

# **Digital Violence Against Women in Algeria: Legal and Institutional Context**

May  
**2024**

Kawther Gasmi  
Judge Anouar Mnasri

# Acknowledgments

## Research team

*Kawther Gasmî* (lead researcher) is a researcher who specializes in feminist studies and public policies in the Middle East and North Africa. She has a certificate in public policy management from the National School of Administration in Algeria. She holds a master's degree in feminist studies, law and media in the Middle East and North Africa from the University of London, School of Oriental and African Studies.

*Judge Anouar Mnasri* (legal expert) is chief of the primary court at Tunisia's Administrative Court. She is also a founding member of the Tala Al-Mutadamina Association and the Tunisian Women Voters' League. She conducts legal research, particularly on civil space, women's access to justice, and gender-sensitive approaches to public policies. She also contributes to election observation reports from a gender perspective.

## Editorial team

*Dr. Nadia Al-Sakkaf* (editor) is a scholar who focuses on political affairs and democratic processes in the Middle East. She is a former Editor-in-Chief for the Yemen Times, and Yemen's first-ever female Minister of Information.

*Dr. Raed M. Sharif* (editor) is Senior Regional Programme Manager for the MENA region at The SecDev Foundation. He is a digital rights expert focussing on digital violence against women in the Arab world.

*Dr Ahlam Mohammed* (translation/copyediting) is a linguistics expert, MENA researcher, and author of several book chapters and peer-reviewed articles.

## Additional credits

We also gratefully acknowledge the assistance of many additional contributors, including Ala Elfellah, Osama Moussa, Jesus Rivera and John Hall.

## The SecDev Foundation

The SecDev Foundation's Salama@ team supported this research as part of a series of 20+ studies on the psychosocial and legal dimensions of digital violence against women across the MENA region. Responsibility for any views expressed in this study rests with the research and editorial teams. Since 2011, this Canada-based NGO has worked globally to promote digital resilience among vulnerable populations—especially women, youth and at-risk civil society organizations.

## International Development Research Centre

This work was carried out with the aid of a grant from the International Development Research Centre (IDRC), Ottawa, Canada. Views expressed herein do not necessarily represent those of IDRC or its Board of Governors. IDRC invests in high-quality research in developing countries, shares knowledge with researchers and policymakers for greater uptake and use, and mobilizes global alliances to build a more sustainable and inclusive world.

## Intellectual property

© The SecDev Foundation, 2024

This work is licensed under a Creative Commons Attribution 4.0 International License. This allows you to distribute and adapt the material but requires you to credit the creator. To see a copy of this license, visit: [creativecommons.org/licenses/by/4.0/](https://creativecommons.org/licenses/by/4.0/)

*This study was originally written in Arabic. You can find the original version [here](#).*

The left side of the page features a vertical decorative strip with a light gray background. It is filled with a dense pattern of small, white, semi-transparent icons. These icons represent various digital and technological concepts, including social media symbols (like speech bubbles, hearts, and share icons), communication tools (like envelopes and speech bubbles), and general digital elements (like gears, stars, and network nodes).

# Abstract

The present study examines the legal and institutional framework pertaining to digital violence against women in Algeria by conducting an extensive review of all pertinent Algerian laws and institutions. This study reveals the lack of a specific legal framework that addresses this emerging issue, as the results indicate the absence of current legislation and the inadequacy of existing institutions in effectively dealing with digital violence against women and girls. In light of these findings, the study proposes a set of recommendations aimed at establishing a legal and institutional system capable of confronting this phenomenon and safeguarding women and girls from this new form of violence targeting women. The proposed recommendations aim to fill the gaps in the legal and institutional system, to ensure a more effective response to the challenges posed by digital violence against women, and to create a safer environment for women and girls in the digital space.



# Contents

Executive Summary .....	5
Introduction.....	8
The Algerian Legal Framework for Crime in the Digital Space .....	10
International Agreements .....	12
National Laws and Frameworks Related to Cybersecurity and Violence Against Women .....	17
Institutional Framework .....	25
Conclusion .....	36
Recommendations.....	37
References .....	39

## Executive Summary

This study aims to examine the legal and institutional framework pertaining to digital violence against women in Algeria, with the goal of uncovering the complexities of such violence in the country. To shed light on the challenges faced by women in the digital space, the analysis focuses on a comprehensive review of all laws and legislation related to cybercrimes against individuals, particularly digital violence against women in all its forms. The applicable legal hierarchy and relevant laws addressing violence against women are also taken into account. Accordingly, this study is divided into two main sections.

The first section presents the legal framework pertaining to the subject matter, including the Algerian Constitution, which encompasses all laws associated with the topic and promotes the principle of gender equality. Article 40 of the Constitution, which guarantees the protection of women from all forms of violence in every situation, both in public and private spheres, was highlighted as a constitutional document that offers the Algerian legislator ample scope to enact laws that safeguard women from all forms of violence directed at them, including digital violence. Subsequently, the international treaties and conventions ratified by Algeria were discussed, categorized into those related to women's rights and those related to cybercrime. With regard to treaties and conventions concerning women's rights, the Universal Declaration of Human Rights and the two international covenants stemming from it, the African and Arab Charter on Human Rights and the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), are prominent. These documents collectively establish the legal basis that qualifies Algeria to fulfil its international responsibilities within the realm of human rights. It is essential to note that since women's rights fall under the international human rights system, countries that ratify these treaties are obligated to incorporate the protection of women's rights into their national legislation.

In terms of treaties related to cybercrime, Algeria has ratified the Arab Convention to Combat Cybercrime, which does not specifically address digital violence against women. However, its provisions can be adapted to cover crimes committed against individuals in general, and against women in particular. It is important to note that this agreement only applies in cases of cross-border crimes. Therefore, we strongly recommend that Algeria join the Budapest Convention. This is particularly relevant since Algeria is a participating party in the CyberSouth project, which is the European Union's initiative aimed at combating cybercrime through judicial training programs, which the Algerian judges have benefited from these programs. Additionally, Algeria has hosted international forums and seminars on cybercrime, demonstrating its commitment to addressing this growing global trend.

The national criminal protection policy for women, established for the purpose of criminalization and punishment, does not differentiate between genders within the general and private frameworks, as per the legislator's decision. Nevertheless, recent amendments made by the Algerian legislator in various laws have aimed to ensure legislative harmony with the human rights of women, as well as their compatibility with ratified international agreements and combating violence against women. Compromising a woman's physical, moral, economic, and sexual integrity is recognized as an important interest by international law, as outlined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which obligates states to embody this in their national laws. To this end, Algeria has abolished all provisions in penal laws that constitute discrimination against women and has criminalized any behavior or act that may undermine a woman's safety, while imposing deterrent penalties on those who perpetrate such actions.

As a result of the increasing prevalence of violence against women, particularly in the digital space, the numbers reported by agencies that handle women's rights issues are not indicative of the true extent of abuse, due to the large number of unreported cases. This has prompted criminal legislation to amend the penal system, but the majority of these amendments have focused on domestic violence within the family context, particularly within the context of marriage. While it is certainly appropriate to criminalize such behavior, as it forms the basis for a healthy society, it is insufficient to address all forms of violence against women, including physical, moral, economic, and political violence. Furthermore, the new legislation does not fully adopt a comprehensive approach to combating gender-based violence against women, in line with international standards. The only exception is violence against women's sexual sanctity, for which significant amendments have been made in light of previous legal situations.

Upon examining all pertinent legislation related to the subject matter, the absence of a statute addressing digital violence against women in Algeria has become clear. In Algeria, the legal system has only three laws pertaining to cybercrimes or violence against women. That is, Law 09-04 concerning special rules for combating information and communication technology-related crimes; Law 18-07 addressing the protection of personal data; and Law 20-05 aimed at preventing and combatting discrimination and hate speech. These laws do not specifically address digital violence against women; yet they can be adapted to criminalize violence against women. However, these laws do not cover all cybercrimes affecting women. It is noteworthy that the first of these laws was enacted in 2009, prior to Algeria's ratification of the Arab Convention to Combat Cybercrime, which was signed in 2014. Therefore, it is recommended to update laws pertaining to cybercrime, given the rapid and tremendous developments occurring in the digital space. It is essential to acknowledge that the process of addressing the legal status of artificial intelligence (AI) in Algerian legislation has not addressed yet. AI is widely recognized as a significant threat at all levels due to its ability to provide a convenient and accessible means for individuals to commit cybercrimes, particularly fraud and identity theft.

One of the vital components of the legal framework that are examined is the Penal Code, primarily due to its significance in deterring cybercrimes. Therefore, the review of the provisions pertinent to cybercrimes is presented first, as the Algerian Penal Code was modified in 2004 to include penalties for individuals who commit such offenses.

The inclusion of provisions related to violence against women was made in the 2015 amendment to the Penal Code. This amendment addressed gender-based violence, but its focus was on classic forms of violence within the family context, that is, in the private sphere. Article 303 of the Penal Code is the only provision that specifically pertains to women in public spaces and can be invoked in cases of digital harassment as a public space.

Reviewing the current legal framework, it has become obvious that Algeria has made significant strides in acknowledging and addressing violence against women, with notable recognition in the Penal Code. However, there are vulnerabilities and notable gaps in the legal system with reference to addressing digital violence against women. Despite ratifying human rights and cybersecurity treaties and implementing laws related to cybersecurity, Algerian legislation falls short in effectively combating the unique challenges posed by digital violence against women. Laws enacted after the ratification of the Arab Convention to Combat Cybercrime primarily focus on general rules related to electronic correspondence and signatures, such as Law No. 04-18 and Law No. 04-15, which align with the state's national security strategy. Furthermore, the current legal framework may not adequately keep pace with the dynamic nature of the digital age and the pressing social needs it presents. Therefore, it is recommended to conduct a comprehensive review of current laws to identify and rectify these deficiencies. Strengthening legal provisions addressing violence against women, with a particular



emphasis on digital violence, is crucial to establishing a more adaptable and effective protective mechanism for women in Algeria.

On the contrary, this study indicates that institutions possess an essential function in the eradication of digital violence targeting women in Algeria. If these institutions are effectively mobilized, their impact will prove beneficial, culminating in favorable outcomes and ramifications. Notably, the National Authority for the Prevention and Combat of Media and Communication Technologies-Related Crimes is responsible for crucial tasks, including supporting judicial authorities and security agencies in investigations pertaining to cybercrimes. Consequently, it is recommended to activate this institution, which was established in 2009. Similarly, the National Authority for the Protection of Personal Data also plays a pivotal role in safeguarding individuals' privacy.

This study also reveals institutional shortcomings stem from the absence of specialized interests in safeguarding the rights of women, as well as the insufficient coordination among sectors, particularly at the level of state institutions. These factors contribute to the reluctance of victims to report instances of violence and seek assistance from relevant authorities due to a lack of awareness and guidance. Accordingly, the efforts of feminist human rights organizations advocating for the establishment of a unified network to support women who are victims of all forms of violence, including digital violence, are commended. The implementation of this unified network would represent a significant step forward in Algeria's efforts to combat crimes of violence against women. Consequently, it is imperative that advocacy for this network be promptly pursued. Moreover, it is necessary to activate legally mandated bodies and establish coordination between them and other pertinent institutions. Moreover, it is recommended that employees and workers who handle cases of digital violence against women and girls, as well as officers and agents of the National Security and Gendarmerie, receive training in this area. It is crucial to provide support to victims and lead them through the required procedures.

