

Hate Speech in Algerian Election Campaigns: Between Freedom of Expression and the Requirements of Electoral Integrity

خطاب الكراهية في الحملات الانتخابية الجزائرية: بين حرية التعبير
ومتطلبات نزاهة الانتخابات

FOUDIL BENMAIL*, Sovereignty and Globalization Laboratory, Faculty of Law
and Political Science, Yahya Fares University- Medea-
Bensmail.fodil@univ-medeadz

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Abstract:

This study analyzes Algeria's legal framework regarding freedom of expression and hate speech in elections. It highlights the constitutional guarantees under Article 54 of the 2020 Constitution and Law No. 20-05 of 2020, prohibiting hateful or discriminatory speech during campaigns. The Organic Electoral Law complements these protections by ensuring media fairness and voter access to unbiased information. Institutions such as the Independent National Electoral Authority (ANIE), the judiciary, and the National Observatory for the Prevention of Discrimination and Hate Speech, along with an active civil society, enforce and monitor these rules. Challenges include ambiguous legal definitions and enforcement bias. Recommendations call for clearer laws, stronger safeguards, better training, civic education, and more transparency to uphold voters' freedom and election integrity.

Key words: Electoral integrity, Hate speech, Election Campaigns, Freedom of expression.

Introduction:

The issue of freedom of expression within the electoral context in Algeria is significant, as it constitutes one of the fundamental pillars of the rule of law and democracy. It enjoys explicit constitutional protection enshrined in various legislative stages since independence, with Article 52 of the Algerian Constitution guaranteeing freedom of expression¹. Constitutional provisions reflect the will of the people to safeguard fundamental rights, particularly the right to express political opinions freely. This right is crucial owing to the intrinsic connection between freedom of expression and democratic practice; no society can truly claim to be democratic without a legal environment that fosters pluralism of opinion and broad political participation.

However, the exercise of this freedom is not absolute; it is subject to limitations and restrictions established by national and international legal frameworks to protect public order and safeguard individual and collective rights². This sensitivity intensifies during electoral campaigns, where political discourse can escalate to incitement or discrimination. Against this backdrop, the need arises for a legal framework capable of regulating hate speech and distinguishing between legitimate political expression and harmful electoral propaganda that threatens national cohesion and the orderly conduct of elections. In 2020, Algeria enacted the Law on the Prevention and Fight against Discrimination and Hate Speech (Law No. 20-05)³, thereby strengthening its legislative system for the prevention, prosecution, and punishment of hate speech in public spaces, particularly during critical electoral periods.

* Corresponding Author

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The significance of this study emerges from the contemporary challenges Algeria has faced in recent years, characterised by heightened political and social polarisation during electoral campaigns. Legislative responses have sought to activate a range of laws and institutional mechanisms aimed at regulating the exercise of freedom of expression, ensuring the integrity of electoral competition, and safeguarding national unity, most notably through the role of the Independent National Electoral Authority in monitoring campaigns and deterring infractions.

From a theoretical perspective, this study aims to analyse the legal foundations governing freedom of expression, hate speech, and delineate the boundaries of each especially within the national electoral legal framework. This study seeks to assess both the adequacy of constitutional and legislative safeguards and the effectiveness of legal deterrence and civic awareness mechanisms in achieving a balance between individual rights and the overarching requirements of electoral integrity.

This study proceeds from a central research question: **To what extent does the Algerian legal framework reconcile the protection of freedom of expression as a fundamental constitutional right with the imperative of combating hate speech to ensure the integrity of the electoral process?**

This study adopts the analytical legal method, supported by the descriptive approach in mapping relevant constitutional and legislative provisions, as well as the historical method in tracing the evolution of Algerian laws regulating freedom of expression and hate speech. This research relies on authoritative national legal sources and academic studies, together with relevant international legal instruments, while maintaining a strictly national focus and avoiding comparative legal analysis with foreign jurisdictions.

The study is divided into two main sections.

- **Chapter One:** The Constitutional and Legislative Framework for Freedom of Expression and the Regulation of Hate Speech in Algeria: This chapter addresses constitutional guarantees, the evolution of national legislation, the scope of freedom of expression in electoral contexts, and legal restrictions on hate speech.

- **Chapter Two:** Practical Implications and Legal Responses to Hate Speech in Algerian Electoral Campaigns: This chapter examines the negative impact of hate speech on the electoral process, the available legal and institutional deterrence mechanisms (including the Independent National Electoral Authority, judiciary, and civil society), and the overall effect on electoral integrity and pluralism.

Chapter One: The Constitutional and Legislative Framework for Freedom of Expression and the Regulation of Hate Speech under Algerian Law

Freedom of expression holds a prominent status in Algerian constitutional law, simultaneously serving as a core individual right and a foundational component of democratic governance. Since independence, successive constitutions have affirmed this right, most recently the 2020 amendment, which guarantees freedom of expression, freedom of the press, and the right to information, subject to respect for the law and the rights of others. In the electoral context, these guarantees are vital, as political discourse intensifies and candidates seek to persuade the electorate. However, this same openness poses risks most notably the spread of hate speech, incitement, and discriminatory rhetoric prompting the legislator to adopt Law No. 20-05 on the Prevention and Fight Against Discrimination and Hate Speech, aimed at reconciling open expression with the safeguarding of public order and electoral integrity.

This chapter examines the balance between safeguarding free political expression and preventing its abuse through hate speech in electoral campaigns. It addresses key legal questions on the scope of constitutional protections, the statutory definition and criminalisation of hate speech, and the interaction between constitutional guarantees and legislative restrictions. The

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analysis is structured in two sections: the first explores the constitutional foundations and principles governing freedom of expression and the press; the second analyses the legislative framework prohibiting and sanctioning hate speech. The discussion draws upon constitutional provisions, statutory texts, and relevant jurisprudence to assess whether Algerian law effectively upholds democratic pluralism while maintaining public peace during elections.

Section One: The Constitutional and Legislative Basis for Freedom of Expression in the Electoral Context:

Freedom of expression in Algeria is anchored in both constitutional provisions and legislative instruments that collectively form a normative framework for its exercise during electoral periods. The 2020 Algerian Constitution, guarantees freedom of expression⁴, freedom of the press⁵, and the right to information⁶, while prohibiting prior censorship and requiring that these rights be exercised in accordance with the law and with due respect for the dignity and freedoms of others. This constitutional safeguard, reinforced by commitments under Article 19 of the International Covenant on Civil and Political Rights (ICCPR)⁷, underpins the right of citizens, candidates, and media actors to engage in open public debate, an essential feature of fair and transparent elections.

Legislatively, the exercise of freedom of expression in electoral contexts is governed by a set of statutes, chiefly the Organic Law on the Electoral System⁸ and the Law on media⁹, which set parameters for campaign conduct, regulate media coverage, and prohibit defamatory, discriminatory, or inflammatory speech. These laws are complemented by specific provisions in Law No. 20-05 on the Prevention and Fight Against Discrimination and Hate Speech, which imposes restrictions on expressions that may incite hatred or disrupt public order during campaigns. Together, these constitutional and legislative instruments seek to balance the right to free political expression with the imperative of safeguarding the integrity, equality, and peaceful conduct of the electoral process.

