


RESEARCH ARTICLE			Towards the formation of a national committee to combat racial and regional discrimination and hate speech
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Abstract			
Racial discrimination is a blatant violation of human rights in Algeria that must be addressed by all means and adopting internal and international tools to limit it. This can only be achieved by assigning the task to a committee specialized in this matter and by developing a special law to prevent and combat racial discrimination, given that the work is linked to the performance of an international obligation on the one hand and a national duty on the other hand, which achieves internal stability and security, and prevents the unity of the people and the national territory from being exposed to division. The existence of Law No. 05 is not sufficient.-20, which includes the prevention and combating of discrimination and hate speech, but rather requires a mechanism for its implementation similar to what is in effect under international law.			
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Introduction

The crime of racial discrimination is one of the most significant forms of human rights violations that has long captured humanity's attention in searching for tools and mechanisms to eliminate it, due to its blatant infringement on the natural human rights established by various instruments and declarations concerning human rights, and because it undermines equality, which is the principle and fundamental pillar for safeguarding human rights and dignity.

Therefore, countries have collectively or individually sought to find appropriate solutions that enable them to combat racial discrimination in all its forms, the foremost of which is the culmination of international community efforts in issuing a declaration to combat all forms of racial discrimination, followed by the Convention on the Elimination of All Forms of Racial Discrimination, which clarified the concept of racial discrimination, its causes, and means to curb it. This includes the establishment of a committee entrusted with monitoring and documenting all human rights violations based on racial discrimination in all its forms. The latter defined the composition, tasks, and working procedures of the Convention on the Elimination of All Forms of Racial Discrimination to implement its provisions.

Algeria, like other members of the international community, has been concerned and has rushed to establish the rules and mechanisms necessary to protect individuals' rights from all forms of violations that undermine the principle of equality enshrined in its constitution and laws. This commitment stems from its obligation to implement the content of international agreements it has ratified. Among the forms of human rights violations

that Algeria has sought to combat is racial discrimination, which it has rejected through its constitution and criminalized under the Algerian Penal Code.

Algeria's interest in the crime of racial discrimination increased, especially during the period of widespread popular movement in 2019, which witnessed the emergence of a strange phenomenon in society: speeches of discrimination and the spread of hatred among citizens, threatening the safety and unity of the national territory. This prompted the relevant authorities to think more seriously and deeply about the necessity of swiftly putting an end to this behavior that contradicts the constitution and the laws of the republic and is inconsistent with Algerian norms and beliefs based on unity. The authorities translated this idea by establishing a specific law to combat racial discrimination, referred to as the Law on the Prevention of Discrimination and Hate Speech and its Combat, under number 05-20 in 2020. This law is characterized by a clear definition of the forms of racial discrimination, means of prevention, methods of combating it, and the establishment of a national observatory for the prevention of discrimination and hate speech under the President of the Republic.

The establishment of a national observatory for the prevention of discrimination and hate speech (Jaoui, 2022, pp. 517-518) The President of the Republic has prompted us to question its effectiveness and ability to achieve the provisions of Law 05-20 on the one hand and the objectives of public authority on the other, especially since the law does not specify effective mechanisms for the work of this observatory, but rather merely defines its composition and the powers assigned to it.

This is what led us, through this paper, to propose the idea of establishing a committee to combat racial discrimination by posing the following question: Can the establishment of a national committee to combat racial discrimination be more effective in implementing the content of Law 05-20 on the prevention and combating of discrimination and hate speech?

This is what we will try to clarify through two points:

- International tools to combat racial discrimination
- Submitting a proposal for the formation of the committee and its tasks

1. International Tools to combat racial discrimination

1.1. Formation and sessions of the committee

The international community has adopted a variety of tools and mechanisms to protect human rights, particularly those related to combating racial discrimination in all its forms. The Committee on the Elimination of Racial Discrimination is one of the most important mechanisms entrusted, under the Convention on the Elimination of All Forms of Racial Discrimination, with the task of monitoring and combating racial discrimination.