The High Prefecture for Digitization, newly established, serves a crucial role in promoting the digitization of activities across various sectors by developing a digital transformation strategy in Algeria. Preventing cybercrimes may be the most pressing concern as Algeria strives towards digital transformation.

For the purpose of conducting this research, the digital library of Algerian laws and regulations on the General Secretariat of Government's digital platform is utilized to access all legislation related to the subject matter. Furthermore, a comprehensive review of relevant literature is conducted, and the opinions of legal professionals, experts, and human rights activists in the field of digital violence against women were sought to inform and develop this study. Specifically, five in-depth interviews were conducted with three Algerian female lawyers and two human rights activists to collect the relevant data for this study.

## Introduction

The digital space has emerged as a critical determinant of advancement while simultaneously presenting a novel domain for social challenges. One such challenge is the issue of violence against women, which has pervaded the digital space and necessitates a comprehensive examination of the legal and institutional frameworks that govern this intricate context. Given that women's access to digital spaces, whether for education, employment, leisure, or other reasons, has become a requirement of modern times, a significant number of women encounter digital violence as they shift from the physical to the virtual world.

According to the United Nations, technology-facilitated gender-based violence<sup>1</sup> is any act of violence committed, assisted, aggravated, and amplified in part or fully by the use of information and communication technologies or digital media, which inflict physical, sexual, psychological, social, political, or economic harm on women on the basis of their gender. This form of violence is part of a larger pattern of violence against women, which can occur both online and offline, such as the unauthorized distribution of intimate images (commonly referred to as "revenge porn"), doxing, online harassment (commonly referred to as "trolling"), sharing of false images, misogynistic hate speech, and attempts to silence or discredit women online, including threats of offline violence.

Digital violence has the potential to intensify traditional forms of violence, including sexual harassment, stalking, intimate partner violence, trafficking, and sexual exploitation, by utilizing digital resources such as smartphones, GPS devices, and tracking mechanisms. One illustration of this is the way traffickers employ technology to locate, enlist, control, and exploit their victims.

This study uncovers the diverse legal aspects related to violence against women in the digital world in the context of Algeria, a country that is navigating the complex intersection of tradition and modernity. Through an analysis of the legal and institutional responses to gender-based digital violence in Algeria, this study aims to elucidate the variables and factors related to the perpetration and organization of such crimes, while also identifying the constraints and regulations within the country's legal and institutional framework.

It is crucial to recognize that digital violence against women is a phenomenon that extends beyond conventional parameters. It manifests itself in a variety of forms, ranging from digital harassment and the disclosure of personal information to the utilization of intimate images as a weapon against victims. To comprehend and address these intricate challenges, it is essential to undertake a comprehensive examination of the current legal frameworks and institutional measures in Algeria. A recent investigation conducted in Algeria on digital violence against women<sup>2</sup> provided statistics that illustrate the extent of this issue by distributing a questionnaire to a sample of 112 women. The findings revealed that 83% of the respondents had been subjected to sexual harassment and blackmail, 60% had been subjected to insults and slander, 54% had been subjected to intimidation, and 42% had been threatened with the publication of their intimate photographs and contacting their families. Consequently, it is also essential to consider the repercussions of digital violence that go beyond the immediate harm inflicted on the victim. These repercussions often extend to the harm caused to the victim's family in most cases when her personal data and intimate photos are circulated, particularly in

---

<sup>1</sup> UN Women: [Frequently asked questions: Tech-facilitated gender-based violence](#)

<sup>2</sup> Sanaa Hammadouche, Faryal Kassai, Gender-Based Violence in Algeria.



conservative societies such as Algerian society, where cybercrimes may lead to further crimes such as honor crimes.

The occurrence of this phenomenon transcends geographical boundaries, cultural contexts, and specific socioeconomic situations. Women from all walks of life are susceptible to digital violence, which not only inflicts psychological harm but also perpetuates and exacerbates preexisting gender disparities. To fully comprehend the complexity of this issue, it is crucial to conduct a thorough examination that considers the diverse experiences of women in various social, economic, and cultural settings. As indicated by United Nations reports, women constitute the majority of victims of digital crimes, with those related to race and religion being particularly prevalent.<sup>3</sup>

This study employs an interdisciplinary approach to investigate the reality of legal texts and legislation pertaining to digital crimes, with a specific focus on digital violence against women in Algeria, as well as the effectiveness of the institutions responsible for enforcing these laws. The objective is to offer a comprehensive understanding of the current scenario and provide valuable insights that can contribute to the development of future policies and interventions.

Hopefully, this study serves as a catalyst for discussions, policy reforms, and ultimately, the preservation of women's rights in the digital space.

---

<sup>3</sup> UN Women: *Intensification of efforts to eliminate all forms of violence against women: Report of the Secretary-General (2022)*  
| Digital library: Publications

## The Algerian Legal Framework for Crime in the Digital Space

The primary aim of this preliminary study is to uncover the legal and institutional framework governing digital violence through a comprehensive analysis of pertinent legal articles in the constitution, international agreements, pertinent laws, and relevant institutions.

### The Equality Principle in the Algerian Constitution

The Constitution of December 30, 2020,<sup>4</sup> which is similar to previous Algerian constitutions, enshrines the principle of equality between the two genders as a fundamental law that guarantees individual and collective rights and freedoms, as stated in its preamble. Article 35 of the Algerian Constitution guarantees equality between male and female citizens in all fields, while Article 37 states that all citizens are equal before the law and that there is no discrimination between them based on birth, race, gender, opinion, or any personal or social circumstance. The state guarantees that human sanctity will not be violated and prohibits any physical or moral violence or any violation of dignity in Article 39. Additionally, Article 34 affirms that these constitutional provisions relating to basic rights and public freedoms are binding on all public authorities and bodies.

The content of equality in these legal the articles was previously incorporated in earlier constitutions, but the new constitution, Article 40 in particular, emphasizes the protection of women from all forms of violence at all times and in all spaces, whether public, private, or professional. Furthermore, it stipulates that women are entitled to judicial assistance in the event that they are unable to cover the costs of legal proceedings. It is worth noting that the Algerian Constitution recognizes the unique vulnerability of women in society and acknowledges that they often lack the financial independence necessary to seek legal help or cover the costs of legal procedures in the event of violence. Additionally, the constitution condemns all forms of violence against women, including digital violence. The provisions in the Algerian Constitution concerning women's rights serve as a cornerstone for promoting equality and social justice. Article 59, for instance, mandates the expansion of women's representation in elected councils, reflecting the acknowledgement of women's role in decision-making and their effective participation in political life. Similarly, Articles 67 and 68 highlight the principle of equality in state job opportunities, advocate for parity between men and women in the job market and promote women's advancement to leadership positions in state institutions. The necessity of granting women access to positions of authority is crucial for implementing meaningful modifications to policies and laws, while simultaneously accounting for gender-specific considerations. Women's heightened awareness of the various forms of violence directed towards them, as well as their susceptibility to political and digital violence when involved in political work, equips them with the ability to advocate for legal protections and policy changes that safeguard their rights.

In addition to the provisions of the Algerian Constitution regarding the principle of equality, it is essential to acknowledge that the implementation of this principle within legal frameworks is predominantly confined to the public space, with a notable exception in the private space. Although the Algerian Constitution expresses a commitment to gender equality, this commitment is primarily evident in legislation that governs public affairs, with a clear exclusionary stance in family law. Family

---

<sup>4</sup> Presidential Decree No. 20-442 of December 20, 2020 promulgating the constitutional amendment approved in the referendum of November 1, 2020 in the Official Gazette of the People's Democratic Republic of Algeria, No. 82. [www.joradp.dz](http://www.joradp.dz)

law, which is rooted in Islamic law, constitutes an exception and provides a gendered legal framework for governing family relations, thereby departing from the broader principle of equality.

The unique status granted to family law demonstrates the significant impact of Islamic jurisprudence on Algerian legislation, particularly in determining gender roles within familial contexts. Although Islam promotes social justice in rights and obligations, Islamic jurisprudence does not explicitly advocate for gender equality in a literal sense, thereby creating a hierarchy or peaceful gender roles in family law. This contrast between the constitutional emphasis on equality and the gender-specific provisions in family law highlights the intricate relationship between legal frameworks, religious foundations, and cultural influences in shaping Algeria's legal landscape. Furthermore, the perception of the digital space has been established within the Algerian legal framework as a public space. In this virtual world, the legal perspective ostensibly adopts a gender-neutral stance, emphasizing the equal standing of both men and women. Nonetheless, categorizing the digital space as a public space warrants careful scrutiny of women's social status and their delicate position in a conservative Eastern society where their reputation is a sensitive issue.

## International Agreements

According to the legal hierarchy, international treaties and agreements that have been ratified are subordinate to the Constitution. Specifically, there are agreements pertaining to cybercrime and women's rights, as well as those pertaining to human rights, which are examined in the subsequent section.

### Arab Convention to Combat Cybercrime

In terms of international agreements concerning cybersecurity, Algeria has merely ratified the Arab Convention to Combat Cybercrime through Presidential Decree No. 14-252, which was issued on September 8, 2014. This pact was signed in Cairo on December 21, 2010, and 17 out of the 23 nations involved put their signatures on it.<sup>5</sup>

The Convention encompasses cybercrimes, such as unlawful access to information systems, unauthorized interception of data transmission, violations of data integrity, misuse of information system resources, forgery, fraud, pornography, invasion of privacy, terrorism, organized crime, and copyright infringement. The agreement aims to enhance cooperation among Arab nations in combating cybercrimes, with the goal of preventing the dangers posed by these crimes and safeguarding the security and interests of Arab countries, as well as ensuring the safety of their societies and individuals. The Convention outlines the scope of its application in cases where crimes mentioned above are committed in more than one country, planned in one country to cause harm in another, committed by a criminal group active in multiple countries, or have severe effects that impact other countries.

Although the Arab Convention to Combat Cybercrime does not explicitly mention digital violence against women, it is possible to extract provisions from the agreement that can be adapted to crimes committed against women in the digital space. Article 12 of the agreement stipulates that the punishment for crimes related to child and minor pornography is increased, including those involving girls who are exposed to such content. Additionally, Articles 13 and 14 cover the crimes of sexual exploitation and assaulting the sanctity of private life. Furthermore, Article 16 addresses trafficking in persons, including prostitution crimes and trafficking in women through digital prostitution networks. However, it is important to note that this agreement aims to enhance Arab regional cooperation in combating cybercrime, particularly in cases where the crime affects multiple states party to the agreement. Therefore, it is relied upon in cross-border cybercrime cases.

In addition to the Arab Convention to Combat Cybercrime, there is the international Convention on Cybercrime, commonly known as the Budapest Convention, which was signed in Budapest on November 23, 2001, and entered into force on July 1, 2004. It is the first international agreement to address crimes related to information and the internet. The Council of Europe oversees the convention, and it has currently been ratified by 70 countries.<sup>6</sup> Algeria has not yet joined the Budapest Convention, and it has not been officially invited by the Council of Europe to do so. However, Algeria has participated in the "CyberSouth" program, which is a joint initiative of the Council of Europe and the European Union under the Budapest Convention, aimed at enhancing cooperation with neighboring countries to combat

---

<sup>5</sup> Presidential Decree No. 14-252 of September 8, 2014 ratifying the Arab Convention on Combating Information Technology Crimes, issued in Cairo on December 21, 2010. Official Gazette of the People's Democratic Republic of Algeria, Issue 57. [Journal Officiel Algérie \(joradp.dz\)](http://www.joradp.dz)

<sup>6</sup> Council of Europe 1680739174 (coe.int).

cybercrime.<sup>7</sup> This participation can only facilitate Algeria's future membership, especially since it will promote international cooperation in this field.

