

Immune Opportunities against Hate Speech

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Received: 04/04/2024

Accepted: 22/11/2024

Published: 18/12/2024

Abstract:

The world witnesses a widespread of hate speech. The phenomenon that threatens human rights, social stability and peace. As a result, the danger of the escalation of this phenomenon needs a search for ways to confront and limit it. Ways that should be far from idealism, based on reality, and be a treatment for its most important causes, especially those that undermine the social cohesion and set up circumstances for hatred and extremism. Thus, this is what the article tried to address, which ended with the conclusion that despite the multiplicity and diversity of causes, they are entirely related to what affects human thought. Therefore, the most effective solutions are those that achieve and enhance intellectual security.

Keywords: Hate Speech; Extremism; Extremist Thinking; Freedom of Opinion; Coexistence.

1. Introduction

Under the international conventions, freedom of opinion is considered as the most important core human rights and it is also approved by most of states constitutions especially the democratic ones. This right enables the individual to participate in their country and society matters through expressing their own opinions. However, the misuse of this right in what is known as the absolute freedom of opinion leads it to interfere with different rights and other individuals' rights, touches their privacy and beliefs. It also collides with the interests, security and public order of the State.

One of the most significant and serious manifestations of the perversion of the use of this right is the phenomenon of hate speech, which would constitute incitement to discrimination, hostility or violence. This phenomenon which has reappeared and can be said that it has become arguably rampant in various parts of the world in a frightening manner, threatening social peace and the stability of societies. This phenomenon may sometimes lead to the establishment of racist practices that may reach the point of committing massacres and civil wars, as happened in Rwanda during the 1990s, and what happened during the current century with the Rohingya Muslims. In this regard, the UN Special Adviser on Genocide Adama Diang says, "Genocide always begins with small actions and words."

The gravity of this phenomenon makes it more necessary and urgent to seek ways to address it, especially in the light of availability of fertile and multiple incubators for

it. Through this article, we will try to search for opportunities to address the proliferation of hate speech to avoid its devastating effects, by presenting the most important findings of international efforts, particularly those of the United Nations, that were the result of the work of many experts who conducted studies in various regions of the world. Before that, there are two issues that has to be discussed and which are of no less importance than the opportunities to address that phenomenon. First one is the issue of what is meant by hate speech and what should be prohibited and criminalized as it is linked to the most important human right; the freedom of opinion. The second issue is to know the most visible factors behind the spread of this phenomenon that provide a fertile environment and incubator for the growth of it.

2. The concept of hate speech:

Hate speech is an unstable concept over a single concept, one whose concept varies in time. And even in terms of the foundations on which it is based, we will try, through what comes, the most important attempts to define this term linguistically and technically, as well as its most important types.

2.1 Linguistic Definition

Cambridge Dictionary defines hate speech that it is; "Public speech expressing hatred or encouraging violence towards a person or group based on something, such as such as race, religion, sex, etc"¹. While Oxford Dictionary defines it as it is; "Speech or writing that attacks or threatens a particular group of people, especially on the basis of race, religion or sex ..."²

2.2 Technical Definition:

Despite widespread agreement that hate speech has harmful effects on its targets. But it's a non-agreed term. According to a report by the High Commissioner for Human Rights, several attempts to define it have been lost. For example, the United Nations Commission on Human Rights has avoided the definition of hate speech, and went on to define the potential harm of this kind of expression to the rights of others.³

It should be noted that international instruments do not explicitly address this term. But it's banned. And his pictures. However, this does not preclude attempts by regional and international bodies to provide a definition of hate speech. At the regional level, it was recommended in 1997 of the Committee of Ministers of the Council of Europe that; "Hate speech must be understood to include all forms of expression published or instigated or xenophobia, anti-Semitism or other forms of hatred based on intolerance, Including intolerance through aggressive nationalism and ethnic intolerance, discrimination and hostility against minorities, immigrants and persons of immigrant origin. »

Despite a common definition of hate speech, the States of the Union embrace their own understanding of it. For example, hate speech in French law did not appear as mentioned above. It combined three sets of charges (insult, defamation, incitement to

¹<https://dictionary.cambridge.org/fr/dictionnaire/anglais/hate-speech>.(consulted on 03/07/2021)

²<https://www.oxfordlearnersdictionaries.com/definition/english/hate-speech?q=hate+speech>,(consulted on 03/07/2021)

³Report of the High Commissioner for Human Rights, Incitement to Racial or Religious Hatred and Promotion of Tolerance, Human Rights Council, 20 September 2006, A/HRC/2/6, p11.

discrimination), which are contained in the articles: 33.32.24 of the Law on the Freedom of the Press, amendment 2004.¹

At the international level, Article 19² defined the term hatred based on the Camden³ Principles, on freedom of expression and the right to equality "a state of mind characterized by severe and irrational emotions of hostility, indignation and contempt against the group or the person abetted against it".

As part of its programme on hate speech, Office of the United Nations High Commissioner for Human Rights submitted in 2012; "The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement on discrimination, hostility, or violence"⁴. It contained recommendations through which it attempted to strike a balance between combating incitement to hatred and violence and reducing restrictions on freedom of expression. One of the most important of these recommendations is the proposal of a six-part standard for the identification of criminally prohibited forms of expression. To complement those efforts, the Secretary-General of the United Nations, Antonio Guterres, has launched in June 2019 the United Nations Strategy and Action Plan against Hate Speech.

Apart from the commitments contained in these ratifications that must be implemented at the global level, At the national level alike, hate speech has been defined as "Any kind of oral, written or behavioral communication attacking or using debauchery or discriminatory language by reference to a person or group, on the basis

¹Marckubel, Qu'est ce qu'un discours de haine?, (consulted on 10/07/2021) , <http://www.crif.org/fr/actualites/crif-quest-ce-quun-discours-de-haine>.

