

# Digital security for children with special needs under public international law and Algerian legislation



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## Abstract

There is a global consensus that children with special needs face significantly reduced opportunities for engaging with the external world across various domains. A pivotal approach to integrating them into society involves facilitating their access to digital environments while safeguarding their rights online. Nonetheless, there has been a rising concern about the dangers posed by the digital world to these children, emphasizing the critical need to ensure their secure access within a framework that respects human rights and provides protection.

This study delves into the significance of the digital environment for children with special needs and outlines the primary risks they encounter. It also sheds light on the protective measures endorsed by international conventions and Algerian laws in this context.

## Keywords

Children with special need;  
Digital security;  
Digital environment;  
Cybercrime;  
Countermeasures.

## الكلمات المفتاحية

الأطفال ذوي الاحتياجات  
الخاصة؛  
الأمن الرقمي؛  
البيئة الرقمية؛  
الجريمة السيبرانية؛  
آليات المكافحة.

## الأمن الرقمي للأطفال ذوي الاحتياجات الخاصة في ظل القانون الدولي العام والتشريع الجزائري

### ملخص

يتفق العالم أن الأطفال من ذوي الاحتياجات الخاصة فرصتهم أقل في الاتصال بالعالم الخارجي في المجالات جميعها، ولعل من أبرز سياسات دمجهم في المجتمع هو فتح المجال أمامهم للتولوج إلى البيئة الرقمية واحترامهم عبر الأنترنت، غير أن الأونة الأخيرة عرفت تنامي التحذيرات حول مخاطر وأضرار البيئة الرقمية على الطفل ذي الاحتياجات الخاصة، وضرورة السعي نحو تمكين هذا الطفل من الوصول إلى الأمن إلى هذا الفضاء ضمن إطار حقوق الإنسان وحمايته.

تحلل هذه الدراسة أهمية البيئة الرقمية بالنسبة للأطفال من ذوي الاحتياجات الخاصة وأهم الأخطار التي تتربص بهم فيها، وتسلط الضوء على الحماية التي تقرها المواثيق الدولية والتشريع الجزائري في هذا الإطار.

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## Introduction:

In the contemporary era marked by technological integration, devices such as computers and smartphones connected to the internet have become integral to our lives and have captured the interest of various societal groups, including children. Children with special needs are also beneficiaries of this technological evolution, which has offered them avenues for interaction, friendship, and connection across diverse life domains, including education, culture, and arts.

However, these technologies also introduce potential misuses that are condemned by law and society, manifesting as cybercrimes that adversely affect the behaviors and healthy development of children with special needs at all stages of growth. The digital realm that envelops the lives of children with special needs is not a lawless frontier. The absence of a comprehensive, binding international convention on its governance does not diminish the value of concerted international, regional, and local efforts aimed at securing individuals within this space, particularly children and those with special needs.

The relevance of this study stems from its focus on a critical and contemporary issue that directly impacts the rights of children with special needs: digital security. The objectives are to elucidate the importance of the digital environment for these children and to identify the main threats they face within it.

The study outlines the legal and institutional frameworks that protect the rights of children with special needs in a safe digital environment and poses a central question:

### **How effective are the existing international and national legal and institutional frameworks in safeguarding these rights?**

Supplementary questions include:

- Who are children with special needs and what role does the digital environment play in their lives?
- What types of cybercrimes impact children with special needs, and how effectively are these addressed by international and national laws?

The methodology employs a descriptive approach to characterize children with special needs and cybercrime, alongside an analytical approach to evaluate the existing legal and institutional frameworks and the roles of various stakeholders in protecting these children from digital risks.

The study is organized into two main sections:

The **first section** discusses the digital rights of children with special needs and the cybercrimes committed against them.

The **second section** examines the international and national frameworks for protecting these rights in a safe digital environment.

## **First Section: Digital Rights of Children with Special Needs and Cybercrimes Committed Against Them**

The digital environment encompasses a vast array of information and communication technologies, including services and applications, virtual reality, web networks, content, artificial intelligence, algorithms, and data analytics technology. As this environment continues to expand, it offers new opportunities to uphold the rights of all children, particularly those with special needs.

It intersects with most societal functions and permeates every aspect of a child's life, including during crises. While the digital world can significantly enhance the lives of children, it also exposes children with special needs to heightened risks. These risks stem from both the infringement of their rights and the cybercrimes that jeopardize their enjoyment of a safe digital environment.

This section first explores the rights of children with special needs within the digital world (First Topic), followed by an examination of the cybercrimes committed against these children (Second Topic).

### **First Enquiry: The Right of the Child with Special Needs to a Safe Digital Environment**

Before delving into the rights of children with special needs in a safe digital environment, it is necessary to define who these children are (First Subsection), then to explain the legal basis for their digital rights (Second Subsection), and finally to discuss the significance of the digital environment in their lives (Third Subsection).