Subsection One: Constitutional Guarantees of Freedom of Expression and Freedom of the Press: The Algerian constitutional framework firmly establishes freedom of expression, freedom of the press, and the right to access information as core democratic guarantees. These rights are safeguarded against any form of prior censorship, while their exercise remains subject to the general principles of legality and the necessity to respect the dignity, rights, and freedom of others. In this sense, the constitutional order seeks to strike a balance between an individual's ability to express opinions freely and the imperative of maintaining public order and social harmony. At the same time, Algeria's legal commitments reflect its adherence to international human rights standards, which recognize freedom of expression as a cornerstone of democratic society but also admit the possibility of reasonable restrictions where the protection of national security, public order, or the rights of third parties so requires.

1- Scope and Application in Electoral Context: The relevance of these constitutional rights intensifies during electoral campaigns. Voters depend on this right to receive information and express their political affiliation, without fear or coercion, candidates rely on exercising their rights through campaigning and communicating their political messages freely without interference or attacks, and on an equal footing with other contestants¹⁰. Media and civil society organizations rely on the right to play their essential democratic role of informing the public, scrutinizing political parties and platforms, and contributing to providing checks and balances in the electoral process¹¹. The Constitution prohibits any form of prior restraint on freedom of expression, ensures the right to publish upon obtaining a permit¹², and stipulates that any suspension of media activities must be court-ordered¹³, reinforcing procedural guarantees essential for the protection of the press against arbitrary executive measures. Notably, this guarantee extends to written, audiovisual, and

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electronic media¹⁴, including online news sources, which have become vital platforms for contemporary political discourse.

2- Constitutional Limits: Safeguarding Public Order and Unity: While Algeria's Constitution robustly protects freedom of expression and press freedom, it prescribes limits designed to prevent abuses that threaten public interests. These include explicit boundaries established in the Constitution: the rights guaranteed under Article 54 must not infringe upon the community's heritage and religious, social, and cultural values "dignity, rights, and freedoms of others" and must respect the law itself. Political speech that incites discrimination, hatred, or violence, particularly targeting race, language, religion, or region, is proscribed to safeguard national unity and public order. Additionally, other constitutional articles reinforce these boundaries, such as Article 57 (prohibition of political party activities that threaten fundamental liberties or national integrity)¹⁵.

3- Relationship with International Standards: The interplay between Algerian constitutional guarantees and international norms, particularly the ICCPR, provides dual-layer protection for free speech. While international law supports broad freedom of expression, it acknowledges the necessary restrictions for the protection of rights, reputations, and social stability¹⁶. Algeria's constitutional language closely mirrors these standards, explicitly incorporating compatibility with international obligations in exercising constitutional rights. Algeria's compliance has been subject to international review, with recommendations to strengthen its implementation and clarify its limitations, particularly regarding vague or broad statutory restrictions.

Despite constitutional guarantees, their practical application has revealed tensions. Judicial and administrative actions have sometimes interpreted the permissible boundaries for expression restrictively, leading to prosecutions under defamation, insults to state institutions, or dissemination of false information statutes¹⁷. During electoral periods, these constraints are especially salient, as authorities closely monitor media and campaign activities for expressions deemed to undermine national unity or public order. Recent legal reforms and amendments to media law and the penal code have expanded government discretion to restrict speech, fuelling debates about proportionality and necessity, as required by constitutional and international norms.

In summary, Algeria's constitutional framework offers robust guarantees for freedom of expression and the press, particularly under article 54 and related provisions. These guarantees are instrumental in ensuring open and pluralistic electoral competition. However, the Constitution also sets clear limits aimed at preventing speech that jeopardises national unity, public order or individual rights. The effectiveness of these guarantees depends on precise legislative implementation and judicial interpretation that faithfully respects constitutional and international standards while avoiding the risk of arbitrary restrictions.

Subsection Two: Legislative Regulation of Freedom of Expression during Electoral Campaigns: The legislative framework governing freedom of expression in Algerian electoral campaigns is designed to guarantee open democratic competition while rigorously safeguarding election integrity, transparency, and equality. The centrepiece of this regulation is Ordinance No. 21-01 of 2021 (Organic Law on Elections), supported by the Law on Information No. 23-14, and by additional implementing decrees and decisions of the Independent National Electoral Authority (ANIE).

1- Permitted Campaign Tools and Access: Legitimate campaign tools in Algerian law are clearly defined to promote equality and fairness among all candidates. Traditional tools, such as banners, posters, gatherings, and direct field visits, are complemented by modern media, such as radio, television, and electronic platforms. Explicitly, all candidates must receive equitable access to licenced national media¹⁸, with the state financially supporting young, independent candidates¹⁹.

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This regulation seeks to combat the dominance of money and status, nurturing broad pluralism in campaign visibility.

2. Prohibited Campaign Tools and Behaviors: To further protect the fairness and dignity of the process, the law strictly prohibits several practices:

- **Hate speech, rumours, and discrimination:** Any inflammatory language or actions intended to incite hatred or undermine rivals are illegal and classified as electoral crimes²⁰.
- **Defacing or misplacing posters:** These acts disrupt the equal footing intended for campaign activities and are criminalised²¹.
- **Use of public resources or property:** Candidates cannot exploit state assets, facilities, or official platforms for self-promotion, except in cases explicitly allowed by law (Articles 83, 289 of Ordinance No. 21-01).
- **Commercial and business advertising:** Business-related advertising for political purposes is forbidden; violators face criminal penalties (Articles 80 and 292 of Ordinance No. 21-01).
- **Misuse of national symbols and religious spaces:** Campaigning in places of worship, government buildings, or schools is prohibited to preserve neutrality and public order (Article 84 of Ordinance No. 21-01),

3. Scope Regulation: Time, Space, and Subject Matter

- **Temporal Limits:** Temporal Limits: Campaigning is tightly regulated and commences (23) days before election day and ends three (3) days prior. In the event that a second round of voting is held, the electoral campaign conducted by the candidates for the second round shall open twelve (12) days prior to the date of the poll and close two (2) days before the date of the poll²². Any out-of-period campaigning is banned²³ and punishable by law²⁴.
- **Spatial Limits:** Public spaces for posters and advertisements are allocated uniformly, with campaigning outside designated areas subject to sanctions (Articles 82 of Ordinance No. 21-01). No candidate may use religious or educational institutions for political purposes (Articles 84 of Ordinance No. 21-01).
- **Substantive and Linguistic Scope:** Campaign content is restricted to declared programs, which must be submitted in advance and, in presidential elections, accompanied by a written pledge of commitments²⁵. The use of foreign languages is prohibited campaigning must occur solely in Arabic and Tamazight (Articles 76 of Order No. 21-01).

4. Media and Information Law Constraints: Algerian Organic Law No. 23-14 recognizes freedom of the press and the right to express opinions and publish information through print, audiovisual, and electronic media, thereby affirming constitutional rights and aligning with Algeria's international obligations, including the ICCPR. However, the law grants authorities broad powers to restrict, suspend, or ban media content that could harm national identity, sovereignty, state security, public order, or economic interests. It criminalises publications deemed defamatory to state institutions, spreading false information, or inciting hatred and discrimination, establishing extensive limitations on freedom of expression in the interest of protecting public and national security.