² Article 19 is a British non-governmental organization focusing on the defence and promotion of freedom of expression and freedom of information worldwide. It was founded in 1987. The organization takes its name from article 19 of the Universal Declaration of Human Rights, which states: "Everyone has the right to freedom of opinion and expression, which includes his freedom to hold opinions without harassment and to seek, receive and impart news and ideas to others by any means, without regard to borders."

³The Camden Principles represent a progressive interpretation of international law and standards, of accepted State practice and of general principles of law recognized by the international community. This document is designed to disseminate the greatest global understanding about the relationship between respect for freedom of expression and the promotion of equality.

Article 19 organization prepared these principles based on discussions at the United Nations, other officials, civil society experts and academics specializing in international human rights law on the topics of freedom of expression and equality at meetings held in London on 11 December 2008 and on 23 and 24 February 2009. These principles represent a progressive interpretation of international law and standards, accepted State practice (as reflected in national laws, national court rulings and other sources), and general principles of law recognized by the international community.

⁴In 2011, OHCHR organized a series of expert workshops in various regions of the world on incitement to national, racial or religious hatred in the light of international human rights law. During the workshops, participants from different regions of the world discussed this issue and discussed the means of verification to counter incitement to hatred, whether of a legal or otherwise nature,

To assess the outcome of these workshops, in 2012 OHCHR held a final workshop in Rabat to arrive at a comparative analysis of these outcomes, identify possible actions and examine the best ways and means to exchange experiences.

of religion, ethnicity, nationality, race, colour or origin or another determinant of identity".Based on the foregoing, hate speech can be said to be, an expression of one or more persons directed against a particular target group.Is used any available and possible means to promote it. It also aims at establishing an extremist ideology that is not free of harm, the lowest levels of which are moral damage, reaching in its highest levels to horrific crimes (genocide, crimes against humanity, war crimes).The genocide in Rwanda in1994, which claimed 1 million lives, the most notable example of hate speech being used as a tool to fuel conflict..

2.3 Types of hate speech:

The term hate speech has generated widespread controversy and has been highly controversial about its precise identification. Although important, urgency can result in inadequate restrictions on freedom of expression. In order to enrich an effective and accurate response to hate speech and protecting the right to freedom of expression, Article 19 proposed a classification of hate speech, according to the intensity and impact of the expression; it has been divided into three distinct categories:¹

2.3.1 Hate speech that must be prohibited:

It is the most frequent form of hate speech that States must prohibit in order to prevent irreversible damage, and which the speaker intends and is able to incite. This form includes:

2.3.1.1 Direct and public incitement to genocide:

This conduct is clearly prohibited in international criminal law, as confirmed in article III, paragraph c, of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as the Statutes of the Provisional International Criminal Tribunals², and one of the most prominent case law of international criminal justice that has condemned such conduct is the case of the International Criminal Tribunal for Rwanda in: 2007, Known as the case of: "Hate Media," where the Court convicted Nahimana Ferdinand and Hassan Ngezi³ for using the media to directly incite genocide.

¹ Article 19, 'Hate Speech' Explained A Toolkit, 2015 Edition, pp 18-23.

²Specifically, in the article 4 Paragraph 3 of Statute of the International Criminal Tribunal for Yugoslavia, art 2 Paragraph 3 of the Statute of the International Criminal Tribunal for Rwanda.

³ Ferdinand Tahimana was a historian and one of the founders of RTML (Free Radio and Television of the Thousand Hills) in Rwanda. In 1994, the station broadcast messages inciting listeners to commit genocide against Tutsians, While Hassan Ngezi was a Rwandan journalist and editor-in-chief of -kangura-between April and Joan 1994, Hassan Ngezi called for the extermination of the Tutsians during his interviews with RTML and Radio Rwanda, He has repeatedly called for the extermination of these groups in many of his articles, and his trial has been accompanied by that of Ferdinand Tahimana, the so-called media case. The Trial Chamber of the International Criminal Tribunal for Rwanda found them guilty of several crimes, including direct and public incitement to commit genocide, and sentenced them to life imprisonment, November 2007 The Appeals Chamber of the Rwanda Tribunal confirmed the conviction of Tahimana for direct and public incitement to commit genocide and the crime of persecution (crimes against humanity) and commuted his sentence to 30 years' imprisonment, while Ngezi improved his conviction for direct and public incitement to commit genocide, through publication and incitement to genocide (crimes against humanity) and commuted his sentence to 35 years' imprisonment

For more details on this case, please see web site : <https://www.haguejusticeportal.net>

2.3.1.2 Any advocacy of discriminatory hatred, which constitutes incitement to discrimination, hostility or violence:

Article 20, paragraph 03, of the International Covenant on Civil and Political Rights stipulates that "any advocacy of national, racial or religious hatred which constitutes incitement to discrimination, hostility or violence shall be prohibited by law." However, this prohibition must meet the requirements of the article: 19 Paragraph: 03 of the International Covenant on Civil and Political Rights, the standard to be adopted in restricting freedom of expression, which will be addressed later.

2.3.1.3 Incitement to racial hatred and discrimination:

The article 04 of the International Convention on the Elimination of all forms of racial discrimination (ICERD) condemns all propaganda and organizations based on racist ideas and theories, or attempting to justify or promote any form of racial hatred and discrimination, and committed States to take immediate and positive measures aiming to eliminate any such incitement, taking into account the principles contained in the Universal Declaration of Human Rights and the rights expressly established in the article: 05 of the Convention. It should be noted that the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) includes a much broader prohibition of certain types of speech than is stated in the article 20 Paragraph 02 of the International Covenant on Civil and Political Rights.

2.3.2 Hate speech that may be prohibited:

The International human rights law allows States to restrict freedom of expression in limited and exceptional circumstances, while complying with the standard contained in the article 19 Paragraph 3 of the International Covenant on Civil and Political Rights, where this standard requires:

- Such restrictions should be provided for in the law.
- And be necessary to: respect others rights, reputations, protection of national security, public order, public health or morals.

