



Global Initiative to
**End All Corporal Punishment
of Children**

ALGERIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 1st session, 2007

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General’s Study on Violence against Children, as a highly significant issue, both for asserting children’s status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General’s Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

This briefing describes the gaps in prohibition in Algeria, despite repeated recommendations by the Committee on the Rights of the Child.

We hope the Review will highlight with concern Algeria’s record of ignoring treaty body recommendations and strongly recommend that Algeria introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including in the home.

I: Legality of corporal punishment in Algeria

The home

Corporal punishment is lawful in the **home**. The Penal Code (amended 2004) recognises the right of parents to exercise authority over their children.

Children have limited protection from violence and abuse under the Family Code (1984), the Penal Code, the Code of Criminal Procedure (1966, amended 2004) and the Code of Civil Procedure (1975, amended 1990).

Schools and other settings

Corporal punishment is prohibited in **schools**.

In the **penal system**, corporal punishment is unlawful as a sentence for crime but there appears to be no explicit prohibition of its use as a disciplinary measure in penal institutions. Applicable law includes Law No. 05-04 on the structural code of the penitentiary organisation and the social rehabilitation of convicts (2005) and Ordinance No. 73-3 relating to the protection of children and young persons. There is no explicit prohibition of corporal punishment in **alternative care settings**.

II: Recommendations by human rights treaty monitoring bodies

The **Committee on the Rights of the Child** first expressed concern about corporal punishment of children in Algeria in 1997, in its concluding observations on the state party's initial report (CRC/C/15/Add.76, paras. 21 and 35). In 2005, the Committee made its recommendations following examination of the state party's second report, stating (CRC/C/15/Add.269, para. 42):

“The Committee urges the State party to adopt legislation explicitly prohibiting corporal punishment in the home, in public and private alternative care, in schools and in all other settings, and to conduct public education and awareness-raising campaigns promoting children's right to protection from all forms of violence as well as alternative, participatory, non-violent forms of discipline. In addition, the Committee recommends that the State party improve the effectiveness of the monitoring system in order to ensure that abuse of power by teachers or other professionals working with and for children does not take place in schools or other institutions.”