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**LEGAL PROTECTION OF CHILDREN FROM DOMESTIC  
VIOLENCE IN ALGERIAN LEGISLATION**

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## Abstract

This research aims to examine the legal protection afforded to children against domestic violence under Algerian legislation by clarifying the concept of domestic violence, its various forms, and its effects on children, as well as analyzing the legal provisions adopted by the Algerian legislator to protect this vulnerable category. The study addresses constitutional provisions, the Algerian Family Code, the Penal Code, and Child Protection Law No. 15-12, all of which criminalize various forms of violence, neglect, and exploitation against children.

**Keywords:** Child, Domestic Violence, Legal Protection, Violence against Children.

## Introduction

The child constitutes the fundamental pillar in the construction of society, as childhood represents a decisive stage in shaping an individual's personality and developing intellectual, psychological, and social capacities. Consequently, national legislations and international conventions have devoted considerable attention to protecting children and ensuring the enjoyment of their fundamental rights, considering them a category that requires special care and enhanced legal protection due to their physical and psychological vulnerability and their inability to defend themselves or independently claim their rights.

The family is regarded as the natural environment in which a child is expected to grow up in an atmosphere of affection, compassion, and security. However, practical reality often reveals that some children are exposed to various forms of violence within the family environment, whether physical, psychological, sexual, or economic violence. This negatively affects their healthy development and influences their future integration into society. The danger of this type of violence is further

aggravated by the fact that it is committed by individuals who are presumed to be responsible for the protection and care of the child.

Domestic violence directed against children has become one of the social phenomena that necessitate effective legal intervention to limit its prevalence, particularly in light of its serious consequences for the victim, the family, and society as a whole. Therefore, Algeria has sought to strengthen child protection through the constitutional recognition of children's rights, accession to the Convention on the Rights of the Child of 1989, and the enactment of Law No. 15-12 of 15 July 2015 relating to child protection, which introduced a set of legal provisions aimed at protecting children from various dangers threatening their physical, psychological, and moral integrity. Furthermore, the Algerian Penal Code contains specific provisions criminalizing offenses committed against children and imposing stricter penalties for such offenses.

The significance of studying the topic of legal protection of children from domestic violence in Algerian legislation lies in its close relationship with the protection of human rights and the achievement of family and social stability. It also contributes to the prevention of delinquency and crime and promotes the principles of social justice. Moreover, this study has practical importance due to the increasing number of recorded cases of domestic violence against children and the legal issues raised regarding the effectiveness of the legal provisions established for their protection.

### Research Problem

The study seeks to answer the following question:

To what extent has the Algerian legislator succeeded in establishing an effective legal framework for protecting children from domestic violence?

To answer this question, the research is divided into two main sections:

**Section One:** The conceptual framework of domestic violence against children.

**Section Two:** The substantive legal protection of children from domestic violence.

## **Section One: The Conceptual Framework of Domestic Violence against Children**

### **First: The Concept of the Child in Algerian Legislation**

Determining the concept of the child is essential for understanding the scope of legal protection granted to him or her, as various rights and legal guarantees are linked to the status of childhood as defined by law. National legislations and international conventions have paid considerable attention to determining the age of childhood, considering it the stage during which a person requires special care and protection.

It is noteworthy that the Algerian legislator adopted the international concept of the child. Article 2 of Law No. 15-12 relating to Child Protection stipulates that a child is every person who has not yet reached eighteen years of age. Consequently, all persons under the age of eighteen benefit from the legal protection established for children regardless of their gender or social and family status.

This definition is based on Article 1 of the Convention on the Rights of the Child of 1989, which defines a child as every human being below the age of eighteen years unless majority is attained earlier under the law applicable to the child.

This approach reflects the desire of the international community to unify standards relating to child protection and ensure the enjoyment of children's fundamental rights.

### **Second: The Concept of Domestic Violence against Children, Its Forms and Effects**

Domestic violence is considered one of the most serious social phenomena threatening family stability and the safety of its members, particularly children who constitute the most vulnerable category due to their physical and psychological weakness and their complete dependence on their caregivers for protection and support.