This initiative, which was implemented from June 2017 to December 2021, aims to contribute to the prevention and control of cybercrime and other crimes involving digital evidence. It does so by adhering to international standards for the protection of human rights and the rule of law, with the goal of strengthening legislation and institutional capacities to combat cybercrime and the use of electronic evidence in the Southern Neighborhood region. Although the initiative does not specifically mention cybercrimes against women, it does address crimes affecting human rights, and women's rights fall under the broader umbrella of human rights. Therefore, it is relevant to consider digital violence against women within the context of this initiative. According to a report within this initiative dated March 9, 2018, entitled "Initial Report" on the capabilities of the criminal justice system in the field of combating cybercrime and processing electronic evidence in Algeria, judicial training was identified as the "main effective pillar" in combating cybercrime. The internet offers the greatest development opportunities due to its vast potential.<sup>8</sup>

Within this initiative, Algeria initiated a program in May 2023 focused on the development of an advanced training program for judges on cybercrime and digital evidence. Despite the program's comprehensive scope addressing cybercrimes, it unfortunately did not cover crimes of digital violence against women.<sup>9</sup> The symposium held at the Ministry of Justice in September 2023, aimed at evaluating the program's accomplishments and preparing for the 2024 project,<sup>10</sup> acknowledged the program's success in strengthening the capabilities of the judicial police and judges in the field of cybercrime. The Ministry of Justice emphasized the importance of enhancing the tools in various areas of cooperation. The symposium participants, including national and foreign actors, highlighted the significance of addressing digital violence against women. It is essential to include techniques for collecting, documenting, and preserving digital evidence of cybercrimes committed in the digital space, given the ease with which perpetrators can dispose of it. Therefore, special attention must be given to retrieving data, documenting it, analyzing it, and placing it under legal custody to ensure its safety.

## Human Rights Conventions

### *The International Covenants on Human Rights 1966*

Algeria has ratified most of the human rights conventions adopted by the United Nations to uphold and promote human rights. This includes the Universal Declaration of Human Rights in 1948<sup>11</sup>, which Algeria ratified in 1963, shortly after proclaiming their independence. This document is widely regarded as the first international benchmark for human rights treaties, and it served as the foundation for the subsequent development of the International Covenants on Human Rights. The International Covenant on Social, Economic and Cultural Rights and the International Covenant on Civil and Political Rights were ratified by Presidential Decree No. 89-67 on May 16, 1989.<sup>12</sup> Article 3 of the International Covenant on

<sup>7</sup> CyberSud- Cybercriminalité (coe.int)

<sup>8</sup> 1680a1c980 (coe.int)

<sup>9</sup> 2079\_train\_concept\_4\_provisional\_8oct09TranslationFinal\_arabic (coe.int)

<sup>10</sup> Ministry of Justice: *Organizing a symposium on "information crime" with the participation of national and foreign actors* (aps.dz)

<sup>11</sup> Official Gazette No. 64 dated September 10, 1963. *General Mechanisms- Ministry of Justice* (mjustice.dz)

<sup>12</sup> Presidential Decree No. 89-67 of May 16, 1989, including accession to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Political and Civil Rights. Official Gazette of the People's Democratic Republic of Algeria No. 11. SGG Algérie (joradp.dz)

Civil and Political Rights mandates that states ensure equality for men and women and their equal enjoyment of civil and political rights. Article 17 of the constitution guarantees the protection of individuals' privacy and prohibits any illegal interference with their private affairs, including correspondence, in a manner that is dishonorable or damaging to their reputation. Article 19 guarantees the freedom to express one's opinion and be free from harassment, while Article 20 prohibits the use of incitement to discrimination, hostility, or violence by law.

### *African Charter on Human and Peoples' Rights 1981*

This Charter serves as a preliminary draft for the formation of agencies aimed at safeguarding and promoting the human rights of African populations. It was ratified by Algeria in 1987, in accordance with Presidential Decree 87-37, dated February 3, 1987.<sup>13</sup> The provisions of the Charter are founded on the principles of international legitimacy regarding human rights. Article 2 of the Charter mandates that there shall be no discrimination in the enjoyment of rights and freedoms on account of race, gender, religion, or political opinion. Furthermore, Article 3 enshrines the right to respect the dignity of individuals, to recognize their legal personality, and to prohibit all forms of exploitation. Article 26 obligates States Parties to guarantee the independence of the judiciary and to establish and enhance national institutions that ensure the protection of the rights and freedoms guaranteed by this Charter.

### *Arab Charter on Human Rights 2004*

The Arab Charter on Human Rights emerged within the context of preceding charters, yet it operates under the auspices of the League of Arab States. Algeria ratified this Charter on February 11, 2006, through Presidential Decree No. 06-62.<sup>14</sup> Article 3 of the charter serves as a foundation for safeguarding rights, as it obliges each state party to the Charter not to differentiate among citizens on any basis, and to take necessary measures to ensure actual equality between citizens in rights and obligations, including protection from all forms of discrimination. Paragraph 3 of Article 3 is particularly significant, as it affirms the equality of men and women in rights and obligations, in accordance with the positive discrimination sanctioned by Islamic law and other divine laws. International conventions advocate for the rights of women, and consequently, states parties are responsible for ensuring equal protection of all the rights enumerated in the Charter.

### *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*

Since women face various forms of discrimination globally, the United Nations has taken notice of their plight. Consequently, Algeria became a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 and ratified it in 1996.<sup>15</sup>

In accordance with the stipulations of the agreement with Algerian domestic law, Algeria acceded to the Convention after a delay of 17 years, accompanied by reservations regarding certain articles, which

<sup>13</sup> Decree No. 87-37 of February 3, 1987 ratifying the African Charter on Human and Peoples' Rights approved in Nairobi in 1981. Official Gazette of the People's Democratic Republic of Algeria No. 6. SGG Algérie (joradp.dz).

<sup>14</sup> Presidential Decree No. 06-62 of February 11, 2006 ratifying the Arab Charter on Human Rights adopted in Tunisia in May 2004. Official Gazette of the People's Democratic Republic of Algeria, Issue 08. SGG Algérie (joradp.dz).

<sup>15</sup> Presidential Decree 96-51 of January 22, 1996 containing the accession of the People's Democratic Republic of Algeria with reservation to the Convention on the Elimination of All Forms of Discrimination against Women of 1979. Official Gazette of the People's Democratic Republic of Algeria No. 06. SGG Algérie (joradp.dz)



comply with the provisions of Algerian family law. All of Algeria's reservations pertain to the standing of women within the context of the Algerian family law that is rooted in Islamic Sharia.

Article 2 of the reserved articles states that the government of the Republic of Algeria is willing to implement the article, provided that it does not conflict with the provisions of the Algerian Family Code. The article consists of seven paragraphs that mandate the incorporation of the principle of equality between men and women in all national legislation, the prohibition of all forms of discrimination against women, the establishment of effective legal protection for women through national courts with jurisdiction and public institutions, and the refrainment from any discriminatory act against women by national institutions and authorities. Furthermore, the article calls for measures to eliminate discrimination against women by any person or organization, the amendment or abolition of existing laws, customs, and practices that constitute discrimination against women, and the repeal of all provisions of the Penal Code that constitute discrimination against women.

Upon examining the terms of the CEDAW Agreement, it is evident that Algeria intends to comply with the provisions of the agreement by safeguarding women from all forms of violence and discrimination. Algeria has expressed reservations on articles that solely pertain to the provisions of the Family Code, as these provisions are derived from Islamic law, and out of respect for the privacy of Algerian society. However, it is noteworthy that despite Algeria's reservation on Article 2 of the Convention, which is considered one of the most crucial provisions of the Convention, it has reaffirmed its commitment to implementing the provisions of the agreement, provided that it does not conflict with the provisions of the Family Code. This means that Algeria is obliged to implement all the provisions outlined in the paragraphs of the article, except for those pertaining to amending Laws and customs. Algeria is also dedicated to establishing and ensuring effective legal protection for women through national courts with jurisdiction and public institutions, refraining from any discriminatory actions against women by national institutions and authorities, and taking measures to eradicate discrimination against women by any individual or organization. Additionally, Algeria is committed to abolishing all provisions of the Penal Code that discriminate against women, as these provisions do not conflict with the provisions of the Algerian Family Code.

Algeria has ratified international charters and agreements that establish human and women's rights, such as the Convention on the Elimination of All Forms of Discrimination against Women. As a result, it is necessary for Algeria to fulfill its international obligations and integrate these provisions into its legislative system. The Constitution, which serves as the basic reference for protecting human rights and women from all forms of violence, was the first document to adhere to these principles. Article 40 of the December 2020 Constitution specifically addresses this issue. However, this article has not yet been incorporated into Algerian legislation, the lack of legal provisions addressing women's rights, similar to those that exist for children, continues to be a pressing concern. Therefore, a comprehensive law should be enacted to combat all forms of violence against women, including digital violence against women, which is a new and widespread phenomenon that must be legally addressed. Currently, the existing laws that protect women are few and do not specifically target the violence that women face, as they are often considered a socially vulnerable group who are more likely to fall victim to violence due to societal views on women.

## The Integration of International Agreements within the Algerian Legislative Framework

The Algerian Constitution, from its inception in 1989 to the present, has consistently emphasized the preeminence of international treaties, including human rights conventions, as a guiding principle. This is demonstrated in the current Constitution's Article 154, which establishes that international treaties ratified by the President of the Republic, subject to the conditions outlined in the Constitution, hold precedence over domestic law.

Algeria has ratified several international agreements in the field of human rights, which have the same legal force as its constitution, as per the last paragraph of the preamble. The preamble asserts that it is an integral part of the constitution, and as such, it holds the same value. The preamble acknowledges that the Universal Declaration of Human Rights and the international conventions on human rights ratified by Algeria are not just obligations imposed on the Algerian state but are also considered values of Algerian society that the people adhere to.<sup>16</sup>

In light of the foregoing, the Universal Declaration of Human Rights and the international agreements pertaining to human rights that Algeria has ratified possess the status of a constitutional bloc. This signifies that they are considered as the primary sources of reference for the judiciary in matters concerning human rights. Consequently, the scope of human rights protections has been broadened to encompass not only the provisions of the constitution, but also those of the Universal Declaration of Human Rights and international agreements, both regional and global, that Algeria has ratified.

Based on the international agreements and covenants on human rights that Algeria has ratified, it is concluded that the provisions regarding non-discrimination, protection of privacy, and the establishment of institutions by the state to safeguard rights and duties serve as a crucial reference for judges in criminalizing acts that violate privacy and damage dignity and reputation in the digital space.

---

<sup>16</sup> Sohaila Gamoudi, The Fate of Human Rights Conventions in the Algerian Legal System, *Journal of Law and Human Sciences*, Volume 14, Issue 4, 2021.

