

Social and Legal Protection Mechanisms for Child Victims in Algerian Legislation According to Law 15-12

Mécanismes de protection sociale et juridique des enfants victimes dans la législation algérienne selon la loi 15-12

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Abstract:

This research paper examines the legal framework and psychological characteristics of child victims under Algerian legislation, highlighting their fundamental rights, the impacts of abuse and family instability, and protective mechanisms. Adopting a descriptive-analytical approach, the study evaluates the provisions of Law 15-12 relating to child protection and analyzes the penalties enforced for crimes committed against minors. The findings demonstrate that Algerian legislation provides a structured framework for sanctioning these offenses and identifying the psychological indicators of victimized children. Consequently, rigorous legal enforcement, combined with comprehensive social and familial support, is essential to mitigate trauma and ensure the effective rehabilitation and protection of child victims.

Keywords: Child Victimization, Law 15-12, Child Protection, Algerian Legislation, Child Rights.

Résumé:

Cet article de recherche examine le cadre juridique et les caractéristiques psychologiques des enfants victimes selon la législation algérienne, en mettant en lumière leurs droits fondamentaux, les répercussions des abus et de l'instabilité familiale, ainsi que les mécanismes de protection. En adoptant une approche descriptive et analytique, l'étude évalue les dispositions de la loi 15-12 relative à la protection de l'enfance et analyse les peines encourues pour les crimes commis contre les mineurs. Les résultats démontrent que la législation offre un cadre structuré pour sanctionner ces infractions et identifier les indicateurs psychologiques des enfants victimisés. Par conséquent, une application rigoureuse de la loi, associée à un soutien social et familial complet, s'avère essentielle pour atténuer les traumatismes et garantir la réhabilitation et la protection effective des enfants.

Mots-clés : Enfant victime, Loi 15-12, Protection de l'enfance, Législation algérienne, Droits de l'enfant.

Introduction:

Founding a family is of paramount importance for both the individual and society, as it ensures the continuity of offspring, maintains social stability, and facilitates the transmission of culture across generations. Bearing children is the natural fruit of marriage,

serving to keep the family unit intact. Consequently, raising children is considered one of the primary responsibilities entrusted equally to both parents, each fulfilling their respective roles. Under normal circumstances, it is the fundamental duty of parents to protect their children, ensure their physical and psychological safety, and provide a decent standard of living encompassing adequate nutrition, housing, healthcare, education, as well as emotional, social, and economic stability.

Furthermore, childhood represents a foundational stage for human development, during which individuals are extremely sensitive to their surrounding environment. Any disruption in familial care, whether through emotional deprivation, domestic conflict, or social neglect, can profoundly impact a child's psychological and cognitive growth. Therefore, safeguarding minors is not merely a legal obligation, but a moral and social imperative that dictates the collective responsibility of society, educational institutions, and state authorities to foster a secure and nurturing environment.

Problem Statement: However, various challenges within society often lead to parental negligence and a failure to fulfill fundamental obligations toward young children, thereby exposing minors to severe hazards that threaten their lives and well-being. Such circumstances necessitate the prompt intervention of competent authorities and the enforcement of robust legal frameworks designed to safeguard the child, uphold their rights, and preserve the dignity of a vulnerable human being incapable of self-defense. Prominent among these legislative measures is Law No. 15-12 relating to child protection within the Algerian legal system.

Despite existing legislative safeguards, how can the Algerian legal and institutional framework effectively address the rising rates of child abuse, bullying, and domestic instability to ensure comprehensive protection and rehabilitation for child victims?

1. How is a child victim defined under Algerian legislation?
2. What are the key characteristics and primary symptoms that appear as a result of exposure to various forms of neglect, abuse, mistreatment, and bullying?
3. What are the main articles and provisions contained in Law 15-12 related to the protection of child victims?
4. What are the maximum statutory penalties for crimes committed against children in Algerian legislation?
5. What specific protective and institutional measures are implemented to safeguard child victims under Algerian law?