5. Hate Speech, Discrimination, and Criminal Sanctions: Ordinance No. 21-01 of the Organic Law on the Electoral System provides that any person participating in an electoral campaign who uses hate speech or any form of discrimination shall be punished in accordance with the provisions of Articles 30 to 42 of Law No. 20-05 on the Prevention and Combating of Discrimination and Hate Speech. Political speech invoking freedom of expression cannot be used as a defense for hate speech a boundary reaffirmed by article 4 of Law No. 20-05.

The Algerian legislative apparatus governing freedom of expression during electoral campaigns is both detailed and robust, aiming to balance unfettered democratic contest with strong safeguards against hate speech, corruption, and political abuse. However, success depends largely

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on the precision of legal definitions, transparency in enforcement, and the genuine independence of regulatory authorities from executive power.

Section Two: The Legislative Treatment of Hate Speech in Algeria:

The Algerian legislator has undertaken significant legal reforms to address the growing phenomenon of hate speech, particularly in contexts that threaten social cohesion and integrity of democratic processes. The most prominent development was the enactment of Law No. 20-05 on the Prevention and Fight Against Discrimination and Hate Speech, which provides, for the first time in Algeria's legal system, an explicit statutory definition of hate speech and discrimination. Article 2 of this law broadly defines hate speech as any expression that disseminates, encourages, or justifies intolerance, hostility, or violence based on attributes such as race, ethnicity, religion, language, gender, or regional origin. This legislative initiative reflects Algeria's internal policy priorities and its obligations under international treaties, most notably the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)²⁶, of which the country is a State Party.

Subsection One: The Legal Concept of Hate Speech under Algerian Law:

The legal architecture of hate speech in Algeria underwent a decisive transformation with the enactment of Law No. 20-05 which, for the first time, established an explicit statutory definition, distinct preventive mechanisms, and a robust system of criminal liability targeting discriminatory and hostile expression. This legislative shift responded directly to rising social tensions, the need to safeguard national unity, and Algeria's obligations under international human rights treaties most notably the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the ICCPR.

1- Definition and Scope: Despite its frequent use in legal, political, and intellectual contexts, there is no consistent definition of hate speech and discrimination. International and regional human rights treaties contain numerous guidelines for defining and limiting hate speech, leading to variations in the laws of each country. This contributes to the considerable uncertainty surrounding this term.

"Hate speech" can be described as any expression of discriminatory animosity aimed at others. Although these are the fundamental criteria, there is debate about what constitutes hate speech and when it should be restricted²⁷.

Discrimination is defined as negative speech or actions directed at a group or individual perceived to be part of that group. It occurs when someone is treated unjustly because of their actual or perceived association with a social group, such as gender, age, or ethnic background²⁸.

On social media and the internet, the concept of discrimination is known as "cyberhatred," which involves "expressions of hatred (bullying, insults, discriminatory remarks) online against individuals based on their skin color, supposed race, origin, gender, philosophical or religious beliefs, disability, illness, age..."²⁹.

On social media platforms and the Internet, the term "cyber hate" encapsulates the idea of discrimination. This term describes "expressions of animosity (such as bullying, insults, and discriminatory comments) online directed at individuals due to their skin colour, perceived race, origin, gender, sexual orientation, philosophical or religious beliefs, disability, illness, age, etc.. It can also include antisemitic or denialist statements"³⁰.

Hate speech aims to harm, dehumanise, harass, intimidate, demean, degrade, and victimise the groups it targets while also promoting insensitivity and violence against them³¹.

Hate crimes are characterised by discriminatory motives, setting them apart from other criminal acts. Acts of intimidation, threats, property damage, assault, murder, or any other criminal behaviour are classified as hate crimes. Consequently, hate crimes have the potential to disrupt societal harmony and create divisions within communities³².

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According to the United Nations, hate speech encompasses any offensive communication or behaviour, whether spoken or written, that employs derogatory or discriminatory language against an individual or group based on their identity, such as religious affiliation, ethnic background, nationality, race, skin colour, ancestry, gender, or other identity-defining factors. These discussions often both stem from and contribute to prejudice and hatred, and in certain cases, they can be offensive and alienating³³.

Hate speech is defined in Article 2 of the Algerian Law No. 20-05 in broad terms as any form of expression that propagates, encourages, or justifies discrimination, or expresses contempt, humiliation, hostility, hatred, or violence against a person or group based on gender, race, colour, ancestry, national or ethnic origin, language, regional affiliation, disability, or health status. This definition encompasses the following:

- Both direct and indirect speech (spoken, written, signs, images, and digital media).
- Content and acts inciting or justifying discriminatory ideas, even when not immediately resulting in harm.
- Expression in all public and private spaces, including online forums and social media.

Discrimination is similarly defined to include any distinction, exclusion, restriction, or preference that aims to or results in impairing the enjoyment of rights and equal treatment in political, economic, social, or cultural spheres.

Notably, the law explicitly states that freedom of opinion and expression cannot be invoked as a defense or justification for hate speech or discrimination (Article 4 of Law No. 20-05). This is a critical normative pivot: legitimate free speech enjoys constitutional protection, but any expression that crosses into hate speech loses such protection.

2- Preventive and Institutional Mechanisms: The law mandates a national strategy for prevention, requiring the state, public institutions, and media to implement educational programs, awareness campaigns, and monitoring systems to cultivate a culture of tolerance and eradicate violence. Media actors must disseminate the values of inclusion and issue alerts about the dangers of hate speech³⁴. Civil society and the private sector are actively involved in devising and executing prevention campaigns³⁵.

Central to the implementation is the National Observatory for the Prevention of Discrimination and Hate Speech, established by Article 9 of Law No. 20-05. The Observatory, placed under the President's authority³⁶, is tasked with surveillance, early detection, research, issuing recommendations, and informing the authorities and the public³⁷. It compiles annual reports, proposes reforms, and coordinates inter-institutional cooperation to constantly refine Algeria's anti hate speech strategy³⁸.

3- Protection of Victims: Victims of hate speech crimes are granted comprehensive protection. The law guarantees access to medical, psychological, and social care³⁹, legal aid⁴⁰, and witness protection under the established procedures⁴¹. Judicial remedies are available for urgent conservatory measures to halt harmful acts⁴², with the possibility of a court-ordered take-down of offending content, including on digital platforms⁴³.

4- Judicial Procedures and Enforcement: Law No. 20-05 establishes broad procedural provisions as follows:

- **Jurisdiction:** Algerian courts may hear cases committed abroad if the victim is Algerian or a resident, according to Article 21 of the aforementioned law.
- **Evidence gathering:** Judges may order service providers to withdraw or block access to illegal content and may authorise advanced technical investigative tools (electronic infiltration, geolocation, online denunciation mechanisms) for evidence collection, this is according to Articles 22 to 27 of Law 20-05.

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- **Public prosecution:** Prosecutors are empowered to initiate action whenever public order or security is threatened⁴⁴.
- **Associations:** NGOs active in human rights can file complaints and join proceedings as civil parties⁴⁵.

