



LEGAL PROVISIONS FOR COMBATING ELECTRONIC HATE SPEECH

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Abstract:

In the digital era, the Internet, along with various digital platforms and social media sites, has significantly facilitated the rapid spread of hate speech, exposing a vast audience to offensive content at an unprecedented pace. This surge in information technology has given rise to new forms of hate speech, hereinafter referred to as 'electronic hate speech.' There is a pressing need for effective mechanisms to eradicate this issue at both international and national levels.

Keywords: Information Technology; Hate Speech; Abuse; Counteraction.

Introduction:

The recent surge in the freedom to critique and insult has notably influenced societal behavior, especially through electronic media, significantly broadening the audience to include diverse societal segments across educational and age demographics. This trend has been propelled by the absence of explicit legal boundaries concerning the freedom of opinion, underscoring the urgent need for dedicated legislation to address this challenge.

This is particularly pertinent given the rise of regionalism and the dissolution of previously unified and uncontroversial social affiliations. A legal framework dedicated to preventing hate speech, an alien phenomenon to the tenets of our society and the principles of Islamic religion, is imperative.

Such a framework will safeguard the community from the pernicious spread of hate speech, which has recently assumed dangerous proportions, undermining the principle of equality and threatening the unity and cohesion of our society. This threat is further exacerbated by the rapid evolution of electronic media.

The proposed legal framework aims to protect various community groups from acts of hate and all forms of expression that publish, incite, or justify discrimination, contempt, insult, hostility, hatred, or violence. It does so without compromising the freedom of expression, which remains a fundamental constitutional principle. This initiative is intended to foster a societal ethos that embraces inclusivity and acceptance of diversity without exclusion or exception.

This study seeks to elucidate the boundaries of freedom of expression, particularly in the context of various media outlets, by highlighting the perils of hate speech and the challenges it presents. These include the rapidity of electronic communication systems and the societal challenges in understanding and adhering to what is prohibited, as well as the strategies employed to navigate these restrictions both internationally and nationally.

The central research question posed is: To what extent can electronic hate speech be combated to ensure the protection of every citizen's private life within the legal limits?

To address these objectives, a descriptive analytical approach was utilized, facilitating a thorough understanding of the main dimensions of the problem, the real-world manifestations of hate speech, and the legal interventions required to mitigate and manage it.

This analysis was underpinned by a comprehensive review of legislative and regulatory texts, along with jurisprudential opinions and judicial decisions, deemed necessary to complete the study. The investigation was structured around two principal axes: diagnosing the nature of electronic hate speech and devising strategies for the eradication of crimes associated with electronically disseminated hate speech.



1 - Diagnosing Electronic Hate Speech:

Hate speech represents a severe societal issue as it adversely impacts individuals and communities, fostering social unrest and escalating violence.

1-1 - The Conceptual Framework for Electronic Hate Speech:

Hate speech encompasses verbal and written communication, as well as behavior that demeans or vilifies an individual or group based on distinguishing characteristics such as race, religion, gender, sexual orientation, disability, or national origin.

1-1-1 - Defining Electronic Hate Speech:

Initially, it is crucial to delineate the concept of electronic media. Electronic media is defined as any form of communication involving virtual interactions, bolstered by the advent of information technology, which employs auditory, visual, and textual mechanisms. (Ghenam, 2008, pp. 34-51).

The efficacy of these communications often hinges on their proliferation across social networks, which may include media clips, personal messages, search engine functionalities, email, and discussion forums. These platforms have become integral to community institutions, with a significant focus on educational content that plays a vital role in shaping familial structures and fostering positive societal transformations in media consumption patterns.

This, in turn, encourages the development of specialized media platforms dedicated to studying human behavior and intercommunity relationships, which are pivotal in nurturing a sense of fraternity through electronic journalism, audible broadcasts, and satellite television channels.