Significance of the Study: This research derives its importance from the critical sensitivity of childhood protection as a cornerstone of a healthy society. It sheds light on a highly vulnerable social group (child victims) by bridging the gap between legal theory and psychological reality, evaluating the efficiency of Algerian legislation (specifically Law 15-12), and raising awareness about the urgent need for stricter enforcement and supportive institutional measures.

Objectives of the Study: This study primarily aims to:

1. Investigate the legal status and definition of a child victim under Algerian legislation.
2. Identify the key psychological and behavioral characteristics and symptoms exhibited by children exposed to abuse, neglect, and bullying.

3. Analyze the core articles and provisions of Law 15-12 concerning child protection.
4. Examine the severity of statutory penalties imposed on perpetrators of crimes against children.
5. Highlight the practical protective and preventive measures adopted by Algerian authorities.

Research Questions: To achieve the aforementioned objectives, this research paper attempts to answer the following core questions:

Methodology: To address these research questions and analyze the subject thoroughly, this study adopts a descriptive-analytical approach. This methodology is suitable for detailing the conceptual framework of child victimization and systematically examining, interpreting, and evaluating the legal texts of Algerian legislation—primarily Law 15-12—alongside relevant psychological and behavioral indicators.

1. Victim child definition

Protecting minors requires a precise legal understanding of who constitutes a child and under what conditions that child is recognized as a victim. The Algerian legal system provides specific definitions to establish the boundaries of legal protection and liability. Within this context, a child victim is defined as: "A child who is under the age of eighteen and has suffered harm as a result of acts that are criminalized by law, whether it is material or moral⁵.

1.1. Child definition

To understand the legal status of minors, it is essential to examine the concept of a child from both linguistic and idiomatic perspectives, as follows:

- **Linguistically:** The term "child" (Tifl) is a singular noun whose plural form is atfaal (children). Linguistically, it refers to a part of a thing, and denotes a newborn in the tender stage prior to puberty. It represents the earliest phase of human life—from birth until puberty—and is used for both males and females¹.
- **Idiomatically:** In terminology, a "child" refers to the stage of human development that begins at birth. This conceptual stage is referenced in the Holy Quran: "Then brings you forth as an infant," which highlights that this early phase possesses distinct characteristics separating it from other life stages. During this period, the child relies entirely on their immediate environment—such as parents, siblings, or caregivers—to meet their needs until reaching maturity.².

1.2. Idiomatically

The term "victims" refers to the collective of individuals who have suffered individual or collective harm, including physical or mental harm, psychological suffering, economic loss, or significant deprivation of their fundamental rights, through acts or situations of neglect that constitute a violation of the applicable criminal laws in member states, in particular laws prohibiting criminal abuse of power⁴.

2. the victimization of children

Children are easy victims. They are weak, frail, and extremely vulnerable. Under certain age, they are incapable of defending themselves, retaliating or even complaining and constitute, therefore, ideal targets for victimization.

Victimization of children is as old as mankind itself. Infanticide was probably one of the earliest crimes.

It is the ultimate victimization; the annihilation of a helpless unaware and unsuspecting victim. This horrible, primitive crime has not yet disappeared and probably never will. It is still practiced with relative frequency in some illiterate and underdeveloped communities though its incidence has sharply declined in modern, technological societies as a result of the widespread practices of abortion and birth control. Abortion renders infanticide unnecessary by making it possible for the mother to get rid of the baby before it is born.

Though infanticide is probably the most serious crime to be committed against a child, it is but one single form of child victimization.

Throughout history and until the present day children have been and are being subjected to a wide variety of abuses, neglect and maltreatments. Bakan (1971) reminds us that: Children have been whipped, beaten, starved, drowned, smashed against walls and floors, held in ice water baths, exposed to extremes of outdoor temperatures, burned with hot irons and steam pipes. Children have been tied and kept in upright positions for long periods.

They have been systematically exposed to electric shock; forced to swallow pepper, soil, feces, urine, vinegar, alcohol, and other odious material; buried alive; had scalding water poured over genitals; had their limbs held in open fire; placed in roadways where automobiles would run over them placed on roofs and fire escapes in such manner as to fall off ;bitten, knifed, and shot; had their eyes gouged out .Despite the well-documented fact that beating and torturing of children have taken place throughout the ages, the last two decades have witnessed a growing awareness of, and mounting interest in, child victimization and the emergence of child abuse as a major social issue.