2.3.3 Lawful hate speech

It is speech that should be protected from restriction. Although it is an inflammatory or offensive expression, it does not converge with the limit of intensity at which restrictions on freedom of expression can be justified.

To facilitate the determination of the extent to which the expression is lawful, or falls within the scope of prohibited incitement, in accordance with the article 20 of the International Covenant on Civil and Political Rights, and article 04 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 19 organization has created a test consisting of the following criteria:¹

- Context of expression: It is essential to know the intention of the author and the extent to which they tend to incite violence, hatred or racial discrimination, taking into account the prevailing social and political context at the time of expression.

¹Association for Freedom of Thought and Expression, Letters of Incitement and Freedom of Expression:"Boundaries", pp 17-20.

- A person who says the expression, or who controls its means of transmission to the public: In order to apply this criterion, it is necessary to know the extent of this person's influence and social status.
- Intention to speak: In order to determine the extent to which the intention of the expression is directed towards prohibited incitement, three main elements can be relied upon:
 - The Will to Advocate Hatred
 - The will to target individuals or groups on a racially discriminatory basis
 - The extent to which an expression is perceived and aware of the consequences of its expression.
- Expression content: It can be seen that an expression contains an inflammatory orientation, through the application of the following criteria: What does it say? the audience that addresses, the location of the victim of incitement in the speech, the manner of expression.
- Size, general nature and potential for dissemination: The general nature of the expression is intended to be addressed to the general public, without discrimination, and to assess the prevalence of the speech it is necessary to know the medium used for publication, the size and frequency of the publication.
- The likelihood of the consequences of incitement: To test it:
 - The speech must include a call for violence, racial discrimination or clear hatred and hostility.
 - The expression must be able to convince and access the audience.
 - That the public have the means and the means to carry out the act instigated.
 - Victims targeted for incitement should be the object of recent discrimination and incitement.

3. The causes of the spread of hate speech

Addressing any phenomenon will be successful only by identifying its causes for solutions. Therefore important to know the various causes of the growing phenomenon of hate speech, which was diverse, the most important of which could be mentioned:

3.1 Intellectual reasons (idea of rejecting different others):

Hate speech: Reject the other in a bad way, and always call for caution, non-coexistence and cooperation. The idea of rejecting the other is the result of the formation of a false image of him, and one of the most prominent or contributing factors is:

- Socialization based on the rejection of the different other, which begins with a family that does not take into account the upbringing of the other's children in order to respect the other's differences. Also self-contained societies in which a single cultural and social pattern prevails, which do not accept the new, clash with it and refuse to integrate with it.
- It cannot be denied the role of educational policies that do not publicize the aesthetic aspects of society, as well as how history is read, be overlooked. There are peoples who remain captive to the events of history and the past, despite their evolution.

3.2 Internet

The growing numbers of people connected to the Internet, and the intensity of the spread and use of social media have provided an opportunity to come together with

fanatical and extremist intelligentsia, and have facilitated communication among them, as well as mobilization processes and recruitment to foment hatred towards certain groups and groups. They often use hate speech via the Internet as a means of fomenting public thought, which can become a cruel criminal act. The gravity of this method is demonstrated by its features, the most important of which are:

- Persistence, lengthening, long stays: The prolonged persistence of hate speech on the Internet provides an opportunity for it to be transmitted in various forms through various social media platforms. The greater those periods, the more serious the harm that could affect victims and the stronger the perpetrators.
- Roaming: Hate speech can be mobile and frequent, so even when content is removed from a particular place you can find it elsewhere, or in the same platform, but under another name. Even if a website is shut down, it can be re-opened using a less stringent online shelter service, or by moving to another country with laws that put a higher ceiling on hate speech. Roaming also allows ideas that have not been supported in the past to descend into spaces that can become visible to a wide audience.¹
- Anonymity: Anonymity feels a lot of relief as people reveal their hatred. The majority of hate speech comes from accounts using pseudonyms.
- Transnational: It's a discourse that transcends national boundaries and has an impact not only on the internal order of a State, but also on international relations, and plays a role in international political interactions.

The increasing number of attacks on migrants and minorities, attributed to hate speech on the Internet, has raised concerns among the countries of the world, many of which, particularly European, accuse² social media sites of contributing to the dissemination of hate speech and force them to pass new laws against hate speech, set large fines, up to 50 million Euros, against those who failed to enforce the laws.³ While these sites distanced themselves from the accusation, and pledged to take stricter measures against those who try to spread hate speech.⁴

3.3 Media

¹ Gagliardone, Iginio , Gal, Danit , Alves ,Thiago , Martinez,Gabriela, countering online Hate Speech, UNESCO publishing, 2015, pp 13-14.

² In Germany, for example, a link was found between anti - refugee Facebook posts of the radical Alternative to Germany (AfD) party and attacks on refugees. In Myanmar, Buddhist military and nationalist leaders used social media to insult and demonize the Muslim Rohingya minority before and during ethnic cleansing. The United Nations fact - finding mission confirmed that Facebook was a useful tool for those who sought to spread hatred. Sri Lanka also witnessed a wave of violence in March 2018 targeting the Muslim minority, which was caused by rumors circulating on the Internet that lead the Sri Lankan government to block access to Facebook and WhatsApp for a week

³ The German law known as the Netz DG law issued in 2017 is one of the most efforts taken by governments and authorities to curb social networking sites. It provides social media sites with a period of 24 hours to take action after they have been informed of the material in violation of it. It also gives them a week's term in the case of highly complex materials, imposing a fine of up to €50 million and a fine of €05 million for the head of the company in Germany.

⁴ Among the measures taken: Facebook announced the immediate removal of any hateful posts. At the same time, Twitter officials said that there was no place for any account promoting discrimination on the basis of sex or religion, and YouTube officials confirmed that the site would take stricter action against any videos promoting violence.

