

LEGAL ACTIONS TAKEN TO ENSURE CHILD SAFETY FROM INTERNET DANGERS

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Abstract:

The Internet and modern communication tools offer both positive and negative potential. While they can be employed for productive purposes, they also pose risks, leading to various forms of deviant practices and the reproduction of outdated deviant images. The communication revolution has facilitated electronic bullying, harassment, and the dissemination of content promoting homosexuality and pornography, posing threats to children's personalities and skill development. This necessitates increased efforts, both internationally and nationally, to protect children from the perils of the Internet.

key words: Cyberspace; Internet risks; Child protection.

Introduction:

Since 1969, the internet has been known to the world and was designed to maintain communication networks during times of war. The development of the internet began under the supervision of the US Department of Defense and evolved into military and civilian networks. The network has undergone rapid development and has become user-friendly for everyone, including children. However, despite its known benefits, it also comes with numerous drawbacks and risks, especially for children. It is therefore required to be used under parental supervision to prevent any harm posed to children in the virtual space.

There has been a growing prevalence of detrimental actions in many communities that can be linked to various societal challenges, as well as global political and economic situations. One of the key factors contributing to this is the widespread distribution of pornographic materials in the form of videos and images that are readily accessible to everyone. This phenomenon has led to significant deviations in personal and public morality, including the emergence of a new kind of indecent

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trade involving minors that involves filming them while in compromising situations, and then sharing these videos on social media platforms in both real and simulated contexts.

The Algerian community has not been spared from this phenomenon, just like other communities, where the phenomenon of cyber bullying, harassment, and various forms of propaganda for sexual deviance and pornography has gained grounds. This poses a risk to children's personality and development, which has prompted the Algerian lawmakers to declare a state of extreme alertness to curb this invasive phenomenon in Algerian community, by issuing national laws aimed at preventing it before it happens, and fighting it by expanding the scope of criminalization and pursuing its perpetrators, and applying the most severe penalties to them once it occurs. Additionally, international efforts have been made to protect children from internet dangers by preparing them to undertake their responsibilities as future adults, which mandates that the international community provides them with necessary care and protects them from the various violations committed against them. Given everything that has been submitted, it is worth pondering on the following problematic: What actions have been taken at both the international and national levels to protect children from internet-related dangers?

In response to the presented problematic, the research paper has been divided into two primary themes:

I: National actions to protect children from the dangers of the internet.

II: International actions to protect children from the dangers of the internet.¹

I. National actions to protect children From the dangers of the internet

Many children are entering the internet world in a way that is closer to addiction, and some families may ignore this problem thinking that the internet has great benefits for children as it is a distinguished source of information and education, but spending many hours in front of the internet without awareness or censorship makes them prone to deviation and may put them in big problems, such as modesty and presentation on social networking sites. Therefore, the misuse of the internet has led to an increase in crimes committed against children and their rapid dissemination, and this is why the national authorities have called for more efforts to protect this category of society from the specter of the internet.

A. In terms of national legislation

In our examination of human rights, as defined by the Convention on the Rights of the Child, we have discovered that it covers several

fundamental rights that apply to all humans, with a particular focus on children's rights. Some of the Convention's positive aspects include the child's right to life and protection of their best interests. Algeria has endorsed the Convention on the Rights of the Child and introduced it in the country through Presidential Decree No. 92-461, issued on December 19, 1992, and published in the Official Journal of the People's Democratic Republic of Algeria No. 91 dated December 23, 1992, in order to create a supportive environment for the growth and security of children².

The Algerian government has issued a set of explanatory statements on the International Convention on the Rights of the Child. As regards Articles 13 and 17 that mention the child's right to information, it was stated that they will be implemented while taking into consideration the best interests of the child and the necessity to preserve their physical and mental safety. Accordingly, the Algerian government will construe the provisions of these articles, taking into account: ³

- Provisions of the Penal Code, particularly the chapters related to violations of public order, public morals, inciting events to corruption and prostitution.