## **First Subsection: Definition of a Child with Special Needs**

According to the International Convention on the Rights of the Child of 1989, a child is defined as *"every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier."*<sup>1</sup> The Algerian legislator in Article 2 of the Child Protection Law No. 15-12 defines a child as *"any person under the age of 18 years,"* using the term 'minor' with the same meaning.<sup>2</sup>

Referring to the United Nations Convention on the Rights of Persons with Disabilities, it does not specify a distinct definition for children with special needs but includes them under the general definition of persons with disabilities, which covers all age groups and genders without discrimination. It defines such individuals as *"any person who has long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."*<sup>3</sup>

Children with special needs or Children with special needs refer to children who differ from the typical or average child in terms of mental, physical, sensory abilities, or in behavioral, linguistic, or educational characteristics to an extent that necessitates the provision of special education and supportive services to meet their unique needs. The term 'special needs' is preferred because it does not imply incapacities or disabilities.<sup>4</sup>

From this, we can conclude that a child with special needs is *"every human being under the age of eighteen who suffers from long-term physical or sensory impairments that prevent them from fully and effectively interacting within society on an equal basis with others."*

## **Second Subsection: Digital Rights of the Child with Special Needs**

In the absence of a specialized international instrument that explicitly recognizes and defines digital human rights, children with special needs derive their digital rights from general and specialized international resolutions that affirm the recognition of digital human rights broadly. Among the most significant are:

### **First: United Nations General Assembly Resolution 53/144 (December 9, 1998)**

This resolution adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which articulates in Article Six the recognition of individual digital rights such as the right to access information, and the right to express and disseminate opinions, information, and knowledge to others or spread it among them without any restriction on age groups or mention of only traditional means. Instead, it uses the general phrase *"by these means or any other appropriate means,"* underscoring that the digital environment is an optimal medium to exercise these rights.<sup>5</sup>

### **Second: United Nations General Assembly Resolution 68/167 (2013)**

This resolution emphasizes the right to privacy in the digital environment, particularly in its fourth paragraph, which urges states to respect and protect the right to privacy, including in the context of digital communications, and to take necessary measures to prevent violations of these rights and to create conditions to prevent such violations.<sup>6</sup>

### **Third: United Nations General Assembly Resolution 69/166 (2014)**

Following the precedent of the previous resolution, Resolution 69/166 reiterated the right to privacy by repeating the content of the fourth paragraph of Resolution 68/167 without any changes.<sup>7</sup>

### **Fourth: United Nations Human Rights Council Resolution 16/28 (2015)**

This resolution also addressed the right to privacy in the digital age, stating that *"the same rights that people have offline must also be protected online, including privacy."*<sup>8</sup> The Human Rights Council emphasized the importance of building trust on the internet in relation to the right to privacy, the right to access information, the right to freedom of expression and the exchange of ideas, the right to protection from violence, and the right to intellectual property, in order to realize the potential of the internet as a tool for enabling development and innovation.<sup>9</sup>

### **Fifth: Sustainable Development Goal 16 on Peace, Justice, and Strong Institutions**

The United Nations recognizes the importance of a child's right to benefit from digital technology and to be protected from all forms of exploitation and illegal trafficking through Sustainable Development Goal 16, which aligns with the broader framework of human rights by promoting societies that respect and support individual rights, including the right to privacy, freedom of expression, and access to information.<sup>10</sup>

## **Sixth: World Summits on the Information Society 2003-2023**

During the successive World Summits on the Information Society from 2003 to 2023, governments, companies, and non-governmental organizations have emphasized the critical link between the internet and human rights. They have expressed their commitment to building an inclusive, development-oriented information society that empowers individuals, communities, and peoples to fully realize their potential in fostering sustainable development and improving their quality of life, guided by the purposes and principles of the United Nations.<sup>11</sup>

## **Seventh: Recognition of Digital Rights in National Legislations**

Generally, national legislations and laws have not kept pace with the rapid advancements in digital technology. In Algeria, even after the latest constitutional amendment, digital rights have not been explicitly stated. Instead, they are only implicitly referenced in the section on rights and freedoms in the text of Article 47 of the 2020 Constitutional Amendment, which states: *"Every individual has the right to the protection of their private life and honor; and every individual has the right to the confidentiality of their correspondence and private communications in any form... The law shall punish any violation of these rights."*<sup>12</sup>

Although these resolutions are not binding, they serve as a foundational step towards establishing an international customary law that acknowledges digital human rights until a comprehensive and binding international instrument recognizing these rights is achieved.

