Child Online Protection in the MENA Region

Algeria Country Report

15 April 2016

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CENTRE FOR JUSTICE
AND CRIME PREVENTION

Safety has no boundaries

CHILD ONLINE PROTECTION IN THE MENA REGION

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CONTENTS

ACRONYMS

ACCD	Arab Council of Childhood and Development
CAM	Child abuse materials
CEOP	Child Exploitation and Online Protection Centre
CJCP	Centre for Justice and Crime Prevention
COP	Child Online Protection
COSPOL	Comprehensive Operational Strategic Planning for the Police
CIRCAMP	Internet-related Child Abusive Material Project
CRC	(UN) Convention on the Rights of the Child
OPSC	Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography
CSA	Child Sexual Abuse
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
GSMA	GSM Association
ICTs	Information and Communication Technology
INHOPE	International Association of Internet Hotlines
ISP	Internet Service Providers
ITU	International Telecommunications Union
IWF	Internet Watch Foundation
LAS	League of Arab States
LGBT	Lesbian, gay, Bisexual and Transvestite
MENA	Middle East and North Africa
MENARO	Middle East and North Africa Regional Office
MLAP	Mutual Legal Assistance Procedures
MISSPIN	Microsoft Internet Safety, Security & Privacy Initiative for Nigeria
NCA	National Crime Agency
NCEMC	National Centre for Missing and Exploited Children
OIC	Organization of Islamic Cooperation
PAPA	Predator and Prey Alert
SEA	Sexual Exploitation and Abuse
SGBV	Sexual and Gender-Based Violence
TOR	The Onion Router
UKCCIS	UK Council for Child Internet Safety
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
VAWG	Violence Against Women and Girls
VGTF	Virtual Global Task Force

CHILD ONLINE PROTECTION IN THE MENA REGION
ALGERIA COUNTRY REPORT

COUNTRY OVERVIEW

Algeria is an upper-middle income country in North Africa, which shares borders with Morocco, Tunisia, Libya, Mauritania, Western Sahara, Mali and Niger. As of January 2016, Algeria had an estimated population of 40.02 million people, 24.2 per cent of whom are aged 0-14,[1] with a child dependency ratio of 34.3 per cent.[2] Ethnically, the majority of the population is Arab or Amazigh (also known as Berber). Approximately 99 per cent of the population is Sunni Muslim. A large proportion of the population is concentrated in the capital of Algiers. Algeria is the largest territory in Africa, although the majority of Algerian territory is taken up by the Sahara. There are a small number of refugees and asylum-seekers, with UNHCR recording the presence in Algeria just under 7,000 persons of concern to its offices.

Algeria achieved independence in 1962 after more than a century of French rule. Intense violence struck the country between 1992-98 resulting in over 100,000 deaths. This period is now referred to as the 'black decade'. The Charter for Peace and National Reconciliation concluded in 2005 marked the end of the civil war and brought a self-contained process of reconciliation within the country.[3] In response to renewed popular protests in line with the uprisings across the MENA Region beginning in 2011, a process of Constitutional review began in 2011 and the 19 year-long state of emergency was lifted.

There are approximately 11 million active internet users including access via fixed and mobile connections with a penetration of 27 per cent. There are 45.67 million mobile subscriptions of which 9.4 million subscriptions are active mobile social users.[4] 3G was launched in 2014 and by the end of December 2015 there were more than 16 million 3G subscriptions.

1.   INTRODUCTION

Information and Communication Technologies (ICTs) are now an integral part of children's everyday lives. While much of the growth in the use of ICTs over the past decade has occurred in developed countries, there is exponential growth taking place in developing countries as, in particular, more and more children come online. Countries in the Global South, including the MENA region, have experienced exponential growth in the roll-out and access to mobile communications and the internet.

While there are no precise, recent statistics on the number of children online in Algeria, data from the International Communications Union (ITU) show that one in three in the Arab States are online,

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1 http://unstats.un.org/unsd/demographic/products/indwm/default.htm
2 Ibid.
3 The charter offered amnesty to anyone who had partaken in the war
4 http://fr.slideshare.net/wearesocialsg/digital-in-2016

and that 20.7% in Africa are online, with that number rising exponentially.[5] While there is no data on the percentage of these users who are children, Livingstone et al. (2015) argue that one in three children are now online globally, and that, increasingly, children under 18 are as likely to be online as those over 18 years of age.[6] The well-being and safety of children online is thus becoming increasingly important. Yet, as more and more children come online and engage with the internet both as users and generators of content themselves, and as children start to reap the range of benefits that access to ICTs and the internet provide, so too is there substantial evidence of a range of risks to which they are exposed, not least of which is online sexual exploitation.[7]

Recognising the risks faced by children, in December 2014 the UK Government convened the #WePROTECT Children Online Summit to mobilise relevant actors in strengthening global efforts to combat online sexual exploitation. It is within this context that the UNICEF Global Programme to build capacity for tackling online child sexual exploitation is being implemented in 17 countries across six regions, with both regional and global engagement.

It is within this context that UNICEF MENARO commissioned a regional study to map and scope the child online protection landscape in five countries (Jordan, Morocco, Tunisia, Algeria, and Egypt), and to provide recommendations to government on how to strengthen detection and responses to any form of online sexual exploitation, including sexual abuse and exploitation, through their national child protection system. The study is intended to ultimately lead to a better understanding of children's experiences, risks and harms, and challenges faced online, as well as the opportunities available to them, within each country. This, in turn, will be used to inform concrete country-level policy and legislative recommendations. The research will also contribute to the development of a body of evidence on children's online usage, risks, and harms in the study countries and the region more broadly, leading to better evidence as a prerequisite for the development of future evidence-based policies.

The objectives of the country visit was to map, review and identify gaps in the legislative and policy environment relating to child online protection within Algeria in order to provide concrete recommendations on how to strengthen the prevention and response systems. Specifically, the country visit informs content on children's' experiences of internet use, on how child online sexual exploitation and other online risks are experienced in the region, and on how countries are and can, best prevent and to respond to child online sexual exploitation. Bearing in mind the lack of comparable baseline data, policy and program evaluations, the country visit was intended to undertake a scoping of the situation in Algeria regarding child online protection.

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[5] Very dated research on broad level trends on access and usage are available through reports such as , for example, ECPAT International: Global Monitoring Reports on the Status of Action against Commercial Sexual Exploitation of Children (Agenda for Action)/Jordan, available at http://www.ecpat.net/sites/default/files/Global_Monitoring_Report-JORDAN.pdf (accessed 21 November 2016), and similar (including data on Egypt, Jordan, Lebanon, Morocco, Palestine, Saudi Arabia, Sudan, Syria, Israel, Kuwait, UAE, Yemen, Libya, Bahrain, Qatar, Oman, Algeria and Tunisia. This data is however now extremely outdated and thus of limited relevance.
6 Livingstone S. Carr J. and Byrne J. One in Three: Internet Governance and Children's Rights, Global Commission on Internet Governance, Paper Series: No 22, November 2015
7 Livingstone, S. and Helsper, E.J. (2010) Balancing opportunities and risks in teenagers' use of the internet: The role of online skills and internet self-efficacy. New Media & Society, 12(2): 309-329.

1.1   METHODOLOGY

A standardized methodology was adopted for all five countries.   A comprehensive literature review was conducted, providing the conceptual framework for the study, a detailed analysis of child online protection literature, and analysis on the regional and national frameworks, legislation and policies in each of the five countries.   This literature review was followed by in-country missions.   The country visit to Algeria was conducted between 3 and 10 April 2016.

Diverse ranges of stakeholders were consulted, for example the ministries of the Algerian Government, UN agencies working on child protection more broadly, as well as non-governmental organisations and representatives of telephone operators. Participants were selected either on the basis of the relevance of the mandate of their agency and its possible inclusion of child online protection, or on their known activities in this area.

The mode of inquiry was dynamic and combined focus group discussions and semi-structured interviews. These were guided by an interview guide, which provided the departure point for discussions across all the study countries. The interview guide was based upon the #WEPROTECT Model National Response and sought to illicit an understanding of the systems response and capacity within the country under study to child online sexual exploitation as well as child online safety more broadly.

1.2   LIMITATIONS

A few limitations should be considered when reading this report. Generally, there is limited publicly available data on the scale and nature of child online sexual exploitation in the Algeria and more broadly in the MENA region. As such, the country-visit was conducted using an exploratory research design with the objective scoping the national approach to child online protection in Algeria. The duration available for the full study was somewhat limited, and each research component was thus compressed into a very short space of time. With this in mind, the country visit to Algeria was conducted in a short period of time and, as a result, the study presents an introduction to the approach adopted in Algeria to child online safety more broadly as well as the specific issue of child online sexual exploitation.

A significant limitation to the country-visit was that the team was unable to meet with the Ministry of Interior and law enforcement agencies. These actors are believed to hold official positions pertinent to child online protection. It should be stated that their absence from discussions is likely to have been a logistical matter; all government respondents exhibited great openness and engagement in discussing the matter of child online protection. This limitation was mitigated by consulting official reports and resources produced by the ministries that were not interviewed. It is hoped that, through the verification process of this country report and the fuller study, further inputs from these ministries may be obtained and incorporated into both.