The media continues to contribute significantly to the perpetuation of hate speech, especially in the absence of professional media, and the increase of media specialized in hatred¹, which is often funded by parties to be used to provoke discord and conflict in many international societies. For example, some Western media outlets have managed to tarnish the image of Arab Muslims, to promote the image of a murderous extremist Arab, which has created the so-called Islamophobia², and Iraq's current sectarian and ethnic problems are a vivid example as a result of the dissemination of hate speech on the media funded by the American occupation.

Apart from this kind of media, the media may make a mistake of good faith, such as a desire to make a scoop by transmitting and recycling hate speech. And this is what happened during the attack on the mosque in New Zealand in 2019. Not only did the media cover up some of the hate speech clips that the attacker used on his Twitter page, but some of those coverages devoted the entire space to convey the hate speech of those who supported him. While others reported what the attacker wrote on his weapons. All of the above involve serious professional violations in dealing with hate speech, as it is a dedication to what the owners of this speech want through promoting chaos and hatred.

3.4 Political Reason

Hate speech thrives and the influence of hate speech grows in an environment governed by authoritarian regimes, where dominant elites in these regimes, who hold power over hate speech, use hate speech to mislead public opinion, strengthen their influence and dominance, contribute to justifying their powerlessness, cover up their failures, exploit all their governmental capabilities, from media, religious, etc... to wage wars against all ideas that are contrary to their political orientation, and not to stand there, but to launch campaigns of violence, arrest and genocide for those who disagree with them in their political views and directions.

However, this does not mean that countries that adopt democratic regimes are immune from the existence and spread of hate speech, as evidenced by the rise of this phenomenon against immigrants and Muslims in European countries (France, Germany). Far - right parties are one of the most important factors in this. The political rhetoric of these parties is hardly without publicity of hostility towards these groups as a social, economic and cultural threat to Europe, and it exploits economic conditions, especially economic crises, to promote misguided ideas that immigrants engage indigenous Europeans in employment opportunities, and cost the public budget a large amount of money while they invest what they make from the diaspora in their home countries.

¹The phenomenon of increasing this type of media is that it is subject to commercial investment, turning its contents into goods subject to profits and losses; this prompted their investment and employment to promote violence and hatred.

²Islamophobia means fear or irrational phobias of Islam and Muslims, especially when Islam is seen as a geopolitical force or a source of terrorism. The very first entrance of this term to English according to Oxford Dictionary was in 1923 in an article in the Journal of Theological Studies. The term was then introduced for public use after the publication of a Runnymede Trust report in 1997, according to which Islamophobia is defined as "a worldview involving hatred and unfounded fears against Muslims leading to discriminatory and exclusionary practices"

Aside from the political systems adopted by States, the existence of groups in society affected by discrimination, marginalization, and social exclusion in most countries of the world remains a fact that must be recognized. We can also add to the above, other factors, which were mentioned in the evaluation of the Durban Declaration and Programme of Action against Racism, Racial Discrimination, Xenophobia, and Related Intolerance in, wherein:

- It has been shown that when the benefits of globalization are uneven and the costs of globalization are poorly distributed to all countries of the world, negative effects include: Poverty, underdevelopment, marginalization and social exclusion are resulted.¹
- It has been confirmed that poverty, underdevelopment, marginalization, social exclusion and economic inequalities were closely linked to racism, racial discrimination and xenophobia and contributed to the persistence of racist attitudes and practices, which in turn generated more poverty.²
- Stressed that historical injustices have contributed to what various parts of the world living especially in developing countries like the widespread poverty, underdevelopment, marginalization, social exclusion, economic disparities and instability.³

3.5 The Legal Reason

According to the report submitted by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the United Nations General Assembly in: 2012, there are domestic laws purporting to combat hate speech, but in fact they are used to suppress critical and opposition voices, often with disproportionate penalties amounting to life imprisonment, or even the death penalty, along with the existence of religious contempt laws, many of which are applied in a discriminatory manner, offering varying levels of protection to different religious beliefs, which can also result in condemnation of interfaith dialogue, debate and critical thinking.⁴

The Rabat Plan of Action emphasized that, in addition to the absence of any legal prohibition of incitement to hatred in many national legal frameworks around the world, other national legislation uses different terms, is inconsistent with article 20 of the International Covenant on Civil and Political Rights, and that the terminology varies across countries, increasing its ambiguity, and other national legislation includes new types of restrictions on freedom of expression not contained in article 19 of the International Covenant on Civil and Political Rights.⁵

We conclude from the above that the absence or existence of legislation against hate speech, with unclear and broad language, which opens the door to uncontrolled interpretation and selective application of hate speech, are factors that would constitute an environment conducive to the spread of hate speech.

¹ The Durban Declaration and Programme of Action (DDPA), 2001, Paragraph 11.

² DDPA, Paragraph 18.

³ DDPA, Paragraph 158.

⁴ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Promotion and protection of the right to freedom of opinion and expression. Human Rights Council, 7 September 2012, A /67/357, paragraphs 51, 52.

⁵ The Rabat Plan of Action, 2012, paragraph 15

3.6 Religious reason (extreme religious discourse):

Religious discourse is an important and exciting factor in shaping a society, in terms of creating, developing and highlighting its ideas at different political, cultural and intellectual levels.

Religious discourse calls for amnesty, tolerance, the promotion of love and brotherhood, as well as for justice, fairness and the fight against all forms of injustice, because it is based on the religion - the divine religions by definition - that existed for the sake of reform, and religion is a Lord's law based on human unity, social justice and a departure from class differences. However, religious discourse may deviate from its priorities and become extreme, making it a danger to societies. As a result, this has created an environment conducive to violence and counter-violence, in which the blood of millions of different religions, doctrines and communities is shed.