5- Criminal Sanctions : The legislator has comprehensively addressed hate speech by establishing a detailed and graduated criminal-penalty framework under Law No. 20-05. Basic offences of hate speech and discrimination are punishable by imprisonment ranging from six months to three years and fines between 60,000 and 300,000 Algerian Dinars⁴⁶. Penalties are significantly increased in aggravating circumstances, such as when the victim is a child, is in a state of extreme vulnerability due to illness, disability, or incapacity, or when the offence exploits a position of authority, involves group commission, or utilises electronic communication; in such cases, imprisonment may extend up to five years and fines up to 500,000 Algerian Dinars, according to Article 31 of the same law. Furthermore, hate speech that incites violence is met with harsher sanctions of three to seven years' imprisonment and fines reaching 700,000 Algerian dinars⁴⁷. Those who organise, sponsor, or promote hate or discrimination may also face imprisonment from two to five years⁴⁸, reinforcing the legislative commitment to deterring and penalising all forms of hate speech through criminal law

The Algerian legislative model for hate speech is highly developed; it combines a broad statutory definition, wide applicability, national preventive strategies, strong institutional oversight, victim protection, and severe criminal penalties. While the system is designed as an instrument to fortify national unity and prevent the destructive impact of discriminatory rhetoric, ongoing vigilance is required to ensure that it serves its intended purpose without stifling legitimate democratic expression.

From a legal-academic perspective, this chapter demonstrates that Algeria has developed a robust and multi-layered system that, in theory, strikes a balance between upholding free political expression and preventing its abuse through discriminatory or hostile rhetoric. The constitutional foundation is clear and in line with international obligations, and Law 20-05 fills an important gap by providing courts, regulators, and civil society with clear legal tools.

However, the effectiveness of this framework depends greatly on precise interpretation and impartiality in its application. Broad or vague terminology, if not applied with judicial restraint, could risk curbing legitimate dissent instead of only targeting genuine hate speech. Thus, while the legislative architecture is strong, its legitimacy rests on transparent enforcement that protects political pluralism and avoids selective use, especially in electoral contexts.

Chapter Two: The Consequences of Hate Speech and Mechanisms to Curb It in the Algerian Electoral Context:

Hate speech within electoral campaigns poses a substantial threat to the democratic process in Algeria, not only by undermining the constitutional principle of equality among candidates but also by distorting the electorate's ability to make free and informed choices in elections. Its manifestations ranging from derogatory stereotypes to direct incitement can polarise society along ethnic, linguistic, or regional lines, thereby eroding social cohesion and the legitimacy of electoral outcomes. The risk is amplified in highly competitive or politically tense elections, where inflammatory rhetoric can alter electoral dynamics, marginalise political opponents and fuel conflicts that extend beyond the campaign period. Algerian legal and institutional frameworks, notably Law No. 20-05 and the Organic Law on the Electoral System, expressly address such risks, recognising that controlling hate speech is integral to safeguarding electoral integrity.

This chapter examines, first, the negative consequences of hate speech on the principles of equal opportunity among candidates and voters' freedom of choice (Section One), and second, the legal and institutional mechanisms designed to prevent, detect, and sanction its occurrence in

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electoral contexts (Section Two). The analysis draws on statutory provisions, constitutional principles, and relevant jurisprudence, as well as the operational role of enforcement bodies such as the Independent National Electoral Authority (ANIE), the judiciary, and civil society organisations. The aim of this study is to assess whether Algeria's current regulatory and punitive measures are proportionate, effective, and consistent with its democratic and human rights commitments.

Section One: The Negative Impact of Hate Speech on the Integrity of the Electoral Process:

In Algeria, hate speech during election campaigns not only directly impacts candidates and voters but also threatens the core of state institutions and the stability of society. By inciting division and animosity among ethnic, regional, or linguistic groups, hate speech diminishes public confidence in electoral commissions, the judiciary, and law enforcement, undermining their perceived impartiality and legitimacy. This can lead to lower voter participation, increased electoral violence, and lasting harm to the national unity. Additionally, repeated instances of hate speech foster a culture of institutional mistrust and may lead authorities to take preemptive or excessive legal action, potentially stifling legitimate expression and political dissent. To address this, the Algerian legislature has implemented strong measures, aiming to penalise offenders, safeguard the integrity of state institutions, and encourage a culture of tolerance and respect for diversity. Unlike regulatory measures confined to the electoral context, Algeria's approach seeks to protect society as a whole, focusing on institutional resilience and the preventive role of laws and civic education.

Subsection One: Undermining the Principle of Equal Opportunity among Candidates:

The principle of equal opportunity for candidates is a cornerstone of Algeria's constitutional and statutory architecture, especially during electoral campaigns. Article 37 of the 2020 Algerian Constitution expressly guarantee equality among citizens and prohibit discrimination on grounds such as "birth, race, gender, opinion, or any other personal or social condition." The legal framework extends these guarantees to electoral processes, aiming to create a level playing field where all candidates can compete fairly without fear of exclusion, defamatory attacks, or other forms of discriminatory treatment of any kind. This constitutional commitment is operationalised in the Ordinance No. 21-01 of 2021 on the Electoral System, which sets detailed rules for campaign conduct, media access, and protection of candidate rights. The implementing texts of this law emphasise fairness, transparency, and the prohibition of any conduct that would disrupt equality among candidates, including incitement to hatred, discrimination, or the use of defamatory propaganda tools.

1- Equality in Media and Campaign Tools: The Algerian legislator has enshrined the principles of equality and fairness among all candidates regarding access to audiovisual media, as well as the use of public spaces and electronic means for announcing candidacies and election campaigning.

***- Fair and Equal Access to Audiovisual Media:** Ordinance No. 21-01 and Decision No. 17 of the National Independent Authority for Elections (ANIE)⁴⁹ explicitly provide that all candidates are guaranteed fair and equal access to licenced audiovisual media⁵⁰. Article 2 of Decision No. 17 defines licenced audiovisual media as follows: "Licensed audiovisual media shall mean all public and private audiovisual media subject to Algerian law that possess a valid legal license, as well as other private audiovisual media outlets that legally broadcast their programs from within Algeria, including audiovisual activities conducted via the Internet". Equality requires that airtime be distributed equally among all candidates⁵¹, without preferential treatment of any party⁵². Media coverage must adhere to the principles of impartiality and truthfulness⁵³, and candidates possess a legally protected right to reply within prescribed deadlines⁵⁴.

***- Allocation of Poster Spaces :** According to Decision No. 18 (2024)⁵⁵, the maximum number of designated sites for posting campaign posters is precisely determined in proportion to the

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population size of each municipality⁵⁶. Locations are assigned to candidates equitably prior to the onset of the campaign period⁵⁷. This principle of fairness was extended to campaigning abroad via Algerian diplomatic missions⁵⁸.

***- Electronic and Written Campaigning:** Each candidate is allowed, at their own expense, to announce their candidacy through modern electronic means and social media platforms⁵⁹, as well as printed leaflets and correspondence, provided that all campaigning methods comply with relevant laws and regulations⁶⁰, and uphold the principles of equality⁶¹.