2.   FRAMING CHILD ONLINE PROTECTION

The following section provides an overview of Child Online Protection, the risks and opportunities associated with online activities, and the rights of children relating to the digital world.

2.1   CHILD ONLINE PROTECTION

Access to and use of ICTs and social media opens up a range of services to children, including education and health services, particularly in areas and countries where access to these and other social services might be limited. The Special Rapporteur to the Secretary General on Violence Against Children has clearly stated that "connectivity is a fundamental human right since it enables children to learn, work, connect, experience cultural activities and become citizens of the world," thus recognising the range of rights and opportunities that ICTs and connectivity offer and facilitate.8

However, while ICTs and access to the internet have opened up a wealth of opportunities and possibilities for children, particularly in developing nations, they come with increased exposure to different forms of risk. Care needs to be taken to ensure that in responding to the increased or new risks that children face as they increasingly come online that the opportunities that exist through technology are not missed.9   As the body of knowledge grows on online risks, there is worryingly little evidence on the harms that result from exposure to these risks, and indeed, a lack of consensus on what constitutes harm or how to measure harm.10 This differentiation between online risks and harms is an essential one to make, and a greater understanding is required to ensure the development and application of appropriate policy and intervention responses. This consideration frames this analysis of the literature and the presentation of the study findings.

Defining Online Child Sexual Exploitation

"While the term 'abuse' focuses more on the treatment of the child victim, 'exploitation' refers more to the benefit of the offender" (UNODC, 2014).

"the term 'online child sexual exploitation' refers to the use of the Internet as a *means* to exploit children sexually and includes all acts of a sexually exploitative nature carried out against a child that have, at some stage, a connection to the online environment. It includes any use of ICT which results in or causes a child to be sexually exploited or which results in or causes images or other material documenting such sexual exploitation to be produced, bought, sold, possessed, distributed or transmitted. This notion can thus encompass (but is not limited to):

- sexual exploitation that is carried out whilst the victim is online (such as enticing/manipulating/ threatening a child into performing sexual acts in front of a webcam);
- identifying and/or grooming potential child victims online with a view to exploiting them sexually (whether the acts that follow are then carried out online or offline);
- the distribution, dissemination, importing, exporting, offering, selling, possession of, or knowingly obtaining access to, child sexual exploitation material online (even if the sexual abuse that is depicted in the material was carried out offline) [UNICEF internal, 2016].

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8 SRSG on Violence Against Children, Ms Marta Santos Pais, at the side event on a Call for Empowering, Inclusive, Safe digital environment for children, 28th Session of the Human Rights Commission, Geneva, Monday 9 March 2015, available at
http://www.ohchr.org/EN/Issues/Children/Pages/SafeDigitalEnvironment.aspx
9 This dilemma is captured well in the report of the SRSG: Office of the Special Representative to the Secretary General on Violence Against Children (2014), Realising Children's Potential and Minimising Risk: ICTs, the internet, and violence against children, New York.
10 Slavtcheva-Petkova, nash and Bulger, Evidence on the extent of harms experienced as a result of online risks: implications for policy and research, in Information, Communication and Society, 2014; Finkelhor

When considering experience of children online relative to sexual exploitation, a wide range of behaviours should be considered. These may range from experiences of sexualised cyberbullying (a term which may encompass sending nasty or threatening sexualised texts or messages, posting explicit messages online, outing, badmouthing or spreading rumours related to sexual behaviour, flaming, harassment, impersonation, or cyber-stalking), online grooming and recruitment, exposure to child sexual abuse materials or other unwanted sexual content, sexting, live-streaming of sexual content.

Child sexual exploitation online, similar to offline, can involve several broad categories of abuse: adult to child abuse; child to child abuse; and child to child where the action originated in a consensual activity. It must be noted, though, that **not all abuse is exploitative, while all exploitation is considered abuse.** First, adults often use online media to groom children for future contact abuse. This can include making first contact with the child and developing a relationship with them that gradually becomes more sexualised, or it can involve adults known to the child who use online media to sexualise their relationship with that child. Increasingly child sexual abuse is documented by abusers and posted online either as photos, videos, or sometimes as live streamed sex shows. Often these child abuse materials are sold online, sometimes by the child's own parents.[11] Second, other children may use online media against their peers for cyberbullying. Third, children sometimes 'voluntarily' use online media to exchange sexual images of themselves (sexting) either with their peers, or with known or unknown adults. There is also an increasing phenomenon of children using online media to prostitute themselves in exchange for cash or consumable goods such as mobile phones or clothing.[12]

Just as it is important to recognise that not all abuse is exploitative, but all child exploitation is abuse, so it is equally important to acknowledge that exploitation *can* have commercial gain (for example the generation of income through live-streaming of content, or the sale of child abuse images), but not all exploitation is for commercial purposes.

Online experiences, including online child sexual exploitation, should not be considered in isolation from broader social dynamics and contexts. In their global review of children's internet use, Livingstone and Bulger found that the distinction between offline and online worlds is blurring and that those who are vulnerable offline are exceeding vulnerable online.[13] It is thus important that prevention efforts targeting child online protection, and specifically, online child sexual exploitation, be located more broadly within the broader child protection and violence prevention discourse and framework. The importance of this is further reflected in statements made by the UNICEF Deputy Executive Director in 2014:

 "What happens in the online world is a reflection of society at large, as the dangers children face online are mirrored in the risks children face in their homes, schools and communities. Protecting

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11 http://www.nytimes.com/2015/08/10/world/asia/widespread-child-sex-abuse-case-rocks-pakistan.html?_r=0
12 A useful example of this is the recent scandal in Pakistan, where abusers were found to be blackmailing parents of children they abused, threatening to post sexual abuse recordings online? http://www.nytimes.com/2015/08/10/world/asia/widespread-child-sex-abuse-case-rocks-pakistan.html?_r=0
13 Livingstone & Bulger (2013). A Global Agenda for Children's Rights in the Digital Age: Recommendations for Developing UNICEF's Research Strategy. Available at http://www.unicef-irc.org/publications/702

children online is part of a growing global movement to keep children safe from violence, abuse and exploitation in virtual and physical life-settings everywhere."[14]

This relationship is further reflected in much of this report, as a number nations in the region lack online-specific legal provisions. Often existing and broader provisions are applied in ad hoc ways to online-specific crimes.

2.2   ONLINE RISKS AND OPPORTUNITIES

While much of the focus of those concerned with child well-being has tended to be on the risks and harms associated with the use of internet and online activities, there is a growing emphasis on the promotion of opportunities, and a recognition that minimising risk does not have to come at the expense of negating or minimising opportunities. In fact, many of the risks that are perceived as such by adults can also be presented as opportunities (contact with others sharing similar interests, self-initiated collaboration and learning, social networking) (see text box below), and are often perceived as such by children.

For example, Plan International identifies seven benefits of youth internet use: interpersonal relationships (which can reduce isolation), further education and skill development, participation in governance and communities, develop technical skills for the workplace, build knowledge on topics such as HIV and AIDS that they might not otherwise know about, and build self-esteem.[15]

The opportunity to form relationships, to be 'connected,' while often conceptualised as risky – the risk of meeting strangers – are amongst the most common opportunities identified by children in some studies. In a recent study in South Africa, for example, young people most frequently identify inclusion and 'connectedness' as the key benefit of mobile phone use (this refers as much to the use of data services as voice services). In ongoing site-based work with marginalised communities in the same country, the opportunity to connect with children and others outside of their own community offers an exciting world which many children have never been privy to.

In considering both risks and harms, it is essential that there is an adequate understanding of vulnerability, what makes children vulnerable to harms, and what increases the chance of risks translating into actual harms. Much of the research on vulnerability had its origins in exploring the relationship between online and offline cyberbullying victimization and offender.[16] Like the research on bullying, recent research has shown that not all children are at equal risk of harms relating to the internet, and that some children are more susceptible and at greater risk than others.[17] Those children who are most susceptible to harm are those who have problems or difficulties in other areas of their lives. Similarly, some forms of online abuse predict or co-occur with other forms, and vulnerability to one form of abuse may predict vulnerability to other (often more serious) forms of

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14UNICEF Deputy Executive Director Fatoumata Ndiaye. http://www.unicef.org/media/media_86244.html
15 Bachan, K., Stevenson, S., and van der Gaag, N. (2012). Girls in Cyberspace: Dangers and Opportunities. In Perisic, M., Komarecki, M., and Minujin, A. (Eds.)   Adolescent Girls, Cornerstone of Society: Building Evidence and Policies for Inclusive Societies. p. 119-137. Available at http://www.equityforchildren.org/wp-content/uploads/2014/09/P60151-AdolescentGirls_print.pdf
16 See for example Wolak, J.D., Mitchell, K.KJ., and Finkelhor, D. (2003, 2007) and Williams, K.R., and Guerra, N.G. (2007).
17 See for example Palfrey et al (2008) and Guan S.S., Subrahmmanyam, K. and (2009).

abuse. Thus, for example, children who are at greater risk for offline sexual abuse are generally at greater risk of online child sexual abuse; similarly, those who are more vulnerable to neglect may also be more vulnerable to sexual abuse, both online and offline.[18]

Finally, in order to inform both policies and interventions, it is important that a thorough understanding of how children navigate these risks is elicited. International research shows, for example, that large numbers of youth are engaging in risky online behaviours, but. only a very small percentage experience sexual exploitation as a result of these behaviours. While youth may not be aware of the breadth of dangers in the online space, they do have "some awareness of potential online dangers, and this awareness seems to increase or decrease depending on socioeconomic background."[19]

2.3   CONSIDERATION OF CHILD RIGHTS RELATING TO THE INTERNET.

Because of the hidden nature of online child sexual exploitation and the unregulated setting where it takes place, policies to protect child users of ICTs from sexual exploitation should not merely be reactive. This is aligned with the rights to protection from abuse contained in the CRC. The aim should be to prevent the abuse before it takes place by building children's capacity to protect themselves when using ICTs. This approach is in line with article 19 of the Convention on the Rights of the Child on the right to protection from abuse, which emphasises States' obligation to implement, among other measures, educational initiatives to protect children from all forms of violence.