Domestic violence refers to any act or omission committed by a family member against a child that results in physical, psychological, sexual, or social harm. It includes direct abuse, neglect, or exposing the child to circumstances likely to compromise his or her safety or normal development.

Although the Algerian legislator did not provide an explicit definition of domestic violence in the Child Protection Law, it identified various situations that place a child in danger. Accordingly, any abuse or neglect that threatens the child's health, safety, or morality is considered a form of violence requiring intervention by the competent authorities for the child's protection.

## **SECTION ONE : ORMS OF DOMESTIC VIOLENCE AGAINST CHILDREN**

### **1. Physical Violence**

Physical violence refers to any physical assault directed against a child's body resulting in injuries or bodily pain of varying degrees of severity. This includes beating, burning, kicking, wounding, forced confinement, and other acts that directly harm the child's physical integrity.

Physical violence is among the most widespread forms of domestic violence, as some parents resort to corporal punishment under the pretext of discipline and education. However, exceeding reasonable disciplinary limits may constitute criminal behavior punishable by law. The Algerian legislator has therefore imposed stricter penalties for offenses committed against children

because of their serious impact on children's physical and psychological development.

## **2. Psychological Violence**

Psychological or emotional violence refers to any behavior that undermines a child's psychological well-being or negatively affects his or her personality and emotional balance.

This form of violence manifests itself through continuous threats, humiliation, degradation, ridicule, intimidation, social isolation, and discrimination among siblings.

The danger of psychological violence lies in the fact that it does not leave visible physical traces similar to those caused by physical violence, making it more difficult to detect. Nevertheless, its consequences may be more severe and long-lasting, often resulting in psychological and behavioral disorders that may accompany the child into adulthood.

Psychological studies have demonstrated that children exposed to emotional violence frequently suffer from low self-esteem, anxiety, depression, and difficulties in social and educational integration. This situation requires the establishment of effective legal and institutional mechanisms for the early detection and management of such cases.

## **3. Sexual Violence**

Sexual violence is considered one of the most serious forms of violence directed against children due to the grave harm it causes to the child's dignity and physical and psychological integrity.

This form of violence includes any act of a sexual nature imposed on a child without consent or without the child's awareness of its nature and consequences.

The Algerian legislator has attached particular importance to protecting children from sexual abuse by criminalizing various acts that violate the

sanctity of the child and by imposing harsher penalties, especially when the offender is a parent or a person exercising authority over the victim.

International conventions relating to children's rights likewise emphasize the obligation of states to adopt all legislative and administrative measures necessary to protect children from all forms of sexual exploitation and abuse.

#### **4. Family Neglect**

Domestic violence is not limited to direct abusive acts; it may also occur through the failure to fulfill essential duties toward the child.

Family neglect refers to the failure of parents or caregivers to provide the child with basic necessities such as food, healthcare, education, supervision, and protection.

Neglect exposes children to serious health, psychological, and social risks and may deprive them of the enjoyment of their legally guaranteed fundamental rights.

For this reason, the Algerian legislator considers a neglected child or a child deprived of proper care to be in a situation of danger requiring intervention by the competent authorities.

#### **5. Economic Exploitation of Children**

Economic exploitation refers to the use of children in activities or work that harm their health, hinder their education, or negatively affect their physical and psychological development.

Child labor under inappropriate conditions, forcing children to beg, or exploiting them for financial gain are among the most common forms of economic exploitation.

National legislation and international conventions criminalize various forms of economic exploitation of children because they constitute a serious violation of children's fundamental rights and pose a threat to their future.

## **2. EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN**

### **A. Psychological Effects**

Children who grow up in violent family environments live in conditions characterized by tension, anxiety, and fear. Such circumstances significantly affect the way they process information, interact with others, and regulate their emotions.

Among the most important psychological consequences are:

Loss of self-confidence and feelings of inferiority.

Anxiety, depression, and persistent fear.

Social withdrawal and isolation.

Sleep disorders and nightmares.

Aggressive behavior and violent tendencies toward others.

Psychological studies have demonstrated that abused children are more likely to suffer from mental disorders during adulthood.

### **B. Social Effects**

Domestic violence directly affects the child's relationship with society and often makes it difficult to establish healthy social relationships.