In a 4 year period beginning in 1962, the legislatures of all fifty American states passed statutes against the caretaker's abuse of children (Pfohl, 1977, p.310). Concern for the beaten and neglected child increased dramatically during the last years of the 1950s and in 1962, Dr Henry Kempe coined the now widely used term the 'battered child syndrome' and published with others an article in the Journal of the American Medical Association bearing that title.

The big publicity given to the phenomenon of child abuse in the mass media and the lack of accurate figures about its true incidence resulted in the currently widespread belief that child abuse is a major social problem of staggering proportions the incidence of which is rapidly escalating Pfohl (1977) suggests that the labelling of child abuse as deviance and the speedy, universal enactment of criminal legislation that followed was a result of efforts of certain organized medical interests whose concern in the discovery of the 'battered child syndrome' contributed to the advance of humanitarian pursuits while covertly rewarding members of the medical profession.

Labelling was generated by powerful medical interests and perpetuated by organized media, professional and upper-middle class concerns. Its success was enlarged by the relative powerlessness and isolation of abusers, which prevented the possibility of organized resistance to the labelling.⁶

3. when do we consider a child As a victim under Algerian legislation?

If the following characteristics are present, we can consider the child as a victim.

- "Neglect" failure to do - whether intentional or unintentional - to fulfill the duties and responsibilities of providing adequate care for the child and meeting their basic physical, mental, psychological, and social needs.
- "Harm" refers to any intended or intentional act or transgression by parents, guardians, caregivers, or any other person in a position of trust or responsibility that is likely to cause or actually causes physical, mental, or psychological harm to the child.
- "Abuse" refers to any deliberate and intentional action that results in physical, mental, or psychological harm to the child, or any neglect on the part of parents, guardians, or caregivers in protecting the child from such harm. In general, all forms of violent, aggressive, harsh, humiliating, or degrading treatment of the child.
- "Sexual exploitation" includes commercial sexual exploitation of children, such as exploiting them for prostitution and tourism by engaging in sexual activities with them, as well as using them in the production of pornographic materials and trafficking them for these purposes.
- Economic exploitation in its worst form is represented in child labor in general, begging, and housework in violation of the provisions of this law⁶
- Other forms of exploitation include all forms of slavery or slavery-like practices such as debt bondage or servitude⁷
- "Sexual abuse" of children includes any of the following:
 - Engaging children under the age of majority or enticing them to participate in sexual activities in violation of Article 42 of this law.
 - Engaging in sexual activities with a child that constitutes an abuse of trust or authority, such as parents, guardians, or caregivers.
 - "Sexual activities" mean sexual intercourse and any act that takes place with or in front of a child when the purpose of the child's presence is sexual gratification of someone.

"Parents" refers to natural, adoptive or foster parents.

"Guardians" refers to any other person who has legal responsibilities towards the child.

4. Symptoms of neglect and abuse

The symptoms of neglect and abuse vary partially based on the nature and duration of neglect or abuse, the child, and the specific circumstances. In addition to visible physical injuries. Symptoms include emotional problems and mental health issues, which may occur immediately or later on and may persist.

Sometimes, children who have experienced abuse appear to have symptoms of Attention Deficit Hyperactivity Disorder (ADHD) and may be mistakenly diagnosed with this disorder.

- **Physical neglect:** Children who have been subjected to physical neglect may appear undernourished, exhausted, or dirty, and may lack appropriate clothing and fail to grow, they may frequently miss school. In severe cases, they may live alone or with siblings without adult supervision. Children who have no supervision may become ill or injured, and their physical and emotional development may be delayed. Some neglected children may die from hunger or exposure.