Article 8 of the Convention stipulates: "A Committee shall be established to be called the Committee on the Elimination of Racial Discrimination, hereinafter referred to as the Committee." The Committee works to combat all forms of racial discrimination in accordance with the mechanisms and tools established under the Convention and the internal regulations it has prepared for itself to achieve equality and human dignity in a manner that serves the achievement of international peace and security, which constitute one of the purposes of the United Nations (Dench, 2015, pp. 168-169).

This committee consists of a group of experts with high moral qualities who are chosen by secret ballot for a period of four years, with half being renewed after two years, taking into account fair geographical distribution (Al-Sheikh, 2008, pp. 61-62) The committee's internal regulations have detailed the method of selection. This committee operates under the chairmanship of one of its members and three assistants from among those elected to the committee (United Nations, 1965).

The Committee shall meet in two regular sessions at the Headquarters of the United Nations and may hold extraordinary sessions in accordance with the provisions of Article 3 of its Rules of Procedure. The Secretary-General of the United Nations shall be responsible for all arrangements relating to the holding of the Committee's sessions. Its meetings shall be public unless the Committee decides otherwise in accordance with its statute. Its meetings shall not be valid unless attended by a majority of its members. It shall take its decisions by a

show of hands, approving the proposal in whole or in part only. As for the languages used, they shall depend on what is stated in Article 26 of its Rules of Procedure (Committee on the Elimination of Racial Discrimination [CERD], n.d., Arts. 1 & 12; Dench, 2015, pp. 174-181) .

2. 2. Committee working tools

The committee relies in its work on two mechanisms: the reporting system and the complaints system (Alwan & Al-Musa, 2005, pp. 55-269).

A-Reporting mechanism

The Committee adopts a reporting system to monitor the extent to which States are complying with their obligations to combat racial discrimination. These reports include information on the legislative, judicial and administrative measures taken by States Parties to implement the provisions of the Convention on the Elimination of All Forms of Racial Discrimination in All Areas of Public Life. The Committee is the first human rights body to use the reporting mechanism. The Committee has determined the form and content of the reports to be submitted to it, which must include all the information and a brief description of the policy to eliminate all forms of racial discrimination adopted by the State, in addition to providing legal texts, judicial decisions and relevant regulations that assist the Committee in carrying out its tasks. Submitting reports every two years to the Secretary-General of the United Nations is mandatory for all States (CERD, n.d.-a).

The committee then studies the submitted reports (United Nations, 1965, Art. 9). It is submitted to the States Parties to the Convention, whether discrimination exists or not. It may also request additional information. The reports are studied in a session of which the State is aware, the date, duration and place. The Committee begins studying the reports, taking into account the extent of their conformity with the content of the guiding message that determined the form and content of the report. It then studies the report and submits appropriate proposals and recommendations that are communicated through the Secretary-General of the United Nations to the State concerned (CERD, n.d.-b, Arts. 64, 67, & 68). What distinguishes these proposals and recommendations is that they are merely a form of moral pressure on the state, nothing more, which is what is taken from the committee's work and affects its effectiveness.

B - Complaint mechanism

This mechanism is embodied by giving individuals or states the right to submit a complaint to the committee in the event that a state party to the Convention on the Elimination of All Forms of Racial Discrimination does not comply with its obligations. The committee is considered the first to use this mechanism as a mandatory system.

The Committee examines complaints submitted to it by states and individuals. It examines complaints submitted by states in accordance with the provisions of the first paragraph of Article 11 of the Convention on the Elimination of All Forms of Racial Discrimination by referring the complaint to the state concerned for the purpose of providing sufficient explanations and information to the Committee and referring it to the state that submitted the complaint. If the two states do not reach a solution within a period of six months, the Committee may consider the complaint referred to it to decide on it in accordance with the provisions of its domestic law and the rules of international law.