As for hate speech, various definitions have been proposed:

- Hate speech is a public expression that fosters hatred, discrimination, and hostility, inciting and endorsing these sentiments against individuals or groups based on immutable characteristics such as religion, race, nationality, ethnicity, color, descent, or gender. It is often associated with violence and hate crimes against marginalized communities (KAICIID, 2019).
- While it is feasible to critique individuals and groups, it is imperative to maintain discourse within boundaries that do not promote violence or discrimination. Hate speech goes beyond mere denigration, serving as a preventative measure rather than just a definitional boundary (The Egyptian Media Development Program, publication year not stated).
- Hate speech includes any form of expression that attacks, incites, or derogates individuals or groups for possessing distinctive human traits such as race, religion, gender identity, disability, political affiliation, social class, or sexual orientation. It often aims to propagate hatred and can escalate to institutionalize discriminatory practices within specific locales or communities, potentially affecting entire populations, races, or religious groups. The pernicious impact of hate speech lies in its capacity to diminish fundamental human rights, the most basic of which is the right to live with dignity free from incitement or derogatory rhetoric. Its amplification by media platforms or conducive communicative environments, especially electronic ones, magnifies its reach and impact, thereby enhancing its capacity to instigate cultural, behavioral, and belief systems that endorse discrimination and racism (HERDO Center for Supporting Digital Expression, 2016).
- Hate speech encompasses any discourse that vilifies, incites, or discriminates against an individual or group due to the presence of distinct human traits such as race, religion, social type, disability, political stance, social class, or sexual identity. It also includes speech targeting individuals associated with these traits. This type of speech often seeks to cultivate and propagate hatred and discrimination against those identified by these characteristics.
- Any behavior that publicly promotes violence or hatred against a group or an individual based on race, color, descent, national or ethnic origin is considered hate speech (Abd Rabbo, 2019).
- In some international frameworks, like the Camden Principles on Freedom of Expression and Equality, hate speech is characterized by strong, irrational feelings of contempt, hostility, and hatred toward the targeted group. The advocacy of violence or hatred is recognized as any public promotion of animosity toward the group and any incitement involving statements about



national, racial, or religious groups that may pose an immediate danger of discrimination, hostility, or violence against individuals from these groups (Camden, 2009).

- Hate speech can be any form of verbal, written, or behavioral communication that attacks or employs derogatory or discriminatory language targeting a person or group based on identifiable traits such as religion, ethnicity, nationality, race, color, origin, gender, or other defining characteristics. This speech often arises from and further incites bigotry and hatred, leading to humiliation and societal division. In this context, incitement is considered an exacerbating factor of hate speech, explicitly aimed at fostering discrimination, hostility, and violence, potentially culminating in terrorism or heinous crimes (Guterres, 2019).
- Defined by Algerian Legislation in Article 02 of Law 20-05, related to the prevention of discrimination and hate speech and combating them (Law on the Prevention of Discrimination and Hate Speech and Combating Them, 2020), hate speech includes "All forms of expression that spread, endorse, or justify, as well as those that encompass contempt, insult, hostility, hatred, or violence directed at a person or a group of people based on gender, race, color, descent, national origin, ethnicity, language, geographical affiliation, disability, or health condition." The law also includes expressions "by speech, writing, drawing, signaling, picturing, singing, acting, or any other form of expression, whatever the means used." This phrasing indicates that the definition is meant to be illustrative rather than exhaustive, acknowledging the evolving nature of hate speech content that cannot be strictly limited.
- Electronic hate speech can be described as: "Every utilization of the electronic domain to incite exclusion of others or the disintegration of a community, either directly in an organized manner or indirectly."

1-1-2 Verification of Hate Speech:

The confirmation of hate speech presence transcends mere reliance on electronic systems and requires the fulfillment of specific criteria and foundational elements, outlined as follows:

❖ Conditions of Hate Speech

a. Context of Expression:

The evaluation of hate speech critically considers the historical context of the group targeted by such speech within society, examining its relationships with other societal members.