Also reflecting the rights of children detailed in the CRC, and of particular importance when considering child online protection, is the right to access justice and redress. Where children experience violations of their human rights, including sexual exploitation, they must have access to justice. The Committee on the Rights of the Child states "for rights to have meaning, effective remedies must be available to redress violations." States must therefore "ensur[e] that there are effective, child-sensitive procedures available to children and their representatives." This means ensuring that children have meaningful access to the judicial system – including "access to a readily available, prompt and effective remedy in the form of criminal, civil, administrative or disciplinary proceedings" – and any other independent complaints procedures.

In ensuring that children's online safety becomes a reality, several different but complimentary approaches are likely to be required at a national level (the following list is not exhaustive but rather indicative of the complexity of the response required). These should ideally be framed not in isolation from wider (offline) child protection and safety initiatives and approaches, but rather in relation to these broader issues:

- An appropriate and responsive policy and legislative environment
- Effective implementation of law and policy on the ground in both urban and rural areas and throughout plural legal systems

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18 See for example, Burton, P., Ward, C.L., Artz, L., & Leoschut, L. (Forthcoming). The Optimus Study South Africa: A national study of child sexual victimization. CJCP Monograph series No 15, Cape Town, South Africa

19 See Bachan, et al. 2012.

- Balancing risks and opportunities—finding ways to promote healthy, safe engagement while also protecting from potentially harmful content, contacts, and conduct[20]
- Raising awareness for parents, educators, and community members of effective protection and prevention[21]
- Involvement from industry leaders in prevention and building safety into design
- Effective detection and prosecution systems
- Appropriate response and support systems for kids

These aspects are reflected in the Model national response (discussed in more detail at the end of the report), developed under the #WeProtect Initaitive, and endorsed by member governments and international stakeholders.

3.   POLICY, LEGISLATIVE AND REGULATORY ENVIRONMENT

Algeria has ratified eight out of the nine core international human rights treaties.[22] It has additionally ratified, amongst other international human rights treaties, the CRC OPSC without reservation.[23] It has a monist legal system, whereby international treaties become binding domestic law upon ratification.[24] The Constitutional Council of Algeria has affirmed that provisions of international law take precedence over conflicting domestic law and may be invoked directly before the courts.[25]

Algeria has not accepted the individual complaints procedures of all of the human rights treaties to which it is party and has not issued a standing invitation to the special procedures of the Human Rights Council. Algeria has not reported to the CRC Committee on its implementation of the OPSC, but has reported three times on its implementation of the CRC.

3.1   POLICY AND GOVERNANCE

Broadly, Algeria's policy and governance practice relevant to child online protection has an emphasis on law enforcement. The State has evidenced compliance with its international legal obligations and has additionally adopted the Model National Response under the auspices of the #WEPROTECT initiative. In recent years, new structures and dedicated departments have been established to deal with ICT-related offences and child protection. A significant development in 2015 was the adoption of a children's law, which, along with the 2014 Audio-Visual technologies legislation and 2009

20 http://www.lse.ac.uk/media@lse/research/EUKidsOnline/EU%20Kids%20I%20%282006-9%29/EU%20Kids%20Online%20I%20Reports/EUKidsOnlineFinalReport.pdf
21 It is particularly important that addressing stigmatization of sexual abuse victims is addressed, creating a safe space in which children can report abuse and feel safe and receive positive response and protection. This will be elucidated further in the study report
22 The CERD, ICESCR, ICCPR, CEDAW, CAT CRC, CMW, CRPD. It has signed but not ratified the ICPED: UN Treaty Collection, MTDSG, Chapter IV.
23 UN Treaty Collection, MTDSG, Chapter IV.11c.
24 Article 132, 1989 Constitution of Algeria, with amendments up to 2008.
25 The Constitutional Court limited the right to invoke provisions of international law before the domestic courts of Algeria to nationals of that State: Decision of the Constitutional Council of 20 August 1989, Official Journal No. 36, 30 August 1989, p. 71.

Cybercrimes Law provide the legal framework for the national implementation of child online protection.

The Algerian State is heavily socialist and provides a strong welfare system. This is important background to the State's enthusiasm for the specific issue of child online protection: in legislation, policy and practice alike, children are conceived of as objects of care and protection. As in other MENA States, the Constitution enshrines both the State's and families' duties to children. This is transposed into domestic policy and practice relevant to child online protection such that respondents (especially respondent officials) emphasised the role and responsibilities of children's families in ensuring their safety. This was clearly not as a substitute or alternative to the State's primary obligation to protect children; there is an advanced legal and policy framework in place to aid prevention and response.

Respondents consistently attributed a spate of child abductions as having triggered the State's child protection response, including its child online protection efforts. The nature of abductions seem to range from children being used for pornography, sexual exploitation, for extortion of families, recruitment to extremist groups and in some instances, killing. Through mass media coverage the situation had had a widespread reaction which has been reflected in Algeria's policy and governance practice, notably in the recent law of 2015 relating to child protection.

3.2   NATIONAL-LEVEL LEGISLATION AND POLICIES – OVERVIEW

International Review

Algeria is a member of the League of Arab States, the Organisation of Islamic Cooperation and the African Union. It ratified the UN CRC on 16 April 1993,[26] and the CRC OPAC in 2006, without reservation.[27] It otherwise has a fairly good track record of ratification of international human rights treaties compared to other MENA States. Upon ratification of the CRC, Algeria entered a reservation against Article 14 regarding freedom of thought, religion and opinion,[28] and interpretive declarations against Article 13 regarding freedom of expression, Article 16 regarding the right to privacy, and Article 17 regarding the right of the child to access to information.[29] In April 2016, all of these remain in place.[30]

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26 UN Treaty Collection, MTDSG, Chapter IV.11.
27 UN Treaty Collection, MTDSG, Chapter IV.11c.
28 the CRC Committee has concluded that the text of the declaration against Article 14 constitutes a reservation. It reads:
"The provisions of paragraphs 1 and 2 of Article 14 shall be interpreted by the Algerian Government in compliance with the basic foundations of the Algerian legal system, in particular:
- With the Constitution, which stipulated in its Article 2 that Islam is the State religion and in its Article 35 that, "there shall be no infringement of the inviolability of the freedom of conviction and the inviolability of the freedom of opinion";
- With Law No. 84-11 of 9 June 1984, comprising the Family Code, which stipulates that a child's education is to take place in accordance with the religion of its father": UN Treaty Collection, MTDSG, Chapter IV.11.
29 UN Treaty Collection, MTDSG, Chapter IV.11.
30 UN Treaty Collection, MTDSG, Chapter IV.11.

The reservations interpretative declarations against Articles 13, 16 and 17 of the CRC provide important context to the legislative and policy landscape of child protection in Algeria. In respect of the child's freedom of expression, privacy and right of access to information, the State declared that this was limited by "the interest of the child and the need to safeguard its physical and mental integrity", take particular account of the provisions of the Penal Code relating to breach of public order and decency and "the incitement of minors to immorality and debauchery", as well as safeguards in the 1990 Information Code (Law No. 90-07).[31]

Algeria has not submitted any reports on implementation of the CRC OPAC to the CRC Committee, but has submitted three reports since 1997 to the CRC Committee on the implementation of the CRC. The latest Concluding Observations on the CRC were issued in 2012.[32] In these Concluding Observations, Algeria's progress was noted in respect of the enactment of anti-trafficking legislation, the establishment of a National Plan of Action for Children (2008 – 2015), training of judges of juvenile courts on the CRC, strengthened gender parity in school enrolments, the incorporation of the best interests of the child into domestic law relevant to family-related decisions as well to civil and administrative procedures. It further noted as positive that birth registration is almost universal in Algeria, that violence in schools in its many forms is prohibited in domestic law, and the adaptation of the Kafala system of care arrangements for children, amongst other developments.