## **Third Subsection: The Importance of the Digital Environment in the Lives of Children with Special Needs**

Like any other humans, children with special needs have desires that they wish to fulfill, especially those arising from their disabilities. These can be summarized as follows:

### **First: Social Communication**

Social communication tops the list of activities that children, particularly adolescents with special needs, engage in online. The internet serves as a space to overcome disabilities through communication, building and maintaining relationships, learning new skills, and integrating into their communities.<sup>13</sup> It also helps in altering societal perceptions of them through interactions and engagements with community members and peers.<sup>14</sup>

### **Second: Exercising Freedom of Opinion**

The digital environment provides children, especially those with special needs, the opportunity to make their voices heard on issues that affect them. It allows for their participation at local, national, and international levels. States, when drafting legislation, are encouraged to consult with these children, listen to them, and value their opinions. Similarly, developers of products and services should consider their views appropriately.<sup>15</sup>

### **Third: Meeting Guidance Needs**

Children with special needs and their guardians use the internet to access educational and social-psychological research to understand the causes of their disabilities and how to prevent them. They connect with other parents providing similar care to benefit from their experiences, overcome psychological and family challenges they face, accept their disabilities, and adapt accordingly. They also develop their personalities, especially by accessing content about successful individuals and prominent figures who are also people with special needs.<sup>16</sup>

### **Fourth: Fulfilling the Need for Entertainment and Games**

Like other children, those with special needs also use the internet for games with peers or against the computer, enjoying music, watching videos and movies, sharing photos and content, and creating personal blogs. These activities bring them a sense of happiness.<sup>17</sup>

### **Fifth: Supporting Learning and Homework Completion**

The digital environment is rich with applications, programs, websites, and tools for language learning, improving understanding, knowledge, and skills, and exposing them to different cultures. Children with special needs also use the internet for homework and research. Given that education must continue as a fundamental human right protected by international laws and national legislations, the internet has been utilized for remote education and daily life, especially during pandemics and global crises like the coronavirus threat.<sup>18</sup>

## **Second Topic: Cybercrimes Against Children with Special Needs**

Cybercrime, also known as computer crime, information crime, internet crime, or tech crime, are modern terms imposed by the reality of technological and informational development. Children with special needs, like others, are part of this contemporary environment and are affected by its novelties; they are also susceptible to cybercrime.

This section aims to define cybercrime (First Subsection) and then review the types of cybercrimes that specifically target children with special needs (Second Subsection).

### **First Subsection: Definition of Cybercrime**

Cybercrime is any deliberate act or omission arising from unlawful use of information technology with the intent to infringe upon a protected interest, whether material or immaterial, or individual privacy.<sup>19</sup>

It is an unlawful act that affects a legally protected interest or a right related to the physical and non-physical components of cyber means, resulting in criminal penalties<sup>20</sup>

. It includes all types of unlawful behaviors committed through or with the aid of a computer, or where the computer plays a principal role or a significant part in the commission. (The computer is its medium)<sup>21</sup>

Alternatively, it is defined as unlawful behavior or activity targeting data or information stored within a system, accessed or transmitted by it through alteration or deletion, or directed at the automated processing or transfer of data.<sup>22</sup> (The computer is the subject affected within its system)

The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna in 2000, defined it as: "Any crime that can be committed on a computer system or a computer network, and includes, in principle, all crimes that can be committed in an electronic environment."<sup>23</sup> (This definition encompasses all computer-related crimes)

Cybercrime has also been defined as those acts that constitute an assault on an interest protected by law, regulation, or statute by attacking or using an information system, transmitting them to the recipient with the intent to achieve a particular benefit or cause harm to others, and are carried out by individuals knowledgeable in using the information system.<sup>24</sup>

This last definition is among the most comprehensive proposed for cybercrime, covering most elements of the crime, including the characteristics of the cybercriminal who must be knowledgeable and proficient in information systems.

From these definitions, we can conclude that cybercrime is governed by national criminal laws (criminalizing the act and prescribing penalties), and these vary from one country to another.

### **Second Subsection: Types of Cybercrimes Against Children with Special Needs**

It may not be possible to capture all forms of criminal assaults against children with special needs, so we will focus on the most prevalent types as follows:

#### **First: Cyberbullying**

Cyberbullying is an aggressive and deliberate act of harassment carried out by an individual or a group using electronic communication means repeatedly over time against a victim who cannot easily defend themselves.<sup>25</sup>

Cyberbullying is electronic violence that harms others using modern technologies like smartphones, the internet, deliberately and repeatedly. It is a complete crime, and although legislation does not explicitly mention cyberbullying, this crime finds its legal basis in all legal texts that encompass terms involving acts of bullying in all its aspects like discrimination, spreading hate speech, slander, insult, invasion of privacy, etc.