- **Physical abuse:** Bruises, burns, bite marks, and scratches are some signs of physical abuse. Children who have been abused may appear fearful and agitated for a long time, and they often sleep poorly. They may be depressed and anxious, and exhibit symptoms of post-traumatic stress disorder. They may be more prone to violent or suicidal behavior⁸
- **Sexual abuse:** Behavioral changes are common signs of sexual abuse; they may occur suddenly and can be extreme. Children who have been sexually abused may become aggressive, isolated, or experience phobias or sleep disorders. Furthermore, they may display sexual behavior, such as excessive self-touching or inappropriate touching of others. Children who have been sexually abused by a parent or other family member may have conflicting feelings and may feel emotionally close to the perpetrator, but also betrayed.

Regarding infants who have experienced emotional neglect, they usually fail to thrive and may appear unaffectionate or disinterested in their surroundings. However, others may mistake their behavior as a mental disability or physical disorder. Moreover, children who have experienced emotional neglect may lack social skills or be slow to acquire speaking and language skills.

5. How can we protect the child from becoming a victim according to Law 15-12 on Child Protection?

Provision of special protection prescribed in the Child Protection Law, Law No. 15-12, recently issued to include 150 articles distributed over six chapters⁹. The first chapter, entitled "General Provisions," includes ten articles that demonstrate the purpose of this law, mechanisms of child protection, and define the intended terms.

The law also outlines the rights of the child that should be enjoyed based on international and regional conventions ratified by the state and national legislation Article 2 of Law 15-12 defined a child as 8, "Every person under the age of eighteen years." This definition is in agreement with the most important international and regional instruments concerned with the rights of the child, including Article 1 of the 1989 Convention and Article 2 of the African Charter on the Rights and Welfare of the Child for the year 1990.

The legislator enshrined the principle of non-discrimination as stipulated in the Convention on the Rights of the Child of 1989. In article 3 of Law 15-12, we find the principle of non-discrimination which corresponds to article 2 of the Convention on the Rights of the Child of 1989 and article 3 of the African Charter on the Rights and Welfare of the Child. The legislator combined the rights stipulated in national legislation, such as the right to life, name, nationality, family, health care, equality, education, culture, and leisure, while respecting his private life.

It should be noted that there is special protection afforded to children with disabilities, who have the right to care, treatment, and education, and are encouraged to actively participate in economic, social, and cultural life. Similarly, gifted children are also entitled to special care from the state to develop their skills and abilities.

The legislator has also adhered to internationally recognized principles, including the best interests of the child and the principle of the child's freedom.

In the sixth chapter, there are transitional provisions, including the recognition of July 15, 2015, the date of the issuance of this law, as a national day for the child. Moreover, the provisions of the Criminal Procedure Law that are not inconsistent with this law shall remain in full force and effect¹⁰

6. Protection of the child victims before and after birth in Algerian legislation

6.1. Protection of the child victims before birth

Criminal protection for a child who is a victim of an assault on his life before birth, as the fetus is the unborn child while it is in its mother's womb. Therefore, the criminal protection of this child begins in the mother's womb and aims to protect the fetus from harm by criminalizing abortion in the Penal Code.

Abortion is when the victim is a fetus in the mother's womb and the killing takes the place of a living human being, regardless of age. Abortion can be performed with the consent of the pregnant woman: this type occurs when the woman herself consents or with the consent of someone else. This type may occur from the woman herself, willingly or involuntarily from someone else with her consent. Abortion may also occur without the pregnant woman's consent, and this type of abortion is forced and violates the woman's will.¹¹

- The Penalties imposed to deter abortion crime in the Algerian Penal Code:

The penalties for abortion vary depending on the circumstances, as stipulated in Articles 304–313 of the Penal Code. The first case involves self-abortion by the woman, an act that is stipulated and punishable under Article 309 of the Penal Code with an original penalty of six months to two years imprisonment and a fine of 100,000 to 20,000 DZD. The second case involves abortion performed by another person, which is punishable under Articles 304, 305, and 306 of the Penal Code¹².