In this regard, the special rapporteur on freedom of religion or belief, in his report to the Human Rights Council at its 28th session: 29/12/2014 convinced that policies aimed at overcoming this violence must be based on a comprehensive understanding of the factors behind it and the knowledge of the actors responsible for it :

3.6.1 Narrow-minded religious fatwas:

Religious beliefs consist of religious sources. Religious fatwas (opinions) are among those sources. These fatwas vary even in a single religion, where we find, together with fatwas (opinions) calling for tolerance, solidarity and compassion, narrow fatwas(opinions) that perpetuate intolerance and fuel violence tapping into that:

- Specific properties in particular religions.
- The impact of religious beliefs in people's working lives.
- The connection of religion to passion among many people whose religious beliefs lead them to perform acts of solidarity and compassion.¹

3.6.2 Loss of trust in public institutions:²

In particular, countries suffering from widespread corruption and political nepotism are experiencing a loss of public confidence in public institutions, which is one of the main factors of religious intolerance and acceptance of religious extremism. These people - in their attempts to conduct themselves away from State policies and institutions - resort to support networks whose identity is often linked to religious or ethnic contexts. In addition, societies where public institutions are discredited create divisions in which their identity is acquired through religious or ethnic affiliations. These divisions result in mindfulness and collective anxiety, and situations that question everything that happens outside the community. The self-isolation, with a loss of confidence in society, leads to puritanical collective thought dominance, which very much agrees with religious messages of a combative nature.

In the presence of this kind of institution, it is also very easy for a sudden crisis to trigger violence, including violence justified in the name of religion, not to mention the

¹ Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, Human Rights Council, 29 December 2014, A/HRC/28/66, paragraphs 22, 24.

²Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt,ibid, paragraphs 26, 27,28,29,30.

poisoning of relations between rival sects, and to provide an opportunity for armed groups that acquire their identity through religious affiliations worldwide.

It should be noted that, in addition to the absence of credible public institutions, the escalation of violence is also helped by another factor, namely, the failure to address rumours and messages of violence that religious discourse can contain with a public speech that denies, discusses and stands up to such messages of violence.

3.6.3 Policies of exclusion:¹

Many of the most violent acts of violence committed in the name of religion occur in failed or collapsing States, as well as in States that pursue policies of religious slavery. Some manifestations of such policies may include:

- The State itself is a guardian of a particular religion, and adherents enjoy preferential treatment, while holders of other religions and beliefs are subjected to discriminatory treatment and pressure to convert from their religion to the official religion of the State.
- The State promotes a particular religious heritage, considers it an integral part of national identity, makes followers of other religions and beliefs suspect and threatened the homeland, and popular figures make public hostile statements, usually associated with incitement to religious hatred, and the perception of members of minorities as a factor threatening the survival of the nation in the long term.
- The State enacts laws to combat the desecration of sanctities, or to combat proselytism, thereby exposing religious minorities to criminal penalties for crimes that are unclear, or acts of violence and aggression committed against them with the direct or indirect support of law enforcement bodies.

3.6.4 Impunity, Cynicism and Culture of Silence:²

The prevalence of culture of impunity for perpetrators of violence in the name of religion in many countries is due either to a lack of capacity in those countries, to a reflection of the complicity of some State bodies, or to a tendency on the part of some Governments to ignore or diminish the root causes of violence in the name of religion. In addition, the spread of culture of silence about violence committed in the name of religion among the population of some countries is the result of a climate of fear and intimidation in those countries, resulting either from acts of aggression committed by informal actors or from repressive government policies.

4. Confrontation Ways:

Although hate speech undermines human dignity and has negative effects that amount to violence, extremism and threats to the stability and unity of societies, it is not impossible to confront it. And finding solutions to its main causes, which we have already addressed in the previous axis, could at least contribute to reducing this phenomenon.

4.1 Promoting a culture of tolerance and acceptance of the other:

¹Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, op.cit, paragraphs 31,32,33,34,35

² Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, op.cit, paragraphs 36,37,38

This can be done by strengthening the links between groups in a single society, as well as between different communities.

In order to achieve this within a single society, it is necessary to recognize the importance of respect for diversity and the common commitment to protect diversity, and to take all measures to remove obstacles that impede the development of respect and understanding between different groups and societies¹.

Possible ways to achieve this include:

- Knowing the past correctly, through a good reading of society's history and focusing on and caring about shared history, by choosing special dates for the anniversary or by erecting memorials.²
- The promotion of tolerance and mutual respect among groups in society, through awareness-raising on human rights and the consequences of discriminatory practices. In the school environment, such awareness can be raised by including it in education programmes and forming and training teachers to provide such programmes.
- This type of awareness can also be extended to the wider public through media and information programmes, where it frequently addresses the subject, helping to develop convictions and build cognitive awareness among members of society.³

Strengthening the links between different societies could be achieved by encouraging dialogue between different cultures to understand different perspectives, and the organization of cultural events, joint research projects and workshops on certain issues created the space for dialogue.⁴

All of the above can contribute in an integrated manner to the promotion of a culture of tolerance and acceptance of the other, and coexistence in a context of difference. However, education remains the basic means on which to rely, especially if its curricula are developed and updated at all level and stop the indoctrination-based pattern of education and replace it with free-thinking patterns, the use of reason and listening, and the acceptance of other opinions. It also encourages creative thinking, encourages constructive criticism, and opens the windows of pluralism and cultural diversity to students.

4.2 Reducing digital hatred:

Hate speech on social media has recently caused horrific crimes and a major threat to peace in many regions of the world. It has become an urgent necessity to reduce it and address it urgently. The condemnation of these sites by many countries of the world has placed great responsibility on them to address the issue of hate speech at their level. Hence, what procedures have these sites adopted for this?

In addition to adopting ethical codes containing provisions on hate speech, most social media also rely on automatic discovery of hate speech, which ends up being deleted and related accounts suspended, using advanced techniques, such as artificial intelligence, natural language processing, etc.