This includes exploring any historical conflicts, past instances of racist treatment, and whether previous violence has been triggered by similar forms of speech. Additionally, the existing legal frameworks by the state aimed at combating discrimination and racism, the media environment, and the limitations on freedom of expression, including the freedom and bias of media institutions, are scrutinized.

b. Speaker or Controller of Dissemination:

This aspect involves assessing the extent of the speaker's influence over the audience. It is crucial to consider whether the speaker is a public figure, holds a significant position, or if they are a political or religious leader, in which cases their statements are likely to wield considerable sway compared to others.

c. Intent of the Speaker:

For expression to be classified as incitement, the intent of the speaker to incite violence, hatred, and discriminatory actions must be established. Understanding the speaker's awareness of the potential dangers and impacts of their expressions is also vital. Given the difficulty of proving intent directly, it must often be inferred from available evidence, such as explicit statements and public admissions.

d. Content of Expression:

The content of the speech must be meticulously analyzed in terms of its origin, the targeted group, the breadth of the expression, and the degree to which it employs direct calls to action or a violent tone. It is also important to consider certain types of speech that may not typically meet the criteria for incitement, such as religious discourses, scientific research, electoral campaigns, or political debates.



e. Magnitude and Speed of Dissemination:

The assessment of hate speech also requires consideration of its public exposure, evaluating the medium used for dissemination, its potential reach, and the size and frequency of its distribution.

f. Likelihood of Results Based on Incitement:

This criterion involves evaluating the probability of direct outcomes resulting from hate speech that constitutes prohibited incitement. Factors to consider include the clarity of the calls for hostility, the ability of the speaker to connect with their audience, the audience's capacity to act on the incitement, and the vulnerability of the targeted group to persecution and discrimination (HURIDOCS, 2016).

❖ **Elements of Hate Speech Crimes:**

The Algerian legislature has specifically addressed this crime in Law No. 20-05, which deals with the prevention of discrimination and hate speech, thereby criminalizing such acts based on the principle of criminal legality.

This element is manifested through overt positive behaviors, such as the use of electronic publications, images, or actions that demean the social value of a specific group based on their particular status. This can be direct or indirect, potentially including the allocation of an electronic page under a pseudonym for disseminating such speech.

A critical query arises: Can the presence of a hate speech crime be affirmed when the material element of the crime is limited to a physical act, absent explicit derogatory speech against a specific group, such as people with disabilities?

As illustrated by French administrative jurisprudence, which notes that "respect for human dignity is a component of public order, and the act referred to as 'dwarf tossing,' involving spectators throwing a dwarf and thereby presenting a person with a physical disability in such a manner, violates human dignity, even if protective measures are taken and the individual consents to the performance for a fee" (Jinguwa, 2009).

This basis does not preclude their participation in entertainment and performance shows like other community groups, provided their dignity is upheld and not diminished. Anything beyond this, especially if accompanied by derogatory publications about them, and if the content contravenes public order and the essence of human dignity, constitutes hate speech.

For the elements of this crime to be fully established, specific criminal intent must be present, demonstrated by the perpetrator's awareness that the published material is criminally punishable, with the necessity of proving knowledge that the mode of expression or publication infringes on others' rights and dignity.

This is confirmed through the repetition of the act and the perpetrator's deliberate targeting of a specific group to complete the elements of this crime, alongside incitement to such actions.

1-2- Contribution of Information and Communication Technology in Spreading Hate Speech:

Information technology significantly aids the dissemination and broadcasting of hate speech through various means:

1-2-1 Expanding the Scope of Hate Speech:

- _ Social media platforms facilitate connections across geographic boundaries, providing hate groups with opportunities to spread their messages unchecked. These groups often ignite collective violence by employing the most extreme stereotypes and harmful imagery to stir rumors and disseminate misinformation, thereby delivering extremist ideologies to a broad audience. This necessitates the exploration of alternative ways to use these spaces to disseminate positive messages that counteract the hate speech (KAICIID, 2019).
- _ Media outlets are tasked with avoiding statements that could propagate hate speech, as they can legitimize forms of discrimination and intellectual bigotry impacting vulnerable societal groups. A significant drawback of modern technology is its utilization as a tool to disseminate racism and hatred, particularly through widespread internet use by media sites where hate speech thrives under the guise of absolute freedom without ethical constraints, making these platforms more accessible and extensive for those harboring malicious intents, posing direct

threats to community security and safety, both in the short and long term, and contributing to the perpetration of hate crimes.

- _ The anonymity afforded by the internet complicates the tracking of content authors who incite violence, especially when the content is disseminated globally by internet service providers under different legal protections, allowing offenders often to evade punishment under the pretext of freedom of expression.