- **The original penalty:** Article 304 whoever causes a woman to have an abortion or attempts to do so shall be penalized by an imprisonment from one to five years and a fine from 20,000 to 100,000 DZD. If the abortion leads to death, the penalty is temporary imprisonment from 10 to 20 years.
- **Aggravating Circumstances:** Article 305 of the Penal Code stipulates that the aggravation of detentive penalty in case of habitual practice of abortion or assistance in its commission. The penalty shall be enhanced as follows: if the abortion results in death, the penalty of temporary imprisonment stiffened in paragraph (2) of Article 304, which is 10 years, to 20 years, up to a maximum of 20 years.
- **Complementary penalties:** Residency ban is permissible according to the last paragraph of Article 304 of the Penal Code, and the restraint from practicing any profession or performing any work in women's health institutions, which is a mandatory penalty according to Article 311 of the Penal Code. In addition, there is the punishable situation according to Articles 304-305 of the Penal Code, which applies to medical professionals, quasi-medical professionals, and medical students, as stipulated in Article 306 of the Penal Code.

6.2. Criminal protection of child victims after birth

- **Family neglect crime:** Article 330, paragraph 3 of the Penal Code stipulates that one of the parents who exposes the health, safety or morals of their children or any of them, to

serious danger, or mistreats them, or sets a bad example for them, by habitual drinking or bad conduct, or neglects their care, shall be punished by imprisonment for a term ranging from 6 months to 2 years and a fine ranging from 50,000 DZD to 200,000 DZD. This obligation also applies to parents towards their children, even if parental authority has been removed from them.

- **Non-payment of alimony:** Article 331 of the Penal Code punishes with imprisonment from six months to three years and a fine of 50,000 to 300,000 DZD, whoever deliberately refrains, for a period exceeding two months, from estimating the amount decided to support his family.
- **Vagrancy crime:** The law punishes vagrancy according to Article 196 of the Penal Code, with imprisonment from one month to six months for anyone who has no fixed place of residence, no means of subsistence, and does not usually practice a trade or profession despite his ability to work.
- **Begging crime:** Begging with a child is punishable according to the provisions of Article 195 bis, by imprisonment from six months to two years, and the penalty shall be doubled when one of the perpetrators is a parent of the minor or the mother of a person with higher authority¹³.
- **Wounding or intentional beating crime:** It is considered a misdemeanor according to Article 269 of the Penal Code, which stipulates that whoever beats a child under the age of sixteen years of age, or deliberately prevents him from food or care to the extent that exposes his health to harm, or deliberately commits any other act of violence or aggression against him, except for minor harm, shall be punished with imprisonment from one to five years and a fine of 20,000 to 100,000 DZD.
- **Neglecting a helpless child:** is punishable under Article 316 of the Penal Code with imprisonment from six months to two years, it stipulates that whoever leaves a child who is unable to protect himself because of his physical or mental condition or is exposed to danger in a place devoid of people, or forces others to do so, If the act of omission results in sickness or mental incapacity for a period exceeding 20 days, and if a child has an amputation of an organ or a permanent disability, the penalty shall be imprisonment from two to five years, if death occurs, the offender shall be punished with imprisonment from five to ten years.
- **Child trafficking crime:** stipulated in Article 319 of the Penal Code, which imposes a penalty of imprisonment from five to fifteen years and a fine of 500,000 to 1,500,000 DA for whoever sells or buys a child for any purpose or form, or mediates the sale of a child.
- **Transporting a child crime:** Article 321 of the Penal Code punishes temporary imprisonment from five to ten years and a fine of 500,000 to 1,000,000 DA for whoever intentionally transports or conceals a child, replaces one child with another, or presents him as the child of a woman who has not given birth, also in circumstances that make it impossible to verify his identity.
- **kidnapping and deportation crime:** kidnapping is represented in taking the minor from the persons who are in charge of his custody and is achieved by attracting him and deliberately transferring him from his place of residence to another. As for deportation, it

is the failure to deliver the child to the person who has the right to demand or have custody of them without violence. This crime is punishable by Article 326 of the Penal Code, which stipulates imprisonment one to five years and a fine ranging from 20,000 to 100,000 DZD for whoever kidnaps or deports a minor who is under age of eighteen, without the use of force, deception, or misrepresentation.