Children exposed to violence within the home frequently lose their sense of social stability.

The most significant social consequences include:

Poor communication skills.

Increased tendency toward delinquency and deviant behavior.

Reproduction of violent behavior observed within the family.

Weak sense of cooperation and respect for laws.

An abused child may eventually become a violent adult due to repeated exposure to violent behavior patterns.

### **C. Physical and Health Effects**

Physical violence within the family may result in injuries of varying degrees of severity, some of which may be temporary while others may have permanent consequences.

Such violence includes beating, burning, pushing, deprivation of medical treatment, and denial of adequate nutrition.

The most significant physical and health consequences include:

Bruises, wounds, and fractures.

Permanent physical disabilities in certain cases.

Impaired physical growth due to malnutrition and neglect.

Chronic diseases resulting from the absence of proper healthcare.

In extreme situations, severe violence may even lead to the death of the child.

### **D. Educational Effects**

Violent family environments have a direct impact on a child's educational performance. Psychological distress and emotional instability often prevent children from concentrating and achieving satisfactory academic results.

The principal educational consequences include:

Lack of concentration and attention in the classroom.

Poor academic performance.

Frequent absenteeism from school.

School dropout.

Loss of motivation to learn.

Educational studies have confirmed the existence of a direct relationship between domestic violence and academic failure.

## **SECTION TWO: SUBSTANTIVE LEGAL PROTECTION OF CHILDREN FROM DOMESTIC VIOLENCE**

The Algerian legislator has established child protection through several legal instruments, most notably the Constitution, the Family Code, the Penal Code, and Child Protection Law No. 15-12. These legal texts aim to protect children from all forms of violence, exploitation, and neglect while providing deterrent sanctions against perpetrators of crimes committed against children.

### **First: Constitutional Protection**

The Algerian Constitution recognizes the protection of childhood as one of the fundamental principles that the State is committed to implementing and safeguarding.

Constitutional protection is based on the recognition of the child as an individual possessing independent rights, including the right to life, health, education, dignity, and physical and psychological integrity.

Furthermore, the Constitution obliges public authorities to adopt all necessary measures to protect vulnerable groups, particularly children, from violence, abuse, exploitation, and all forms of harm.

This constitutional recognition serves as the legal foundation upon which legislative and institutional mechanisms for child protection are established.

### **Second: Protection under the Algerian Family Code**

The Algerian Family Code contributes significantly to protecting children from domestic violence through a set of legal provisions designed to ensure

that children grow up in a healthy family environment that preserves their dignity and physical and psychological well-being.

The legislator has imposed upon parents the duty to protect, care for, and properly educate their children. The Family Code also regulates matters relating to parental authority, custody, and maintenance in accordance with the principle of the best interests of the child.

Neglect or ill-treatment of children constitutes a breach of family obligations and may justify judicial intervention for the purpose of protecting the child. Particular protection is provided through the custody system, whereby the legislator requires the custodian to be capable of ensuring the child's care, health, and moral upbringing. Custody may be withdrawn whenever the child's continued residence with the custodian poses a threat to his or her welfare or exposes the child to neglect or abuse.

The judge is granted broad discretionary powers when resolving disputes concerning custody and visitation rights in order to ensure the protection of the child from various forms of violence and maltreatment within the family environment.

Consequently, the Family Code constitutes an important preventive mechanism for protecting children against domestic violence by safeguarding their fundamental rights and ensuring proper family care.

### **Third: Protection under the Algerian Penal Code**

The Algerian Penal Code provides criminal protection for children by criminalizing various forms of violence, abuse, and exploitation directed against them. Such protection extends to physical, psychological, and sexual assaults committed against children.

The legislator has adopted a strict approach by imposing aggravated penalties whenever the offender is one of the child's ascendants, a legal guardian, or a person exercising authority over the child. The penalties may

also be increased when the offense results in permanent disability, serious injury, or death.

The Penal Code further criminalizes acts that expose children to danger, abandonment, neglect, or deprivation of essential care. Since children are particularly vulnerable and incapable of protecting themselves, the law provides them with enhanced criminal protection.