## National Laws and Frameworks Related to Cybersecurity and Violence Against Women

### National Strategy to Combat Violence Against Women

In 2008, the national strategy to combat violence against women was introduced with the slogan "Women's Safety - Family Stability." This campaign was launched in recognition of the fact that violence against women is often associated with domestic violence, which has significant implications for divorce cases. As a result, women's safety is closely tied to the stability of the family unit. This strategy was founded on three primary pillars.<sup>17</sup>

To guarantee the safety and well-being of women, it is essential to establish partnerships with security services and civil society, as well as to provide a private and comfortable space for survivors of violence. This space should be free from any preconceptions or judgments, and it should be equipped with structures for listening, providing support, and recording complaints. It is important to ensure that all individuals are treated with respect and dignity, and that their voices are heard, and their concerns are addressed.

To guarantee adequate care for health users, it is crucial to recognize violence against women as a public health issue within the health project currently being developed. Given that the health sector is responsible for providing primary treatment, detection, and inspection of acts of violence, it is essential for it to play a leading role in addressing this issue. Collaboration with the security and justice sectors is necessary for prevention and guidance in addressing violence against women.

Strengthening the technical capabilities of judicial institutions, including family courts, and providing appropriate reception spaces for listening and legal consultation for survivors of violence, in addition to offering specialized and free legal consultations at all levels, especially for needy groups, are crucial steps in ensuring legal protection and legal assistance.

The approach of this strategy does not specifically address digital violence, but it does encompass this form of violence due to its focus on combating violence against women in all its forms. As a result, this strategy served as a reference point for enacting laws that combat violence against women. Consequently, the Penal Code was amended in 2015 to include penal articles for crimes of violence against women, which will be discussed in this section of the research.

This strategy is widely regarded as a critical and significant stride in the fight against gender-based violence. Despite its relevance, however, its scope was restricted to domestic violence and failed to address the issue of digital violence. This can be attributed to the fact that it was established in 2008, and thus needs to be updated to align with the current experiences of women, particularly in Algeria.

The Algerian government recognizes the potential impact of the digital revolution on cybercrime and has implemented various legal measures to regulate such crimes. These laws, specifically designed to combat cybercrime, address threats to national security, attacks on public administration information systems, fraud in e-commerce, and offenses against individuals. However, it is important to note that the issue of digital violence against women has yet to receive formal consideration in these legislative frameworks.

---

<sup>17</sup> Nawara Jaafar announces: A national strategy to combat violence against women – Al-Shorouk Online

Hence, upon scrutinizing the entire Algerian legislative framework concerning offenses committed, it has been found that there are two laws that can be utilized based on their provisions to safeguard women in the event that they become victims of cybercrime.

## Law Related to Cybercrimes

Law No. 09-04, dated August 5, 2009, delineates the special guidelines for the prevention and prosecution of cybercrimes.

The purpose of this legislation is to establish special regulations for the prevention and prosecution of crimes related to information and communication technologies.<sup>18</sup> Its articles specify any crime that is committed or facilitated by an information system or electronic communication system. The law's scope of application covers the monitoring of electronic communications while taking into account legal provisions that guarantee the confidentiality of correspondence and communications. Technical arrangements may be made to monitor electronic communications, collect, and record their content, and conduct inspection and seizure procedures within an information system for the purposes of protecting public order or for the requirements of ongoing judicial investigations or investigations in accordance with the rules stipulated in The Code of Criminal Procedure and this law.

The primary provision of this law, along with the protocols in place for crimes committed using information and communication technology, is the requirement for internet and telephone service providers to aid judicial authorities in their investigations. This includes maintaining confidentiality of any operations carried out at the request of investigators, as well as any related information, with the threat of penalties for non-compliance. Specifically, service providers are obligated to:

- Save data that identifies service users.
- Save data that enables identification of the sender, addressee, source, and location of the communication.
- In the event that content is found to violate laws, public order, or public morals, it is essential to take immediate action to extract the content.
- This law has also provided the option of seeking mutual international judicial assistance to investigate and uncover the perpetrators of such crimes.

This legislation addressed cybercrimes generally without specifying their forms and corresponding penalties. It also failed to incorporate a gender-specific aspect of the crimes committed through media and communication technology. Instead, it focused on the procedural rules followed by authorities handling such crimes and the responsibilities of service providers during inquiries and investigations. Priority was given to crimes of terrorism and those that threatened public order, state security, and the national economy. However, it did not exclude individuals, and hence a lawyer or judge may rely on this law in cases of cybercrimes committed against women, in accordance with the constitutional principle of equality between men and women and Article 40 of the Constitution, which mandates the protection of women from all forms of violence. Specifically, the law addresses unauthorized access or control, which involves accessing a person's electronic accounts to obtain their information and data, as it aids in protecting women from hacking crimes, particularly those working in sensitive fields such as female representatives at local and national levels, for instance. It is worth noting that this law was enacted in

---

<sup>18</sup> Law 09-04 of August 5, 2009, relating to the special rules relating to the prevention and combating of crimes related to information and communication technologies. Official Gazette of the Algerian Republic Issue 47. [SGG Algérie \(joradp.dz\)](http://www.joradp.dz)

2009, prior to Algeria's ratification of the Arab Convention to Combat Cybercrime in 2014. Therefore, cybercrime-related laws need to be updated to keep pace with the rapid developments in the digital field. Artificial intelligence remains an unresolved topic in Algerian legislation, as its legal personality has yet to be determined. Nevertheless, it presents a significant challenge due to its potential for facilitating electronic crimes, particularly fraud and identity theft.

## Personal Data Protection Law

Personal Data Protection Law No. 18-07, enacted on June 10, 2018, aims to safeguard individuals against the potential risks associated with the processing of their personal information.

Law No. 18-07 is the only legal instrument implemented in Algeria to safeguard individuals from cybercrime following the ratification of the Arab Convention to Combat Cybercrime. Its primary objective is to protect the personal data of individuals in virtual spaces. Personal data, as defined by the law, encompasses any information related to an identifiable individual, who has been called a “person concerned.” This information includes any element relating to their physical, physiological, national (national identification number), genetic, biometric, economic, social or cultural identity.<sup>19</sup> This law pertains to the protecting personal data while being processed by natural or legal persons, whether public or private, as well as any other entity that determines the data processing purpose. This encompasses all processes conducted utilizing automated or non-automated means or processes applied to personal data, including data collection, organization, storage, modification, extraction, and deletion. Article 2 of the law mandates that the dignity of individuals, their private lives, and public freedoms must be respected while processing their personal data. Moreover, Article 8 specifies that the personal data of children can only be processed after obtaining the approval of their legal representative or with a court order.

In addition, this law outlines the key principles of a law designed to protect individuals' private data. Among these principles are the requirements for obtaining prior consent from the individual in question, as well as authorization from relevant authorities when necessary. The law also includes penalties for illegal breaches of personal data, including imprisonment for three to five years and a fine. Any alleged offenses relating to private data are to be reported directly to the regional prosecutor, and the legislator has the right to request judicial intervention to prevent further infringement or to seek compensation.

Despite the fact that this law is recent in the field of personal information processing, and its promulgation has been delayed in comparison to the magnitude of the threats and challenges in the electronic world, the legislator has managed to create a legal framework to protect individuals' personal information, at least in theory. However, the new challenge facing the state is the need to activate this law and achieve practical application of its provisions, particularly with regard to the recency of this law and the lack of a culture of dealing with electronic violations by individuals. Therefore, it is suggested to link the mechanisms established by the legislator with an applied framework that contributes to activating the provisions of the law, the texts of which demonstrate the significant gap between the theoretical field and the applied field due to the modest technological culture of Algerian society. It is also recommended that digital violence against women, in particular, be included in the application

---

<sup>19</sup> Law No. 18-07 of June 10, 2018, relating to the protection of individuals in the processing of personal data. Official Gazette of the Algerian Republic No. 34. *Journal Officiel Algérie* (joradp.dz).

field of this law, as well as an article on the rights of children to have their personal data used by others.<sup>20</sup>

## Algerian Penal Code

The Penal Code of Algeria, initially enacted in 1966, serves as the foundation of the nation's legal system.<sup>21</sup> Since its inception, the code has been revised numerous times in response to the evolving social and cultural norms of Algerian society and the shifting global environment. These amendments demonstrate a concerted effort to align the Penal Code with the ongoing social and cultural transformations, technological advancements, and legal standards that have emerged over the years. They also highlight Algeria's dedication to adapting its legal system to confront contemporary challenges and provide justice in a manner consistent with the values and needs of its citizens, while also upholding the standards of the international community. This continuous legal development process underscores the degree to which the Algerian Penal Code adapts to the dynamic nature of societal, technological, and legal transformations.

### *Key Sections of the Penal Code Addressing Cybercrimes*

In 2004, the Algerian legislature revised the Algerian Penal Code to align with the advancements in technology and the emergence of the virtual world, while addressing the related risks to individual safety. The amendment included a provision for offenses related to violations of automated data processing systems.

The Algerian Penal Code, which was enacted in 1966 through Order No. 66-156 of June 8, 1966, and amended by Law No. 04-15 of November 10, 2004 (amended and supplemented), includes Section Seven on violations of automated data processing systems. This section resulted in the creation of Article 394 bis, which outlines penalties for hacking into an automated data processing system, modifying the system process, modifying or entering data illegally, designing, researching, compiling, providing, publishing, trading, storing, processing, or transferring data through an information system, and possessing, disclosing, using, or trading in any way.

The amendment to the Penal Code in 2004, which introduced provisions for cybercrimes, did not explicitly address crimes specifically targeting women. Instead, it focused on penalties for violations of electronic data and systems, as well as unauthorized access to such systems. However, the provisions can still apply to cases where a woman is a victim of electronic violations. This approach aligns with the constitutional principle of gender equality.

The Algerian Penal Code includes provisions that criminalize defamation, threats, insults, and slander, which may be referred to in the event that these crimes are committed on digital platforms, social networking sites, or electronic communications devices. Specifically, Articles 296, 297, 298, as well as 303 bis and 371 of the Penal Code stipulate penalties for such crimes.

On the other hand, the U.S. Penal Code criminalizes identity impersonation in Article 249. This article is applicable when a woman's personality or identity is impersonated on electronic platforms for the

<sup>20</sup> Somaya Bahloul, The legal framework for protecting the personal data of natural persons in the virtual environment in Algerian legislation, *International Journal of Legal and Political Research*. Volume 05, Issue 01, 2021. [International Journal of Legal and Policy Research | ASJP \(cerist.dz\)](#)

<sup>21</sup> Law No. 04-15 of November 10, 2004 (amending and supplementing) containing the Penal Code. Official Gazette of the Algerian Republic No. 71. [Journal Officiel Algérie \(joradp.dz\)](#)



purpose of causing harm to the victim, such as defaming her reputation or committing other crimes in her name.