- **Forbearance of child delivery crime:** Article 327 of the Penal Code stipulates that this crime is punishable by imprisonment from two to five years for who does not deliver a child under his care to the persons who have the right to claim him, and Article 327 punishes imprisonment from one month to one year and a fine from 20,000 to 100,00 DZD, the father, mother, or another person who fails to deliver a minor whose custody has been decided by a final judgment.
- **Violation of public morals crimes :** Under article 333 bis of the Penal Code whoever photographs a child engaged in sexual activities, sexual organs, or displays child pornography, shall be punished by imprisonment from 05 to 10 years , and whoever harasses a sixteen-year-old minor shall be punished According to Article 333 bis 02 of the Penal Code, the perpetrator shall be punished by imprisonment from 10 to 20 years if he commits an indecent act on a child who has not completed sixteen years, if the rape occurs on a child, the penalty will be life imprisonment from 10 to 20 years.¹⁴

7. Special measures to protect the child victims

The child victims of the crime was included by the legislator among the cases of the child in a state of danger, according to the text of Article 2 of Law 15/12 related to child protection. The following are considered among the cases that put the child at risk:

- If the child is a victim of a crime by his legal representative.
- If the child is a victim of a crime by any other person, if the interest requires his protection.” In this case, the juveniles judge can take one of the following measures, which are meant as final, not temporary, in accordance with the provisions of Article 40 of Law 15-12 related to child protection.
- Keeping the child in his family.
- Delivering the child to his father or mother who exercises the right of custody, unless it has been forfeited by a judge’s ruling.
- Delivering the child to a relative.
- Delivering the child to a guardian or a trustworthy family
- The juvenile judge may also, in accordance with the text of Article 41 of the same law, order the placement of the child in a center specialized in the protection of children in an interest charged with helping the child.¹⁵

Conclusion:

In conclusion, this study highlights that children constitute one of the most vulnerable groups in society, requiring continuous care, protection, and stability from both their families and the state. When subjected to abuse, neglect, or material and moral harm, minors face severe developmental disruptions that compromise their fundamental rights and dignity.

The analysis demonstrates that the Algerian legislative framework—anchored primarily by Law No. 15-12 and the Penal Code—establishes a robust mechanism for

sanctioning offenses against minors, criminalizing various forms of abuse, and outlining clear protective measures through the intervention of juvenile judges. However, the true efficacy of these legislative provisions depends heavily on rigorous enforcement, institutional cooperation, and active community engagement. Ultimately, bridging the gap between legal theory and practical application remains vital to ensure that child victims receive adequate rehabilitation, safeguarding their well-being and facilitating their successful reintegration into society.

Findings:

1. Algerian legislation—spearheaded by Law 15-12 and the Penal Code—provides a comprehensive legal foundation that criminalizes all forms of child abuse, neglect, exploitation, and prenatal/postnatal assaults.
2. The legal system grants juvenile judges specialized preventive and protective measures (such as placing children in safe environments or with trustworthy families) to intervene effectively when minors are placed in states of danger.
3. Despite strict statutory penalties and structured legal safeguards, effective protection remains challenged by institutional coordination hurdles, underreporting of abuse, and socio-economic pressures.
4. Child victimization leads to severe cognitive and emotional disruptions (including symptoms resembling ADHD and PTSD), confirming that legal penalties alone are insufficient without psychological rehabilitation.

Recommendations:

1. Form dedicated multidisciplinary committees comprising social workers, psychologists, and legal experts to monitor and evaluate the family conditions of at-risk children.
2. Establish active tracking mechanisms within educational institutions to detect early signs of bullying, abuse, or neglect, ensuring prompt teacher-expert intervention.
3. Increase the availability and funding of specialized state shelters for homeless and severely neglected children to guarantee decent living conditions and continuous education.
4. Enforce maximum statutory penalties against perpetrators of child exploitation, trafficking, and severe abuse to create a strong deterrent effect.

Future Prospects:

Looking forward, future academic research must explore the emerging digital vulnerabilities affecting minors—such as cyberbullying, online grooming, and digital exploitation—in light of rapid technological advancements. Furthermore, longitudinal studies are urgently needed to evaluate the practical implementation and real-world efficacy of Law 15-12 across different Algerian jurisdictions, ensuring that legal mechanisms continuously adapt to evolving social and digital realities.

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