The moral element of the crime is based on the perpetrator's knowledge and intent that their actions cause fear, intimidation, ridicule, and degradation of the victim's dignity. The material element relies on a set of ethical violations that have a tangible impact and represent criminal behavior issued by the bully through various electronic media.<sup>26</sup>

Cyberbullying is particularly common against children with physical, developmental, intellectual, or sensory disorder<sup>27</sup>s. It can occur at any time of day or night, through various media such as email, instant messaging, and text messages. Perpetrators often hide under the anonymity provided by the internet, using fake accounts.<sup>28</sup>

Forms of cyberbullying include:

- Posting lies and embarrassing photos.

- Sending harmful content like pictures and videos, or threats via social media platforms.
- Impersonating someone and sending offensive messages in their name or through fake accounts.<sup>29</sup>

Cyberbullying, like other forms of bullying, causes psychological, emotional, and physical problems for children with special needs. They may fear retaliation from the perpetrator, and they may also fear being deprived of information and communication technologies by their parents or other adults, which have previously caused them harm.<sup>30</sup> They may experience shame, stress, anxiety, and a lack of self-esteem.

This situation can lead to withdrawal, the emergence of negative thoughts, feelings of guilt and loneliness, and the child with special needs might suffer from recurring headaches or nausea, or stomach pains, as well as a loss of motivation to engage in activities that were once enjoyable. Prolonged exposure to these feelings can jeopardize the child's mental health.<sup>31</sup>

Cyberbullying can also lead to school absenteeism and may drive the child toward substance abuse or alcohol or engage in violent behaviors to cope with the psychological harm they suffer.<sup>32</sup>

## **Second: Exploitation of Children with Special Needs in Internet Pornography**

The exploitation of children in pornography and sexual abuse involves the depiction, through any means, of a child engaged in actual or simulated explicit sexual activities, or any representation of a child's sexual parts primarily for sexual gratification, as described in paragraph c of Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography.

This clause applies universally to all children, regardless of their physical or developmental condition, and through any means including the Internet and information and communication technology,<sup>33</sup> which have facilitated sexual predators' access to minors, including those under ten years old with special needs, through seemingly innocuous online chats.<sup>34</sup>

These predators gain their trust and ultimately lure them with the goal of producing pornography—a highly lucrative industry generating billions in revenue—and engaging in sexual activities, exploiting their vulnerabilities due to disabilities.<sup>35</sup>

The issue involves degrading images and obscene materials designed to turn the child into a sexual commodity, produced either offline then distributed online, or created directly in front of an online audience. The consequences of such exploitation are severe and often irreversible for the child, particularly for those with special needs, as the images never disappear, perpetuating feelings of shame, humiliation, psychological shock, and self-blame.<sup>36</sup>

## **Third: Crimes Associated with Online Gaming**

The 1989 Convention on the Rights of the Child recognizes the child's right to play and leisure, stating the right to rest, leisure, engage in age-appropriate play and recreational activities, and participate freely in cultural life and the arts<sup>37</sup>.

With digital advancement, electronic games have emerged as a new technology that develops the mental and cognitive aspects of children with special needs. Defined as an artificial conflict governed by specific rules designed by the game creators, leading to measurable outcomes, these games, when available in digital form, are operated via digital platforms from computers connected to the Internet or other digital devices.<sup>38</sup>

However, this technology entails health and physical risks, particularly for those children who cannot go outside and connect with the external world, making them prone to spending long hours in front of endlessly engaging electronic games.

These games also have psychological and social effects due to applications targeting their innocence, contributing to increased deviant behavior and the spread of violence, including elevated rates of crimes such as murder, rape, assault, aggressive behavior, and suicide, such as the Blue Whale Challenge, which has led to addiction and the suicide of five children in Algeria following the game's directives.<sup>39</sup>

## **Fourth: Hacking and Privacy Violations**

Hacking poses significant risks to children with special needs due to the potential for password decryption or extraction through phishing links that deceive users into clicking them. Once a hacker gains access to a child's account, they can harm their personal data and reputation, especially for children who use their real names when creating accounts.<sup>40</sup>

## **Fifth: Hate Speech and the Promotion of Misinformation and Racism**

Children with special needs are vulnerable to receiving communications filled with hate and discrimination based on disability or social status,<sup>41</sup> or to content that promotes ideological persuasion, leading these children towards extremism and adopting racist and discriminatory ideas. Often, children do not adhere to age restrictions imposed on some sites, increasing their exposure to such harmful content.<sup>42</sup>

## **Second Section: International and National Frameworks for Protecting the Rights of Children with Special Needs in a Secure Digital Environment**

The widespread use of information and communication technologies has transformed the environment in which children with special needs grow and develop. Utilizing these technologies in their daily practices and interactions, the shift has been stimulated by governmental responses during and post the COVID-19 pandemic, raising questions about the effectiveness of current legal and institutional frameworks in supporting this transition and protecting children's rights to a safe and equitable digital environment within the framework of human rights and protection, and about the effectiveness of the efforts of various stakeholders in this context.