- Provisions of Law No. 90 - 04 dated April 3, 1990, concerning media, especially Article 24, which provides that "the director of the newspaper designated for children must seek the advice of an educational consultation body."

Article 26 of the same law, which states that the national and foreign specialized periodical should not contain anything that contravenes Islamic morality, national values, human rights, or promotes racism, prejudice, and betrayal."

- These publications should not contain any advertisements or announcements that encourage violence and delinquency.

Likewise, one of the key points regarding national actions to protect children from internet crimes is the reliance on Law 09/04. By referring to its articles and reviewing the fourth chapter of this law, legislature have outlined the specific obligations of internet service providers in this regard, as stipulated in Article 12. However, it should be noted that national laws have not directly addressed the issue of protecting children from internet dangers. Instead, the project has offered comprehensive protection to all members of society, without exception. This stands in contrast to the French legislature, who has implemented specific measures to protect minors from various communication-related dangers and imposed strict penalties for violating these laws.

Finally, the Law 15/12 dated July 15, 2015 stated that the paramount consideration in any action or measure is the best interest of the child, and in all procedures relating to children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the foremost consideration is the welfare of the child.

B. The actions of regional and national bodies to protect children against the dangers of the internet

The Arab institutions responsible for enforcing international conventions related to protecting basic rights and freedoms include the Permanent Arab Committee for Human Rights, which is sometimes referred to as the "Committee of Experts on Human Rights". There is also the Arab Framework for Children's Rights, which was developed through cooperation between the General Secretariat of the Arab League, expert representatives from member states and ministerial councils, as well as some relevant Arab organizations and UN agencies. The draft of the Framework was presented to the Technical Advisory Committee on Arab Childhood during its sixth session held in June 1999. They expressed their desire to submit this document to the Arab League Summit Council for adoption. This confirms the Arab consensus on the highest levels of decision-making and commitment to issues concerning Arab children, who represent the future human resources of the nation. The document was approved by the Council at the summit held in Jordan on March 28, 2001.

The Arab Framework for Children's Rights

1- Arab Organizations' Actions to Protect Children from Internet Dangers.

In order to protect children from harmful information and materials, a variety of laws have been introduced, including the Arab Model Law for the Protection of the Child, which was published in January 2013 under the heading "Media". Paragraphs one and two of Article 38 establish the following:

- Children must be protected from publications, films, video games, music, radio broadcasts, or any other forms of advertising, written or electronic, that may pose a threat to their health, growth, or wellbeing.
- The media, including print, television, radio, internet, and social networks should engage children in promoting their media literacy, encouraging responsible use of these tools, and contributing to the protection of children by raising awareness of the negative impact that media can have on them.

2- National Organizations' Actions to Protect Children from Internet Dangers.

The effectiveness of national organizations specialized in protecting children from internet crimes is limited for various reasons, including the lack of studies and research on internet crimes targeting minors. In addition, clear national policy aimed at addressing the risks of these crimes is lacking. Nonetheless, there are some conferences and training sessions that raise awareness of the dangers of the internet for minors, where children may encounter harassment and, in some cases, exploitation and sexual harassment. All of these behaviors go against religious, cultural, and traditional values.

II. International actions to protect children From the dangers of the internet

International Organizations have a significant role in shielding children's rights from the dangers of the Internet, and this discussion may involve the role of these organizations, particularly the United Nations (UN) and the UN organizations, with reference to committees established under UN charters and the various international organizations that work as UN agencies.

A. The role of the United Nations in protecting children's rights

The United Nations has encouraged states to adopt the Geneva Declaration of the Rights of the Child in 1924, through its actions to implement it, which includes:

1. Establishment of the Advisory Committee on the Protection of Children
2. Establishment of a Documentation Center on Childhood, which documents the problems affecting children in member states. Reports published by this center include the following files:
 - a) The care of illegitimate children in 1929.
 - b) Supplementary services for juvenile courts in 1931.
 - c) The family status of children in 1938.