1-2-2 Consolidating the Content of Hate Speech:

- _ Social media platforms, largely self-regulated, depend on user reports to identify content that may be harmful or incite hatred. As a result, such content remains visible until it is flagged by community members for violating the platform's guidelines. This highlights the technical challenges involved in effectively removing hate speech. (Abd Rabo, 2019, pp 257-265).
- _ Internet users often use provocative language, spreading disturbing content that quickly goes viral among their networks, with deliberate attempts to provoke certain groups. This type of speech cannot be directly compared to hate speech in traditional media. It features specific indicators for interactions particularly associated with digital information and communication technologies, organized on social media platforms, and often linked to organizations created specifically for this purpose. These incidents attract unprecedented attention and provoke widespread reactions, especially since negative content tends to disseminate more rapidly than positive content. Most cases target individuals based on ethnic origin, nationality, religion, or social class, often initiated by users who fail to consider the potential consequences of their actions—whether they represent a real threat or are part of a systematic campaign to incite hatred orchestrated by organized groups.
- _ Although online hate speech shares inherent characteristics with offline speech, unique challenges related to online content include issues of longevity, anonymity, and impersonality. The low cost and high potential for immediate, broad visibility online mean that such content can remain accessible on the internet for an extended period across various platforms, multiplying its harmful impact on victims and empowering perpetrators to further spread their views and enlarge their follower base. Additionally, even after content is deleted, it can often still be found elsewhere, perhaps on the same platform under a different alias or in another digital space, retrievable even after a website has been shut down using hosting services with less stringent regulations or hosted in countries with more lenient legislation against hate speech under the pretext of freedom of expression.
- _ The electronic propagation of hate messages garners significant public attention and achieves high visibility among internet users, leveraging the influential structures characteristic of different platforms that can either amplify or limit various ideas and user responses. Examples include:
 - **Facebook:** Sits at the crossroads between private and public spheres, where users create private online spaces that facilitate interactions with other internet users. However, messages shared among friends can inadvertently reach unintended audiences, leading to unforeseen consequences.
 - **Twitter:** Designed more explicitly as a public space, it enables messages to be broadcast to a broad audience, heightening the potential for widespread dissemination.
 - **Snapchat:** By automatically deleting conversations immediately after they occur, it ensures that discussions remain within more restricted circles. The challenge of anonymity also persists, complicating the management of hate speech online. "The internet facilitates anonymous and pseudonymous expressions, which can also easily accelerate destructive behaviors that fuel public debates." (UNESCO, 2015, p. 13)

2- Eliminating the Crime of Publishing Hate Speech Electronically:

To effectively curb this pervasive crime, a dual strategy integrating both international and national efforts is essential. This includes adhering to the freedom of expression framework established by



the United Nations in 1948, while delineating its boundaries, and incorporating the collaboration of civil society and the private sector in the strategy's formulation and execution:

1-2 - On the international level:

This encompasses the overarching structures, agreements, and international charters dedicated to the eradication of hate speech:

1-2-1 United Nations:

The United Nations has formulated a comprehensive strategy to eliminate hate speech, which acts as a guiding framework for the prevention and management of this crime. Key principles of this strategy include:

- **Addressing Root Causes:** Identifying the underlying drivers of hate speech, the involved entities, and implementing measures to mitigate its effects.
- **Supporting Victims:** Implementing human rights-focused measures that combat retaliatory hate speech and prevent escalation of violence, while ensuring respect for victims' rights through access to justice and psychological support.
- **Media Collaboration:** Working with both new and traditional media to counteract narratives that promote hate speech, and fostering values of tolerance, non-discrimination, and freedom of opinion and expression.
- **Leveraging Technology:** Keeping abreast of technological advancements and encouraging research on the misuse of the internet and social media in the propagation of hate speech, as well as the factors driving individuals to violence. This involves collaboration with social media companies to align with United Nations principles and activities aimed at addressing hate speech, and fostering partnerships between these companies, industry sectors, and civil society. (Guterres, United Nations Strategy and Plan of Action on Hate Speech, 2019)

1-2-2 International Covenant on Civil and Political Rights:

This Covenant delineates the foundation of freedom of expression in Article 19 (University of Minnesota, Human Rights Library, 1966), affirming the right to hold opinions without interference, and the freedom to seek, receive, and impart information and ideas of all kinds across borders, in written, printed, artistic form, or through any other medium of choice.