### **First Enquiry: Legal Framework for Protecting the Rights of Children with Special Needs in a Secure Digital Environment**

As previously discussed, the international recognition of digital human rights under a treaty or international covenant parallels the legal value and obligation of the International Covenant on Civil and Political Rights (as peremptory norms) or the International Covenant on Economic, Social, and Cultural Rights (which requires states to use their maximum available resources for realization).

This recognition is still in its early stages. Consequently, the legal protection of these digital rights for children with special needs is derived from various non-binding international resolutions, regional instruments, and national legislation that have recognized these rights, albeit within a limited scope.

In this section, we will inventory the most significant general and specific international texts concerning the protection of the right to a safe digital environment for children with special needs (First Subsection), followed by an examination of the most relevant national legislations (Second Subsection).

### **First Subsection: International Legal Frameworks for Protecting the Rights of Children with Special Needs in a Secure Digital Environment**

For over thirty years, states have committed to respecting, protecting, and promoting children's rights, renewing their covenant with children through every regional and international convention, general or specialized. Below we review the most important international and regional instruments addressing the protection of children's rights in a secure digital environment.

#### **First: The Global Treaty on Cybercrime**

Aiming to address international issues of economic, social, cultural, and humanitarian nature, and to promote respect for human rights and fundamental freedoms, the United Nations has sought to draft a binding international treaty to counter various forms of cybercrime, including those targeting children with special needs.

This treaty aims to provide clear provisions that enable governments worldwide to cooperate. However, ideological divisions and national concerns about balancing human rights guarantees and security concerns have prevented reaching a reasonable consensus on these issues. As of the last meeting held on March 2, 2024, negotiations continue in this regard.

#### **Second: The United Nations Convention on the Rights of the Child, 1989**

Article 19 of the 1989 Convention on the Rights of the Child urges states to take all appropriate legislative, social, and educational measures to protect the child from all forms of violence, abuse, and exploitation, including sexual exploitation<sup>43</sup>. It specifically obligates states to combat all forms of exploitation of children in prostitution or other unlawful sexual practices.

Notably, this protection extends to children with special needs, and the absence of specific protection is due to the application of the principle of non-discrimination based on disability.

### **Third: Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, 2000**

To achieve the purposes of the Convention on the Rights of the Child, this protocol enhances the protection of children, including those with special needs, from all forms of exploitation in prostitution and pornography, or their depiction by any means. This text's general drafting, using terms like "by any means," aligns with the characteristics of cybercrimes committed in the digital environment, which are marked by rapid and evolving nature compared to legislations due to tremendous technological advancements.<sup>44</sup>

### **Fourth: Council of Europe Convention on Cybercrime, Budapest 2001**

Children with special needs benefit from the general protections for children established by the 2001 Budapest Convention, which specifically addressed the crime of child prostitution among all forms of cybercrime included.

Article 9 of the convention mandates that member states take legislative measures to criminalize the production, distribution, or other acts that provide or make available child pornography through a computer system, and criminalize the presentation of child prostitution materials through a computer system.<sup>45</sup>

These preventive measures aim to protect children from sexual exploitation, including the illegal exploitation of children through the production or distribution of pornography using computer systems or traditional methods.<sup>46</sup>

### **Fifth: Arab Convention on Combating Information Technology Crimes, 2010**

The Arab Convention on Combating Information Technology Crimes of 2010 criminalizes the production, display, distribution, provision, purchase, sale, or importation of pornographic or indecent materials through information technology. It explicitly intensifies the penalties related to crimes involving child and minor pornography, including the possession of such materials on information technology or storage media of these technologies.<sup>47</sup>

Furthermore, the convention establishes general protection for the sanctity of private life by criminalizing the violation of privacy through information technology.<sup>48</sup>

Additionally, the convention obliges Arab state parties to adapt their national legislations in a way that criminalizes the prohibited acts under it and to enhance and strengthen cooperation among them to avert the dangers of these crimes on their security, interests, and the safety of their societies and individuals.<sup>49</sup>

However, a critique of this convention is its failure to create an institutional mechanism dedicated to monitoring the implementation of its provisions and overseeing the extent to which the state parties comply with the measures stipulated therein. Another limitation is its scope, as it is restricted to Arab countries only, in contrast to the Council of Europe's Budapest Convention of 2001, which opened membership to all countries, including non-European states, with 67 countries participating, thereby extending its scope from regional to global.<sup>50</sup>

### **Second Subsection: The Role of Algerian Legislation in Protecting the Rights of Children with Special Needs in a Safe Digital Environment**

Article 333 bis of the Algerian Penal Code states: "*A prison sentence of 5 to 10 years and a fine of 500,000 DZD to 1,000,000 DZD will be imposed on anyone who photographs a minor under 18 years of age, by any means, engaged in explicit sexual activities... or photographs the sexual organs of a minor for sexual purposes... or produces, distributes, publishes, promotes, imports, exports, displays, sells, or possesses pornographic materials related to minors.*"

It is noteworthy that this text does not specifically address the digital environment or the technologies used in cybercrime; rather, it criminalizes sexual exploitation in general, which constitutes a shortfall that does not align with current technological advancements.