### *Key Sections of the Penal Code Addressing Violence Against Women*

The legal framework for crimes of violence against women has been modified. In 2015, amendments were made to the Penal Code to recognize violence against women as a specific form of violence directed against women in both private and public spaces. As a result, the digital space is included under this scope, and the offense is not considered a simple assault that is punishable without taking into account the gender perspective. These changes were introduced in accordance with the provisions of Law No. 15-19 of December 30, 2015, which amended and supplemented Order No. 66-156 of June 8, 1966, which includes the Penal Code.<sup>22</sup>

The amended Algerian Penal Code of 2015 criminalizes various forms of violence against women, including physical, psychological, and economic violence, as well as trafficking. The provisions of this code specify the penalties for such offenses:

- Anyone who willfully inflicts harm or violence upon others or engages in any other act of violence or assault.
- Anyone who engages in persistent verbal or psychological abuse or violence against their spouse, thereby compromising the victim's dignity or endangering their physical or psychological well-being, can be considered as having perpetrated marital violence. The crime is committed regardless of whether the offender resides in the same domicile as the victim. All available means can be employed to establish a case of marital violence.
- The act of recruiting, relocating, transferring, sheltering, or receiving one or more individuals through the use of coercion, such as force, threats, fraud, deception, abuse of power, exploitation of vulnerability, or the provision or receipt of payments or benefits to gain control over another person for the purpose of exploiting them. This exploitation may include the use of another person for prostitution or other forms of sexual exploitation, begging, forced labor, forced service, slavery, practices similar to slavery, servitude, human trafficking, or the removal of organs.

The Penal Code does not provide explicit details regarding the extent of these offenses' applicability, thereby allowing for the incorporation of its provisions into the digital spaces.

### *Harassment in Public Places*

The Algerian Penal Code imposes penalties for the harassment of women in public spaces, as defined by Article 333 bis. This includes any actions, statements, or gestures that violate modesty and are considered offensive.

It is important to recognize that digital spaces constitute a public domain where the regulations of Article 333 are applicable. Consequently, Article 333 bis can be invoked to penalize individuals who engage in electronic harassment and inflict harm upon women in digital spaces. This provision aims to safeguard women from all forms of digital violence.

---

<sup>22</sup> Law No. 15-19 of December 30, 2015 (amending and supplementing) containing the Penal Code. Official Gazette of the Algerian Republic No. 71. *Journal Officiel Algérie* (joradp.dz)

Considering the principles of constitutional legitimacy and criminal legitimacy in the context of criminalization and punishment, and our review of the Algerian Penal Code before the amendment, it has been determined that there is no specific sections or provisions criminalizing gender-based violence. This is because the provisions of the Penal Code are formulated generally, and therefore, the texts criminalizing these attacks do not discriminate between men and women. Consequently, it is clear that the Algerian legislator did not include texts specifically criminalizing violence against women, as stipulated in the 1993 Declaration of Human Rights or the two general recommendations (09 and 02) issued by the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW). This is because the Penal Code's texts are formulated in a general manner, applying penalties to perpetrators regardless of the gender of the victim.

The 2015 amendments to Algeria's Penal Code, which criminalized violence against women, were the result of extensive lobbying efforts by human rights organizations in Algerian civil society. These organizations have been instrumental in advocating for the protection of women's rights and presenting arguments to the government and parliament. The amendments included provisions that explicitly criminalize violence against women in both public and private spheres. However, the Penal Code still does not address digital violence against women.

---

*"The penalties prescribed for acts of violence against women and girls are inadequate in their deterrent effect, as many of them do not exceed a term of three years, except in instances involving murder, rape, and indecent assault."*<sup>23</sup>

---

Nevertheless, these provisions can serve as dependable sources for lawyers and judicial authorities, and they can be applied to cases involving digital violence against women.

While Algeria has made significant progress in recognizing and addressing violence against women, including its recognition in the Penal Code, there are legal gaps and shortcomings in the current legal framework in relation to digital violence against women. Despite the ratification of human rights and cybersecurity treaties and the enactment of laws on Cybersecurity, the legal framework related to digital violence against women is not without a legal vacuum. This is due to the fact that the laws recently enacted after the ratification of the Arab Convention to Combat Cybercrime, with the exception of Law 18-07 related to the protection of individuals' personal data, are limited to general rules related to mail and electronic communications and the general rules related to the signature and electronic certificate, as provided in Laws No. 18-04 and No. 15-04. These two laws are primarily concerned with the state's strategy for national and economic security in cyberspace.

## Law 20-05 Targets Discrimination and Hate Speech

The purpose of this law is to address discrimination and hate speech, as the Algerian legislator defines hate speech as all forms of expression that spread, encourage, or justify discrimination, as well as those that exhibit contempt, insult, hostility, hatred, or violence directed at an individual or group based on their gender, race, color, ancestry, national or ethnic origin, language, geographic affiliation, disability,

---

<sup>23</sup> An interview with an Algerian lawyer specialized in cybercrimes.

or health condition. This law also specifies forms of expression through speech, writing, drawing, pointing, photography, singing, acting, or any other form of expression, regardless of the means used.<sup>24</sup>

This legislation imposes penalties for acts of discrimination, categorizing them into four distinct types:

- Promotion or endorsement of discrimination and hate.
- Incitement of violence.
- Establishment, funding, or encouragement of organizations that propagate discrimination.
- Activating discrimination electronically, medially, or commercially.

Article 34 of this legislation mandates that individuals responsible for creating, managing, or overseeing a digital platform or electronic account designed to disseminate information to promote any agenda, ideology, news, drawings, or images that may provoke discrimination or hatred in society will be subject to punishment. Furthermore, Article 35 specifies that individuals involved in the production, manufacturing, sale, or distribution of products, goods, publications, recordings, films, tapes, cylinders, automated media programs, or any other means of expression that promote discrimination and hate speech, as defined by the law, shall be held accountable.

The provisions outlined in Articles 22, 23, 24, 25, 26, 27, and 29 of this law specify the procedural guidelines for dealing with the crimes addressed in this law. These guidelines include the following:

The authority of the competent judicial authorities to order service providers or any other person to provide any information or data stored using media and communication technologies during their investigation.

The authority of the competent judicial authorities to issue an order to service providers to preserve data related to content or traffic connected to the crimes stipulated in this law.

The authority of the competent judicial authorities to order service providers to take immediate action to remove or store content that is accessible or makes access to it inaccessible when it constitutes one of the crimes outlined in this law.

The ability of the competent judicial police officer to establish technical mechanisms for reporting crimes stipulated in this law via the electronic network and to inform the competent public prosecutor of this, who orders the continuation or cessation of the process.

The authority of the Public Prosecutor or investigating judge to supervise a judicial police officer's authorization to electronically access an information system or an electronic communications system for the purpose of monitoring individuals suspected of committing any of the crimes specified in this law.

The Public Prosecutor or the investigating judge may, under their supervision, authorize a judicial police officer to determine the geographical location of a suspected or accused person, the means of committing a crime, or any other aspects related to the crime, by utilizing any media and communication technologies or by setting up special technical arrangements for this purpose.

Algerian national organizations involved in the field of human rights can file a complaint with the judicial authorities and act as a civil party in the crimes outlined in this law.

---

<sup>24</sup> Law 20-05 of April 28, 2020 on the prevention of discrimination and hate speech. Official Gazette of the People's Democratic Republic of Algeria No. 25. [Journal Officiel Algérie \(joradp.dz\)](http://www.joradp.dz)

The current law is widely regarded as a fundamental reference point for addressing gender-based discriminatory speech, which undermines the worth and stature of women and restricts them to backward roles, as well as slander, insult, and defamation targeting women merely because of their gender, and online harassment rooted in gender. This newly formulated law distinguishes between procedural rules and focuses specifically on digital spaces, considering that discrimination and hate speech typically occur in such spaces. Consequently, this law is expected to play a significant role in combating digital violence against women, provided that it is effectively utilized and enforced by legal practitioners and judicial authorities.

The current legal framework may not be fully compatible with the evolving dynamics of our digital age and pressing social needs. Therefore, it is recommended to conduct a comprehensive review of current laws to identify and correct any gaps. Updating and strengthening legal provisions on violence against women, particularly digital violence, is crucial to ensure a stronger and more effective protection mechanism for women in Algeria. This proactive approach is essential to align the legal framework with contemporary requirements and promote a safer environment for women in the digital space, consistent with international human rights standards. Additionally, the absence of a comprehensive law to protect women from all forms of violence has contributed to a lack of a culture of reporting in society, in general, and among women, in particular. This is due to their lack of knowledge of their rights, or the procedures followed in the event of exposure to violence. It is important to note the characteristic of conservative Algerian society, which pushes women to remain silent instead of reporting out of fear of being harmed, fearing that her reputation might be affected by the repercussions of filing a complaint against the perpetrator.

## Institutional Framework

The Algerian government has set up several institutions to address cybercrime and violence against women. Despite the lack of a dedicated body to tackle digital violence against women, existing institutions are able to provide effective protection for these individuals. These institutions can be instrumental in preventing and suppressing digital violence against women through the implementation of appropriate measures and raising community awareness about such issues. To better understand the institutional framework, it has been categorized into entities that focus on cybercrime and those that work towards combating violence against women. Cooperation and strengthening the exchange of information among these institutions are also crucial for enhancing their effectiveness.

### The National Committee for the Prevention and Combat of Cybercrimes.

This body was established in accordance with Law No. 09-04, which was enacted on August 5, 2009, and includes provisions for preventing and combating cybercrimes.<sup>25</sup>

#### *Committee Responsibilities*

The responsibilities of authority, as outlined in Article 14 of the same legislation, include the following:

- Activating and coordinating operations to prevent and combat cybercrimes.
- Providing assistance to judicial authorities and judicial police services in their investigations into cybercrimes, such as collecting information and conducting judicial expertise.
- Collaborating with international counterparts to obtain all relevant information in identifying perpetrators of cybercrimes and determining their whereabouts.

The committee was legally established in 2009, and its formation, functioning, and organization were not finalized until 2015 through Presidential Decree No. 15-261 of October 8, 2015. Article 2 of this decree specifies that the committee is an independent administrative authority that enjoys legal personality and financial independence under the Guardianship of the Minister in charge of Justice. Furthermore, in addition to the responsibilities outlined in its establishment law, the authority is responsible for the following:

- Assisting judicial authorities and judicial police services in the fight against cybercrimes involves providing support through the collection and dissemination of information, as well as providing expertise to the judicial system.
- Ensuring proactive surveillance of electronic communications to uncover criminal activities associated with terrorism that threaten the country's security.
- Undertaking the collection, documentation, and conservation of digital information to facilitate its utilization in judicial contexts.
- Facilitating the execution of international requests for assistance in combating cybercrime and to foster cooperation and information-sharing on a global scale.

---

<sup>25</sup> Presidential Decree 15-261 of October 8, 2015 determines the composition, organization, and operating methods of the National Authority for the Prevention and Combat of Crimes Related to Media and Communication Technologies. Official Gazette of the People's Democratic Republic of Algeria, Issue 53. [Journal Officiel Algérie \(joradp.dz\)](#)

- Collaborating with domestic organizations and entities responsible for addressing cybercrime.
- Training experts specialized in the domain of technical investigations related to media and communication technologies.
- Contributing to the enhancement of legal standards in its area of expertise.

