

MENA	Legislation prohibiting incitement to national, racial and religious hatred (<i>Indicate relevant paragraphs and where possible text</i>)	Legislation protecting freedom of speech (<i>Indicate relevant paragraphs and where possible text</i>)	Other information of observations in relation to the public discussion and/or freedom of both.	Examples of or information on relevant jurisprudence on incitement to hatred and/or freedom of speech	Relevant policies in relation to incitement to hatred and/or freedom of speech
Algeria	<p>Constitution (28/11/1996 modified by the law 08-19) Article 27: Algeria associates itself with all the peoples fighting for their political and economic liberation, for the right of self determination and against any racial discrimination. Article 29: All citizens are equal before the law. No discrimination shall prevail because of bind, race, sex, opinion or any other personal or social condition or circumstance. Article 31: The aim of the institutions is to ensure equality of rights and duties of all citizens, men and women, by removing the obstacles which hinder the progress of human beings and impede the effective participation of all in the political, economic, social and cultural life.</p> <p>Law 90-07 relating to the information (information code) Art.40: Dans l'exercice de sa profession, le journaliste professionnel est tenu de veiller au strict respect de l'éthique et de la déontologie. Il doit notamment : s'interdire de faire de façon directe ou indirecte l'apologie de la race, de l'intolérance et de la violence.</p> <p>Art. 77: Quiconque offense par écrit, sons, images, dessins ou tous autres moyens directs ou indirects, l'islam et les autres religions célestes est puni d'un emprisonnement de six (6) mois à trois (3) ans et d'une amende de 10.000 à 50.000 DA ou de l'une des deux peines seulement.</p>	<p>Constitution (28/11/1996 modified by the law 08-19) Article 36: Freedom of creed and opinion is inviolable. Article 41: Freedom of expression, association and meeting are guaranteed to the citizen.</p> <p>Law 90-07 relating to the information (information code) Article 10: Les organes et les titres du secteur public ne doivent en aucune circonstance tenir compte d'influence ou de considération de nature à compromettre l'exactitude de l'information. Ils assurent l'égal accès à l'expression des courants d'opinion et de pensée.</p> <p>Art. 59: Il est institué un Conseil supérieur de l'information, autorité administrative indépendante de régulation, jouissant de la personnalité morale et de l'autonomie financière. A ce titre, il est chargé : - de préciser les modalités de mise en oeuvre des droits à l'expression des divers courants d'opinion; ... - d'exercer, à la demande des intéressés, des prérogatives de conciliation pour les situations conflictuelles inhérentes à la liberté d'expression et au droit des citoyens à l'information, préalablement à l'engagement, par l'une ou l'autre partie au litige, de toute procédure devant les juridictions compétentes;</p>	<p>Some relevant reports of different human rights organizations reveal a real trend of restriction of the human rights in Algeria. That concerns especially the freedom of speech, the freedom of opinion and the freedom of religion. We can notice that the last five years there has been an increase of the number of condemnations regarding religious practice. These condemnations concern people who are accused of breaking fast in Ramadan, or people who are accused of having subversive activities of proselytism that can shake the Muslim faith. The legal basis is article 144 bis 2 of the Criminal code and the article 11 of the Ordinance 06-03. As example: http://www.amnesty.org/en/library/asset/MDE28/011/2010/en/ab261eae-ca2d-4446-9aab-9dbf380fd8f1/mde280112010en.html http://www.rfi.fr/actufr/articles/101/article_66802.asp</p> <p>- The freedom of speech of some journalists who are frequently condemned because they criticize the authorities, the President, etc. The legal basis is in general one of the different articles of the criminal code (article 144 bis or 144 bis 1) http://fr.allafrica.com/stories/201005030930.html</p>	<p>The only relevant example of jurisprudence concerns unfortunately the restriction of freedom of speech of Algerian journalists. Some journalists as Chawki Amari are frequently condemned. During one of his lectures he explained that he was condemned approximately every six months. Other example: http://www.algerie-focus.com/2010/04/17/condamne-pour-delit-dopinion-appel-a-nos-amis-journalistes-de-la-presse-privee/ http://fr.rsf.org/algerie-condamnation-d-un-journaliste-de-15-07-2009,33367 http://www.la-laddh.org/spip.php?article381 http://www.ifex.org/algeria/2006/02/16/cartoonist_ali_dilem_senten_ced/fr/</p> <p>Concerning the freedom of religion, in general, decisions restrain it. As mentioned above, the Habiba Kouider case is sadly one of the most famous cases: http://lesactualitesdudroit.20minut.es-blogs.fr/archive/2008/05/27/la-liberte-de-religion-en-algerie.html http://assembly.coe.int/DocumentS/WorkingDocs/Doc08/FDOC11666.pdf http://www.state.gov/documents/organization/132781.pdf</p>	