Conversely, Article 20 imposes specific restrictions on these freedoms by mandating the elimination of all forms of hate speech. This includes prohibiting advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. The Covenant does not prescribe a specific form of advocacy, thus encompassing both traditional and electronic forms of speech, provided they result in societal hostility and violence. (United Nations High Commissioner for Human Rights, 2018)

Additionally, the Covenant establishes a practical mechanism for combating this crime, obliging signatory states to classify the advocacy of hatred based on national, ethnic, or religious grounds as a criminal offense.

1-2-3 International Convention on the Elimination of All Forms of Racial Discrimination:

Article 5 of this Convention identifies and condemns all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, and acts of violence or incitement to such acts against any race or group of persons of another color or ethnic origin. It also categorizes all forms of assistance to racist activities, including funding, as punishable offenses under the law. (United Nations, Office of the High Commissioner, 1965)

1-2-4 European Union Code of Conduct:

In 2016, the European Commission for Justice in Brussels convened a significant meeting with major IT companies to enhance protection against hate speech and incitement in the digital space. This meeting resulted in the adoption of the "Code of Conduct on countering illegal hate speech online."

This code defines behaviors that publicly incite violence or hatred against a group or individual based on race, color, religion, descent, or national or ethnic origin. It further emphasizes the



necessity for IT companies to collaborate with the European Commission and EU member states to address illegal online hate speech as delineated by the Framework Decision issued on November 28, 2008, concerning the combat against certain forms and expressions of racism and xenophobia by means of criminal law and national legislations.

Prominent companies such as Facebook, Twitter, Google, and Microsoft committed to this Code of Conduct, agreeing to review reported hate speech within their platforms and ensuring its removal within a maximum of 24 hours. (European Union Code of Conduct for combating illegal hate speech online, 2020)

1-3 At the National Level:

The Algerian legislature has instituted measures to prohibit the unauthorized disclosure of personal details of individuals, mandating explicit consent and ensuring compliance with public order and morals.

Such unauthorized disclosure is deemed an infringement of individual rights, meriting compensation for the affected parties (Supreme Court Journal, 2010). Furthermore, the media law, particularly in its second chapter titled "Ethics and Professional Morality," outlines professional standards that mandate refraining from promoting racism, intolerance, and violence.

It also prohibits the publication or broadcasting of images or statements that contravene public morals or provoke public sentiment. Additionally, the law establishes an independent regulatory body for print and audiovisual media as detailed in Article 64.

1-3-1 Institutional Protection:

Institutional protection involves strategic media planning, which consists of concerted efforts aimed at achieving future objectives within a specified media policy. This is accomplished through comprehensive media plans that are effectively executed by administrative and organizational frameworks capable of mobilizing and optimally utilizing media resources to fulfill these objectives.

It also entails the coordination of various forces within the media process to ensure efficient use of time and resources, thereby maximizing the benefits derived from advancements in communication and information technology (Al-Dulaimi, 2012, pp 112 and following).

- **Establishment of the National Observatory for the Prevention of Discrimination and Hate Speech:**

Operating under the direct oversight of the President of the Republic, this observatory is endowed with legal personhood and enjoys financial and administrative independence.

Tasked with the systematic monitoring and analysis of discrimination and hate speech incidents, this body also proposes essential preventive measures. According to law, the observatory's composition includes national experts appointed by the President of the Republic, alongside representatives from the National Human Rights Council, the Supreme Council for the Arabic Language, the High Commission for Amazigh Language, the National Authority for Child Protection and Promotion, the National Council for Disabled Persons, and active associations within this domain.

The observatory is required to submit an annual report to the President, detailing the national strategy for prevention and recommendations for enhancing existing mechanisms, as outlined in Article 09 of Law No. 20-05. The composition, as further defined in Article 11 of the same law, ensures comprehensive representation from significant cultural groups and vulnerable societal segments, reaffirming its role in fostering social stability and combating violence and divisions.