As for its organization, its organizational structure consists of:

- A managing committee is chaired by the Minister of Justice and consists of eight members, including the Minister of the Interior, the Minister of Post and Postal and Communications Technologies, the Commander of the National Gendarmerie, the Director General of National Security, a representative of the Presidency of the Republic, a representative of the Ministry of National Defense, and two judges from the Supreme Court who are appointed by the Supreme Judicial Council.
- General Directorate
- Directorate of Preventive Surveillance and Electronic Vigilance
- Directorate of Technical Coordination
- Technical operations center
- Regional attachments

The managing committee is assigned several tasks, including organizational tasks related to the authority's internal regulations and jurisdiction, the most important of which are:

- Directing, overseeing, and monitoring the committee's work.
- Proposing all activities related to research and evaluation of direct actions in the field of crime prevention related to media and communication technologies.
- Submitting any useful suggestions related to the committee's field of competence.
- Assigning tasks to the Preventive Surveillance and Vigilance Directorate, the most important of which are:
  - Implementing preventive monitoring of electronic communications to detect cybercrimes, through a written license from the judicial authority,
  - Sending the information obtained through preventive surveillance to the judicial authorities and the competent judicial police services,
  - Implementing requests for foreign judicial assistance in the field of the authority's intervention and collecting useful data in determining the whereabouts of cybercrime perpetrators.
  - Collecting, centralizing, and exploiting all information that allows detecting cybercrimes,
  - Organizing or participating in awareness-raising processes about the use of information and communication technologies and the risks related to them.
- Assigning tasks to the Technical Coordination Directorate, the most important of which are:
  - Accomplishing judicial expertise in the field of the authority's jurisdiction.
  - Creating an analytical database for cybercrimes.
  - Carrying out, on its own initiative or at the request of the Managing Committee, any study, analysis, or evaluation related to its validity.

The Technical Operations Center and its regional attachments are organizations under the purview of the Directorate of Technical Control and Vigilance, which is responsible for activating them.



### *The Committee Operations*

The committee convenes at the behest of its Chairperson or one of its members. It is staffed with judges, officers, and agents of the judicial police from the military services of information and security, the national gendarmerie, and national security. The number of these individuals is determined by joint decisions made by the Ministers of Justice, National Defense, and Interior. Furthermore, the committee provides users with technical and administrative support. Additionally, it may seek the assistance of any expert or person who can aid it in its work.

The committee is empowered to request any document or information from any agency or institution necessary to fulfill its duties. It can also seek the aid of employees from the relevant ministries dealing with information and communication technologies.

This committee is widely regarded as the primary institution for combating cybercrimes. This status is derived from its founding purpose and the technical equipment and experts it possesses in this field. However, it has not been tasked with addressing cybercrimes specifically against women, which are not treated as a priority in Algeria, where such crimes are viewed on par with others. Despite this, the institution remains capable of addressing these crimes through its powers, which are overseen by the Minister of Justice and its role in assisting judicial authorities and security agencies. The institution has been inactive since its establishment, which is why we recommend immediate activation and the inclusion of cybercrimes against women as a special case to be addressed by a dedicated department within the institution. This can be achieved through recommendations made by the managing committee, which would enhance the committee's jurisdiction and effectiveness.

## **The National Authority for the Protection of Personal Data**

Law No. 18-07 of June 10, 2018 aims to establish the rules for the protection of individuals in the processing of personal data. This law seeks to ensure that personal data is processed in accordance with human dignity, taking into account the right to privacy, public freedoms, and the protection from harm to individuals' rights, honor, and reputation. Within the framework of this law, the subjects of processing are granted rights to ensure optimal protection of personal data and to control their data. To this end, the National Authority for the Protection of Personal Data was established as an independent administrative authority with legal personality and financial and administrative independence.<sup>26</sup>

### *Authority Responsibilities*

- Undertaking the responsibility of granting licenses and issuing authorizations for the handling of personal data.
- Informing pertinent individuals and administrative officials of their rights and obligations.
- Providing consultation services to entities or individuals engaged in personal data processing activities or conducting studies or experiments that may involve such processing.
- Receiving and addressing grievances, complaints, and objections concerning personal data processing, and furnishing the concerned parties with the resolutions thereof.

<sup>26</sup> Law No. 18-07 of June 10, 2018 relating to the protection of individuals in the processing of personal data. Official Gazette of the Algerian Republic No. 34. [Journal Officiel Algérie \(joradp.dz\)](http://www.joradp.dz)

- Authorizing, subject to the provisions of the law, the transmission of personal data to foreign entities.
- Ordering the implementation of necessary safeguards to ensure the protection of personal data.
- Ordering the suspension, withdrawal, or destruction of data being processed.
- Submitting recommendations aimed at streamlining and enhancing the regulatory framework governing personal data processing.
- Establishing collaborative relationships with foreign counterparts, reflecting the principle of reciprocity.
- Imposing administrative sanctions in accordance with the conditions outlined in Article 46 of Law No. 18-07.
- Setting industry standards for personal data protection.
- Developing codes of conduct and ethical guidelines for personal data processing.

The establishment of this authority was enacted through Law 18-07 of 2018, which was actually implemented in 2022, making it a recent institution. Its establishment has ensured that the legislative, regulatory, and institutional frameworks adhere to international standards outlined in international agreements aimed at combating cybercrime. While the authority is not specifically designed to protect women from digital violence, its jurisdiction includes cybercrimes committed against women, such as the unlawful acquisition of their personal data by natural or legal persons for illegal purposes that harm them. It should be noted that the provisions of Law 18-07 are not gender-based but rather aim to protect the personal data of all natural persons, regardless of their gender or other characteristics. The authority's field of work often involves examining the personal data of individuals, and its activities must be carried out legally to prevent the disclosure of personal information and its misuse for harmful purposes.

Although this committee does not exclude natural persons from its scope of work, it is primarily focused on receiving complaints and providing legal advice in cases of digital violence against women. As such, it is considered a crucial resource that can be accessed in the event of such incidents. To further enhance its effectiveness, it is suggested that the institution assign a gender character to its tasks and establish a device at its level specifically aimed at protecting the private data of women.

## Security Agencies Mobilize in Response to Reported Cybercrimes

The security agencies in Algeria are comprised of two main organizations: the National Security, commonly known as the police, and the National Gendarmerie. These agencies have distinct areas of jurisdiction, with the police responsible for maintaining security and public order in major cities and urban areas, protecting citizens and property, investigating crimes, and apprehending suspects. The police also handle routine law enforcement tasks such as traffic control and fall under the command of the General Directorate of National Security, which is supervised by the Ministry of the Interior.

In contrast, the National Gendarmerie covers rural areas and villages under the purview of the Ministry of National Defense, with a mandate to ensure security throughout the country's territory. The Gendarmerie participates in the national defense mission to combat terrorism and assumes the responsibilities of the judicial, administrative, and military police. As such, the National Security and the National Gendarmerie share the duties of the judicial police within their respective territorial domains, and coordination between the security services and the Gendarmerie occurs when necessary.

The following cybercrimes, which are committed specifically against women, must be reported to the security authorities without delay:<sup>27</sup>

1. Unauthorized access/unpermitted control: It refers to the unauthorized access or control of an individual's electronic accounts or personal devices, resulting in the acquisition of their information and data or the denial of their access to their personal accounts.
2. Identity impersonation or theft: It refers to the unauthorized use or imitation of a user's identity assuming the identity of another person without their consent.
3. Racial discrimination discourse: It is a form of discourse that promotes the notion that women are confined to specific gender and reproductive roles. This type of discourse may also perpetuate harmful stereotypes and can potentially incite violence.
4. Harassment: It comprises the repeated execution of undesired actions in a manner that is perceived as intrusive and causes disruption or intimidation, and this behavior may sometimes involve sexual misconduct.
5. Slander: It refers to the act of disparaging, defaming, or tarnishing a person's reputation, professional competence, work, or public image by disseminating false information about them or distorting the truth.
6. Digital sexual exploitation and abuse: It involves compelling a person to engage in sexual activities through the use of personal images, against their will. This heinous act is facilitated by the utilization of technology as the primary instrument.
7. Digital physical threats, such as death threats, rape threats, and threats of physical harm.
8. Cyber blackmail: It involves threatening to disclose personal information about an individual, including sexual blackmail, as an example.
9. Digital stalking, tracking, or spying, such as the use of GPS or observing an individual's online activities and conversations.
10. The unauthorized dissemination or exhibition of erotic or naked photographs of oneself or another individual, or the posting of such images on the internet without consent (non-consensual utilization of intimate pictures).
11. Sending obscene or unwanted sexual content to another individual.
12. Distributing personal contact details or address on the internet without authorization.
13. Engaging in persistent communication with a person who has expressed a desire to not be contacted.
14. Online harassment, such as orchestrating cyberattacks against other people.
15. Online harassment due to discrimination based on gender, race, disability, or other factors that result in marginalization.

In the event that any of the offenses listed above are committed, it is imperative to immediately notify the nearest law enforcement agency, which may include:

---

<sup>27</sup> Nawal Wasar, *Digital violence against women...extension of the phenomenon and expansion of forms*, Al-Rawaq Journal for Social and Human Studies, Volume 07, Issue 01, year 2021.

### *National Security*<sup>28</sup>

The establishment of a Cyber Police affiliated with National Security has been put in place, with a central unit at the national level, sub-units in all states, and a specialized office for cybercrimes at every police station across Algerian territory. The Cyber Police serves as the primary point of contact for reporting cybercrimes, including incidents of digital violence. In 2011, the security services established the Central Cybercrime Service, which was tasked with adapting the Judicial Police Directorate's security composition. The Central Authority for Combating Crimes Associated with Media and Communication Technologies was subsequently established by the Director General of National Security in January 2015 and was incorporated into the organizational structure of the Judicial Police Directorate.

### *National Gendarmerie*<sup>29</sup>

In the domain of judicial law enforcement, the National Gendarmerie battles criminal activity and organized crime by employing scientific and technical investigative techniques and forensic expertise, while simultaneously adhering to the stipulations set forth in the Code of Criminal Procedure.

The National Gendarmerie, in its mission to safeguard national security, public order, and combat all forms of crime, establishes a multitude of diverse units at both the General Command level and at regional and local leadership levels. Some of these units include:

- Scientific and technical centers - various training structures.
- The Central Criminal Investigation Department.
- National Institute of Criminology.

The Gendarmerie, in addition to its affiliated centers for monitoring and combating cybercrimes, serves as the judicial police's primary function to support investigative units and execute justice. These tasks extend to the field of combating various crimes, including cybercrimes, as demonstrated by the center's Automated Media and Electronic Department, which specializes in investigating cybercrimes. The Gendarmerie's commitment to tackling cybercrimes is further reinforced by its affiliation with the Public Security Directorate.

## National Institute of Criminal Evidence and Criminology of the National Gendarmerie

The National Institute of Criminal Evidence and Criminology,<sup>30</sup> which is affiliated with the Scientific Command of the National Gendarmerie, boasts a Department of Information and Electronics that concentrates on examining cybercrimes. This department focuses on analyzing electronic supports and telephone approaches, as well as improving audio, video, and image recordings, to make them more accessible for exploitation.

The National Institute of Forensic Evidence and Criminology housed within the National Gendarmerie is esteemed as a valuable asset that bolsters the law enforcement agency's capabilities in combating all forms of crime by incorporating scientific methodologies in the criminal justice system. Furthermore,

<sup>28</sup> [www.algeriepolice.dz](http://www.algeriepolice.dz)

<sup>29</sup> Presidential Decree No. 23-313 of September 3, 2023 containing the functions and organization of the National Gendarmerie. Official Gazette of the People's Democratic Republic of Algeria No. 59. [A2023059 \(1\).pdf](#) mdn

<sup>30</sup> الوطني

maintaining proficiency in modern technologies would also strengthen the institution's capacity to tackle crime that leverages new technological innovations.