The CRC Committee recommended that the State:

- enact laws to prohibit violence against children, including abuse and neglect, as well as enhance protections available to victims of domestic violence;
- create an independent mechanism dedicated to the monitoring of children's rights in the States such as a Children's Ombudsman, or as part of a national human rights institution within a 'Child Unit'.[33] It noted with concern the absence of a formalised coordination mechanism for child rights; it noted that there exists a National Consultative Commission for the Promotion and Protection of Human Rights,[34] but that the complaints mechanisms were not fully compliant with international standards;[35]
- prohibit violence against children in schools be extended to violence against children in all settings;
- establish a national and comprehensive system to collect data that is disaggregated by (amongst other factors), age and gender.

In respect of sexual exploitation and abuse, the CRC Committee expressed deep concern that sexual abuse against children in schools, incest and paedophilia were on the rise and that sexual offences relying upon the concept of 'honour' allowed for perpetrators to evade responsibility by marrying their victims.[36] While the CRC Committee noted that there was provision in the domestic laws to

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31 UN Treaty Collection, MTDSG, Chapter IV.11.
32 Concluding Observations of the CRC Committee (Algeria), 18 July 2012, UN Doc. No. CRC/C/DZA/CO/3-4.
33 Concluding Observations of the CRC Committee (Algeria), 18 july 2012, UN Doc. No. CRC/C/DZA/CO/3-4, paras. 17, 18.
34 Whose organisation was restructured by Law No. 09-08 of 2009.
35 Concluding Observations of the CRC Committee (Algeria), 18 july 2012, UN Doc. No. CRC/C/DZA/CO/3-4, para. 17.
36 Concluding Observations of the CRC Committee (Algeria), 2012, para. 75.

deal with sexual exploitation and abuse, as well as trafficking, national legal frameworks were poorly enforced.[37]

National laws and policy

The amended 1989 Constitution of Algeria deals only briefly with children, their rights and their protection. It places children within the protection and assistance not only of the State but also of their parents; the family is subject to the protection of the State.[38] Notably, the protection and assistance of children is framed as a right of the parents rather than a right of the child. Education is free and compulsory in Algerian national law.[39]

Telecommunications are considered "assets of the national community", and the privacy of communications is constitutionally enshrined.[40] Notably, the amended 1989 Constitution requires that seizure "*of any publication, recording or other means of communication and information* may only be carried out on the basis of judicial warrant".[41] The Constitution also contains a number of due process guarantees for all including, for example, the presumption of innocence, freedom from arbitrary detention and charging deadlines.[42] The age of majority in Algeria is set at 18 years and parental responsibility lies only with the father.[43] While the prevalence of sexual maltreatment is recorded, data on the existence, scale or nature of CSEC online is not available.[44] According to World Bank Statistics 18.1 per cent of the population were internet users 2011 and 2015 and there were approximately 39 million mobile phone subscriptions in around 2014.[45]

In 1999, the authorities received 1,800 cases of sexual maltreatment. Of these cases, two thirds constituted girls accounting for loss of virginity resulting from sexual abuse which was perceived as a loss of honour to the family.[46] Girls suffer grave consequences including marrying the aggressor as highlighted by the Committee in relation to the Algerian Family Code. The Algerian Family Code gives power to judges to lower the age for marriage of the minor if the alleged rapist is willing to marry his victim.[47] Article 326 of the Algerian Penal Code also allows the perpetrator to be excused of his crime allowing honour ideology to be prioritized.[48] Algeria has denied the allegation in their second periodic report, stating: "there are no circumstances in which the rapist of a minor can escape criminal prosecution if he is prepared to marry his victim".[49]

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37 Concluding Observations of the CRC Committee (Algeria), 2012, paras. 75-78.
38 see Articles 63, 58, and 65, amended 1989 Constitution of Algeria.
39 Article 53, amended 1989 Constitution of Algeria.
40 Articles 17 and 39, amended 1989 Constitution of Algeria.
41 emphasis added: Article 38, amended 1989 Constitution of Algeria.
42 Articles 45 – 48, amended 1989 Constitution of Algeria.
43 CRIN Access to justice, https://www.crin.org/sites/default/files/algeria_access_to_justice.pdf Article 40 of the Civil Code - http://www.joradp.dz/TRV/FCivil.pdf
44 Amnesty International, (2014), Sexual Violence in Algeria, Tunisia and Morocco. https://www.amnesty.org.uk/sexual-violence-algeria-tunisia-and-morocco
45 http://data.worldbank.org/indicator/IT.NET.USER.P2
46 Unicef, Commercial Sexual Exploitation of Children: The Situation in the Middle East and North Africa Region http://www.unicef.org/events/yokohama/backgound8.html
47 Algeria - Concluding Observations, CRC/C/15/Add.76, para.
48 Cohen, P. C., (2005), Jurisprudence on the Rights of the Child, Transnational Publishers Inc., Vol. 1, p. 12.
49 Algeria - CRC/C/93/Add.7, para. 63 and 64.

Solicitation and prostitution is an offence under the criminal code of Algeria and carries a penalty of 5 to 10 years imprisonment if a minor was coerced or assaulted.[50] The Committee also noted in 2005 "that child prostitution is increasing and that not only girls, but also boys who work as vendors, couriers or domestic servants, are particularly vulnerable to sexual exploitation. The Committee also notes with concern reports of trafficking in children and that Algeria is becoming a place of transit for trafficking between Africa and Western Europe. It deeply regrets the absence of a specific legal framework protecting children from trafficking and the insufficient measures to prevent and eliminate this phenomenon. The lack of statistical data on trafficking and the absence of adequate recovery and reintegration services for child victims are cause for serious concern".[51]

Furthermore, Algerian laws prohibit exploitation of children in travel and tourism and criminalizes such offenses committed by Algerian nationals abroad.[52]

Domestic laws relevant to cybercrime and child online protection and exploitation

In 2009, Algeria enacted Law No. 09-04, regarding the prevention and fight against ICT-related offences (the 2009 Cyber Crime Law). It provides for the monitoring of electronic communications by police personnel in specified circumstances and with judicial authorisation upon application by the Public Prosecutor. This is on the basis of a report specifying the nature of the proposed method of data gathering and the objectives of the monitoring.[53] It goes on to provide for the seizure of data in various circumstances.[54] It also requires cooperation by service providers, including by making available data requested by the authorities, with sanctions upon failure to cooperate.[55] In addition, service providers are obliged to intervene, without delay, to remove content that is authorized in the case of a violation of the laws, or otherwise render them inaccessible as well as putting in place mechanisms for the limitation of access to content that is contrary to public order or morals.[56] The 2009 Cybercrime Law also created a national organ for the prevention and the fight against violations relevant to ICTs.[57] The mandate of this organ includes coordination on cybercrimes, providing assistance to the judicial authorities and the police and information sharing.[58]

Domestic laws relevant to children

Algeria enacted a Child Protection Code in 2015, after a lengthy drafting and negotiation process.[59] In its preamble, it invokes several of the international treaties to which Algeria is party, including the CRC, the 2000 CRC OPSC, the 1990 African Charter on the Rights and Welfare of the Child and others. Although, in 2016, its implementation is taking shape and it appears to emphasise the protection of children in conflict with the law, it represents a significant development. It is also creates, for the

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50 http://www.protectionproject.org/wp-content/uploads/2010/09/Algeria.pdf
51 Algeria - Concluding Observations, CRC/C/15/Add.269 (2005), para. 78
52 A Human Rights Report on Trafficking of Person, Especially Women And Children -
http://www.protectionproject.org/wp-content/uploads/2010/09/Algeria.pdf, p. 3-4
53 Articles 3 and 4, 2009 Cybercrime Law.
54 Articles 6 – 9, 2009 Cybercrime Law.
55 Articles 10, 11, 2009 Cybercrime Law.
56 Article 12, 2009 Cybercrime Law.
57 Article 13, 2009 Cybercrime Law.
58 Article 14, 2009 Cybercrime Law.
59 Law No. 15-12 of 2015 (the 2015 Child Protection Code).

first time, official coordination and reporting obligations in respect of children in danger. It additionally assigns to local authorities certain child protection functions.

The presence of juvenile judges in all areas within the country is contemplated by Section I of the 2015 Child Protection Law, and Chapter 1 Section provides for social protection at the local level of children in danger.

Following the adoption by the legislature of the 2015 Child Protection Law, UNICEF Algeria has responded to a call for assistance by the Government of Algeria in respect of its implementation. The wide-ranging provisions of the 2015 Child Protection Law offer opportunities for UNICEF to engage on not only child *online* protection but also to expand the protective space in which it may continue to offer support and assistance to the Government of Algeria.

