

Institutional Protection of the Assisted Child: Childhood Care Home in Jijel as a Model

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Abstract

This article highlights the reality of institutional protection for assisted children at the local level, adopting the Childhood Care Home in Jijel Province as a case study. The research stems from the problem of a child's loss of family or parental care as a result of various circumstances, which renders the child in need of an alternative framework to ensure protection and proper upbringing, a principle that the Algerian legislature has sought to enshrine in law. The study is divided into two parts. The first addresses the conceptual framework of child protection institutions through legal and regulatory references. The second is devoted to clarifying the procedures for protecting this group, whether within the framework of administrative placement under the authority of the Directorate of Social Activity or judicial placement issued by the competent judge.

Keywords: assisted child; care home; protection; Algerian legislation.

1. Introduction

The subject of child protection is one of the most significant topics that occupies a vast space for discussion and reflection among jurists and researchers at both the national and international levels. The importance of protecting this segment of society arises from its current and future role, as children truly constitute the fundamental pillar for building the future of nations.

As vulnerable human beings, children possess fundamental rights that must be safeguarded and ensured by both society and the state. Undoubtedly, the most important right afforded to the child after birth is the nurturing family, which guarantees care in terms of health, social well-being, and psychological development.

Nevertheless, in some instances and for various reasons, such as family disintegration, divorce, or orphanhood, the child may lose family care and be deprived of the nurturing environment that ensures proper upbringing. For this reason, states endeavour to create legal mechanisms capable of guaranteeing the necessary protection for assisted children through the establishment of dedicated care homes.

Since attention to all categories of childhood is a significant indicator of the progress of nations and people, the Algerian legislature has kept pace with international developments in the field of child protection by providing legal guarantees and institutional frameworks that ensure proper upbringing and dignified living for this category.

On this basis, this research paper will be devoted to examining the reality of the institutional protection of assisted children at the provincial level, with specific reference to the assisted childhood home in Jijel.

We have divided this research paper into two principal axes: the first addresses the conceptual framework of child protection institutions. In contrast, the second is dedicated to

examining the reality of institutional protection of the assisted child in the Childhood Care Home of Jijel.

First Axis: Conceptual Framework of Child Protection Institutions

To guarantee protection for assisted children and provide them with social and psychological care equivalent to that of other categories of children, the Algerian legislature established special institutions dedicated to assisting children. This section seeks to clarify the meaning of such institutions. However, before doing so, it is necessary to define the term “assisted child,” linguistically and conventionally, followed by its definition within Algerian law.

Definition of the Assisted Child

The definition of the assisted child rests upon first clarifying the general concept of “child,” then explaining what is meant by the term “assisted,” and finally presenting the legal definition of the assisted child.

Child, linguistically: The child is the young of any being. The root of the word *طفل* is derived from *الطفالة*, meaning softness. The newborn possesses *طفالة* and tenderness. The term *طفل* is applied to both males and females, whereas the verbal noun is *طفولة*.¹

The term *مسعف* derives from *إسعاف*, meaning the assistance of the afflicted and the rescue of the wounded. That is, *أسعف*—to assist or provide relief refers to treating the sick with medicine. Thus, the assisted child fundamentally remains an individual who, owing to shortcomings or incapacity, requires the intervention of others to compensate for his or her deficiencies.²

The assisted child can be defined as one deprived of living in a family environment as a result of various circumstances, such as death, divorce, or illegitimate relations, and who finds no caregiver except for alternative institutions or centers. These entities provide a substitute form of care in place of the natural family and ensure his or her sound development.³

Definition of the Assisted Child in Algerian Law

The Algerian legislature has not provided an exhaustive and comprehensive definition of the assisted child in Law No. 75–58 about the amended and supplemented Civil Code, nor in Law No. 84–11 concerning the amended and supplemented Family Code, nor even in Decree No. 12–04, which contains the model statute for institutions of assisted childhood. Article 5 of this decree merely specifies those institutions responsible for receiving this category from birth until the age of eighteen, providing round-the-clock care, pending their eventual placement into a family environment.⁴

Nevertheless, it is possible to infer a definition of the assisted child or “state orphans” from the provisions of Law Nos. 76–79 of 23 November 1976 concerning Public Health Law. In particular, Article 246, alongside various scattered texts from national legislation that address matters related to this category, provides a legal basis for such a definition.

On this basis, assisted childhood refers to the category of children deprived of a family for one reason or another, specifically of the environment that includes parents and siblings, who are placed in specialised centres that provide comprehensive care, psychological, social, educational, and otherwise. This category consists of the following types:

a. A child born of unknown parents, found in a particular place or brought to an institution, who is considered a foundling.

b. A child born of known parents but abandoned by them, to whom neither they nor their ascendants can be returned; such a child is considered forsaken.