As for complaints submitted by individuals, the Committee may not receive communications unless at least ten States have deposited a declaration accepting the Committee's jurisdiction to consider complaints from individuals whose rights have been violated for reasons of discrimination. These complaints must include the information specified in Article 84 of the Committee's rules of procedure. The Committee then studies the complaint to ensure that it meets the required conditions, decides on the complaint, submits a report containing its opinion to the Secretary-General of the United Nations, and informs the concerned parties as well. The report submitted by the Committee constitutes an obligation incumbent upon the State, which must implement it based on its commitments under the Convention on the Elimination of All Forms of Racial Discrimination (Dench, 2015, pp. 190-203).

What can be said about the Committee's working mechanism is that, despite its shortcomings, the reports it prepares create obligations for the States Parties to the Convention on the Elimination of All Forms of Racial

Discrimination, which are enforceable in accordance with the rules of international law that oblige States to implement their pledges. This ensures the implementation of the content of the Convention, effectively contributes to the prevention and combating of racial discrimination, and achieves the principle of equality and human dignity.

2. Proposal to form a national committee to combat racial and regional discrimination and hate speech

Given the effectiveness of the work of the Committee on the Elimination of Racial Discrimination, we believe that this can also be applied to the Algerian Law on the Prevention and Combating of Discrimination and Hate Speech, No. 05-20, issued in April 2020, and we present the following proposal:

A chapter in the law is held under the title:

National Committee to Combat Racial Discrimination, Regionalism and Hate Speech

Article 1:

The National Human Rights Council has established a national committee called in the law the "National Committee to Combat Racial Discrimination, Regionalism and Hate Speech."

Article 2:

The committee consists of eleven members.

Article 3:

Committee members shall be chosen from among persons who meet the following conditions:

- The member must hold higher degrees.
- The member must be a researcher, scholar or worker in the field of human rights.
- Enjoy the original Algerian nationality.
- Enjoy civil and political rights.
- Non-partisan or political affiliation.
- Not to hold any ideas based on racial superiority or incitement to it.
- Enjoy good moral behavior.
- Not to have a criminal record.
- Enjoy integrity and neutrality.
- Taking into account the representation of all social and cultural particularities.

Article 4:

Members are chosen by appointment by the President of the Republic and on the proposal of the President of the National Council for Human Rights.

Article 5:

The Committee works to combat all forms of racial discrimination, racism and regionalism, and to reject hatred and intolerance.

It also works:

- The Committee monitors any violation of human rights based on discrimination and differentiation between citizens.
- The Committee shall submit periodic reports determining the human rights situation regarding the issue of discrimination, segregation, and the incitement and cultivation of hatred, and shall submit them to the National Council for Human Rights.

- The Committee shall work to track all forms of racial discrimination, regionalism, and hate speech, and to eliminate them in accordance with the mechanisms specified by this law.
- The Committee is developing a programme of work on how to track cases of racial discrimination and any other form of discrimination, hatred and intolerance.
- The Committee works to combat all forms of discrimination within public and private institutions, educational institutions, and places of worship.
- The Committee shall raise awareness of the seriousness of all forms of racial discrimination, racism, regionalism, and the incitement of hatred. It may also hold training courses and forums and participate in international conferences related to human rights and racial discrimination issues.
- The Committee monitors international developments on human rights issues, particularly those relating to discrimination, racial discrimination, hate speech and violence.

Article 6:

The committee performs its work according to two mechanisms:

- Reporting system
- Individual Complaints System

The Committee's internal regulations determine the forms and procedures by which these two mechanisms are implemented.

Article 7:

Committee sessions

- The National Committee holds two regular sessions a year to study the human rights situation, the extent to which all forms of racism, regionalism and hatred have been eliminated, and the procedures followed to eliminate them.
- The Committee may hold extraordinary sessions whenever necessary, at the request of the President of the National Human Rights Council, its Chairman, or at the request of half of its members.
- Each course lasts for twenty days, and the duration can be extended whenever necessary.
- The committee's decisions are taken by majority vote, and in the event of a tie, the chairman's vote shall prevail.
- Each session culminates in a report submitted to the President of the National Human Rights Council. In its report, the Committee may propose appropriate judicial and administrative follow-up measures and may request an investigation.
- The Committee may, in holding its sessions, call upon experts and specialists in the field of human rights and issues of racial discrimination.
- The Committee's internal regulations determine the form of reports, the method of selecting and participating experts, and the method of submitting a request for investigation.