Similarly, Article 344, which deals with child solicitation for prostitution<sup>51</sup>, and this law does not provide any specific protection for children with special needs but includes them under the general protection afforded to all children.

Law 15-12 on child protection is rather vague, with Article 140 criminalizing the publishing or broadcasting of images or texts by any means that invade a child's private life, prescribing a prison sentence of one to three years and a financial penalty of 150,000 DZD to 300,000 DZD<sup>52</sup>. These penalties do not adequately reflect the psychological and material harm that children, particularly those with special needs, may endure.

## **Second Enquiry: Entities Involved in Protecting the Rights of Children with Special Needs in a Safe Digital Environment**

Cybercrime is generally characterized as a transnational or supranational crime, which necessitates the collaboration of international (First Subsection) and local (Second Subsection) bodies to ensure a safe digital environment for children with special needs. Experience has shown that this protection cannot be effective without involving stakeholders such as families, schools, the media, and the private sector in this process (Third Subsection).

### **First Subsection: International Bodies Protecting the Rights of Children with Special Needs in a Secure Digital Environment**

Discussing international institutions concerned with protecting rights usually leads us to treaty-based mechanisms that ensure states comply with the rights governed by the founding convention. However, the absence of an international digital rights convention does not mean that this area is unregulated. There are international bodies that oversee these rights, intersecting with other human rights outside the digital environment, with the most important being:

#### **First: The United Nations General Assembly**

In its ongoing efforts to discuss and analyze issues related to the promotion and protection of human rights, the UN General Assembly plays a significant role in protecting digital human rights through its resolutions.

In its Resolutions 68/167 of 2013 and 69/166 of 2014, the General Assembly urged states to respect and protect digital human rights, reconsider their legislation on communications surveillance and interception and personal data collection, emphasizing the protection of the right to privacy and establishing independent and effective local monitoring mechanisms to ensure transparency.

The General Assembly also called on the High Commissioner for Human Rights to submit reports and recommendations to the Human Rights Council and the General Assembly regarding the protection and enhancement of the right to privacy in the digital environment, both within and outside state territories.<sup>53</sup>

#### **Second: The Human Rights Council**

The Human Rights Council takes on significant responsibilities in protecting the right to a secure digital environment by:

- Continuing discussions on the right to privacy in the digital age and defining a normative framework for best practices regarding the promotion and protection of the right to privacy at international, regional, and national levels.
- Appointing a special rapporteur concerned with the right to privacy in the digital environment.
- Organizing conferences and participating in relevant international events.
- Promoting awareness and contributing to activities aimed at raising awareness and protecting the right to privacy and addressing violations in the digital environment.<sup>54</sup>

#### **Third: The International Criminal Police Organization (Interpol)**

Interpol works to protect the right to a secure digital environment for children by:

- Coordinating with local police forces in member states and regional police bodies like Europol and Afripol to combat cybercrime affecting children in general and those with special needs in particular, through issuing Yellow Notices and providing information about cybercriminals and facilitating their extradition.<sup>55</sup>
- Cooperating with international agencies active in child protection, such as UNICEF, with whom Interpol signed a cooperation agreement on April 13, 2023, to combat child exploitation and sexual abuse, including in the digital world. This agreement aims to establish units and teams for investigating online child exploitation and sexual abuse and provide systematic professional training and development for national law enforcement in collecting digital forensic evidence related to cybercrimes against children.<sup>56</sup>
- Dismantling sexual crime networks and tracing the proceeds of cybercrimes against children to prevent further harm, as demonstrated by Operation Narsil on August 3, 2023, which lasted two years and resulted in dismantling a network of sites involved in sexual assaults on children and profiteering.<sup>57</sup>

- Establishing a database of the worst websites, like the IWOL database, used to exchange intelligence information about suspects and coordinate the arrest of individuals responsible for these sites in cooperation with law enforcement agencies.<sup>58</sup>
- Facilitating cross-border coordination to identify offenders and bring them to justice.
- Encouraging media to promote public awareness of the importance of a healthy digital environment and the dangers threatening children, particularly those with special needs.
- Promoting safe habits and raising awareness about cybersecurity threats to parents and children to stay safe online.<sup>59</sup>

### **Third: The International Telecommunication Union (ITU)**

The International Telecommunication Union contributes to the protection of children with special needs through several initiatives:

- In November 2008, ITU launched an initiative to protect children online, aiming to unify the efforts of all partners and stakeholders and adopt best practices to achieve a safe digital environment.
- ITU has endorsed the 2030 Sustainable Development Plan, which addresses aspects of child protection online.
- In 2018, during the meeting in Dubai, ITU adopted Resolution 175, which focuses on enhancing access for persons with disabilities and those with special needs to the digital environment.
- ITU published a set of guidelines in 2019 for the protection of children online, which have been translated into multiple languages.<sup>60</sup>
- Additionally, ITU promotes awareness of children's rights in a safe digital environment. The theme "Protecting children in cyberspace" was chosen for the celebration of the World Telecommunication and Information Society Day.

## **Second Topic: Entities Involved in Protecting the Rights of Children with Special Needs in a Secure Digital Environment**

At the national level, various institutions range from independent bodies established by cybercrime laws to units within the national security and gendarmerie forces. Details on these institutions are provided below:

### **First: National Authority for the Prevention and Combating of Crimes Associated with Information and Communication Technology**

This body was established under Article 13 of Law 09/04, which addresses the prevention and combating of information and communication technology-related crimes. It consists of ministers, judges, the commander of the national gendarmerie, the general director of national security, representatives from the presidency, the Ministry of Defense, and two judges from the Supreme Court selected by the Supreme Judicial Council.<sup>61</sup> This diverse composition reflects the expertise of its members and its activities span from preventive to punitive measures, including:

- Coordinating the prevention and combating of information and communication technology-related crimes.
- Assisting judicial authorities and police services in investigations and information exchange.
- Ensuring preventive monitoring of electronic communications.
- Collecting, recording, preserving, and analyzing digital data and tracing its origin and path.
- Implementing requests for judicial assistance from other countries and cooperating in relevant fields.
- Training investigators specialized in technical investigations related to information and communication technology.
- Contributing to the update of legal standards in its field of expertise.<sup>62</sup>

## **Second: National Authority for the Protection and Promotion of Childhood**

This agency, crucial for the protection of children in the digital space from all forms of violation, was established under Article 11 of Law 15-12 of 2015. It operates by:

- Receiving notifications of any act or statement potentially harming a child's right or safety, from the child, their legal representative, or any natural or legal person, and intervening immediately to assist children in danger.
- Investigating reports related to violations of children's rights through open-environment services, which are obligated to take all necessary actions to protect children from danger.<sup>63</sup>

## **Third: Units Under National Security**

The Ministry of the Interior has established the Directorate of Scientific and Technical Police, consisting of a central laboratory in the capital and four regional laboratories in Tamanrasset, Oran, Constantine, and Bechar. These include scientific and technical branches focused on investigating and analyzing forensic evidence related to cybercrimes.

This setup enables comprehensive forensic investigations of cybercrimes and proactive measures against them, including analyzing stored or transmitted digital evidence in a manner consistent with the unique characteristics of these crimes.<sup>64</sup>

## **Fourth: The Agencies under the National Gendarmerie**

Under the banner of the National Gendarmerie operates a crucial institution known as the National Institute of Forensic Science and Criminology. Positioned under the guardianship of the Minister of Defense, the National Gendarmerie commander exercises authority over it by delegation<sup>65</sup>. It holds broad powers in the field of combating cybercrime in general, and particularly those committed against children.

Additionally, the Gendarmerie has established regional judicial police services under its command, along with squads experienced in investigating cybercrimes, and units for scientific and technical police belonging to the National Gendarmerie.

Moreover, the National Gendarmerie has launched an official website for pre-complaints and inquiries to receive citizen complaints and notifications, and to involve them in the fight against this type of crime through secure complaint and information services.<sup>66</sup>

## **Third Subsection: The Joint Responsibility of Stakeholders in Protecting the Right of the Child with Special Needs in a Safe Digital Environment**

Protecting children in general, and those with special needs in particular, is a shared responsibility that falls on the shoulders of all relevant stakeholders from policymakers to caregivers, educators, and parents, to ensure a sustainable future for all. It's a social chain whose links are interconnected; the absence of one can prevent achieving the desired outcome.

The various roles of these actors are outlined as follows:

### **First: The Responsibility of the Family and Educational Environment in Securing a Digital Safe Space for Children with Special Needs**

The family serves as the first and most crucial safe haven for a child with special needs, with the school environment being where the child spends much of their time. The primary responsibility of protecting these children rests on the shoulders of parents and educators through a set of supervisory and educational measures. If adhered to diligently, these measures can create a safe space for the child. Key measures include:

- **Digital Literacy:** Ensuring that parents and educators receive adequate training to understand the digital environment is essential to protect children with special needs and teach them how to protect themselves. Educational institutions bear the responsibility for protecting children and teaching them self-protection measures.<sup>67</sup>
- **Awareness and Communication:** Engage in open discussions with the child about online safety and navigate the internet together to increase awareness. If a parent or educator is not tech-savvy, they should still play a vigilant role by accompanying the child during their internet sessions and attempting to learn alongside them.<sup>68</sup>
- **Role of Psychologists:** Psychologists across various specializations play a crucial role in supporting children with disabilities who may fall victim to inappropriate or violent online content.