Despite all of the reform efforts made by the League of Nations, it was unable to achieve its goals, which was due to the destruction that was experienced worldwide after World War I. However, it did establish a set of mechanisms that were consistent with the situation at that time. This was later replaced by the United Nations as an alternative in order to complete the formulation of those mechanisms which were in line with the present requirements.

B. UN Role's in the protection of Children's Rights

The United Nations produced an international agreement in 1989 for the protection of children's rights, which has garnered worldwide

acceptance with 193 countries endorsing it by 2012. This includes all UN member states with the exceptions of Somalia, South Sudan, and the United States of America. The agreement stipulates that every child has fundamental rights, such as the right to adequate health care from their parents, and obliges countries to enable parents to fulfill their parenting duties and protect children from abuse and exploitation. It also outlines the significance of ensuring the protection of a child's privacy and their life.

It has recognized, in accordance with Article 17, the right of the child to access information and to be protected from harmful information. Article 34 has also been recognized, which criminalizes any form of child sexual exploitation. This convention is considered a reference for child rights that all countries around the world have committed to. Sexual predators and other offenders may pursue children on the internet, taking advantage of their naivety and trust, and they may ultimately lure them into extremely dangerous personal encounters. These predators are hiding on social media websites and gaming sites that appeal to children (the same virtual playgrounds where much of the cyberbullying takes place). In these places, they don't just take advantage of children's innocence, but they also exploit their creativity. "Let's play make-believe" is a common and positive part of online interaction and gaming, but it can also be used by predators as a lure to attract children.

Despite the fact that the Federal Bureau of Investigation provides instructions for protection from online predators and other internet-related risks that threaten the safety of children, we repeat that the best protection is the ability to communicate with your children about their lives.

According to Article 1 of this agreement, a person is considered a child if two conditions are met:

- They have not reached the age of 18.
- The applicable domestic law does not set the age of majority at less than that.

The United Nations organization has dedicated a collection of principles to protect the rights of children, including:

1- The principle of equal treatment.

In accordance with Article 2 of the Convention on the Rights of the Child, which states that "the parties shall respect the rights outlined in this Convention and ensure them to every child under its jurisdiction without distinction on any grounds, including the child's or their parent's or legal guardian's race, color, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth

or other status," the agreement obligates the parties to take all necessary actions to guarantee the child's welfare and protection from discrimination or punishment.¹²

2- Ensuring the child's well-being, protection and growth.

Article 6 of the agreement declares that the parties recognize that each child has an inherent right to life, and the party states shall secure to the maximum extent possible the life and growth of the child. Throughout history, the act of taking a life has been denounced and despised by all nations and peoples because the right to live is a principle that all laws uphold, and this right is regarded as the basis and the priority of all rights.

3- The involvement of the child and the protection of their opinions.

The right of the child to express their views is protected under the Convention on the Rights of the Child through Article 12, which states that "parties shall assure to the child who is capable of forming his or her views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

The above principle highlights the need for states, government institutions, society, and families to consider the viewpoints of children in all matters concerning them, particularly those aged around eighteen who have the judgment and maturity to understand the difference between good and bad. Failing to follow this principle could lead to serious and harmful consequences for children's mental, intellectual, and cultural development.¹³

These texts make it clear that the Convention on the Rights of the Child emphasizes the importance of the child's right to access information and the need to create media that serves their needs and interests. To achieve this, it is essential to develop well-planned programs that support the child's personal growth and talents, taking into account their physical and mental abilities and encouraging creative thinking. It is crucial to avoid programs that are detrimental to the child's personality or intellect and do not accurately reflect their reality.

In conclusion, after our study of this research on international and national actions to protect children's rights from the dangers of the internet, which now indiscriminately target children, it is possible that sexual predators and other online predators could pursue children and take advantage of their innocence and trust, ultimately luring them into extremely dangerous personal encounters. These predators hide on social media platforms and gaming sites that attract children (the same virtual playgrounds where a lot of cyberbullying takes place). In these places,

they not only exploit children's innocence but also their imagination and interaction. However, there are national and international actions that have worked tirelessly to protect children from the dangers of the internet by setting up international organizations that work to curb these crimes and enhance their role by issuing international laws and treaties that authorizes them to operate in this field. These organizations also serve to raise awareness among citizens, particularly young people, about the risks of dealing with bad websites on the internet. From all that has been stated, we can gather a set of conclusions and recommendations.

