

ALGERIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 13th session, 2012

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

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.

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 as a matter of priority.

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, 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, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.

Corporal punishment of children is lawful in Algeria, despite recommendations made by the Committee on the Rights of the Child and other human rights treaty bodies and the raising of the issue during the initial UPR in 2008.

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

1 The initial review of Algeria by the Human Rights Council (2008)

1.1 Algeria was reviewed in the first cycle of the Universal Periodic Review in 2008 (session 1). The issue of corporal punishment was raised in advance questions and during the review by Italy.¹ In response, the Government stated that corporal punishment is prohibited in schools.² Italy is also recorded as having made a recommendation concerning corporal punishment, but this was not specifically mentioned in the summary of recommendations at the end of the working group report.³ Rather, the following recommendation is recorded, which was accepted:

“That Algeria take appropriate measures to address violence against children ... (Italy)”⁴

1.2 Prohibiting corporal punishment is a key obligation under the Convention on the Rights of the Child and other international human rights instruments, though it is an obligation frequently ignored or evaded by governments. Specifically challenging Algeria in this respect during its second UPR would reflect the seriousness with which the Human Rights Council views violations of the rights of all persons, including children.

1.3 There has been no further progress in prohibiting corporal punishment of children in Algeria since the initial UPR in 2008: while it is unlawful in schools and as a sentence of the courts, it is not prohibited in the home, in penal institutions or in alternative care settings.

2 Legality of corporal punishment in Algeria

2.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Penal Code (2004), the Family Code (1984), the Law No. 72-03 on the protection of childhood and adolescence (1972) and the Constitution (1976, amended 1996) are not interpreted as prohibiting all corporal punishment in childrearing.

2.2 Corporal punishment is prohibited in **schools** in article 21 of Law No. 08-04 (2008).

2.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Code of Criminal Procedure. However, there is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.

2.4 Corporal punishment is lawful in **alternative care settings**.

2.5 Research has revealed the widespread use of corporal punishment in childrearing. A major UNICEF analysis of data from 2005-2006 found that 87% of children aged 2-14 experienced violent discipline (physical punishment and/or psychological aggression) in the home.⁵ Research reported in 2008 found that of 1,700 Algerian families, 70% whip their children and use violence for disciplinary reasons, the punishments often resulting in injuries and bruising.⁶

¹ 11 March 2008, A/HRC/WG.6/1/PHL/3, Summary of stakeholders' information, para. 25

² 23 May 2008, A/HRC/8/29, Report of the Working Group on the Universal Periodic Review: Algeria, para. 33

³ Ibid., para. 28 cf para. 69(3)

⁴ Ibid., para. 69(3)

⁵ UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

⁶ Reported in *Echorouk Online*, 6 January 2008

3 Recommendations by human rights treaty monitoring bodies

3.1 The **Committee on the Rights of the Child** first expressed concern at corporal punishment of children in Algeria in 1997.⁷ In 2005, the Committee recommended explicit prohibition of corporal punishment in the home, schools, alternative care and all other settings.⁸

3.2 In 2010, the **Committee on Economic, Social and Cultural Rights** recommended that Algeria prohibit corporal punishment of children in the family and in alternative care settings.⁹

3.3 In 2008, the **Committee Against Torture** recommended prohibition of corporal punishment of children within the family.¹⁰

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⁷ 18 June 1997, CRC/C/15/Add.76, Concluding observations on initial report, paras. 21 and 35

⁸ 12 October 2005, Concluding observations on second report, CRC/C/15/Add.269, paras. 41 and 42

⁹ 7 June 2010, E/C.12/DZA/CO/4, Concluding observations on third/fourth report, para. 15

¹⁰ 26 May 2008, CAT/C/DZA/CO/3, Concluding observations on third report, para. 19