***- Supervisory Role of the National Independent Authority for Elections (ANIE):** ANIE is entrusted with the supervision and monitoring of the allocation of broadcast time⁶² and poster spaces⁶³, and oversight of media coverage. It is explicitly empowered to receive complaints and protests from candidates or their duly authorised representatives regarding media coverage of the electoral campaign on audiovisual media. Upon receiving such complaints, ANIE is responsible for informing the National Regulatory Authority for Audiovisual (the competent broadcasting regulator), which is then tasked with taking the appropriate measures as stipulated by applicable laws and regulations⁶⁴.

Media coverage of rallies and grassroots campaign activities must be conducted in accordance with the principles of equality, non-discrimination, and prohibition of preferential treatment to any candidate.

Collectively, these provisions constitute one of the fundamental pillars for ensuring fair competition and equal opportunity and preventing financial or media exploitation by any party. They underpin the integrity and democratic legitimacy of Algeria's electoral process.

2- Hate Speech as an Illegitimate Electoral Campaign Tool: To guarantee the legitimacy and fairness of the electoral process, Algerian legislation explicitly prohibits candidates and political parties from employing unethical methods or tools that compromise the rights or dignity of their competitors or manipulate voters by inciting hatred, spreading defamation, or undermining the genuine objective of electoral publicity⁶⁵. The following practices are particularly outlawed under Ordinance No. 21-01 (the Organic Law on Elections):

***- Prohibition of Rumours, Hate Speech, Discrimination, and Poster Defacement**

Ordinance No. 21-01 prohibit rumour-mongering⁶⁶, hate speech, and any form of discrimination in campaign propaganda⁶⁷. These acts are considered serious electoral offences. Defacement or improper placement of posters, such as tearing, covering, or posting materials in non-designated areas, is punishable by law⁶⁸. Such behaviour is treated as an attack on both candidates' rights and the integrity of the campaign environment.

***- Boundaries of Electoral Expression and the Risk of Hate Speech:** The legal framework governing electoral campaigns in Algeria clearly sets boundaries to ensure that the principle of freedom of expression does not degenerate into practices that undermine electoral integrity. Candidates are obliged to conduct their campaigns in Arabic or Amazigh, with the explicit exclusion of foreign languages⁶⁹, a measure intended to preserve national identity and cohesion. In addition, the electoral program submitted with the candidacy file must embody a genuine and transparent political commitment, reflecting veracity, rather than manipulation or provocation. In the case of presidential candidates, this obligation is reinforced through the requirement of a formal written pledge⁷⁰. These restrictions, far from curtailing free speech, operate as safeguards against the infiltration of illegitimate tools, such as hate speech, which may exploit linguistic or ideological divides⁷¹. By imposing these conditions, the legislator seeks to prevent the instrumentalisation of electoral discourse for divisive, deceptive, or hostile purposes and ensure that campaigns remain anchored in responsible and lawful communication. Failure to respect these obligations not only delegitimises the candidate's campaign but also exposes them to legal sanctions, highlighting the seriousness with which the law treats the misuse of expression in the electoral arena⁷².

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***- Hate Speech and Its Impact on Candidate Equality:** According to Law No. 20-05, hate speech is strictly prohibited, particularly during elections. Any form of expression—whether spoken, written, visual, or digital—that promotes or incites discrimination, disdain, or animosity based on identity markers such as ethnicity, region, language, religion, or gender, is subject to punishment. These actions directly undermine fair competition mandated by law, aiming to exclude individuals or groups from rightful political engagement. The integration of electoral law with anti-hate speech regulations enables swift action: offensive content can be removed, candidates can be disqualified, and legal proceedings can be initiated.

The Algerian electoral framework criminalises the use of illegitimate campaign tools, including hate speech, commercial advertising, public resource abuse, and manipulation of campaign periods or spaces. Violations trigger a wide range of administrative, financial, and criminal penalties, ensuring the integrity of the campaign and equality among candidates.

3- Role of Enforcement Bodies: The enforcement of rules governing hate speech in Algerian electoral campaigns is distributed among several institutions with complementary roles.

***- Independent National Electoral Authority (ANIE):** The ANIE exercises disciplinary jurisdiction over violations that compromise the principle of equality between candidates during electoral campaigns. Its role is preventive and corrective, ensuring that campaign discourse remains within legal boundaries and that hate speech is not instrumentalised as a tool of unfair competition.

***- Judicial Authorities:** The judiciary retains competence over criminal prosecution and the adjudication of civil remedies when hate speech constitutes an offence under the Penal Code or the special provisions of Law No. 20-05 on the prevention and fight against discrimination and hate speech. This dual role ensures accountability for perpetrators and legal protection for affected candidates and voters.

***- National Observatory for the Prevention of Discrimination and Hate Speech:** Established by Law No. 20-05, the Observatory monitors compliance with anti-hate speech provisions and issues alerts in the event of violations. It contributes to safeguarding electoral integrity by promoting rapid intervention mechanisms, thereby reducing the risks posed by discriminatory or inflammatory discourse in the electoral arena⁷³.

Together, these enforcement bodies form a multilayered system aimed at deterring hate speech, sanctioning infractions, and maintaining the principles of equality and transparency that underpin Algeria's democratic elections.

Subsection Two: Impact on Voters' Freedom of Choice: Voters' freedom of choice is foundational to Algeria's democratic order, explicitly guaranteed in Articles 7 and 56 of the 2020 Constitution, which enshrines the people's sovereignty and the requirement of genuine, free elections⁷⁴. This freedom presupposes that citizens can receive accurate, unbiased, and diverse political information, enabling them to make informed and voluntary choices at the ballot box. The Algerian legal and constitutional framework recognises that manipulative interference, especially through hate speech, poses a direct threat to this core democratic value⁷⁵.

1- Legal Standards and Constitutional Protections: Algeria's legal system provides not only formal recognition of voting rights⁷⁶ but also a substantive framework to ensure their meaningful exercise. Article 54 of the 2020 Constitution expressly guarantees freedom of the press, stating, "Freedom of the press, be it written, audiovisual, or on media networks, shall be guaranteed equally for all public and private media outlets. It shall not be restricted by any form of prior censorship... This freedom shall not be exploited to infringe upon the dignity, liberty, and rights of others..." This constitutional safeguard is central to an informed electorate: it enables journalists and media organisations to investigate events, publish and disseminate information, and scrutinise the

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conduct of electoral actors, all without fear of arbitrary interference as long as their activity respects the boundaries described by law.

Crucially, the Constitution also requires the state to foster pluralistic, unbiased, and transparent information for every citizen. This obligation was further developed by Organic Law No. 21-01 of 2021 on the Electoral System, which explicitly prohibits any form of intimidation, coercion, or manipulation aimed at distorting voters' choices⁷⁷. The law imposes duties on public media and electoral authorities to ensure that reporting during electoral campaigns is fair, accurate, and equally accessible to all candidates and parties. These provisions include practical requirements for media coverage time allocation, equal access to advertising space, and timely corrections for information proven false or defamatory.