The observatory's responsibilities, as delineated in Article 10 of Law No. 20-05, include:

- a. Early detection and monitoring of discrimination and hate speech incidents, promptly notifying relevant authorities.
- b. Reporting detected acts to the competent judicial authorities.
- c. Developing and coordinating awareness programs to educate the public about the risks and societal impacts of discrimination and hate speech.
- d. Facilitating cooperation and information exchange with both national and international institutions engaged in similar fields.



- **Establishment of the National Judicial Pole:**

Specialized in addressing crimes associated with information and communication technologies, this judicial body was established under the amendment of the Code of Criminal Procedure No. 21-11, specifically Article 211 bis 22 and subsequent provisions.

Located within the Algiers judicial council, this pole has national jurisdiction over technology-related crimes, ranging from misdemeanors to serious felonies, excluding minor infractions. Its purview includes serious offenses such as crimes against state security, national defense, and the dissemination of false news that could impact security, public tranquility, or societal stability (Presidential, 2015).

- **National Authority for the Prevention of Crimes Related to Information and Communication Technologies and Combating Them:**

Established by Decree in 2021, this authority plays a pivotal role in combatting technology-related offenses. It is empowered to notify the public prosecutor at the aforementioned judicial pole upon discovering any venue, structure, or device suspected of harboring equipment used for monitoring electronic communications, with the exception of facilities operating under the Ministry of Defense as per Article 30 of Presidential Decree No. 21-439, which pertains to the reorganization of the National Authority for the Prevention of Crimes Related to Information and Communication Technologies and Combating Them.

1-3-2 Protection of Information Systems:

The Algerian legislator has instituted stringent penal measures for the protection of information systems as delineated in Article 394 bis of the Penal Code (Law, Penal, 2020), titled "Compromising Automated Data Processing Systems." This legislation stipulates that the introduction or retention of data in an automated data processing system by fraudulent means is punishable by imprisonment ranging from three months to one year and a fine between 50,000 DZD and 100,000 DZD.

Significantly, the presence of fraud during data acquisition is not a prerequisite for prosecution. Unauthorized access to the system, whether through illegal or ostensibly legitimate means, or even an attempt to access, triggers legal action. The notion of fraud encompasses acts of deceit or misleading actions concerning the automated processing or transmission of data, warranting penal sanctions. This is further elaborated in Article 394 bis 1 of the Penal Code, which escalates penalties for:

- Deleting, altering, or corrupting system data and introducing fraudulent data into the system.
- Deleting or altering system data, with penalties including imprisonment from six months to two years and fines ranging from 10,000 DZD to 200,000 DZD.
- Damaging the operation of the system, punishable by six months to two years in prison and a fine from 50,000 DZD to 150,000 DZD.
- Fraudulently introducing new data or modifying or removing existing data, with penalties extending from six months to three years in prison and fines from 500,000 DZD to 2,000,000 DZD.

These penalties underscore the focus on fraud as indicative of all acts targeting information within the crime's scope, affirming that merely acquiring the information is adequate for constituting its elements.

Article 394 bis 02 of the Penal Code further defines fraud for crimes involving the use of information or the internet as tools for criminal activity, imposing penalties ranging from two months to three years in prison and fines between 1,000,000 DZD to 5,000,000 DZD for "Designing, researching, compiling, providing, publishing, or trading in data stored, processed, or transmitted by an information system to commit crimes, possessing or disclosing or publishing or using for any purpose all data obtained."

This article mandates that only intentional or fraudulent acts are prosecutable, raising concerns about unintentional actions that result in similar outcomes, especially given that electronic fraud typically involves manipulation, deception, and dishonesty. In these instances, the mere presence



of fraud is sufficient for conviction under the broadly articulated law, which does not delve into the criminal intent of each individual involved.

Moreover, the legislation lists these crimes exhaustively, rather than exemplarily, suggesting a need for a more general regulatory text given the continuous evolution of such crimes and the perpetual search by perpetrators for legal loopholes.

As an adjunctive measure, Article 394 bis 03 mandates the confiscation of devices, software, and means utilized in all the aforementioned crimes, and the closure of sites where the crimes were committed.