¹The European Commission against Racism and Intolerance (ECRI), General Policy Recommendation N°15 on Combating Hate Speech, 8 December 2015, Paragraphs 91,92.

² ECRI, *ibid*, Paragraphs 91,92

³ ECRI, *op.cit*, Paragraph 93.

⁴ ECRI, *ibid*, Paragraph 95.

Despite developments and improvements in these techniques whenever necessary, they remain far from perfect, especially in cases of inaccurate reporting of hate speech or the use of low - resource dialects and languages (spoken only) in terms and expressions of hate speech that require further efforts to include such languages and dialects, especially those used frequently on social media; One study that showed the failure of social media sites was the Center for Countering Digital Hate study on hate speech on social media. Its results confirmed that the sites failed to remove 90% of hate-based content over a six-week period from May to June 2021 as researchers reported 714 offensive posts across Facebook, Instagram, Twitter, YouTube, and TikTok, to see how the platforms responded. They found that it removed less than one-sixth of posts, and Facebook was last in the process of responding among the platforms.

The study concluded that, as a result of the failure of these sites to apply their own rules, they have become safe places to spread racism and hatred, and that they are concerned only when their profits are at stake¹, In the end, they remain business companies that give priority to private material interests over the general human interest. Therefore, their self-control and solutions cannot be relied upon as the effective oversight requires external oversight by independent specialized bodies. The importance of monitoring is complemented by strict legislation and laws that regulate social media sites and ensure compliance with it.

In a reality that requires both the use of the Internet and respect for freedom of expression make censorship and deterrence are insufficient to curb the spread of hate speech on the Internet. That is why making digital space users immune to the negative impact of the Internet in general remains more than a necessity, but how can that be achieved?

In light of what the world has experienced recently from the spread of the Covid-19 virus and the resulting spread of hate speech related to it, as the latter targeted, especially foreigners, immigrants, and refugees who were described as the source of the virus and were denied access to treatment, as well as older persons who had been subjected to disgraceful ideas that they were the most vulnerable to covid infection and they are the first people to be sacrificed. In order to avoid worsening the situation, the Secretary-General of the United Nations, Antonio Guterres, called for a global movement to eliminate what he called the tsunami of hate speech that has risen since the outbreak of the Covid19 epidemic. He appealed to everyone (political leaders, educational institutions, the media, civil society, all people) to promote the immunity of their societies to the virus of hatred, especially at a time when billions of young people were on the Internet, and in that regard, he specifically appealed to educational institutions to focus on digital literacy.²

The desired digital literacy (through which hate speech can be addressed) requires not only the ability to use digital technologies, but also the ability to evaluate the digital content, as well as the ability to use, share and create new content, and the ability to be able to think through the use of computers.

¹The Center for Countering Digital Hate Failure to protect: how tech giants fail to act on user reports of anti-Semitism, 30 July 2021.

²Secretary-General Antonio Guterres, We must act now to strengthen the immunity of our societies against the virus of hate,(consulted on 20 /07/ 2021), https://un.org/en/coronavirus/we-must-act-now-strengthen_immunity-our-societies-against-virus-hate.

Hate speech can therefore be addressed via the Internet by educating young people:

- Critical thinking in all media they consume in order to identify both overt and hidden hatred.
- Techniques used by hate groups to present their arguments.
- Figure out how to verify the source of information and distinguish between biased information and fair and accurate information.¹
- How to respond to hate speech with counter - speech.

4.3 Avoiding hate speech in the media:

Besides being a driver of hate speech, the media can also be used as a means to combat it, but its effectiveness remains dependent on attention and consideration of several aspects:

4.3.1- Adoption of ethical and responsible journalism principles:

The conduct of journalists and the media organization is governed by a universally agreed set of principles, including:

- Accuracy in the transmission of information in news, opinion, and the use of direct and clear language in that.
- Credibility in adhering to all professional, strict and objective principles in the face of the Authority and its demand for the truth.
- Neutrality: impartiality and not influenced by preconceived ideas.
- Objectivity: to be bound by the subject matter, the accuracy, verify the integrity and validity of the evidence and facts and to give equal opportunities to the parties involved.
- Respect for the principle of non-discrimination on a permanent basis.
- Balance in the presentation and presentation of content, ensuring the right of opinion and dissenting opinion.²

4.3.2 Adoption of the main recommendations of the Brussels Declaration against Incitement to Hatred and Violence.³

In addition to the commitment to ethical principles of responsible journalism, the Brussels Declaration against Incitement to Hatred and Violence was presented through the media adopted by the International Union of Journalists in April 2014, is another set of recommendations for journalists and their trade unions:

- The obligation to combat and condemn incitement to hatred and violence in the media wherever and whenever it occurs, and to make that a matter of principle.
- Training and forming media professionals to understand what constitutes hate speech? How is it avoided in their writings and publications, that is, the distinction between hate speech and expression of opinion, such as providing a guide to highlighting important professional practices and legal boundaries that help produce objective material that is far from discriminatory or biased.

¹Canada's Centre For Digital And Media Literacy (Media Smarts), Digital Literacy Education, (consulted on 02/09/2021), [https:// mediasmarts.ca/online-hate/responses-solutions](https://mediasmarts.ca/online-hate/responses-solutions).

² The International Federation of Journalists (IFJ), Global Charter of Ethics for Journalists (Adopted by 1954 World Congress of the IFJ. Amended by the 1986 World Congress).

³The International Federation of Journalists (IFJ), declaration against "Incitement to Hate and Violence through Media (Brussels Declaration), 25 April 2014.

- Provide journalists with better working conditions to increase their independence and commitment to their profession.
- Promoting diversity in the media, and supporting the use of the Internet in the media - digital media - without abuse, or attempts to incite hatred and provoke violence.
- Solidarity between journalists and their organizations at the national, regional and global levels to counter attempts to use the media for the purpose of inciting hatred and violence.