A. Primary Results:

1) In 1989, the United Nations established an international agreement to protect the rights of children, which has received worldwide acceptance, with 193 countries signing it up until 2012. The agreement featured fifty-four detailed articles, each with its own specific title.

2) The Algerian government issued a set of explanatory statements related to the international agreement on the rights of the child concerning Articles 13 and 17, which outlined the child's right to information. It was stipulated that these articles will be applied while taking into account the child's best interests, the need to protect their physical and mental wellbeing, as well as to disseminate valuable information at the national level and encourage global cooperation to expand its usefulness.

3) Algeria endorsed and put the Convention on the Rights of the Child into effect, implementing it through Presidential Decree No. 92-461 issued on December 19, 1992, which was subsequently published in Official Gazette No. 91 of the People's Democratic Republic of Algeria on December 23, 1992. The goal of the implementation is to provide a conducive environment for children's growth and protection.

B. Recommendations:

1. Strengthening control and not leaving children alone with the internet in closed rooms, and ensuring they use the internet in open areas where adults are present.

2. Limiting the number of hours children can use the internet to no more than half an hour per day, and teaching them the psychological and social safety rules when using the internet.

3. Using child protection software on computers or mobile devices.

4. Encouraging children to browse purposeful and useful websites that help them develop their skills and abilities.

5. Monitoring children's use of the internet and controlling their activities.

6. Educating children on how to respond in case of exposure to abuse while using the internet.

Bibliography:

1. Meskina, Mohamed Al-Saghir, *Child Protection in International Agreements* , International Law and Development Journal, Volume -, Issue 02 9, 2021, p. 466.
2. Bouadi Mustapha, *The Convention on the Rights of the Child of 1989 :Between Positives and Problems* , "Journal of Legal Studies and Research "Issue: 06, Faculty of Law and Political Science, University of Saida, no publication year, p. 16.
3. *The Official Journal of the People's Democratic Republic of Algeria* No 91 issued on 23 December 1992, Presidential Decree No. 92-461 dated 24 Jumada al-Thani 1413 AH, corresponding to 19 December 1992, approving, along with explanatory statements, the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989.
4. Mourad Gueribiz, Laaziz Ahmed Hbayrech, *National and International Actions to Protect Children from Internet Dangers* , "AL TURATH Journal, Issue 1, Faculty of Law, University of Djelfa, May 11, 2020, p. 223.
5. Ismail Abdul Fatah Abdul Kafi , *Children's Rights* , "Alexandria Center for Books, 2006, p. 106.
6. Laila Ahmad Al-Malla, *Children's Rights in International Law for Children and Federal Law No. 03* , "no publisher, no place of publication, 2016, p. 18.
7. Miloud Channi, *International Protection of Children's Rights*, Master's dissertation, Faculty of Law, Mohamed Khider University, Biskra, 2015, p. 87.
8. Articles 17 and 34 of the International Convention on the Rights of the Child for 1989, United Nations Publications ,New York.
9. Mourad Gueribiz, Laaziz Ahmed Hbayrech, *National and International Actions to Protect Children from Internet Risks* , "Op.cit, p. 225.
10. Bouadi Mustapha, *The Convention on the Rights of the Child of 1989: Between Positives and Problems* , "Op.cit, p. 17.
11. *The International Convention on the Rights of the Child for 1989* , "United Nations Publications, New York.
12. Yakhlef Faiza, *Media Programming and Problems in Activating Children's Rights* , "Family and Society Journal, University of Algiers 02, Volume 02 ,Issue 01, January 2014, p. 83.
13. Cécile Nlend, *Child Protection in Cyberspace*, Thesis for the PhD in Public Law at the University of Picardie Jules Verne, France, 2007, p. 123.