¹ Academy of the Arabic Language, *Al-Mu'jam al-Wasīṭ*, Al-Shurūq International Bookshop, Egypt, 2004, p. 767.

² Ali Lounis and Hanan Thawabti, *The Role of Child Protection Centres in the Care and Upbringing of the Assisted Child*, Child Protection Centre at El-Eulma, University of Sétif, p. 479.

³ Youssef Hadid and Ashour Allouti, *The Foster Family and the Social Integration of the Assisted Child*, *Al-Mi'yār Journal*, no. 16, 2013, p. 416.

⁴ Ahmed Ben Issa, *The Protection of Assisted Children in Light of the Rules of International and Algerian Law*, *Journal of Legal and Political Sciences*, vol. 9, no. 2, p. 515.

c. A child who has neither father, mother, nor ascendants to whom he or she may return and who possesses no means of subsistence; such a child is a poor orphan.

d. A child whose parental authority has been revoked by judicial order and who has been placed under guardianship, thereby entering the daily relief system and becoming part of the class of assisted childhood.

In this sense, assisted childhood does not refer exclusively to illegitimate children but can also encompass other categories, such as the following:

Children are abandoned by their parents for various reasons and under various circumstances.

Children without paternal affiliation, that is, those for whom lineage to the father was not declared by the mother, either through refusal or failure to recognise the child, resulting in genealogy being traced to her, or those not acknowledged by the man presumed to be the father.

Children of entirely unknown lineage, such as the foundling whose ancestry is completely untraceable.

Assisted Childhood Institution

This refers to a facility comprising one or more buildings equipped for residential accommodation, in which children with difficult family circumstances prevent them from continuing to live within their natural families. The institution includes an administrative body headed by a director who supervises a number of psychologists and social workers.⁵

In this sense, it is a social institution that hosts several children in exceptional circumstances and is supervised by a specialised team. Thus, an assisted childhood institution is essentially a sheltering establishment, whether public or private, to which an assisted child, owing to unavoidable circumstances and under specific conditions, is admitted to receive care, education, and proper upbringing.

Here, the central question arises: how is the assisted child admitted, and what procedures are undertaken within the institution to ensure his or her protection? These issues will be addressed in the following section.

Second Axis: The Reality of Institutional Protection at the Jijel-assisted Childhood Home

In its efforts to protect the category of assisted children, the Algerian state established public institutions of an administrative nature, endowed with legal personality and financial autonomy, under the guardianship of the minister in charge of solidarity. This axis will be devoted to clarifying institutional protection at the assisted childhood home in Jijel, in accordance with the objective of this study.

I. Legal Basis

As mentioned previously, the Assisted Childhood Home in Jijel is a public institution of an administrative nature, created by Executive Decree No. 07–265 of 9 September 2007, concerning the establishment, organisation, and operation of homes for assisted children.⁶

By virtue of Executive Decree No. 12–04 of 4 January 2012, which sets forth the model statute for institutions of assisted childhood,⁷ the official inauguration of the Jijel Assisted Childhood Home and the commencement of its reception of assisted children took place in March 2009.

II. Internal Organisation of the Jijel-assisted Childhood Home

⁵ Gamal Shafiq Ahmed, *Personality Traits of Some Residents in Certain Sheltering Institutions*, Master's Thesis, Ain Shams University, Cairo, 1996, p. 2.

⁶ Executive Decree No. 07–265 of 9 September 2007, supplementing the list annexed to Decree No. 80–83 of 15 March 1980, concerning the establishment, organisation, and operation of homes for assisted children, *Official Journal*, no. 56, issued on 12 September 2007.

⁷ Executive Decree No. 12–04 of 4 January 2012, establishing the model statute for institutions of assisted childhood, *Official Journal*, no. 05, issued 29 January 2012.

In accordance with the provisions of Executive Decree No. 12–04, particularly Article 8, the internal organisation of institutions of assisted childhood was established through a joint ministerial order dated 22 May 2013.⁸

Under Article 2 of this ministerial order, the institution of assisted childhood consists of three departments:

Reception, Observation, and Accommodation Department

Psychological-Pedagogical Follow-Up, Rehabilitation, and Aftercare Department

Administration and Services Department

With reference to the Jijel assisted childhood home, its internal organisation encompasses these departments and structures, which are divided as follows:

Administrative Wing: Comprising several offices (director, secretariat, meeting room, personnel office, bursar, and general services).

Pedagogical Wing: Consisting of a medical clinic, along with offices for the physician, psychologist, and social worker.

In addition to these two wings, the institution also includes social facilities for nursing and nutrition, play, and sleeping. Furthermore, it possesses a reception area, a garden, and storage facilities on both the upper and ground floors, as well as a porter's lodging for security staff.