This broad mandate does not account for the specificities and appropriate preventive measures for each type of crime, potentially allowing information hackers to exploit explicit legal gaps. Questions arise about how devices are confiscated and sites closed if the crime involves merely unauthorized access to an information processing system, suggesting that these measures should be specifically tailored to each crime type.

1-3-3 Procedural Protection:

Procedural protection encompasses several key strategies aimed at combating hate speech and discrimination:

- **Educational Programs:** Development of educational initiatives to foster awareness of human rights, equality, tolerance, and dialogue is crucial. These programs define the scope of protection for victims of hate speech and discrimination, and empower national human rights associations to file complaints with judicial authorities and to participate as civil parties in legal proceedings.
- **Empowerment of Public Prosecution:** The public prosecution is equipped with the authority to proactively eliminate crimes of incitement to hatred. This includes allowing public prosecutors to automatically initiate public actions against such crimes and enabling judicial police officers to establish a legal mechanism for electronically reporting these offenses. As specified in Article 27 of Law No. 20-05, a public prosecutor may, under his supervision, authorize a judicial police officer to determine the geographic location of a suspect, the means used to commit the crime, or any other related items using any information and communication technologies, or by setting up specific technical arrangements for this purpose.
- **Public Communication by the Prosecutor:** The public prosecutor is also tasked with holding seminars and press conferences to address and clarify issues related to cases that affect public order and peace. This role includes monitoring potential inaccuracies in widespread crimes, particularly those facilitated by digital platforms, and addressing the moral challenges heightened by the digital era, notably hate speech. Article 11 of the amended and supplemented Code of Criminal Procedure (Order, 1966) supports this by stating, "However, to prevent the dissemination of insufficient or incorrect information or to halt public disorder, the public prosecutor alone may inform the public with objective elements derived from the proceedings, provided that it does not include any accusations held against the involved individuals." An illustrative case is the prohibition on exploiting the murder of Jamal Ben Ismail to foment strife and divisions, or disseminating any content that fosters a culture of division and revenge.
- **International Tracking of Perpetrators:** In line with international judicial cooperation agreements, there is an enhancement of the powers of judicial police and the application of special investigative methods, particularly in cases involving electronic breaches into information systems or the geographical tracking of suspects. This expanded capability is crucial for apprehending perpetrators beyond national borders and ensuring justice is served fairly to the victims.

1-3-4 Specific Protection for the Victim:

The Algerian law offers comprehensive measures to support victims of discrimination and hate speech, focusing on their psychological and social welfare and improving their access to justice. As outlined in Chapter Three of Law 20-05, titled "Protection of Victims of Discrimination and Hate



Speech," spanning Articles 18 through 20, the state commits to providing health, psychological, and social care to these individuals.

However, the specifics of this care are tailored to the unique circumstances of each case, taking into account the personal damage and varying degrees of harm experienced, alongside ensuring legal support to facilitate their judicial pursuit of rights:

- **Granting Legal Assistance by Force of Law:** Under Article 18 of the law on prevention of discrimination and hate speech, special protections are afforded to groups vulnerable due to their social or economic status, or as victims of severe crimes, including hate speech. This categorization implicitly acknowledges the deep moral repercussions of such crimes on individuals and the broader societal fabric, aligning the legal treatment of hate speech victims with that of war casualties, victims of human organ trafficking, terrorism, and individuals with disabilities.
- **Protection of Witnesses in Hate Speech Crimes:** Article 65 bis 19 of the Code of Criminal Procedure introduces robust measures to ensure the safety of witnesses, experts, and victims who may face potential risks to their lives or physical safety, or to that of their family members, due to the information they provide to the judiciary. This is crucial for unveiling the truth in sensitive cases. Law No. 20-05 extends these protections explicitly to victims of discrimination and hate speech under Article 19, enhancing their security and that of their families.
- **Urgency in Stopping the Offense:** The urgency judge is endowed with enhanced authority to take immediate precautionary measures upon the validation of such crimes, at the request of the victim and by force of law. This approach allows for the imposition of a daily punitive fine, tailored to the extent of the harm incurred, which the accused cannot contest, serving as a temporary remedy until the case is resolved.
- **Prosecution of Offender:** In this instance, focusing on crimes involving the promotion of hate speech, pursued under Law No. 20-05 for hate speech crimes, includes:
 - a. **Public Marketing of Hate Speech:** Given the severity of the crime in this instance, where the perpetrator not only commits the act but organizes, celebrates, or publicly incites others to do so, confirming malicious intent and a desire to spread collective harm, the minimum penalty is increased from six months to one year, without affecting the maximum of three years. The same assessment applies to the financial penalty, increased from 60,000 DZD to 100,000 DZD. Given the generality of the text regarding the nature and means of incitement and the extent of others' responses, this intensification applies even if the perpetrator uses:
 - Any display, even if minor,
 - Any organization, even if the perpetrator does not use criminal partnership,
 - Any effect, even if the crime stops at the attempt stage and the result is not achieved,
 - Any public means, whether through speech, writings, or symbols, even if the perpetrator does not use information technology to spread their ideas.
 - b. **Electronic Marketing of Hate Speech:**