Available and accessible complaints mechanisms

The Algerian Civil Code, Law No. 75-58 of 1975, provides for the representation of minors in civil proceedings. There are additionally provisions relating to international judicial cooperation. Children can lodge cases against an alleged perpetrator of a sexual offence with the public prosecutor or the juvenile court, however the presence of a parent or guardian is mandatory.[60] This can prove difficult in cases where one of the parents is the abuser or both are complicit in the abuse. Although Algeria has traditionally not had an independent mechanism to deal with children's complaints or to provide remedies for such violations,[61] the 2015 Child Protection Code provides for the appointment of a National Delegate who is responsible for the protection of children and the promotion of their rights.[62] A National Delegate for children has not yet been appointed, however.

Criminalisation of (online) sexual exploitation of children

The Algerian Penal Code enshrines a number of criminal offenses relevant to child online sexual exploitation. Domestic law has developed considerably in recent years to include a number of offences that tend toward compliance with its international legal obligations and international standards.

- *Exploitation* – 'Exploitation' is defined in Article 303 *bis* 4 of the Penal Code, as exploitation by prostitution and any and all other forms of sexual exploitation, exploitation through begging, forced labour and slavery or practices similar to slavery. Trafficking is punishable by imprisonment and the age and vulnerability of the victim are taken into consideration in respect of aggravating factors. For example, the sentence is higher when trafficking is committed by a group of an organised criminal nature when it is transnational. If someone is aware of an instance of trafficking and fails to report it, they are also criminally liable, but family of the victim are not included in this.[63]
- *Child Pornography* - Article 333 *bis* (1) of the Algerian Penal Code provides that any person who represents *by any means*, a person under the age of 18 years participating in explicit sexual activities, real or simulated, or represents the sexual organs of a minor, for primarily

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60 CRIN, Access to Justice for Children: Algeria
https://www.crin.org/sites/default/files/algeria_access_to_justice.pdf, p. 2
61 Concluding Observations of the CRC (Algeria), (2012), UN Doc. No. CRC/C/DZA/CO/3-4, paras. 17-18
62 see Title II, Chapter 1, Section 1, 2015 Child Protection Code.
63 Article 303 bis 10, Penal Code.

sexual purposes, or is involved in the production, distribution, dissemination, propagation, import, export, offer, sale or possession of pornographic material featuring minors is guilty of an offence.[64] The clause, 'by any means' allows for the inclusion of offenses committed online and the qualifier, 'for primarily sexual purposes' contributes to a broad offence by reducing applicable defences.

- *Child Prostitution* – Articles 342 to 349 contain a number of offences relating to incitement to debauchery and prostitution of minors.
- *Sexual Abuse* - Amended Article 334 of the Algerian Penal Code provides for imprisonment of between five and ten years for sexual offenses against a person under the age of 16 and their attempt without violence, and Article 335 recognizes the use of violence as an aggravating factor attracting a higher sentence.

Analysis: Prevention and Response

The Algerian legislature's approach to prevention of child exploitation encompasses both prevention and response; positive duties are contained in the domestic laws to prevent exposure to harmful materials online for children alongside those that are aimed at punishing perpetrators of child online abuse and providing support to victims. In the 1990 Information Code, whose purpose is to regulate the exercise of the "right to information"[65], there are provisions for the oversight of materials for children. Article 24 of the 1990 Information Code requires the director of a publication for children to be assisted by an educational supervisory body. Article 26 of the same prohibits the publication of materials "contrary to Islamic morality, national value or human rights or advocate racism, fanaticism or treason" and prohibits publicity materials that may promote violence and delinquency.

Respondents, too, consistently emphasised the role of parents in prevention and reported a 'generational gap' in usage of ICTs between parents and children, which stood as an obstacle to this role for parents and families. The Ministry of Post and Information and Communications Technologies, in particular, premised this observation on the practicalities of State-led protection on mobile devices.

The Algerian Family Code considers the extended family based on traditional organisation and based on ties of family blood. Article 2 of the Family Code views the family as the basic unit of Algerian society. The ties referred to above are set by marriage and parenthood. Law No. 15-12 of 15 July 2015 relates to the protection of the child. Article 47 states that while subject to respect for the dignity of the child and/or his private life, the state prosecutor on the request or agreement of the legal representative of an abducted child, may request any title, body or information carrier in order to publish notices, descriptions and/or photographs of the child for the purposes of gathering information or evidence that may assist in the investigation and on-going investigations. However, when it is in the child's best interest to do so, the prosecutor may order this procedure without the prior consent of the legal representative of the child.

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64 Emphasis added.
65 Article 1, Law No. 90-07 of 1990, Relative to Information (the 1990 Information Code).

3.3 STRUCTURES, INTER-DEPARTMENTAL OR INTRA-DEPARTMENTAL AGENCIES / BODIES/DIRECTORATES

Several respondents noted that while a number of government agencies engage with and have activities and project on child online protection, there is a real need for a formalised coordination structure. Upon analysis of the legal and formalised structures, while inter-agency coordination may exist in Algeria's national response to child online protection, it appears to occur within specific areas. These fall into: coordination for ICT-related offences; coordination for cases involving children.

Coordination on ICT-related Offences

The 2009 Cyber Crime Law provided for the creation of a national coordinating body for ICT-related offences, but it required implementing regulatory instruments to be adopted in order for it to be created. In 2015, a Presidential Decree established a national organ for the prevention and combating of ICT-related offences, with the Ministry of Justice as the lead agency.[66]

The organ is particularly responsible for leading and coordinating operations in relation to prevention and fights against crimes related to information and communications technology. Its mission is the coordination of operations for the prevention and crimes linked to ICT, assistance to judicial authorities and the police department, the obligation of service providers to the traffic on data retention and assistance to the investigating authorities. Any surveillance or investigation can only happen with the approval of the prosecutor.

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[66] Presidential Decree No. 15-261 of 2015.

The composition, organization and operation of the national organ for ICT related offences.[67]		
Organisation[68]	**Composition[69]**	**Responsibilities[70]**
1. Steering committee; 2. General board; 3. Board of preventive monitoring and Electronic monitoring; 4. Board for the technical coordination; 5. Centre of technical operations; regional branches.	Chaired by the Minister of Justice. **Members** Minister of Interior; The Minister of Post and Technologies, Information and Communication; The Commander of the Gendarmerie; The General Director of National Security; A representative of the President of the Republic; A Representative of the Department of National Defence; Two judges of the Supreme Court (appointed by the Higher Judicial Council.)	Proposing and creating a national strategy in the prevention and fight against offences relating to ICT's; Leading and coordinating t operations of prevention and fight against offences relating to ICT; Assisting judicial authorities and law enforcement in relation to ICT; Communication, investigation and the collection of data and providing legal expertise; Monitoring of electronic communications in order to detect offences related to terrorism, violations of state security, subversive acts under the authority of the judiciary without any inclusion of any other governmental body; Collecting, recording, and saving digital data and tracing the sources of data for the purposes of judicial procedures; Ensuring that requests for international assistance, cooperation and information are met; Developing cooperation with institutions and national bodies related to offences in ICT; Contributing to the training of specialized investigators related to ICT and; Contribute to the update of law and legal principles in relation to ICT.

Coordination on Cases Involving Children and the Family

Several respondents discussed the introduction by the 2015 Child Protection Law of a formalised reporting system (*signalement*). This focuses on the definition of a 'child in danger' (*enfant en danger*). As discussed above, the 2015 Child Protection Law also provides for the appointment of a children's mediator, but this has not yet taken place. Respondents did not have information on case management systems for cases involving children; if referrals between services and agencies takes place in practice, it is on an *ad hoc* basis.

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67 Presidential Decree No. 15-261 of 2015, on the Composition, Organisation and Methods of Function of the National Organ for the Prevention and Combatting of ICT-related Offences.

68 Article 6
69 Article 7
70 Article 8

In respect of coordination of family protection, the State established the National council for the Family and Women, by Decree No. 06-421 of 2006. It is responsible for the development of projects, providing technical advice and recommendations to official actors and information sharing on the promotion of the family and the status of women.[71] It also contributes to monitoring of national plans.[72]

Regulation

In 2014, Algeria enacted the Audio-Visual Law, Law No. 09-04 (2014 Audio Visual Law). It created a new Audio-Visual Regulatory Authority, which does not appear to have yet been established.[73] Amongst the responsibilities of the Audio-Visual Regulatory Authority is the supervision (*veiller*) of the protection of children and adolescents.[74] The 2009 Audio-Visual Law opened this sector to private businesses for the first time in over 50 years and also placed conditions upon the establishment of private audio-visual channels including the creation by providers of mechanisms for the protection of children as well as a number of other responsibilities such as the promotion of the two official languages and other matters of public concern.[75]

Internet service providers are subject to the rules found in the 1990 Information Code, and also have some obligations to comply with requests from law enforcement contained in the 2009 Cyber Crime Law (see above).

A notable regulation gap is in respect of cyber cafes. It was reported that there are approximately 10,000 cyber cafes in Algeria, which are not required to be registered, and may operate illicitly. While there is no regulation on the establishment of cyber cafes, it was reported that there is regulation of their operation, and in this way service providers may be able to intervene and close down cyber cafes by stopping their connection, if they are found to be operating illicitly.