Article 8:

The National Human Rights Council is responsible for notifying the relevant authorities of any form of racism, regionalism, hatred, or any matter aimed at creating division among citizens that violates the principle of equality, in order to enable them to challenge the reports submitted by the Committee.

The Committee's internal regulations determine the form of the appeal and the method of submitting and examining it.

Article 9:

The National Human Rights Council shall decide on appeals against the Committee's reports within one month, by a decision that is not subject to appeal.

Article 10:

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The Committee may submit a proposal to the President of the Human Rights Council to refer cases relating to racial discrimination, racism, regionalism and incitement of hatred to the regionally competent Public Prosecutor.

Article 11:

The Committee may not, under any circumstances, consider complaints and reports submitted to it if they relate to cases that have been decided by a final judicial ruling before the competent regional judicial authorities.

Article 12:

Committee structures:

- The Committee shall consist of a Chairman who shall be elected from among the appointed members.
- The President shall be assisted in his work by a First Vice-President, who shall deputize for him in the event of his absence or the vacancy of the office of President.
- The Committee has branches tasked with monitoring and combating all forms of racial and regional discrimination and hate speech in the country. Each branch is headed by a member of the Committee, appointed by its Chairman after consulting the President of the National Human Rights Council.
- The Commission shall establish offices at the state and municipal levels, and its members shall be appointed by the President of the National Commission to Combat Racial Discrimination, Regionalism and Hate Speech, after consulting the President of the National Council for Human Rights.
- The heads of the provincial offices are selected by the President of the National Commission to Combat Racial Discrimination, Regionalism and Hate Speech.
- The heads of municipal offices are selected by the head of the provincial office after consulting the head of the National Committee to Combat Racial Discrimination, Regionalism and Hate Speech.
- The provincial offices, along with the municipal offices, shall submit monthly reports to the National Commission on all forms of racial discrimination, racial and regional segregation, and hate speech in the province and municipality, and on the extent to which the measures taken by the National Commission or the National Council for Human Rights have been implemented.
- The internal regulations of the Committee determine the membership and functional organization of the offices established by the National Committee to Combat Racial Discrimination, Regionalism and Hate Speech.

Article 13:

- The Committee shall serve for a renewable term of six years.
- Half of the committee members are renewed every three years.
- The Chairman of the Committee shall hold office for a term of six years, renewable only once.
- The appointed members of the National Committee and the heads of its provincial and municipal offices shall be on secondment to their institutions. As for the members chosen from among those who hold liberal professions, their fees shall be determined in accordance with the provisions of the Committee's internal regulations.
- The National Council for Human Rights shall bear all expenses related to the work of the Committee.

Article 14:

The Committee shall establish and regulate its internal regulations.

Conclusion

What can be achieved through this paper is the presentation of some results that we summarize as follows:

- The existence of a law against racial discrimination alone is not sufficient; it requires a body to oversee its implementation.

- The National Observatory for the Fight Against Racial Discrimination in Algeria is not sufficient to eliminate all forms of racial discrimination due to its lack of tools recognized in international law.

- A reporting and complaints mechanism has not been adopted in the work of the National Observatory for the Fight Against Racial Discrimination and its prevention.

- Racial discrimination is a serious crime that cannot be effectively addressed by national tools alone; it requires the use of international tools.

From the above, we can offer the following recommendation:

The Algerian legislator should establish a body similar to that provided for in the Convention on the Elimination of All Forms of Racial Discrimination and adopt the mechanisms it uses to monitor and combat racial discrimination, as this would be more effective in ensuring the implementation of Law No. 05-20 concerning the prevention of discrimination and hate speech and their combat.

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