The National Institute of Criminal Evidence and Criminology, a part of the National Gendarmerie, serves as a deterrent force for justice, working to combat crime. The knowledge and experience gained by the Institute contribute to uncovering the truth and safeguarding the fundamental rights of citizens, as enshrined in the Constitution.

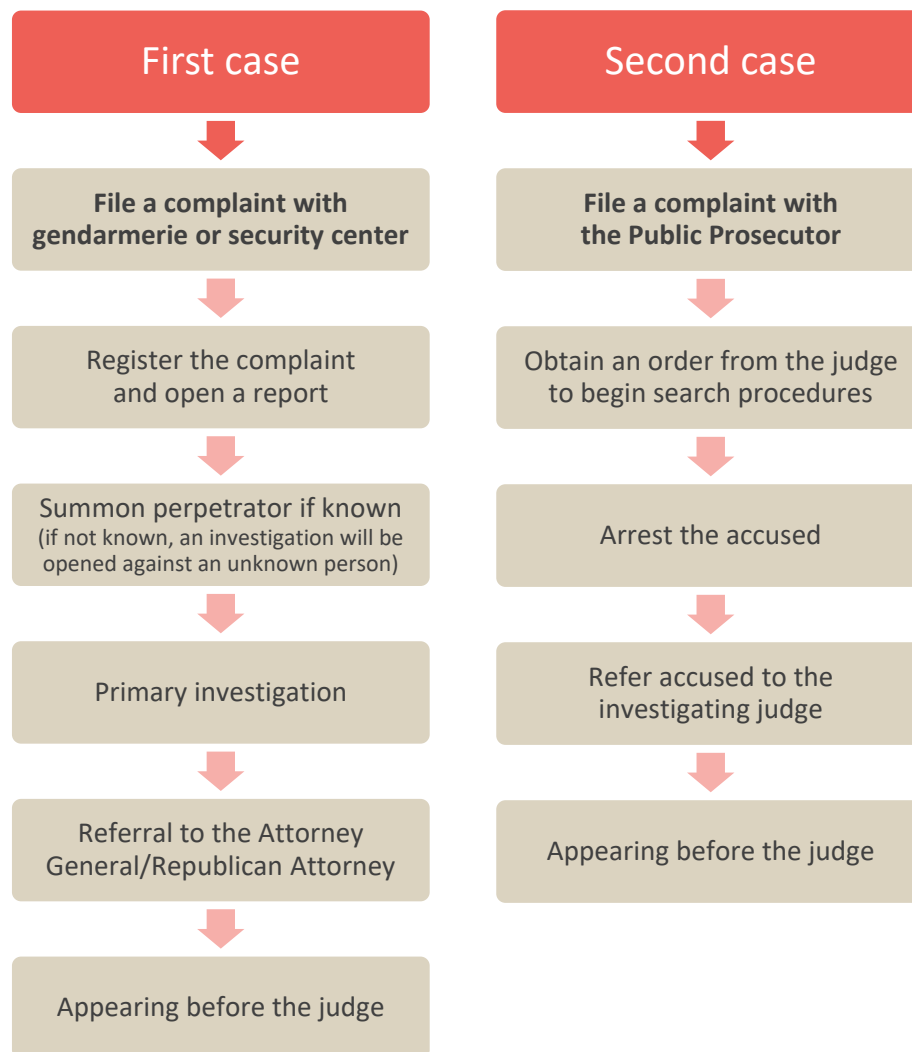
**Tasks:**

- Undertaking expertise and analysis based on requests from judges, investigators, and qualified authorities.
- Providing technical support to units during complex investigations.
- Designing and implementing data banks in compliance with the law.
- Participating in studies and research focused on the prevention and reduction of all forms of crime.
- Contributing to the establishment of optimal criminal policies to combat crime.
- Initiating and conducting criminological research using precision technologies.
- Promoting applied research and investigative methods that have proven effective in the fields of criminology and forensic evidence at the national and international levels.
- Participating in organizing training courses to enhance skills and knowledge in criminal science specializations.

## Procedures in Responding to Cybercrime Incidents

The National Gendarmerie has measures taken in response to cybercrimes and specialized teams at the state level to address these crimes, and complaints can be filed with the nearest police station or directly with the regional public prosecutor. Alternatively, individuals can report incidents via the police green line (1548) or the National Gendarmerie green line (1055).

In general, coordination occurs between the police and gendarmerie, as well as between central and local units and security centers and mobile phone operators. If a complaint is filed directly with the regional prosecutor, the public prosecutor must obtain a court order from a judge to start procedures to search for the accused, arrest him, and refer him to the investigating judge to begin an investigation. The following procedures are followed when cybercrimes are reported:



## Civil Society Organizations

Among the responsibilities of those tasked with implementing the national strategy to address violence against women, which has been in effect since 2008, is the development of a comprehensive policy framework that addresses protection and assistance for all female victims of gender- and domestic-based violence. The strategy has yielded several outcomes, including the formation of partnerships and collaborative initiatives with civil society organizations to achieve several key objectives, such as:

1. Providing a hotline and an administrative database named "Aman," meaning Safety, which is managed by the Directorate of Social Activity and Solidarity within the Ministry of National Solidarity, Family, and Women's Issues.
2. Training police officers to provide appropriate care for victims.
3. Humanizing forensic medicine and police services by offering a psychological specialist when interacting with victims.
4. Offering legal and psychological advice, as well as accompaniment before judicial bodies, through hearing and shelter centers affiliated with associations.
5. Expanding the availability of shelters to better care for victims of violence.



The implementation of these objectives has been facilitated by the efforts of civil society organizations and associations operating in this domain. However, the scope of their implementation remains restricted geographically, as it has not encompassed the entire national territory. Therefore, it is recommended that legislative measures be formulated to make these procedures binding, so that they can be disseminated across the entire national territory and sufficient financial resources and capabilities be allocated for their effective implementation.

Among the key institutions engaged in the combat gender-based violence against women are the women's rights associations in Algeria. These associations that are at the forefront of initiatives aimed at combating gender-based violence are:

- CIDEFF Foundation for Equality.
- Foundation for Algerian Women Demanding Their Rights (FARD).
- Najda Women's Association in Shaddah.
- Fatima N'Soumer Revolution Association.
- National Association "Women in Contact."
- Algerian Feminist Newspaper Foundation.
- Grains of Hope Association.
- The National Association of Local Teams.
- Our Algeria Association.
- Rural Women Association.
- Wassila Network.

All of these organizations offer services to women who have experienced violence. These services encompass the following services: providing shelter, offering counseling and guidance, offering legal consultations and representation, providing medical and psychological support, and helping victims reintegrate into society after ensuring their financial stability.

These organizations have jointly filed a petition with public authorities, requesting the establishment of a centralized network to address all forms of violence against women. This network needs to have a physical location that consolidates all resources and services necessary for receiving and processing complaints confidentially until the victim is fully reintegrated. This location would bring together all the necessary parties to provide the necessary support and guidance to the victims. This centralized network needs to be responsible for coordinating the intervention of various actors, such as the police, gendarmerie, forensic doctors, public prosecutors, associations, and the Ministry of Solidarity, represented by the Directorate of Social Activities and Solidarity, within strict timelines. This centralized network can be located within a police station or a forensic medicine department in each state or municipality.<sup>31</sup>

The initiative, which falls under the umbrella of measures taken by women's associations to combat gender-based violence, is highly significant and will prove to be extremely effective in providing care for women who are victims of violence, as well as in reducing the prevalence of violence directed against women in all its forms. Civil society organizations have initiated collective thinking with the goal of adopting an integrated and comprehensive approach to the reception and reintegration of women who are victims of violence. Accordingly, approximately 15 organizations, in collaboration with experts in the field, have formed a coalition that worked for a period of one year to develop an advocacy proposal in the form of a memorandum, with the aim of establishing a unified network for women who

---

<sup>31</sup> An interview with a human rights activist, member of the Feminist Association Network.

are victims of violence. This proposal is considered to be part of the existing legal and institutional framework. Its purpose is to achieve synergy between the systems and means that are available at both the institutional and collective levels, with the ultimate goal of rationalizing and improving the efficiency and effectiveness of care for women who are victims of violence.

The proposal was submitted to several relevant entities, such as the Presidency of the Republic,<sup>32</sup> the Ministry of Justice, the Ministry of Solidarity, Family and Women's Issues, the Ministry of Health, the Ministry of Employment, Labor and Social Security, the National Council for Human Rights, the General Directorate of National Security, and the Civil Society Observatory, following approval from the initiative's owners. This submission aimed to garner their support and endorsement of the proposal, which seeks to address a gross violation of a fundamental right. The next step involves developing the content of the centralized network, including its components, powers, and determining its optimal location, as well as identifying the parties responsible for its activation and training.

## High Governorate of Digitization

The establishment of the High Prefecture for Digitization was formalized, and its responsibilities, structure, and operations were defined in September 2023, following the dissolution of the Ministry of Digitization and Statistics, as per Presidential Decree 23-314. As a unique public institution placed under the oversight of the Presidency of the Republic and endowed with legal personality and financial autonomy, the Prefecture is tasked with overseeing and implementing the national digitization strategy.<sup>33</sup>

The aforementioned public institution was entrusted with a variety of responsibilities, such as verifying that the digitization plans of the relevant sectors align with the national digitization strategy, assessing each sector's accomplishments, suggesting any necessary adjustments based on performance indicators related to digitization, and ensuring that the national digitization strategy is compatible with the security requirements of information systems, in collaboration with the relevant authorities.

The governorate is responsible for identifying key projects, proposing regulatory and legal tools, and technical solutions to ensure the effectiveness and continuous improvement of digital transformation initiatives. Additionally, the governorate is tasked with proposing measures to enhance digital sovereignty, leading cross-sectoral strategic projects, and examining sectoral programs in the field of digitization. The governorate must also present how to implement these programs.

To prepare for the formulation of the National Strategy for Digital Transformation 2024-2029, the High Prefecture of Digitization commissioned an opinion poll to gather information and concerns from citizens, associations, civil society, experts, and stakeholders in the media and communication technology and electronic services sectors. The objective was to broaden the vision and establish the optimal framework for the strategy's axes and objectives, with a forward-looking perspective on Algeria's digitization by 2034. This comprehensive and participatory approach aimed to ensure a successful digital transformation in the country.

<sup>32</sup> Dhayen | Mémorandum et référentiel du plaidoyer pour un guichet unique  
إنشاء شبك وحيد للتكفل - Femmes en Communication | Facebook

<sup>33</sup> Presidential Decree No. 23-314 of September 6, 2023, establishing the High Prefecture for Digitization and defining its tasks, organization, and functioning. Official Gazette of the Algerian Republic No. 59. [A2023059.pdf High Prefecture of Digitalization \(hcn.gov.dz\)](#)

The High Prefecture for Digitization, as an organization established to formulate the national strategy for digital transformation, is regarded as a progressive measure that demonstrates Algeria's commitment to digital security overall by modernizing its legislative and institutional system and engaging the citizen in devising this strategy, as they are the primary beneficiary and victim of digitization.