4.   MAJOR ACTORS AND ROLE-PLAYERS IN COP IN COUNTRY

4.1   ALGERIA

4.1.2 MINISTRY OF NATIONAL EDUCATION

The Ministry of National Education (MoNE) is responsible for all compulsory education of children in Algeria. The structure of the school system is based on 6+3+3 model: six years of primary school, three years of lower secondary school and another three years of upper secondary school.[76] Together, the nine years of primary and lower secondary education constitutes the compulsory basic education phase.[77] It was reported that there are approximately 8.5 million schools in Algeria and most schools in the north have a system of violence-tracking. It appears that most schools have

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[71] See Decree No. 06-421 of 2006; see also Manara Network, 'Country Profile of Algeria', August 2011, p. 31.
[72] See Manara Network, 'Country Profile of Algeria', August 2011, p. 31.
73 There is a website for the Audio-Visual Regulatory Authority (ARAV), but there is not yet content and it appears to be under construction: http://ayrad.dz/arav/communiques-officiels/ last accessed 26 April 2016.
[74] Article 3, 2014 Audio-Visual Law.
[75] Article 48, 2014 Audio-Visual Law.
[76] http://wenr.wes.org/2006/04/wenr-apr-2006-education-in-algeria/
[77] The competences of the Ministry of National Education, can be found in the Executive Decree No. 94-265 September 6, 1994.

computers and ADSL connection is planned to be rolled out in all schools. The MoNE was keen to balance both the risks of the internet for children with the opportunities. Teachers are made aware of the use of Internet in their professional training and there was a will in initiating projects especially in relation to training teachers. The national curriculum has recently introduced modules relating to IT for upper-secondary school pupils. Together with the Gendarmerie an awareness program will be coordinated with the Ministry of Education by training selected schools on cyber-crime. Although the MoNE did not specifically discuss violence against children in schools, and it is expressly prohibited in the domestic laws (see above), there are reports of cases of school-based violence.[78]

MoNE has not undertaken any specific activities on child online protection, although it was reported that the relationship between teachers and students may be of great value in promoting safe reporting and that teachers and education staff should receive training on reporting and referrals for suspected cases. There are additionally counsellors operating in some schools, and these may be a valuable entry point for such training and reporting.

In respect of activities relating to online risks for children, the Ministry alone has not yet undertaken official frameworks for addressing the risks posed by the internet. The view of the representative was that these risks were predominantly in the family home. There appears to be no formal framework for sexual and reproductive health education in the curriculum, reflecting a generally observed taboo surrounding this matter.

4.1.2 MINISTRY OF AWQAF AND RELIGIOUS AFFAIRS

The Ministry of Awqaf and Religious Affairs (MoWRA) was established following the Algerian independence from French rule. It is the centralised religious authority responsible for the promotion of Islamic culture in the country, providing guidance and education on Islamic principles. MoWRA is in addition in charge of the appointment and training of Imams and it supervises approximately 18,000 mosques across the country.

MoWRA has a number of projects relevant to violence against children. It delivers educational programmes in mosques, annual summer schools and in some cases cooperation with nationalized television channels. While the ministry acknowledged that sexual exploitation has not been formally addressed, it has been active in advocating for sex education and reproductive health. It was not clear to what extent sexual and reproductive health education was incorporated into the activities of MoWRA, but it was suggested that a religiously-themed approach to this would be of value. MoWRA additionally uses short television adverts to disseminate messaging around the prevention of violence against children, which are framed around Qur'anic lessons.

In partnership with the UNICEF Child and Maternal Health team, MoWRA has delivered messaging on the benefits of breast-feeding to mothers through female preachers and scholars. It reported that this has proven successful since these women were able to disseminate best practices in a manner that is culturally sensitive, and could invoke their status within communities to reach a wide audience.

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[78] See, for example, Algerie1, 'Algerie: 71 cases of school-based violence in six months', September 2014, available at: http://www.algerie1.com/actualite/algerie-71-cas-de-violence-en-milieu-scolaire-en-six-mois/, last accessed 27 April 2016.

A further opportunity within the remit of MoWRA is the use of mosques for messaging and awareness-raising. It was reported that approximately 20 million people including children attend Friday sermons. It was suggested that Imams who deliver the Friday sermons should be trained on how to deliver messages about online risks for children, and that communication channels between children and mosque personnel should be strengthened. To this end, MoWRA suggested coordination with the Ministries of Justice, Telecommunication, and Education. The ministry sees further areas of development in relation to adolescents in informing them on laws and regulations relating to online use and pornography. They were also keen on cooperating with UNICEF Algeria in future.

4.1.2 MINISTRY OF POST, INFORMATION AND COMMUNICATION TECHNOLOGIES

In response to risks for children online, the Ministry of Post, Information and Communication Technologies (MPTIC) emphasised safe usage by children and youth and, to this end, has developed guidelines on internet safety for all operators which is distributed to parents, children and teachers. Parental control software is not yet adapted to devices using 3G, and this was identified as a real gap in the protective frameworks currently in place. Since the majority of children and young persons are able to access the internet through mobile devices, MPTIC emphasised preventive measures such as awareness-raising and promotion of open channels of communication between children and parents. These measures were intended to facilitate the reporting of harmful behaviour online. In this regard, MPTIC's research and development section was working on further identification capabilities and the importance of reporting sites was emphasised.

In respect of regulation of service providers, MPTIC only regulates the licencing and not content. It does not have the authority to shut down pages which fall within the remit of the Law enforcement agencies and the Ministry of Interior. MPTIC offered the first mention of a newly established inter-ministerial organ related to awareness and cross-ministerial cooperation and the development of a new law governing communication on the internet. The responsibility will be transferred to the Ministry of Justice in collaboration with the MPTIC.

4.1.2 MINISTRY OF JUSTICE

The Ministry of Justice (MoJ) is the lead agency for the National Organ on ICT-related Offences. It was also closely involved in the drafting and adoption of the text of the 2015 Child Protection Law as well as other instruments discussed above. The MoJ is responsible for the training of judges and oversees the National Judicial School, which has offered training modules on juvenile justice since 2014. There are specialised juvenile judges in every court, but respondents suggested that closer attention was required for the implementation of the responsibilities of juvenile judges in provincial courts. Juvenile judges adjudicate on matters involving minors, and there are reportedly various referral mechanisms in place for child victims, including under implementation measures of the 2015 Child Protection Law. Training for juvenile judges run for a two-week period twice a year and are part of a collaboration between the International Institute for Child Rights, the Ministry of Justice and UNICEF. The objective of the programme is twofold. First it aims to train legal professionals specialised in the treatment of children in conflict with the law in Algeria. Second, the course places emphasis on the psychological aspects of juvenile justice targeting specialised law enforcement

units. The module is run by a group of international and national experts within the field training psychologists, police members, prison officers, judges, social workers.[79]

The emphasis of the MoJ is, predictably, on a judicialised approach to child online protection. Although the 2015 Child Protection Law has elements focussing on the treatment of child witnesses and victims, the focus of its implementation in these early stages appears to lie in the treatment of children in conflict with the law. It appeared that greater inter-disciplinary training and referrals mechanisms would be of value.

4.1.2 OTHER STATE SERVICES

The health service in Algeria is free and open to all, including non-nationals. It appears, however, that the majority of support services for victims of sexual violence and abuse are offered by non-State providers. As part of strengthening the national response, closer alliances between State and non-State providers should be pursued.

4.1.4 OVERVIEW OF LAW ENFORCEMENT

Law enforcement falls within the remit of the Director General of National Security (DGSN) also known as the Gendarmerie, which reports to the Ministry of the Interior. Child online protection falls within the authority of the Gendarmerie which has various subdivisions relating to juvenile justice, child protection and ICT units. These units work in close cooperation with the DGSN.

The DGSN serves as the main police force and is responsible for 1) maintaining law and order in villages, towns, and rural areas, 2) providing security for local inhabitants, and 3) representing government authority in remote regions. The gendarmerie is organized by battalion, whose component companies and platoons are dispersed to individual communities and desert outposts. Its regional headquarters are in the same cities as the six military regional headquarters; it has subdivisions in the forty-eight Wilayat.

DGSN takes a multi-disciplinary approach to contributing to investigations by other agencies. It reportedly has a presence in schools for the purposes of detection and prevention of primarily drug related offences.

Since 2004, DGSN has adopted a work plan aimed at countering ICT-related offence in general, and in particular by actively participating in the protection of children in cyberspace by training their personnel. Since 2005, it has in addition initiated three projects: the introduction of three pilot cells allocated to protect minors; the creation of eight brigades to protect minors in 2011; and the establishment of a centre for prevention and combatting cybercrime and ICT-related offences (CPLCIC). The brigade is to undertake preventative and restrictive measures. They are assigned to educate young people in coordination with specialized organizations, including schools, youth centres, youth organizations and the mass media. An awareness program on protecting minors against cybercrime will soon be launched by the command of the National Police. An implementation of the awareness program will be coordinated with the Ministry of Education by training selected schools in cybercrime. An office for the protection of minors against cybercrime has

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[79] http://www.esm.dz/pages_fr/page9.php

been created by the command of the National Police and the CPLCIC in the capital. It was reported that in offences involving CAMs materials were automatically seized by law enforcement.