	<p>Penal Code</p> <p>Article 298: Toute diffamation commise envers les particuliers est punie d'un emprisonnement de cinq jours à six mois et d'une amende de 150 à 1500 DA ou de l'une de ces deux peines seulement</p> <p>Toute diffamation commise envers une ou plusieurs personnes qui appartient à un groupe ethnique ou philosophique, ou à une religion déterminée, est punie d'un emprisonnement d'un mois à un an et d'une amende de 300 à 3000 DA, lorsqu'elle a pour but d'exciter à la haine entre les citoyens ou habitants.</p> <p>Article 298bis: Toute injure commise envers une ou plusieurs personnes appartenant à un groupe ethnique, philosophique ou une religion déterminée est punie d'un emprisonnement de cinq jours à six mois et d'une amende de 150 à 1500 DA ou de l'une de ces peines seulement.</p> <p>Ordonnance 06-03 (28/02/2006)</p> <p>Article 2: l'Etat algérien dont la religion est l'Islam garantit le libre exercice du culte dans le cadre du respect des dispositions de la Constitution, de la présente ordonnance, des lois et règlements en vigueur, de l'ordre public, des bonnes mœurs et des droits et libertés fondamentaux des tiers</p> <p>L'Etat garantit également la tolérance et le respect entre les différentes religions.</p> <p>Article 3: les associations religieuses des cultes autres que musulman bénéficient de la protection de l'Etat »</p> <p>Article 4: il est interdit d'utiliser l'appartenance religieuse comme base de discrimination à l'égard de toute personne ou groupe de personne.</p>			
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	Decree n°07-135 (19/05/2007)				
Egypt	<p>Penal Code <u>Article 98:</u> A punishment of imprisonment for 6 months to 2 years or a fine from 500 to 5000 L.E shall be imposed on anyone who uses religion, verbally or in writing or by any other means, to promote or advocate expressed ideologies with a view toward stirring up sedition, undermining or showing contempt for any divinely-revealed religion, or prejudicing national unity and social peace".*</p> <p>Articles 160 and 161 impose punishment for desecration of religious sites or assaults on religious communities.</p> <p><u>Article 176:</u> Shall be punished by imprisonment whoever instigate...discrimination against one of the people's sects because of race, origin, language, or belief, if such instigation is lead to disturb public order.</p> <p><u>Article 178:</u> A punishment of imprisonment for 2 years and a fine from 20 to 500 L.E. or one of these punishments shall be imposed on anyone who:</p> <ul style="list-style-type: none"> - manufactured or possessed printed materials, manuscripts, advertisements, relieves, engravings, manual or photographic drawings, symbolic signs or any other material or photographs violating public morals - in case this manufacture or possession was intended to trafficking, adhesion or exhibition. The same punishment shall be imposed on anyone who: <ol style="list-style-type: none"> 1. Imported, exported or transferred by himself or by any other person any of the above-mentioned materials. 2. Issued an advertisement, 	<p>The Constitution <u>Article 47:</u> freedom of opinion is guaranteed. Every person is entitled to express and disseminate his opinion orally, in writing, graphically or through any other medium of expression, within the limits of the law. Self-criticism and constructive criticism guarantee sound national development; <u>Article 48:</u> freedom of the press and of printing, publishing and the information media is guaranteed; <u>Article 49:</u> the State ensures that its citizens enjoy freedom of scientific research and of literary, artistic and cultural creativity and provides the requisite facilities to encourage them to exercise this freedom; <u>Article 210:</u> journalists have the right to obtain news and information in the manner prescribed by law. In the discharge of their duties, they are subject to no authority other than that of the law.</p>	<ul style="list-style-type: none"> - The protection of mentioned Penal Code Articles is meant for the three officially acknowledged religions by the State, namely; Islam, Christianity, and Judaism. Nevertheless, effective protection for the right to freedom of religion and belief is not in place, as some basic elements of religious freedom are missing, such as the freedom to change one's religion or not to follow any religion. - The State provides protection to certain schools of classical religious thoughts and sometimes resorts to these articles to crackdown on freedom of expression to serve political agendas. Yet, these articles are also used by individuals against expressed ideas in contradiction to their own. 	