In light of the ongoing opinion poll and the opportunity for recommendations and expressions of opinion, it is highly advisable to incorporate digital safety for women into the national strategy for digitization. This will entail establishing a dedicated axis that focuses on safeguarding the digital well-being of women, thereby driving the implementation of the strategy to institute a comprehensive policy across relevant sectors to combat digital violence against women and ensure their safe usage of information and communication technology. The opinion poll also encompasses a range of other axes, notably the legal framework. Thus, it will be appropriate to propose relevant laws pertaining to digital transformation, considering that the Algerian legislative system currently grapples with gaps and legal loopholes in this area. Hence, the introduction of laws that guarantee digital safety for women and address the various forms of violence directed towards them on various digital platforms is warranted.

### Tomorrow is a Better Day (TBD) Campaign

Lina Farah, an Algerian woman, initiated a Facebook/Instagram campaign called Algeria TBD in 2011.<sup>34</sup> This campaign aims to combat all forms of violence against women and children, particularly sexual violence. Initially, the page did not receive much attention, as its owner was still a student. However, during the Covid-19 pandemic period, Lina opened the page on Instagram, which garnered 90 thousand followers, to share awareness content and guidance on what to do if a woman encounters either classic or digital violence. It also features testimonies from victims of violence. In an interview, Lina stated that one of the major challenges she faced was the denial of sexual violence against women by a large percentage of Algerian society. As a result, the page faced opposition based on the perception that it was trying to distort the image of conservative and Muslim Algerian society. Despite this, Lina continued to post pictures and videos under the hashtag #Expose\_the\_Harasser, identifying harassers and aggressors who were filmed committing their crimes. Her actions aimed to educate the public and encourage them to report incidents to the authorities. When the individual shared her denunciation of the content, which included sexual harassment of children, on a newspaper website with more than 90,000 followers, the owner of the page retaliated by using Photoshop to alter her photos and videos in a pornographic manner, depicting her as a participant in a prostitution ring. Additionally, a fraudulent electronic conversation between them was fabricated to impugn her reputation and undermine her honor and credibility. Unfortunately, many of her followers were misled and launched a campaign against her. Consequently, she was compelled to file a complaint with the Public Prosecutor, and her case remains under investigation.<sup>35</sup>

This page has provided invaluable assistance to numerous women who have fallen victim to digital violence. By offering educational content, it directs them to legal professionals or security facilities. Additionally, it accompanies these individuals through the required procedures.

---

<sup>34</sup> Facebook

<sup>35</sup> An interview with Ms. Lina Farah, owner and founder of Instagram Tomorrow is a Better Day (TBD) Campaign.

## Conclusion

This study underscores the legal and institutional framework that pertains to digital violence against women in Algeria. The findings highlight the existence of a significant gap in the legal system, as there is presently no special legislation that addresses cybercrimes targeting women. Nonetheless, existing Algerian laws on cybersecurity and conventional violence against women can be utilized to adapt to the issue of digital violence against women.

The necessity for updating the Algerian legal framework to combat digital violence in contemporary times is unambiguous. Women, in particular, are exposed to various forms of digital violence due to the lack of laws that are relevant to the current technological landscape. The initiatives undertaken by the state and civil society organizations demonstrate that awareness of this trend is present, and the groundwork has been laid, but further action is required. This study recommends that there is an immediate need for legislative reforms to develop laws that specifically target digital violence against women. These laws should be designed to remain current with the rapid advancements in technology and their impact on women's safety in the digital space.

To effectively combat digital violence against women, it is crucial to reinforce the institutional framework. This can be achieved by creating a specialized institution dedicated to dealing with crimes of violence against women, with a section specifically focused on digital violence. Such a measure will significantly enhance the nation's capacity to address these emerging challenges. Moreover, it is essential to activate existing accredited institutions that are currently inactive. When these institutions become active, they can play a vital role in investigating and prosecuting cybercrimes. By doing so, the security and overall well-being of women in the digital space can be improved.

In addition, this study suggests that Algeria ought to consider ratifying international treaties on cybersecurity, including the Budapest Treaty. Doing so will enable Algeria to bolster its stance in countering digital violence against women by fostering collaboration with other nations and adopting superior methodologies in this domain.

In summary, the primary objective of this study is to examine the legal and institutional framework in relation to digital violence against women, with the aim of identifying weaknesses and strengths, and proposing solutions and recommendations. This study stresses the importance of modernizing Algeria's legal and institutional system to effectively combat digital violence against women. By doing so, Algeria can demonstrate its dedication to women's rights in the digital age and contribute to the global initiative to create a safer online environment for all.

## Recommendations

*Recommendations to strengthen the legal and institutional framework to combat violence against women in the digital space in Algeria are:*

1. Review and amend current laws.
2. Undertake an extensive examination of the prevailing legal frameworks pertinent to cybercrime and digital violence, with the objective of specifically addressing offenses that are gender-based in nature.
3. Propose specific amendments to existing legislation that address digital violence targeting women, with the aim of safeguarding their rights and upholding their dignity.
4. Formulating an overarching legal framework that encompasses all varieties of gender-based violence and offers strategies for addressing it.

### *Legal protection and procedural rights*

1. Strengthening legal safeguards for women necessitates explicit acknowledgment, precise and comprehensive definition, and confronting digital violence against women as a prevalent issue that requires immediate attention.
2. Ensure that the rights of victims are clearly articulated, including their entitlement to legal representation, privacy protection, and support during the legal process.
3. Improving investigative methods and procedures to rapidly identify perpetrators.
4. Addressing violence against women, both in public and private spaces, whether physical or digital, needs to be a top priority in Algeria's criminal justice system, as it is constitutionally protected.

### *Institutional effectiveness and coordination*

1. Improving the performance of the current organizations responsible for combating cybercrime by incorporating efforts to combat digital violence against women into their programs.
2. Developing an interagency coordination body that involves civil society to guarantee a comprehensive and coordinated approach that improves collaboration among relevant authorities and stakeholders.
3. Establishing a centralized network for receiving and assisting abused women and promptly activating it.
4. Creating a digital handbook for women who are victims of digital violence and disseminating it to relevant institutions that handle cybercrimes.

### *Awareness campaigns*

1. Developing extensive public awareness campaigns that focus on disseminating information about the prevalence and consequences of digital violence against women while concurrently fostering a culture of reporting such incidents.
2. Implementing social media strategies and leveraging national media outlets to propagate these awareness campaigns.
3. Training law enforcement agencies and judicial systems
4. Ensuring that security forces, prosecutors, and judicial bodies receive specialized training to effectively address cases of digital violence against women.

5. Establishing specialized units to address crimes of violence against women.
6. Embedding the integration of strategies to combat digital violence against women within judicial training curricula for the CyberSouth program's subsequent iteration slated for 2024.

### *Cybercrime laws*

1. Enhancing and modifying the legal framework pertaining to cybercrime on a regular basis to align with technological advancement.
2. Developing stipulations that explicitly prohibit various forms of digital violence against women, while simultaneously ensuring the imposition of commensurate and deterrent penalties on perpetrators.
3. Establishing the legal personality of artificial intelligence
4. Establishing a legal framework for artificial intelligence
5. Drafting guidelines for the ethical and responsible utilization of artificial intelligence in accordance with human rights principles, with the responsibility for establishing these ethical standards resting with a state entity, such as the High Prefecture for Digitization or a similar organization.

### *The role of regulatory bodies*

1. Enhancing the function of regulatory agencies to supervise the execution of statutes and regulations pertaining to digital violence towards women.
2. Engaging civil society and technology industry.
3. Enhancing collaboration with civil society organizations to guarantee that a broad range of opinions, experiences, and knowledge are incorporated into policy formulation.
4. Promoting ethical conduct among technology businesses in the industry to prevent the exploitation of digital platforms for purposes of misogyny, with a particular focus on application developers.

## References

### *Laws*

Presidential Decree No. 20-442 of December 20, 2020, which was promulgated in the Official Gazette of the People's Democratic Republic of Algeria, Issue No. 8, on November 1, 2020, approved the constitutional amendment resulting from the referendum.

Decree No. 87-37 of February 3, 1987, ratified the African Charter on Human and Peoples' Rights, which was approved in Nairobi in 1981. This information was published in the Official Gazette of the People's Democratic Republic of Algeria, Issue No. 06.

Presidential Decree No. 89-67 of May 16, 1989, included Algeria's accession to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Political and Civil Rights. This information was published in the Official Gazette of the People's Democratic Republic of Algeria, No. 11.

Presidential Decree No. 14-252, enacted on September 8, 2014, ratified the Arab Convention on Combating Information Technology Crimes, which was issued in Cairo on December 21, 2010. The Official Gazette of the People's Democratic Republic of Algeria, Issue No. 57, serves as the official record of this ratification.

Law No. 04-15, enacted on November 10, 2004 and amended and supplemented on various dates, contains the Penal Code. The Official Gazette of the Algerian Republic, Issue No. 71, serves as the official record of this law.

Law 09-04 of August 5, 2009 pertaining to the special rules for the prevention and combating of crimes related to information and communication technologies. Official Gazette of the Algerian Republic, Issue No. 47

Law No. 18-07 of June 10, 2018 concerning the protection of individuals in the processing of personal data. Official Gazette of the Algerian Republic, Issue No. 34.

Law 20-05 of April 28, 2020 regarding the prevention of discrimination and hate speech. Official Gazette of the People's Democratic Republic of Algeria, Issue No. 25.

Presidential Decree No. 15-261, issued on October 8, 2015, outlines the structure, organization, and operating procedures of the National Authority for the Prevention and Combat of Media and Communication Technologies-Related Crimes. This information was published in the Official Gazette of the People's Democratic Republic of Algeria, Issue No. 53.

Presidential Decree No. 23-314, dated September 6, 2023, sets up the High Prefecture for Digitization, specifying its objectives, organization, and operation. This information is available in the Official Gazette of the Algerian Republic, Issue No. 59.

Presidential Decree No. 23-313, issued on September 3, 2023, defines the functions and organizational structure of the National Gendarmerie. This decree was published in the Official Gazette of the People's Democratic Republic of Algeria, Issue No. 59.

### *Articles*

Somaya Bahloul. (2021). The legal framework for protecting the personal data of natural persons in the virtual environment in Algerian legislation. *International Journal of Legal and Political Research*, 5(1).

Sohaila Gamoudi. (2021). The Fate of Human Rights Conventions in the Algerian Legal System. *Journal of Law and Human Sciences*, 14(4).

Nawal Wasar. (2021). Digital violence against women...extension of the phenomenon and expansion of forms. *Al-Rawaq Journal for Social and Humanitarian Studies*, 7(1).



### *Websites*

Council of Europe (coe.int)

1680739174 (coe.int)

CyberSud - Cybercriminalité (coe.int)

1680a1c980 (coe.int)

2079\_train\_concept\_4\_provisional\_8oct09TranslationFinal\_arabic (coe.int)

Ministry of Justice: Organizing a symposium on “information crime” with the participation of national and foreign actors (aps.dz)

Dhayen | Mémoire and référentiel du player for a unique guichet

Statement - Establishing a single window to take care of women... - Femmes in Communication | Facebook

High Prefecture of Digitization (hcn.gov.dz)

National Gendarmerie (mdn.dz)

<http://www.algeriepolice.dz/>

### *Interviews*

Three interviews with three Algerian female lawyers

Two interviews with two human rights activists