Respondents consistently stated that, although public confidence in Algerian law enforcement was good, sexual violence reporting was frustrated by the poor protections of the identity of child victims in court proceedings. There was a general belief that there was no legal regulation of the information, which could be publicly disclosed by journalists covering cases of sexual violence against children. However, Article 35 and 36 of the 1990 Information Code may be of relevance. Additionally, the best interests of the child are incorporated into reporting rules contained in Article 47 of the 2015 Child Protection Law. It was additionally reported that the law enforcement response was at times not sensitive to the needs of children; in cases requiring alternative care arrangements, for example, these centred on placing children with foster families, and there are no State-provided homes or centres for children removed from their families. It was also reported that there is poor follow up of sexual exploitation cases and violence against children cases due to an absence of a formal case management system.

Community-based dispute resolution

Respondents reported that dispute resolution, especially in relation to criminal behaviour, was consistently institutionalised. For the majority of the Algerian population it was reported that there are good levels of trust and confidence in law enforcement and crimes are routinely reported to the police. It was reported that in some border regions, where refugees and asylum-seekers had temporarily settled, community-based justice mechanisms are in use and are organised around 'chairmen' for each nationality or country of origin grouping. It appeared that this structure was not only for the resolution of disputes; these 'chairmen' also act as intermediaries between new, non-national arrivals in Algeria, and local infrastructure, including the (informal) labour market. Respondents reported concerns about the fairness and lack of protective capacity of these community-based mechanisms, whose existence may in part be explained by the complex matter of individuals legal status in Algeria.

Aside from this, respondents believed that there would be stronger community-based dispute resolution practices in rural areas or areas outside the major cities, however it was not clear what the scope and nature of such mechanisms was. To ensure that child protection is universalised within Algeria, it will be valuable to further explore this matter, perhaps through a mapping of community-based dispute resolution.

Special measures for child victims and witnesses

According to Section 2 of the 2015 Child Protection Law, there are a number of procedural safeguards for child victims of specified offences. Article 46 provides a strict set of rules in respect of interviewing child victims of sexual offences (aggressions sexuelles). These rules include the video recording of interviews to avoid re-traumatisation by multiple interviews, the attendance of a psychologist to assist during the interview, the secure storage of recorded interviews, disclosure of the evidence of child victims to parties under strict confidentiality guarantees, the destruction of evidence within one year of the end of the criminal proceedings (l'action publique) and the exclusive provision of audio evidence if this is determined by the investigating judge or the public prosecutor to be in the best interests of the child.

4.2 INDUSTRY

The ICTs industry in Algeria is closely regulated. The public nature of one of the major service providers, AlgerieTelecom, has allowed for a responsibility-based approach to child online protection that departs from practice observed in other States under study.

Algeria has three mobile operators. The largest mobile operator by subscriber numbers is Djezzy, which is owned by Orascom Telecom Holding, an Egyptian group.[80] Ooredoo, a Qatari group operates in the country, with an estimated 13 million subscribers in 2014.

AlgerieTelecom is a state-owned public telecommunication network in Algeria. Founded in 2003 the company offers telephone equipment, prepaid fixed telephone cards, mobile phone lines, and broadband Internet networks through its mobile operator Mobilis. Together with the Ministry of Post and Telecommunications, the company has been active in relation to child online protection in recent years. Following consultations with the representative, AlgerieTelecom identified areas where action was needed in relation to child protection. The first is strengthening the legal framework by advocacy. Second, due to the dissemination of Internet sources, awareness campaigns should have a wide coverage by involving key-people in the media industry.

Since 2012, AlgerieTelecom has offered Parental Control for free to all subscribers upon purchase of fixed line internet packages. The Parental Control facility provides parents with a pre-loaded list of black-listed sites that cannot be accessed when it is activated. Parents are also able to add sites to a tailored black-list. Subject to the discretion of parents, the parental control service also provides for a function that can stop internet access between certain hours and it automatically records the history of visited websites when online.

AlgerieTelecom acknowledged the limitations of the Parental Control facility. With the increase in internet use on mobile devices, computers in the home, at school or at cyber cafes are only part of the picture. AlgerieTelecom indicated that they were exploring how the Parental Control facility may be extended to mobile devices, however they shared that this was a real challenge. The emphasis on the control and blocking of children's access to inappropriate content was explained by the technical difficulties of detecting predatory behaviour of potential perpetrators that may result in child sexual abuse or exploitation. Currently, prevention of child solicitation is confined to awareness raising and parent-child communications. AlgerieTelecom is in the process of developing a Plan of Action on child online protection. It is also working with the authorities to develop a code for the supervision of cyber cafes.

In view of these challenges, and taking a holistic approach, AlgerieTelecom has also developed a child-friendly search engine and home website. Among other things, the child-friendly home website has guidance for children on how to stay safe on the internet, including instructions not to share photographs and not to disclose personal details. Similar guidance is available for parents on how to keep children safe online. As part of this, AlgerieTelecom advocates for children to use PCs in the home, where parents may monitor their activities.

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[80] Africa Telecomnews.com

AlgerieTelecom also undertakes activities to promote the opportunities presented by ICTs. It offers a number of online educational services, including e-learning programmes and virtual libraries. The company has offered schools to the Ministry of Education and it was reported that ADSL is planing to be installed in all schools; currently there are 1,000 school ADSL subscriptions.

Service providers are subject to the oversight of the Audio-Visual Regulatory Authority, which was established by the 2014 Audio-Visual Law. In respect of criminal investigations, service providers are required by law to comply with requests for disclosure from law enforcement agencies, and it was reported that this occurs in practice. However, respondents reported that there are currently no legal obligation upon service providers to remove, control or filter designated content at the national level; they are only obliged to inform parents of sites with such content. By and large, there is minimal cooperation between operators in Algeria. Each delivers their own services and safeguards.

4.3   CIVIL SOCIETY (BOTH A AND C SHOULD INCLUDE VICTIM SUPPORT SERVICES)

Respondents consistently reported that there are few civil society organisations operating in Algeria, and that new organisations face difficulties in registration with the national authorities. Nevertheless, those that do exist appear active and impactful.

NADA Network

NADA is a federation of more than 100 local and national associations aiming to promote respect and defence of children's rights through three arms: protection, promotion and advocacy. One of its great strengths is the unifying force of a number of CSOs operating in Algeria, providing a critical mass and a range of expertise and capacities. The network aims for the sensitization of stakeholders, particularly children and their families. Sensitization involves informing stakeholders about children's rights as well as advocating for respect for and protection of these rights through promotional activities and media advocacy. NADA has undertaken awareness raising and sensitisation activities on violence against children with religious actors.

Although NADA is not a direct service provider, it receives complaints and cases from children, which it refers to State service providers and, where appropriate, law enforcement and legal assistance partners. Through its various activities, NADA refers around nine thousand cases of child-related issues each year to the government service providers. It also sometimes intervenes with parents, to explain if there has been a complaint by a child and to offer counselling.

NADA is active in the capacity building of a broad range of stakeholders working on children's rights. It has produced, with international assistance and funding, a guide on the rights of the child (including on the CRC), which has been rolled out through training of trainers, guides for counsellors, guides for parents and awareness kits for children. Examples of cooperation are the green line project which was a substantial effort involving key-players from various levels within the country for child protection. The Green Line is a helpline for children that was established together with civil society organisations and the MPTIC. The toll-free helpline was launched in 2008 in partnership with the major phone operators in the country (Djezzy, Ooredo and Mobilis). In 2015, the 'green line' received an estimated 400 calls every day, totalling around 18,000 for the whole year. The line is staffed by lawyers and others who are able to advise. The helpline service is planned to include

aspects of online child protection later this year as part of a broader collaborative effort in relation to child protection. NADA hopes to launch the project in September, and aims to continue with its multidisciplinary action by including professionals, ministries and teachers.

The collaborative project of the green line project is planned to include online child protection and cooperation in the near future with agreements signed with partners. NADA is hoping to implement the same features of the green line project and have it launched it in September.

ESI Innovation Lab

Part of addressing child online protection is the Innovation Lab set-up and equipped by UNICEF Algeria in collaboration with L'École Superieur Informatique (ESI) in Algiers. The Innovation Lab provides ESI students with a space to develop tools for the dissemination of awareness on social services, and children rights. In this space for youth engagement, young students are developing an online portal to sensitize their peers, their teachers, and their parents on how to protect and be protected against violence while surfing the net. Specific to child online protection the ESI students have created a web portal on the theme of protecting children against dangers online. Students have been active in contributing to this through web development of child friendly sites, and raising awareness through videos explaining the dangers online. They are also provided with reporting links and alert mechanisms for children, teachers and parents. Following discussions with the students they are currently developing Mobile Applications where children can report any violations.

