Law Review*, 123(4), 943-1016. <https://www.jstor.org/stable/27218396>.

46 Hammas, H., *Op. cit*.

47 Law No. 15-12 relating to Child Protection, *ibid*.

2.2.1.1 *The National Body for the Protection and Promotion of Childhood*

The National Body for the Protection and Promotion of Childhood is headed by the National Commissioner for Child Protection and is tasked with ensuring the safeguarding and advancement of children's rights⁴⁸. It enjoys legal personality and financial independence, with the state providing all necessary material and human resources for the body to carry out its duties.

The National Commissioner for Child Protection is responsible for promoting children's rights, particularly through:

1. Developing national and local programs for the protection and promotion of children's rights, in coordination with various administrations, institutions, public bodies, and individuals responsible for child care, along with their periodic evaluation.
2. Monitoring field activities directly related to child protection and coordinating among the various stakeholders.
3. Carrying out awareness, information, and communication initiatives.
4. Encouraging research and education in the field of children's rights, to understand the economic, social, and/or cultural causes of child neglect, abuse, and exploitation, and developing appropriate policies for their protection.
5. Providing opinions on existing national legislation related to children's rights with a view to its improvement.
6. Promoting the participation of civil society organizations in the monitoring and advancement of children's rights.
7. Establishing an information system on the situation of children in Algeria, in coordination with the relevant administrations and bodies.⁴⁹

It is clear that the legislator has granted the Commissioner significant powers in the field of protecting children's rights in general, and in safeguarding them from economic exploitation in particular.

The legislator has also endowed the Commissioner with another important function, namely the ability to receive reports concerning violations of children's rights from any child, their legal representative, or any natural or legal person. The Commissioner may also intervene on their own initiative to assist children in danger or in cases where the best interests of the child are at risk. Such reports are forwarded to the territorially competent Open Environment Service for investigation and the taking of appropriate measures. Reports that may involve criminal offenses are referred to the Minister of Justice, who in turn informs the competent Public Prosecutor with a view to initiating public proceedings when necessary.⁵⁰ The Commission may directly notify the juvenile judge in only 1 specific situation: when there is an imminent danger threatening the child that requires removing them from their family⁵¹, as is the case with economic exploitation.

However, it would have been preferable to grant the Commissioner and the Commission as a whole more independence in their relationship with the judiciary, as they are not authorized to forward reports directly to the Public Prosecutor but are instead required to notify the Minister of Justice.

2.2.1.2. *Social protection at the local level*

Social protection for children at the local level is carried out by open-environment services in coordination with various public bodies, institutions, and individuals responsible for childcare. One such service is established

48 Canosa, A., Graham, A., Simmons, C. (2022). Progressing children's rights and participation: Utilising rights-informed resources to guide policy and practice. *Australian Journal of Social Issues*, 57(3), 600-626. <https://doi.org/10.1002/ajs4.202>.

49 Law No. 15-12 relating to Child Protection, *ibid*.

50 *Ibid*.

51 Decree No. 16-334, dated December 19, 2016, establishes the conditions and procedures for the organization and operation of the National Authority for the Protection and Promotion of Childhood in Algeria, *Official Gazette*, No.75, 21 December 2016.

in each wilaya; however, in wilayas with large population density, multiple services may be created.

Open-environment services monitor the situation of children at risk and assist their families. They may be notified by the child and/or the child's legal representative, the judiciary, the wali, the president of the communal popular council, any public or private association or body active in the field of child protection, social workers, educators, teachers, doctors, or any other natural or legal person about anything that may pose a danger to the child. They may also intervene on their own initiative. These services verify the actual existence of the risk by conducting social inquiries, visiting the child's location, and listening to both the child and their legal representative. In such cases, they take the following measures:

1. If there is no danger, the child and their legal representative are informed of this.
2. If the presence of danger is confirmed, the child's legal representative is contacted to reach an agreement on the most appropriate measure to remove the danger from the child. Such measures may include:
 - Requiring the family to take the necessary steps to remove the danger from the child within deadlines set by the open-environment services.
 - Providing the necessary assistance to the family in coordination with the bodies responsible for social protection.
 - Notifying the wali or the president of the competent communal popular council, or any social body, to ensure the child's social care.
 - Taking the necessary precautions to prevent the child from coming into contact with anyone who might threaten their physical or moral health.
3. Referring the matter to the competent juvenile judge in cases of imminent dan-

ger or in situations where it is impossible to keep the child in their family, particularly if the child has been the victim of a crime committed by their legal representative.