Moreover, the legal framework establishes mechanisms for redress: voters and candidates who feel aggrieved by biased media coverage or manipulative campaign tactics have the right to seek redress from competent regulatory and judicial bodies. Sanctions for violations may include the suspension of campaign activities, fines, or, in severe instances, criminal prosecution for deliberate misinformation or intimidation⁷⁸.

Collectively, these constitutional and legislative measures reflect Algeria's commitment to upholding the integrity of the democratic choice. They are based on the conviction that informed, voluntary voter participation can only be secured when the media environment is pluralistic, responsible, subjected to both legal guarantees and meaningful oversight.

2- Hate Speech as Electoral Manipulation : Law No. 20-05 of 2020 constitutes one of the cornerstones of Algeria's response to hate speech and its manipulative impact on the electoral process. The law is unambiguous "hate speech: including all forms of discrimination, intimidation, contempt, incitement, or vilification of individuals or groups based on ethnicity, language, religion, sex, national origin, geographic affiliation, or health status"⁷⁹, cannot be justified under the right to freedom of expression and is expressly criminalised⁸⁰, with enhanced penalties where such acts take place during election campaigns⁸¹.

Campaign messages that leverage social, cultural, or racial differences to sow prejudice, fear, or hostility among voters are strictly prohibited. The law criminalises the use of such divisive tactics to mobilise voters against a candidate, exclude specific groups from participation, or distort the genuine expression of popular will⁸². Sanctions include imprisonment and substantial fines, which escalate for acts committed through the media or digital platforms or when incitement is directed toward violence or collective discrimination. The legislative approach underscores the primacy of a clean, fact-based, and respectful campaign environment as a pillar of electoral legitimacy and national cohesion.

Algerian legal scholars have emphasised that the law creates clear standards distinguishing between protected expression and criminal conduct, aiming to deter the exploitation of campaign rhetoric for divisive or manipulative ends, thereby preserving the foundational principles of voter autonomy and democratic participation⁸³.

3- Tangible Effects and Risks: The impact of hate speech on electoral integrity and the freedom of voter choice is profound and complex, touching on multiple critical facets of the democratic process.

Distortion of Free Will: Hate speech undermines the core of democratic deliberation by shifting political conversation away from rational, substantive debates about policies and qualifications toward emotional manipulation and divisive rhetoric. When campaigns exploit prejudices or stoke fear, they prevent voters from assessing candidates based on merit and programmatic substance, leading to choices driven by anxiety, hostility, or misinformation rather than informed evaluation. This distortion erodes the principle of free and voluntary choice, which the Algerian Constitution and legal order guarantee.

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Exclusion and Intimidation: Communities targeted by hate speech—whether along ethnic, racial, linguistic, religious, or gender lines—often experience heightened vulnerability and alienation. Such groups may be discouraged from participating in the electoral process for fear of harassment or social marginalisation. Empirical research and reports from Algerian civil society indicate that these dynamics can significantly suppress voter turnout among marginalised or stigmatised constituencies, undermining the representativeness of electoral outcomes.

Manipulation and Misinformation: The proliferation of hate speech is frequently accompanied by the spread of false or misleading information. Manipulative narratives, sometimes amplified by digital platforms and social media, can confuse or mislead voters, supplanting critical thinking with distorted perceptions. Recent surveys and academic studies have confirmed that most Internet users in Algeria have encountered hate speech online, with many indicating that such content has shaped their perspectives on candidates and political issues. This convergence of hate and disinformation raises urgent concerns about the integrity of electoral discourse and voters' ability to make independent and reasoned choices.

Erosion of Electoral Legitimacy: When the electoral process is influenced more by manipulation and hate-driven propaganda than by rational debate and genuine political competition, the authenticity and legitimacy of election results come into question. If citizens believe that their choices are the result of social pressure or orchestrated campaigns of fear and division, confidence in the system may falter, threatening the very foundation of democratic governance. Algerian legal and academic sources stress that combating hate speech is not only a question of protecting individual rights but also a structural imperative for safeguarding the credibility of the entire political system.

Algerian law provides a robust legal infrastructure designed to shield voters' freedom of choice from the corrosive effects of hate speech. The combination of constitutional safeguards, detailed statutory prohibitions, institutional deterrence, and victim protection creates a powerful framework for preserving the integrity of the electoral process. However, as with any rights-based system, the effectiveness of these rules depends on fair and consistent enforcement and ongoing vigilance against their misuse. The Algerian experience demonstrates both the necessity of strong legal tools and the importance of respecting pluralism and free expression as prerequisites for a meaningful democratic choice.

Section Two: Legal and Institutional Mechanisms to Combat Hate Speech during Elections

The Algerian legal framework combines constitutional mandates, statutory provisions, and institutional safeguards to prevent and sanction hate speech in election campaigns. Central to this system is Law No. 20-05 on the Prevention and Fight Against Discrimination and Hate Speech, which sets out both preventive measures and criminal penalties for campaign rhetoric that incites discrimination, hostility, or violence. These provisions operate alongside Ordinance No. 21-01 on the Electoral System, which regulates campaigning, media coverage, and candidate conduct to ensure fairness, equality, and the absence of discriminatory propaganda. Enforcement is entrusted to multiple institutions, most notably the Independent National Electoral Authority (ANIE), which monitors campaign content, supervises media access, and imposes administrative sanctions for violations of the law.

The legislative architecture is complemented by judicial oversight and civil society's involvement. The judiciary has the jurisdiction to prosecute offenders under both general criminal law and electoral provisions, while the National Observatory for the Prevention of Discrimination and Hate Speech plays a preventive and advisory role through surveillance, public reporting, and awareness raising. Civil society organizations contribute through election monitoring, public education and the filing of complaints. Together, these mechanisms aim to guarantee an electoral environment in which pluralism, equality, and public order are preserved, ensuring that campaigns

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remain a space for legitimate democratic debate rather than a vehicle for divisive or inflammatory rhetoric.

Subsection One: The Role of the Independent National Electoral Authority in Regulating Electoral Campaigns

The Independent National Electoral Authority (ANIE) is the central organ for the regulation, oversight, and integrity of electoral campaigns in Algeria, established by the 2020 Constitution⁸⁴ and empowered under Ordinance No. 21-01⁸⁵. ANIE's mandate and practical powers reflect Algeria's commitment to protecting the fairness, transparency, and legality of electoral competitions.

1- Legal Foundation and Mandate: The ANIE is vested with administrative and financial independence, legal personhood⁸⁶, and the authority to prepare, organise, manage, and supervise all operations related to presidential, legislative, and local elections and referenda⁸⁷. Its jurisdiction covers the entire electoral process, from the review of electoral registration lists to the final declaration of provisional poll results⁸⁸. The Constitution affirm its independence⁸⁹, and it operates with explicit requirements of transparency, neutrality, and impartiality⁹⁰.

The ANIE has replaced the former public administrative machinery, assuming all prerogatives for election management, which positions it as the principal guardian against interference and political bias.