5. PRIORITIES, PREVALENCE AND COUNTRY FOCUS (PREVALENCE, WHAT TYPES ARE OF CONCERN, WHERE IS THE POLICY AND INTERVENTION WORK FOCUSING)

The general view of respondents was that child online sexual exploitation occurs in Algeria, but not on a large scale. Acts of 'sexual aggression' are believed to be more prominent with sexual exploitation of children being more on the periphery, however this comes with the usual caveat about reporting. The activities of government ministries were explained as preventive as Algeria has seen exponential growth in internet usage since its late installation of services such as 3G.

In general, respondents did not have a clear idea of what the most prominent threats to child online protection are in Algeria. The combination of the lack of publicly accessible data or statistics and a generally reported reluctance to discuss sexual violence made it difficult to gauge the scale, prevalence and form of threats to child online protection, and specifically child online sexual exploitation. All respondents noted a clear absence of formalised coordination and referral procedures.

Prevention of Exposure to Harmful Materials

The emphasis of the State is on the prevention of access for children to harmful materials online. Respondent officials approached the matter of child online protection from a similar standpoint; measures to protect children online focused on what they should and should not be able to access, and blocking designated sites at the network level.

The coordination efforts at the governmental level appear to predominantly lie within law enforcement. Recent developments suggest however that cross-sectorial activities are beginning to increase and thus extend beyond preventative measures. This has been reflected by a general political will across the government Ministries to undertake significant steps in relation to child online protection, especially in light of the creation of the National Organ on ICT-related Offences.

'Internet Addiction'

A recurring issue in discussion with respondents was that of 'internet dependency'. Dr Nora Kechaïri and a team from l'EPSP Bouzaréah conducted a survey on 14,822 children between the ages of 8-22 in six Wilayat in May 2015. Assessing the psychological impact of the use of internet amongst youth in the country, the findings suggest an acute number of children displaying high dependency on the internet. The report was widely covered and has been part of the public debate in relation to child protection.[81] Throughout the country visit this research was often mentioned by the interviewees as part of the concern relating to children and their use of internet. Specifically, AlgerieTelecom has used this report in its projects relating to child online protection.

Child Protection and National Security

Although respondents generally avoided the topic, the issue of child recruitment and radicalisation online is of great relevance in Algeria. It is not clear what the scale of the matter is, but the Algerian State has been engaged in international activities on de-radicalisation and combating extremism. Recalling that some of the technologies and law enforcement infrastructure discussed above in the context of child online protection are also used in counter-extremism activities by the State may offer a useful additional dynamic to child online protection in Algeria.

6.   EXISTING (GOOD) PRACTICES, POLICIES AND INTERVENTIONS

There is a willingness on the part of the Algerian Government to explore how to ensure the greatest protection for children against sexual violence, exploitation and recruitment by non-State armed groups. This appears to arise from the political and societal structure of Algeria as well as a newfound and fledgling openness amongst government ministries to work together. The recent End Violence campaign, led by UNICEF Algiers, marked a milestone in collaborative approaches to child protection, and a similar campaign is planned on child online protection.

Strong Legal Framework

Broadly, the State has enacted a number of comprehensive legal instruments that, if fully implemented, will meet several of its international legal obligations. The obligation of close cooperation of service providers, contained in the 2009 Cyber Crimes law is an example of the State and other actors' 'shared responsibility' approach, which is indispensable to effective child online protection.

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[81] http://www.liberte-algerie.com/contributions/une-realite-sociale-et-un-vrai-probleme-de-sante-publique-230868 also http://www.lechodalgerie.com/index.php/actualite/5469-33-d-enfants-et-d-adolescents-algerois-souffrent-d-addiction-a-internet

UNICEF is assisting the State with the implementation of the 2015 Child Protection Law. The law opens up new terrains for intervention and UNICEF has been invited to develop, and implement it.

Legal Obligations on Service Providers to Cooperate with Law Enforcement

The prevailing view amongst the ministries was that protecting children online requires an adequate legal framework as well as detection and repression of harmful online content and practices. While it was agreed that recent developments such as the establishment of the National Organ for ICT-related Offences was a positive step in the right direction, implementation of the recent laws and regulations require close attention and follow-up. This hinges on a collaborative approach across the ministerial sectors.

Guidelines for children and parents

Respondents agreed that educating children to use online resources for their benefit while avoiding its risks was an indispensable strategy in child online protection. Importantly, the panel was also of the view that sensitization should not only target children but also include teachers and parents. AlgerieTelecom's specialised website for children is an example of tailored messaging on online safety for children as well as parents that strikes a good balance between highlighting the risks and emphasising opportunities presented by internet use for children.

Green Line

The model of the Green Line presents an example of good practice. It illustrates the coordination of service providers (telephone) and civil society to provide a reliable service, which receives a great number of calls. A similar model should be pursued for reporting online abuse and protection concerns that is child-friendly, and that has the capacity to receive complaints online. This may also assist in the collection of data that can provide an evidence base for further work on child online protection.

National Organ for ICT-Related Offences

The eventual appointment of a lead ministry for ICT-related offences presents a positive step in the strengthening of national child online protection. It may be strengthened by specialized personnel and units within the National Organ that are trained to deal with child victims and the specific forms of child online abuse and exploitation.

'End Violence' campaign

Linked to the global end violence project Algeria UNICEF launched a campaign two years ago which has had a good impact in the country. Several contributions of institutional and media partners resulted in ten TV channels, and a radio programme to raise awareness through the 'Dit Le' campaign of children and violence.

According to the country office the positive impact it had served as a springboard for digital violence on children. The project is at its implementation stage with an action plan in place. The plan is to adopt a 360 degrees campaign involving mass media, cooperating with several partners in the media industry. This idea has been advocated and supported by institutional and non-institutional partners alike such as the major telephone operators. AlgerieTelecom has, for example, expressed an interest

in cooperating with a set and accepted budget and assigned a contact person. The project will be more reactive and facilitate taking charge of these complaints.

7. RECOMMENDATIONS

The following recommendations are drawn from insights relating to the interviews collected in Algeria regarding the national, industrial, and civil society approach to tackling online child protection.

Algeria has strong state control in relation to online protection, partly as a result of the national situation relating to terrorism. For example, there is heavy regulation of content filtering which is usually managed by law enforcement agencies. While this approach has its benefits, more transparency is needed in order for civil society and international organisations to conduct their work.

There is a lack of coordination among institutions in regards to child online protection, and while referral systems do exist there is a failure in the consistency of procedural response. Each institution has their own structure, however a more reactive and facilitative approach to this coordination is needed. New developments suggest that this is being addressed. For example, the executive degree established the national organ relating to the prevention and fight against ICT related offences. While this effort at creating an inter-ministerial dialogue is commendable, the decree itself offers little information or association to child online protection specifically. More clarity is needed regarding this organ in order for civil society to participate and contribute to its development and success.

Most of the initiatives discussed by respondents are geared towards the capital and major cities in the north of the country. Little is known about whether the projects are to be implemented throughout the country. This is an important consideration considering that the southern Algerian context differs significantly from the north and may therefore require different approaches. This report recommends that government agencies consider the distribution of child protection services, and their contextual needs.

Internet penetration in Algeria is still relatively low, with significant generational gaps in regards to understanding and use of the internet. Initiatives to raise awareness of online safety are required, particularly those which speak to multiple generations. This would form part of a broader approach to developing trans-generational alliances with regards to internet use.

There is a general lack of reporting in Algeria regarding sexual exploitation, rape, incest, and pornography. Even when crimes are reported, NADA has shown that they often to not reach a formal complaints procedure, indicating that the accusations are revoked before they can be brought to trial. The lack of reporting and revoking of accusations may be ascribed to cultural norms surrounding honour and the lack of confidentiality in the legal process. However one of the effects is a gap in state knowledge regarding crime statistics in this area. It is therefore welcomed that the new media law regulates the extent to which media industry can report on children in relation to sexual offenses.

Although respondents agreed that there was a great deal of publicity on child online protection activities, including the adoption of relevant laws and regulations, respondent youth felt that this was inadequate for the purposes of reaching the target audience and that better use should be made of social media for awareness raising and sensitisation of children and youth.

In respect of victim support services, civil society is the major actor. Restrictions on the establishment and operations of civil society organisation frustrate this, however. The State should both strengthen its own official service provision in the areas of health, pyscho-social support and case management of child abuse and exploitation cases but also bolster the status and operations of civil society organisations. Capacity building of civil society by international organisations including UNICEF may also contribute.

8.   CONCLUSIONS

Child online protection in Algeria has two major strands: the first is the judicialisation of the issue, the second is a preventive approach that emphasises blocking of harmful materials and prohibited materials. The close cooperation of service providers is an important element contributing to the effectiveness of this approach.

Appendix One: List of Stakeholders

1. UNICEF Child Protection and Social Inclusion
2. UNICEF Child Online Protection (Hakim)
3. UNICEF Education (including Doria)
4. Ministry of Education
5. Ministry of Justice
6. Ministry of Awqaf and Religious Affairs
7. Ministry of Information and Communications Technology
8. The NADA Network
9. Algerie Telecom
10. UNHCR