The legislator has established criminal penalties consisting of a fine ranging from 30,000 to 60,000 Algerian dinars for anyone who prevents the National Commissioner or the open-environment services from carrying out their duties or hinders the proper conduct of the investigations and inquiries they perform. In case of a repeat offense, the penalty is imprisonment from two to six (6) months and a fine ranging from 60,000 to 120,000 Algerian dinars.⁵²

2.2.2. Judicial protection of the child from economic exploitation

The juvenile judge is competent to examine petitions submitted by the child, their legal representative, the public prosecutor, the wali (governor), the president of the People's Communal Assembly in the child's place of residence, the open-environment services, or associations and public bodies concerned with childhood matters.⁵³ The juvenile judge may also intervene on his or her own initiative.

The juvenile judge may take final judicial measures regarding the child, either during the investigation or after it. These measures can be divided into protection measures (first) and placement measures (second).

2.2.2.1. Protection measures

These measures consist of the following:

- Keeping the child within their family: This is the most suitable measure as it keeps the minor in their family environment, provided that this environment does not pose a danger to them.

⁵² Law 15-12 relating to Child Protection, *ibid*.

⁵³ Ali, B. (2023). Access to Justice for Children: Challenges and the Way Forward. In *Human Rights and Legal Services for Children and Youth: Global Perspectives* (pp. 13-40). Singapore: Springer Nature Singapore. https://doi.org/10.1007/978-981-99-5551-0_2.

- Handing the child over to their father or mother who does not exercise custody over them, unless a court ruling has revoked custody. In this case, the juvenile judge verifies whether custody has been revoked or not.
- Handing the child over to one of their relatives: This applies if the minor's parents are absent or if their presence poses a danger to them.
- Handing the child over to a trustworthy person or family: Here, the judge has discretionary power to determine whether the person or family is trustworthy or not.⁵⁴

The judge may also assign the open environment services to monitor the child in their family, and/or school, and/or professional environment.

It should be noted that these measures might be temporary, in which case they must not exceed six (6) months, or non-temporary, determined for a period of two (2) years, renewable. In all cases, they must not exceed the date on which the child reaches the age of criminal majority; however, the juvenile judge may, when necessary, extend this protection until the age of twenty-one (21) years.⁵⁵

2.2.2.2. Placement measures

The juvenile judge may order the temporary placement of the child in:

- A specialized centre for the protection of children in danger.
- A service in charge of assisting children.
- A health or psychiatric institution, if the child requires medical or psychological care.

The duration of these measures may not exceed six (6) months.

The juvenile judge may also order the

placement of the child for a period of two (2) years, renewable, in:

- A specialized centre for the protection of children in danger.
- A service in charge of assisting children.

In this case, the same rule previously mentioned regarding non-temporary measures applies.

It should be noted that the orders issued by the juvenile judge concerning protection measures and non-temporary placement measures are not subject to any means of appeal. However, the legislator has left the door open by allowing the juvenile judge to modify or revoke the measure ordered, based on a request from the child, their legal representative, the public prosecutor, or on the judge's own initiative.⁵⁶

CONCLUSION

This study analyzed the effectiveness of the Algerian legal framework in protecting children from economic exploitation, contrasting national provisions with international standards. We conclude that despite Algeria's formal integration of its obligations through Laws No. 90-11 and No. 15-12, the protection remains largely insufficient in practice. The novelty of this research lies in the identification of specific, systemic weaknesses within the Algerian enforcement mechanism, often overlooked by previous literature. It highlights a critical disjunction between legislative goals and practical reality.

Key findings and practical implications

Our analysis reveals several critical shortcomings that hinder the full effectiveness of child protection laws:

- **Insufficient Penalties:** The current sanctions are minimal, failing to pro-

54 Gerdtz-Andresen, T., Andersen, M. V. S., Hansen, H. A. (2024). The child's right to family life when living in public care: How to facilitate contact that preserves, strengthens, and develops family ties. *Children and Youth Services Review*, 159. <https://doi.org/10.1016/j.childyouth.2024.107495>.

55 Law 15-12 relating to Child Protection, *ibid*.

56 *Ibid*.

vide the necessary deterrence against perpetrators.

- **Procedural Ambiguity:** A lack of clear regulatory guidelines regarding employment permits for minors creates legal loopholes.
- **Institutional Constraints:** Bureaucratic hurdles limit the autonomy of the National Body for the Protection and Promotion of Childhood and the National Commissioner, as they cannot directly notify the Public Prosecutor.

Based on these findings, this study proposes actionable policy recommendations. The Algerian legislator should significantly increase penalties for child labour offenses and clarify procedural guidelines. Furthermore, amending Law No. 15-12 to empower national protection bodies with direct access to the judiciary is essential to ensure swift and effective child protection, thereby achieving real, actionable changes in the fight against economic exploitation.

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