2- Regulatory and Supervisory Functions Related to the Electoral Campaign

- **Campaign Conduct Oversight:** ANIE issues binding guidelines and technical standards for campaign activities, defining the permissible use of campaign tools (banners, posters, rallies, traditional and modern media), timeframes, and designated spaces*, ensuring that all candidates compete on equal terms.
- **Media Regulation:** It allocates media airtime and poster space to the campaign. Article 77 of Ordinance No. 21-01 requires all presidential candidates to receive equal access to the media during the campaign period. For legislative and local elections, airtime is proportioned according to the number of candidates.
- **Prevention of Illegitimate Practices:** ANIE enforces prohibitions against hate speech, defamation, rumors, discrimination, misuse of public resources, commercial advertising, and campaigning in religious or educational institutions. Ordinance No. 21-01 establishes these bans and criminal penalties for violations.

3- Enforcement and Sanctions: The ANIE possesses both administrative enforcement powers and a direct referral mechanism to judicial authorities:

- It can order the immediate removal of unlawful campaign materials and initiate investigations into suspected violations of the law.
- Repeat or serious offences, especially those involving hate speech, discrimination, or corruption, can trigger criminal prosecution, with sentences of up to ten years for the most severe cases⁹¹.

4- Coordination and Institutional Collaboration: ANIE works in close collaboration with the National Observatory for the Prevention of Discrimination and Hate Speech (created by Law No. 20-05 of 2020), campaign finance oversight bodies, and civil society organisations. These partnerships enable multilayered monitoring, rapid response, and continuous public education against hate speech and divisive rhetoric.

5- Transparency and Dispute Resolution: A cornerstone of ANIE's mandate is transparent handling of all electoral disputes.

- It manages complaints regarding campaign practices, media coverage⁹².
- The authority oversees the settlement of electoral disputes, reports violations to relevant courts, and publishes its decisions and guidelines for public scrutiny.

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The Algerian model, with the ANIE at its core, provides an advanced legal and institutional framework for regulating electoral campaigns. By combining comprehensive mandates, preventive and punitive powers, equitable media access, and inter-institutional oversight, it aims to guarantee that elections are conducted fairly and are free from the corrosive effects of hate speech and discrimination. The legitimacy and effectiveness of this system depend not only on statutory details but also on its transparent, impartial, and consistent application throughout the electoral process.

Subsection Two: Intervention by the Judiciary, Regulatory Bodies, and Civil Society: Algeria's approach to combating hate speech in electoral campaigns relies on an integrated system in which judicial authorities, regulatory bodies, and civil society collaborate to provide comprehensive oversight, enforcement, and public education.

1- The Judiciary: Guardianship and Enforcement: The judiciary is the cornerstone of legal deterrence and redress in hate speech cases, empowered by Law No. 20-05 and amendments to the Penal Code⁹³. Judges have jurisdiction over all criminal offences related to hate speech, discrimination, and incitement that occur during campaign periods or are compounded by the use of mass media⁹⁴. Courts are authorised to:

- Adjudicate complaints and initiate criminal proceedings upon the request of the public prosecutor or victims⁹⁵, including urgent measures for removing or blocking illicit content online or in print⁹⁶;
- Impose proportional sanctions—imprisonment, fines, removal of candidacy, and notification of sentences to electoral authorities—based on the severity of the conduct and its impact on public order or on vulnerable groups⁹⁷.
- **Utilise evidence-gathering techniques** permitted by statute (geolocation⁹⁸, electronic infiltration⁹⁹, digital data retrieval¹⁰⁰) to ensure reliable case building, especially for social media or cyber offences.
- The law also allows for expedited judicial intervention; courts can order provisional measures without awaiting the conclusion of a full trial when necessary to prevent ongoing harm. Associations active in human rights are legally entitled to join proceedings as civil parties, pursuant to Article 29 of Law No. 20-05.

2- Technical Oversight and Preventive Action in Electoral Campaigns: Within the framework of Algeria's electoral process, the National Observatory for the Prevention of Discrimination and Hate Speech assumes a critical preventive and oversight function to ensure fair and transparent campaigns that are free from hate speech and discrimination. The Observatory's role is multifaceted and key to safeguarding democratic participation by promoting equity and respect.

During election campaigns, the Observatory provides early warning mechanisms by monitoring media, public discourse¹⁰¹, and campaign messaging for signals of escalating hate speech or discriminatory rhetoric that could jeopardize social cohesion and the integrity of the electoral process. Using qualitative and quantitative research methods, it identifies emerging patterns and hotspots requiring attention and intervention.

Furthermore, the Observatory initiates public reporting and awareness campaigns¹⁰² designed to educate voters, candidates, and media actors about the legal boundaries of electoral communication and the harm posed by hate speech. This educational mission aims to create a societal culture that is resistant to divisive narratives and supportive of constructive political dialogue.

The Observatory also coordinates with state institutions, electoral authorities, and civil society actors to develop and execute comprehensive national strategies that harmonize legal enforcement with community-based prevention efforts¹⁰³, ensuring a whole-of-society approach to combatting hate speech during campaigns.

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Although its recommendations may be non-binding, the Observatory wields significant authority in shaping electoral policies and public discourse, contributing to strengthened governance and electoral justice. It publicly publishes periodic reports assessing the effectiveness of the measures taken¹⁰⁴ and offers policy advice for continuous improvement¹⁰⁵, thus fostering transparency and accountability in electoral administration.

In sum, the Algerian National Observatory plays an indispensable role in maintaining the integrity of election campaigns by preventing hate speech and its corrosive effects, promoting voter confidence, and ensuring that electoral freedom is exercised in an atmosphere of respect and inclusivity

3. Civil Society: Election Monitoring, Advocacy, and Education: Civil society organizations—including human rights associations, electoral integrity groups, and grassroots community networks—play a critical supplementary role in upholding fairness, transparency, and inclusiveness of Algerian election campaigns.

***- Reporting and Advocacy:** Civil society actors rigorously monitor campaign practices by compiling and publicizing instances of hate speech, discriminatory propaganda, or irregularities in campaign conduct. Through published reports, press briefings, and direct advocacy, they lobby for legislative improvements, heightened enforcement, and policy reform to better protect electoral competition and voter rights in the country. Many organizations provide support to victims, offering legal guidance and psychosocial support and facilitating access to remedies through administrative or judicial channels.

***- Complaint Lodging:** Under Law No. 20-05 and the Algerian Electoral Law, accredited associations are granted procedural standing to file official complaints regarding breaches of anti-discrimination and anti-hate speech regulations, these organizations can join judicial proceedings as civil parties¹⁰⁶, request urgent interventions from authorities to halt illegal campaign rhetoric, and, if needed, act as intermediaries between the impacted communities and regulators, thus strengthening the collective capacity for oversight and redress.

- Education and Awareness: Civil society's impact is especially notable in civic education: through workshops, voter training, media campaigns, and community forums, NGOs raise awareness of the dangers of hate speech and the value of fair, pluralistic, and peaceful electoral competition. Special emphasis is placed on outreach to rural and marginalized communities, where the state's capacity for oversight is often attenuated, helping ensure that equal electoral standards and protections are realized nationwide.

In summary, the diverse activities of Algerian civil society bolster public vigilance against electoral abuses, supplement the state's oversight infrastructure, and contribute substantially to a culture of inclusive, informed, and tolerant political engagement. To counter these hate speeches in Algeria, Political actors from various backgrounds, deputies and senators, members of civil society, religious leaders, high-level academics, and journalists have explicitly stated on several occasions that combating hate speech requires a concerted effort to address the origins and drivers of hate speech, as well as the consequences for victims and society at large¹⁰⁷.