If all of the above contributes to the existence of professional media that carries out its work within the framework of ethical principles and standards that make it an instrument to combat hate speech, we wonder what the way is to stand against bad media - media devoted to incitement to hatred- or to the media that its sole purpose is to make a profit, regardless of what it offers. Here we note the need for censorship of the content issued by this type of media, and in this case we exclude self-censorship because it is relied only by the professional media to maintain its professionalism, which should not be in a way that imposes restrictions on freedom of expression, and dwarfs its ability On the development and positive impact on society. While the other type of media needs effective external control, which may be in the form of societal control by civil society institutions of all kinds, or control carried out by specialized bodies or institutions to monitor and report any hate speech and violence. All this in light of the existence of a legal environment that guarantees freedom of media work, and criminalizes incitement to hatred.

4.4 Political solutions:

Incitement to hatred in political and ideological discourse played a key role in committing genocide and massacres of hundreds of innocent people in mosques, churches, temples, schools, markets and other public places. Therefore, individuals, groups and organizations that are behind political and ideological hate speech must be held legally and criminally responsible, and all political and ideological practices based on this should be condemned and rejected, in particular the explicit official rejection by high-level government officials.

To ensure such accountability, especially for the conduct of political party representatives, in relation to public discourse in political campaigns, these political parties need to adopt and enforce ethical and legal guidelines in line with international law and human rights standards.¹

Marginalization and social exclusion may be intentional, systematically practiced and may be the result of other factors, but it remains an appropriate climate conducive to growing hate speech, both among and against the marginalized.

The Durban Programme of Action made several recommendations to combat marginalization and social exclusion, as follows:

❖ Urge States:

- To enable ethnic groups living in numerical minority status to exercise effectively all human rights and fundamental freedoms, to have equality

¹ Said Ben Ali Al-Shuaf, Incitement to Hatred in Political and Ideological Discourse, Annual Meeting of Eminent Independent Experts, Geneva, 6-10 May 2019.

- before the law and, where necessary, take appropriate measures with regard to employment, housing and education.¹
- Promote the housing integration of all members of society at the planning stage in urban development and human settlement plans, as well as in the restoration of neglected public housing areas.²
 - Strengthen its policies and take measures to reduce disparities in income and wealth and promote and protect economic, social and cultural rights on a non-discriminatory basis.³
- ❖ Call upon the developed countries, the United Nations and its specialized agencies, as well as the international financial institutions, to provide new and additional financial resources to support international and regional initiatives to address the challenges of poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and security.⁴
 - ❖ Urge international financial and development institutions, operational programmes and specialized agencies of the United Nations to give greater priority and allocate appropriate funds to programmes that address the development challenges of affected States and communities, particularly on the African continent.⁵
 - ❖ Emphasize the need to develop programmes for social and economic development in societies suffering from poverty, underdevelopment, marginalization, social exclusion, economic disparities and instability within the framework of an inter-State partnership based on a spirit of solidarity and mutual respect in many areas, such as health, education...⁶

4.5 Legal Solutions:

To close the circle to hate speech, legal accountability is required through the enactment of laws that criminalize and prohibit hate speech, or any speech that may provoke violence or advocate discrimination and discrimination.

The effectiveness of these laws depends on the protection of the rights of individuals and groups and the preservation of their safety from the effects of hate speech. At the same time, the right to freedom of expression is guaranteed as a fundamental right, the waste of which is a threat to the foundation of any democratic society. This is why the process of enacting laws against hate speech is one of the problematic topics that has seen multiple international debates and attempts at law, in order to provide working evidence and recommendations governing the process of enacting these laws.

Among those attempts was The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and, in the context of resolving the problem of hate speech and incitement to discrimination or violence, included a reference to the controls of laws that must be contained in domestic legislation.

¹ DDPa, Paragraph 48.

² DDPa, Paragraph 102.

³ DDPa, Paragraph 207.

⁴ DDPa, Paragraph 157.

⁵ DDPa, Paragraph 159.

⁶ DDPa, Paragraph 158.

The Rabat Plan of Action, in developing legislation to counter hate speech, recommended that the distinction between three levels of speech be taken into account:

- Expression that constitutes a criminal offence.
- Expression which constitutes a criminal offence, but is justified by civil and administrative action.
- Expression that does not constitute a criminal offence, and is not justified in civil and administrative proceedings, but it is worrying about tolerance, politeness and respect for the rights of others.¹

It also noted the need to be guided by the Camden Principles on Freedom of Expression and Equality and based on the directives and definitions contained therein², as well as by the Article 19 test to assess speech and its seriousness.³

It also called upon States to ratify and effectively apply relevant international and regional human rights instruments and to remove any reservations to them; and respect its reporting obligation.⁴

Protecting the right to freedom of religion and belief has called upon States that have laws of contempt of religion to repeal them⁵. In addition to adopting comprehensive anti-discrimination legislation containing preventive and punitive measures to effectively combat incitement to hatred⁶, it called upon that independent judicial structures should be regularly updated on international standards and case law to ensure that they operated in accordance with those standards when faced with cases of incitement to hatred.⁷

With regard to persons who had suffered real damage as a result of incitement to hatred, she called upon States to ensure the right to an effective remedy, including the provision of legal and other forms of assistance, the right to compensation⁸, and the removal of barriers that could impede the right to an effective remedy, such as the non-charging of fees for the determination of complaints of hate speech and the existence of an explicit legal provision prohibiting any retaliatory measures when reporting a hate crime.⁹

4.6 Religious Solutions:

It cannot be denied that poor political, social and economic conditions constitute a stimulating environment for the spread of extremist religious discourse, as has been demonstrated by reality. The extremist religious discourse of ISIS, for example, has been able to attract and recruit many young people. Also, many of the cases of involvement in this organization, or in this kind of organization, were to look for a way to change the living reality in the first place, and then to adopt the ideas of the organization and what happened in Algeria is the truest example of that.