- **Educating Children on Privacy:** It's vital to teach children not to share personal data such as full names, addresses, passwords, or respond to inquiries in chat rooms or forums.
- **Understanding Inappropriate Communications:** Help children recognize inappropriate communications and cyber-attacks.<sup>69</sup>
- **Monitoring and Supervision:** Parents should be familiar with the websites their children visit and monitor them regularly.
- **Use of Filtering and Monitoring Software:** Most websites offer parental control features which should be utilized to filter and monitor the child's online activities.<sup>70</sup>
- **Privacy Settings:** Apply all relevant privacy settings to safeguard the child's online presence.
- **Engagement with Law Enforcement:** Contact police and law enforcement if suspicious communications or inappropriate messages are received.

## Second: The Role of Media

The media plays a pivotal role in:

- Raise awareness among parents, caregivers, educators, public libraries, health centers, and shopping centers about the risks associated with the internet, which many may be unaware of, through public safety announcements and campaigns.<sup>71</sup>
- Provide a hotline for parents to report any of the harmful practices mentioned.

## Third: The Role of Telecommunications Companies

Telecommunications companies are instrumental in securing appropriate digital spaces for children with special needs by:

- Designate special areas in internet cafés that prevent children with special needs from accessing inappropriate and unwanted sites.<sup>72</sup>
- Work closely with security forces to quickly identify perpetrators of cybercrimes.
- Develop strategies for monitoring devices used by children with special needs, such as phones and computers, with parental consent. This can include monitoring specific keywords that might lead to identifying offenders and alerting parents to be more vigilant.<sup>73</sup>

## Conclusion:

In concluding this research paper, which scrutinized both the advantages and perils of the digital environment for children with special needs alongside a comprehensive review of the relevant general and specific legal texts, and an evaluation of entities tasked with protection, this paper articulates the following findings:

## Results:

- This study reaffirms that the realm in which children with special needs exist today is indistinct and blurred, immersed within a complex, mutable, and swiftly evolving digital landscape. This dynamic underscores the imperative to adapt by embracing technological tools in various facets of these children's lives.
- It accentuates the critical nature of the risks faced by children with special needs in digital spaces, underscoring the severity of potential threats.
- The research establishes that children with special needs are entitled to the same rights as all individuals online and are broadly protected by international human rights instruments and documents dedicated to all children's welfare. Their exclusion from specific protective measures stems from adhering to the non-discrimination principle based on disability.
- It highlights the lack of a comprehensive and binding international legal framework to regulate the myriad aspects of the digital environment and to safeguard children's rights within a secure and equitable cyber sphere.

- The significance of international organizations, particularly Interpol, is underscored in their roles to combat cybercrimes against children through investigation, coordination with regional and national police forces, training, information exchange, and raising awareness.
- The study commends the specialized units established by Algeria, especially within the national security and gendarmerie, for their efforts in combating cybercrime and protecting children. It lauds their collaboration with all pertinent international legal and institutional mechanisms and their adherence to international conventions aimed at combating cybercrime, particularly in adapting national legislation to include more stringent penalties for crimes against children as advocated by the Arab Convention on Combating Cybercrime.
- The fines mandated by Law 15-12 dated July 15, 2015, regarding child protection in the realm of cybercrime, are criticized for their nominal nature. They fail to reflect the severity of the damage inflicted by cybercrimes against children and do not serve as an adequate deterrent against criminals who profit significantly from such activities.

### **Suggestions:**

- A strong recommendation is made for countries to resolve differences and earnestly work towards establishing a comprehensive international treaty specifically aimed at countering all detrimental uses of the digital environment and to augment protection for children with special needs, who find the internet an invaluable tool to circumvent various challenges posed by their disabilities.
- To leverage the expertise of the International Criminal Police Organization in the investigation and extradition of criminals.
- To highlight the crucial roles of stakeholders from educational, familial, policing, and telecommunications sectors in guiding children with special needs safely through the internet.
- To escalate the penalties under Law 15-12 dated July 15, 2015, concerning child protection to levels that impart genuine deterrence.
- To advocate for human rights and tackle unemployment to deter particularly young individuals from turning to cybercrime as a means of financial gain.
- To integrate cybersecurity into educational curricula at various stages, thereby cultivating a generation of digital citizens proficient in safeguarding themselves, their spaces, and their digital privacy.

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