The combined intervention of the judiciary, regulatory bodies, and civil society forms the backbone of Algeria's system for detecting, preventing, and sanctioning hate speech in electoral campaigns. This system seeks to protect individual rights, electoral integrity, and national unity through seamless legal, procedural, and social instruments. However, its effectiveness depends on the ongoing commitment of all parties to enforce it impartially, educate the public, and protect fundamental freedoms.

From a legal-academic standpoint, Algeria has established a comprehensive and well-structured framework to address hate speech in elections, aligning with both constitutional guarantees and international obligations. The integration of preventive and punitive measures,

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supported by institutional cooperation, reflects a holistic approach that, in theory, can preserve electoral fairness and protect democratic pluralism.

However, the effectiveness of this framework depends critically on its impartial and proportionate applications. Broad statutory definitions and extensive administrative powers carry the risk of selective enforcement or suppression of legitimate dissent. To uphold both national unity and freedom of expression, enforcement agencies must operate with transparency, clear procedural safeguards, and consistent jurisprudence.

Conclusion:

This study examined the complex interplay between freedom of expression and the imperative to combat hate speech within Algeria's electoral framework. By analyzing both the constitutional guarantees under Article 54 of the 2020 Constitution and the legislative measures, notably Law No. 20-05 of 2020 and the Organic Law on the Electoral System, this study highlights how Algerian law seeks to reconcile the open exchange of political ideas with the protection of electoral integrity, national unity, and public order. The institutional architecture, led by the Independent National Electoral Authority (ANIE), the judiciary, and the National Observatory for the Prevention of Discrimination and Hate Speech, indicates a deliberate move toward a multi-layered governance model blending preventive, punitive, and educational measures.

Key Findings

- 1- **Strong Constitutional Basis:** Freedom of expression and press freedom are expressly safeguarded but are subject to clear constitutional limitations aimed at protecting the dignity and rights of others and national peace.
- 2- **Comprehensive Legislative Framework:** Law No. 20-05 provides a precise statutory definition of hate speech and integrates it into the Penal Code, with a graded sanctioning system. Election-specific laws complement this by prohibiting divisive or discriminatory campaigning.
- 3- **Election-Specific Prohibition of Hate Speech:** The Organic Law on the Electoral System criminalizes the use of discriminatory rhetoric in campaigns, ensuring equal opportunity for candidates and protecting voters' ability to make free, informed choices.
- 4- **Institutional Enforcement Network:** ANIE supervises campaigns in real time, the judiciary adjudicates offences with procedural guarantees, and civil society contributes through monitoring, reporting, and awareness campaigns.
- 5- **Challenges in Practical Applications:** Broad statutory definitions and expansive administrative powers create the risk of selective enforcement, which could limit legitimate dissent and weaken public trust in electoral fairness if not checked by the judicial independence and transparency.

Proposed Recommendations

- 1- **Clarification of Statutory Definitions:** Narrow and refine the legislative language on hate speech to avoid ambiguity and ensure that only dangerous and discriminatory speech, not legitimate political criticism, is penalized.
- 2- **Strengthening Procedural Safeguards:** Binding procedural timelines, due process guarantees, and independent review mechanisms should be introduced to ensure the ANIE and judiciary's impartial application.
- 3- **Enhanced Training of Enforcement Bodies:** Provide specialized legal and technical training for electoral officials, judges, and prosecutors to identify and address hate speech within the boundaries of constitutional freedoms.
- 4- **Expand Public Awareness Initiatives:** Launch nationwide civic education campaigns, especially in rural and marginalized areas, on the dangers of hate speech and the value of respectful fact-based electoral discourse.

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5- **Promoting Transparency and Public Reporting:** Require ANIE, the judiciary, and the National Observatory to publish regular, accessible reports on hate speech cases, enforcement actions, and electoral monitoring outcomes.

6- **Leverage Digital Monitoring Tools:** Develop technology-based monitoring systems capable of detecting and flagging online campaign content that violates anti-hate speech provisions in alignment with privacy and due process norms.

The Algerian legislative and institutional framework for regulating electoral speech is **well developed**, aligning with **international commitments** such as the ICCPR and ICERD. However, its effectiveness will ultimately depend on **consistent, proportionate, and transparent enforcement** that preserves **pluralism and free political debate** while resolutely protecting voters, candidates, and the integrity of elections from the corrosive impact of hate speech.

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⁸⁵ - Article 7 of Ordinance No. 21-01: "According to the provisions of the Constitution, the National Independent Election Authority ensures the preparation, organization, management, and supervision of all electoral and referendum operations." , Op.cit.

⁸⁶ - Ibid, Article 8.

⁸⁷ - Article 202 paragraph 1 of Presidential Decree No. 20-442 containing the 2020 Constitutional Amendment, Op.cit.

⁸⁸ - Ibid, Article 202 paragraph 2 and 3.

⁸⁹ - Ibid, Article 200.

⁹⁰ - Ibid, Article 202 paragraph 4.

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* - The Independent National Electoral Authority issued a series of binding decisions to regulate electoral campaign activities. These decisions established rules governing the use of campaign materials, such as posters, banners, rallies, and both traditional and digital media, in addition to setting the timeframes and designated spaces for such activities. Among these, Decisions No. 17, 18, and 179 stand out as having provided the legal and regulatory framework for the campaign for the anticipated presidential elections scheduled for September 7, 2024.

⁹¹ - Articles 30 to 36 of Law No. 20-05, Op.cit.

⁹² - Article 4 of Decision No. 179, Op.cit.

⁹³ - Ordinance No. 66-156 of 8 June 1966, establishing the Penal Code, Official Gazette, No. 49, 11 June 1966, as amended and supplemented by Law No. 24-06 of 28 April 2024, Official Gazette, No. 30, 30 April 2024.

⁹⁴ - Rafik Benhebri, Op.cit.

⁹⁵ - Article 1 of Law No. 19-10 of 11 December 2019 amending Order No. 66-155 of 8 June 1966 establishing the Code of Criminal Procedure, Official Gazette, No. 78, 18 December 2019: "Public prosecution for the application of penalties shall be initiated and pursued by judicial officers or authorized officials, as provided by law. Additionally, the injured party is entitled to initiate such prosecution, subject to the conditions specified in the applicable legislation".

⁹⁶ - Article 24 of Law No. 20-05, Op.cit.

⁹⁷ - Ibid, Articles 30 to 42.

⁹⁸ - Ibid, Article 27.

⁹⁹ - Ibid, Article 26.

¹⁰⁰ - Ibid, Article 22.

¹⁰¹ - Ibid, Article 10 paragraph 2.

¹⁰² - Ibid, Article 10 paragraph 7.

¹⁰³ - Ibid, Article 10 paragraph 1.

¹⁰⁴ - Ibid, Article 14.

¹⁰⁵ - Ibid, Article 10 paragraph 4.

¹⁰⁶ - Ibid, Article 29.

¹⁰⁷ - Abdelmadjid Ramdane, Op.cit, p 1447.