Talking about the relationship of poor living conditions to the spread of extreme religious discourse makes us wonder whether improving those conditions will be

¹Rabat Plan of Action, Paragraph 20

² Rabat Plan of Action, Paragraph 21

³Rabat Plan of Action, Paragraph 29

⁴ Rabat Plan of Action, Paragraph 24

⁵ Rabat Plan of Action, Paragraph 25

⁶ Rabat Plan of Action, Paragraph 26

⁷ Rabat Plan of Action, Paragraph 30

⁸ Rabat Plan of Action, Paragraphs 32 ,33

⁹ ECRI ,op.cit, Paragraphs 111 ,113

enough to curb this spread. The answer can be yes, but what about societies where religion is a cultural foundation, as well as societies with a high level of religion? But what about societies where religion is a cultural foundation, as well as societies with a high level of religion? In this kind of society, the threat of extremist religious discourse cannot be eliminated even under good living conditions because of the importance of religion. Therefore, cannot exclude the role of religious solutions to prevent extremism in these societies.

Considering that radical religious discourse is a promotion of corrupt religious thought, it becomes a question of confronting thought with another thought of reform. The reform of religious thought does not mean reform of religion, because religious discourse is not religion, although it is a result of understanding religion, nor is reform the exclusion of religion, as has happened in Western countries, but reform can involve several aspects:

4.6.1 Intellectual, Cultural and Religious Preparation of Clerics and Religious Advocates:

The lack of scientific and cultural preparation makes clerics and preachers prisoners of narrow visions, intellectual inertia and closure in the circles of intolerance and hardening. The gravity of these events calls for the rehabilitation of clerics and advocates to a level that will enable them to keep pace with the times and with global evolution and openness, that will enable them to address the local and global problems and challenges of the times, and will provide solutions beyond the local resonance to the global resonance. Such efficiency requires:

- Teaching them about the comparison of religions, philosophical doctrines, modern and contemporary history, and contemporary issues
- Recognizing the pros and cons of globalization.
- Knowing of the principles and foundations of dialogue, familiar with the dialogue of civilizations and different currents, international relations, religious extremism (its causes and consequences), political economy...¹

In conclusion, the preferred preparation of clerics and religious advocates is the preparation that makes them truly scholars, scholars not by memorizing religious texts, but rather scholars with the breadth of their knowledge and culture of religion and this world, which is achieved by moving from dependence on copying to reliance on reason.

4.6.2 Separation of religion from politics:

Political tyranny in religious societies is encouraged by the formation of a community of religious scholars to serve him, justify his actions, legitimize them and make religious discourse supportive of the State and its policies controlled and directed. The State's quest to confront extreme religious thought is not by following the pace and approach of political tyranny, but by opening the door to different ideas and providing information that opens up dialogue and confronts radical arguments with more open ones.

4.6.3 Employment and Orientation of Religion Against Extremism:

¹ Hassan Samik, *Renewal of Religious Discourse: Advocates of Religion and Self-Criticism*, (consulted on 25/07/2021), <https://elaph.com/Web/opinion/2020/06/1294855.html>.

If extremist organizations and groups have employed religion to fuel violence and extremism, as well as legitimize their ideas and actions, it is of paramount importance to employ religion to prevent extremism and renounce violence and hatred, which can be achieved through:

4.6.4 Employment of religious discourse against extremism:

The transformation of its content from secondary issues consumed through the ages, in particular those relating to manifestations of religion - formal religion - to more important and serious issues on the path of life in contemporary human societies, such as: (Peace, human rights, values of tolerance, renunciation of violence, extremism and terrorism).

4.6.5 Involvement of religious institutions and worshipping houses in combating extremism:

These institutions can play a role in monitoring extremists, or preventing the emergence of extremist streams. It can also absorb extremism by discussing and debating people who display symptoms of extremism and by clarifying the right vision.

4.6.6 Combating religious illiteracy:

Ignorance of religion and the absence of a deep religious culture, or a critical capacity to distinguish between the spirit of religion and what is attributed to it, make it easier and allow for distorted religious concepts and values. To counter this, it is necessary:

- Educate of generations with a critical scientific religious culture, starting from a school that offers religious education that renounces extremism, based on religious courses focused on contemporary issues, taught by proficient and meritorious people.
- Purge religious life from fake preachers; prevent them from speaking on behalf of religion, and cut off their incursion into the ranks of scholars, as they pose a threat to religion.

5. Conclusion:

In this study, we tried to answer the most important questions raised by the phenomenon of hate speech, and we came up with a set of conclusions, which we highlight in the following:

- It is not necessary to arrive at a strong, clear and common definition of hate speech as much as it is necessary to distinguish between expressions that should constitute an offence under the Criminal Code, which are not criminally punishable, but may justify civil action, as well as those that do not require sanctions, but may raise concerns regarding tolerance and respect.
- The importance of clear laws consistent with international norms and principles to combat hate speech, does not eliminate the existence of other measures that contribute to addressing the root causes of hatred and intolerance.
- Hate speech must be fought as a disease. It must be eliminated before it threatens the stability of societies. The eradication of this phenomenon requires the integration of the various political, legal, religious, educational and media levels in order to protect society from the effects of this discourse, and to dry up its true origins.
- It can be said from the facts of the world that overwhelming hate speech, especially in recent times, is made and politicized, aimed at destabilizing certain States. That is why States must strive to protect their stability, protect their peoples from being held hostage by propaganda of misinformation, which is

achieved by giving effect to the concept of citizenship in the sense that governing power exercises the role of neutrality and equality and seeks to protect and promote political, social, economic and cultural rights and work to achieve intellectual security in order to avoid the fragmentation of national sentiment and the permeation of perverted intellectual currents, through a great deal of attention to education and education. Thus, they will be able to create generations imbued with moral values that possess thinking skills enabling them to absorb concepts and ideas that are relevant to life and the future, far from deviant and radical ideas.

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