In the realm of electronic communication, Article 31 of the law specifically addresses the crime committed using information and communication technology. The legislation differentiates between mere publication via regular personal social media accounts, which may contain ordinary content on platforms such as Facebook or Instagram, and websites where the penalty ranges from two to five years.

In contrast, for accounts explicitly designed for the periodic publication of information, programs, ideas, news, drawings, or pictures that systematically incite hatred within society, Article 34 identifies this as an aggravating circumstance.

The associated penalty for managing such sites, whether involved in creating, managing, or supervising, is imprisonment from five to ten years, and a fine from 5,000,000 DZD to 10,000,000 DZD. This reflects the legislature's view that the management of these platforms poses a greater



threat and has a more significant impact on the occurrence of the crime compared to mere calls for violence in hate speech, which are penalized with three to seven years as per Article 33.

Conclusion:

Information technology, as a global reservoir of diverse technical systems, demands careful selection by adopting countries to ensure alignment with their social, cultural, and environmental conditions, considering the profound impacts these systems can have on social structures and interactions.

Hate speech, like other cybercrimes, has alarmingly proliferated, contributing to the spread of bigotry and social division, a burgeoning concern in Algeria, particularly with the rapid evolution of modern technology. In a relatively short period, media platforms have become inundated with content that not only incites discrimination and hatred but also promotes it, showing a dangerously upward trajectory. This includes direct incitements to hate speech.


Furthermore, the wide accessibility of social networks to the general public, comprising diverse affiliations, intellectual orientations, and educational levels—often results in the dissemination of unregulated content. This type of media frequently involves the broadcasting and spreading of hate speech, thus necessitating the intervention of the Algerian legislature to devise and implement methods to effectively counter and prevent such crimes.

Suggestions:

- Involve marketing experts and graduates from various institutes, along with representatives from diverse social circles, to bring a breadth of perspectives to media strategy and content development.
- Strengthen the connection between electronic media and social realities to enhance fraternity, particularly in aspects related to rejecting regionalism and bridging differences among communities.
- Activate partnerships between state-endorsed electronic media and influential social media platforms, ensuring these collaborations are subject to accreditation control and comply with pre-announced specifications to uphold content quality and integrity.
- Encourage the media to address and reflect the social conditions and circumstances of citizens, aiming to achieve social goals through promoting environmental education, compassion, and social solidarity. Additionally, stimulate productive intellectual and cultural activities electronically, including the establishment of a prize for the best purposeful electronic program as outlined in Presidential Decree No. 16-229, which also involves creating the state appreciation prize for arts, literature, and sciences (Presidential, 2016).
- Create a local mechanism consisting of community committees dedicated to surveying public opinion on the credibility of various media outlets.
- Develop a media model that prioritizes educational content over promotional material. This model should emphasize the importance of preserving natural features and cultural heritage, inform citizens about the benefits of diversifying consumption of local products, and monitor media content for usefulness and relevance. Address deficiencies, reduce costs associated with service inquiries, offer some services for free, and employ social psychology experts to deliver meaningful and purposeful information.

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