In addition, a specialised workforce is assigned to manage and perform the various legally defined roles necessary for the proper upbringing of the assisted child.

Third, procedures for protecting assisted children (administrative and judicial placement)

Once the assisted child fulfils certain conditions, including being under the age of eighteen, not having been convicted of vagrancy or a felony, not previously placed in juvenile care institutions, and being in good health (i.e., free from contagious diseases or mental illness), institutional protection procedures for the assisted child come into effect.

At this point, the following question arises: What are the procedures for providing care to this category?

First, it should be understood that the assisted child does not find himself or herself in the care institution by chance. Upon fulfilling the aforementioned conditions and criteria, the child's transfer or placement into the institution is carried out by one of two means:

The first is referred to as administrative placement, which is conducted by the Directorate of Social Activity located in the child's place of birth.

The second is known as judicial placement, which is ordered by the juvenile judge in cases where a child is found to be in a dangerous situation.

1. Regarding administrative placement:

This refers to the placement of the assisted child, after meeting the required conditions, in the childhood care home under the responsibility of the director of social activity. This is usually the case for a child of unknown lineage born in a medical institution to a known mother who may abandon the illegitimate child for various reasons, the most significant being to avoid a scandal.

The administrative placement procedures are initiated by the social worker present at the hospital, who interviews the mother to obtain the necessary information about her, the child, and even details concerning the biological father.

Subsequently, a record of abandonment is drawn up, specifying its type: whether temporary, with a maximum duration of three months, allowing the mother to reclaim her child, or permanent, whereby her ties with the child are severed, and she loses all rights towards him or her.

⁸ Joint Ministerial Order of 22 May 2013, defining the internal organisation of specialised institutions for the protection of childhood and adolescence, *Official Journal*, no. 31, issued 16 January 2013.

As a second step or procedure, the social worker coordinates with the civil status officer to register the assisted child in the civil registry and obtain a birth certificate. Notably, the choice of names is made from a preprepared list for this purpose, consisting of three-part names.

After forming the administrative placement file, which includes the abandonment record, a copy of the birth certificate, a copy of the mother's identification card, and the child's health card, the file is sent to the Directorate of Social Activity, which in turn forwards it to the Childhood Care Home to verify the file and prepare a detailed report on the condition of the infant upon arrival before commencing care procedures. Institutional Protection of the Assisted Child: Childhood Care Home in Jijel as a Model.

1. Regarding judicial placement:

In this case, the child is placed by order of the competent judge, typically when the child is found in a situation of danger (such as being abandoned on the street, public reports, or at the request of the mother due to a dispute). The juvenile judge orders the placement of the assisted child within the assisted childhood institution.

Notably, procedures are more prolonged for found children (those of unknown lineage). Initially, police take action by drafting a report and placing the abandoned child under custody, which is then submitted to the director of the Childhood Care Home. It is mandatory to notify the relevant public prosecutor, who, in turn, orders the civil status officer to register the child in the civil registry and issue a birth certificate. This information is then sent to the Directorate of Social Activity to complete the file and transfer the child to the Care Home, as previously explained.

2. Protection Provided to the Assisted Child Within the Institution (Childhood Care Home)

The protection offered is diverse and specified primarily in Articles 3 and 4 of the joint ministerial order dated 22 May 2013, which defines the internal organisation of assisted childhood institutions. This protection can be divided as follows:

Guarantee of material care: Through the provision of healthy, balanced nutrition, as well as hygiene, clothing, and all biological care the child requires.

Guarantee of health care: safeguarding the health and safety of the infant, child, and adolescent at both preventive and curative levels.

Guarantee of mental health: Feeding and meeting the material needs of the assisted child alone are insufficient, as the child also needs security, reassurance, love, and tenderness. In this context, the childhood care home undertakes psychological, motor, and emotional follow-up for the assisted child, in addition to preparing and implementing psychological programs tailored to this category.

Guarantee of social care: By seeking to integrate children into society, healthy social relationships with the external environment can be fostered.

Guarantee of education and upbringing: By enabling the child to develop autonomy and self-reliance, including follow-up outside the centre.

Conclusion

This research concludes that the Algerian legislature has established institutional protection for assisted children through the creation of specialised centres, such as the Jijel Assisted Childhood Home studied herein. This institution specialises in providing alternative care for abandoned children and those of unknown lineage who have lost the familial environment and meet the legally defined conditions, as previously outlined. To ensure comprehensive care for this group, the operation of these institutions is governed by legal provisions. One of the primary recommendations of this study is the necessity to care for and support the assisted child even after leaving the institution by establishing appropriate means to meet the needs of adult individuals of unknown lineage following their departure from the care institutions where they

have resided for several years. In any case, the protection of assisted childhood in Algeria is not solely the responsibility of state institutions but also a shared societal obligation.

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