Moreover, Algerian criminal legislation punishes sexual offenses committed against minors, including indecent assault, sexual harassment, and rape. The sanctions become more severe when the victim is a child or when the offender occupies a position of trust or authority.

These provisions clearly reflect the legislator's determination to ensure effective criminal protection for children and to deter all forms of violence and abuse occurring either within or outside the family environment.

#### **Fourth: Protection under Child Protection Law No. 15-12**

Child Protection Law No. 15-12 significantly strengthened the Algerian legal framework concerning child protection from various forms of violence, particularly domestic violence, which constitutes one of the most serious violations of children's rights and personal integrity.

Through this law, the Algerian legislator adopted both preventive and protective approaches based on the principle of the best interests of the child, which constitutes the fundamental criterion governing all decisions and procedures relating to children.

The law broadened the scope of legal protection by identifying situations of danger requiring intervention by competent authorities. Such situations include:

Physical violence against children.

Psychological violence.

Sexual abuse and exploitation.

Neglect and ill-treatment within the family.

Deprivation of education, healthcare, and proper upbringing.

Any circumstance threatening the child's physical, psychological, or moral development.

The law also requires all institutions and authorities concerned with childhood affairs to take appropriate measures to protect children who are in situations of danger.

Furthermore, it establishes legal mechanisms for the care, rehabilitation, and reintegration of child victims into a safe environment that preserves their dignity and guarantees their fundamental rights.

The law also affirms the child's right to protection against all forms of exploitation and abuse that may hinder normal development or threaten physical and moral integrity.

Accordingly, Child Protection Law No. 15-12 constitutes the cornerstone of the Algerian child protection system, as it provides comprehensive legal guarantees aimed at safeguarding children's rights and ensuring their best interests within both the family and society.

## **CONCLUSION**

This study demonstrates that domestic violence against children is among the most serious social phenomena threatening children's physical and psychological well-being and negatively affecting their development and stability within the family and society.

Recognizing the gravity of this phenomenon, the Algerian legislator has established an integrated legal framework for protecting children from various forms of violence through the provisions contained in the Family Code, the Penal Code, and Child Protection Law No. 15-12, in addition to Algeria's commitment to relevant international conventions, particularly the Convention on the Rights of the Child.

The purpose of this legal framework is to guarantee children's fundamental rights and ensure the protection and care necessary to achieve their best interests and preserve their human dignity.

Despite these legislative efforts, the effectiveness of child protection against domestic violence remains dependent upon the proper implementation of legal provisions, the activation of monitoring and reporting mechanisms, and the provision of adequate support for child victims. It also requires the promotion of legal and social awareness concerning children's rights within both the family and society.

## **MAIN FINDINGS**

The Algerian legislator has established comprehensive legal protection for children against domestic violence through several complementary legislative instruments.

The Algerian Family Code contributes to child protection through provisions relating to parental authority, custody, maintenance, and the principle of the best interests of the child.

The Penal Code provides criminal protection by criminalizing various forms of violence, abuse, and exploitation and by imposing stricter penalties in certain circumstances.

Child Protection Law No. 15-12 has strengthened substantive protection through the identification of situations of danger and the establishment of intervention mechanisms for protecting children exposed to violence.

Family neglect, psychological violence, physical violence, and sexual violence constitute the most significant forms of domestic violence threatening children.

Algerian legislation has been considerably influenced by international standards relating to children's rights, particularly the Convention on the Rights of the Child.

## RECOMMENDATIONS

Strengthen preventive mechanisms against domestic violence through the promotion of children's rights culture within families and educational institutions.

Intensify legal and social awareness campaigns concerning the dangers of domestic violence and its impact on children.

Enhance the role of institutions responsible for child protection and provide them with the necessary human and material resources.

Strengthen coordination among judicial, security, social, and health authorities to facilitate the early detection of child abuse cases.

Provide psychological and social support programs for child victims of domestic violence in order to assist their reintegration into society.

Strengthen monitoring of the implementation of legal provisions relating to child protection and ensure rapid intervention in situations of danger.

Encourage scientific research and specialized studies in the field of child protection from domestic violence to improve preventive and remedial policies.

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