<p>1- It has been reported that on April 26, 2010, Nagib Gibrail, the president of the Egyptian Union of Human Rights Organization, filed a complaint with the Public Prosecutor against author Youssef Ziedan, accusing him of defaming the Christian religion and mocking the Christian tenets of the trinity, unity, and redemption. Gibrail alleged that some statements made by Ziedan constituted "insult and derision of the Christian faith and Christians." The Public Prosecutor referred the complaint to the High State Security Prosecutor.</p> <p>2- It has been reported that on April 17, 2010, a complaint was filed with the Public Prosecutor alleging that "A Thousand and One Nights" contains dialogue that derides religion. The complaint asked the office to confiscate the book and investigate officials at the General Authority for Cultural Palaces for publishing a new edition of it. The Public Prosecutor later closed the</p> <p>3- It has been reported that on October 1, and August 28, 2007, the Minister of Interior used its prerogatives under emergency law to issue a detention order for Mohammed al-Darini and Ahmed Mohammed Subh respectively. The State Security Prosecutor charged the detainees with propagating extreme Shiite beliefs with the goal of deriding Islam. They were released in late November and early December 2007. Similarly, the Ministry of Interior referred Mohammed Farouq and 11 others to the High State Security Prosecutor because of their affiliation with the Shiite confession in 2009 in what came to be known as the</p>	

	<p>publicly exhibited, sold, rented, offered for sale or for rent, even though this was unpublicly affected.</p> <p>3. Publicly and by direct or indirect means forwarded, even though free of charge and by any means, any of the above-mentioned material.</p> <p>4. Distributed or handed over with intent to be distributed, by any means, any of these materials.</p> <p>5. Discretely distributed any of these materials, even though free of charge and with intent to corrupt morals.</p> <p>As well as the fore-cited punishment is to be inflicted to anyone who:</p> <p>1. Publicly delivered immoral songs, shouting or speeches.</p> <p>2. Publicly seduced committing debauchery or issued advertisements or messages of any expressions.</p> <p>In case of recidivism the punishment shall be imprisonment and a fine without violating article 50 of this Code.</p>			<p>Hassan Shehata case. Their charges include forming an organization to propagate Shiite beliefs that defame Islam. Although the prosecutor and the State Security Courts issued several orders to release all 12 defendants, the Ministry of Interior refused to implement the orders and issued new detention orders for eight of them.</p> <p>4- It has been reported that in April 2009, the Administrative Court issued a ruling canceling the license of Ibdaa magazine, after it published a poem allegedly offending divinity. The High Administrative Court temporarily suspended the ruling in June 2009.</p> <p>5- In 2007 an individual filed a law suit asking that Egyptian writer Nawal al-Saadawi be deprived of her Egyptian citizenship and prohibited from entering the country on the grounds that she had defamed religion and attacked the principles of Islamic law when she wrote a play entitled "God Tenders His Resignation at the Summit Meeting." Nevertheless, on May 13, 2008, the court refused to deprive Ms. Saadawi of her citizenship.</p>	
<p>Jordan</p>	<p>The Constitution, 1952 <u>Article 14:</u> The State shall safeguard the free exercise of all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality.</p> <p><u>Article 19</u> Congregations shall have the right to establish and maintain their own schools for the education.</p> <p>The Penal Code No.16 1960 <u>Article 130:</u> Anyone who, in war time or when war is anticipated</p>	<p>The Constitution, 1952 <u>Article 15(i):</u> The State shall guarantee freedom of opinion. Every Jordanian shall be free to express his opinion by speech, in writing, or by means of photographic representation and other forms of expression, provided that such does not violate the law.</p> <p>(ii) Freedom of the press and publications shall be ensured within the limits of the law.</p> <p>(iii) Newspapers shall not be suspended from publication nor shall their permits be revoked except in accordance with the provisions of the law.</p>	<p>In 2004 Jordan Officials launched the Amman Message as a call for tolerance and mutual recognition among Muslim schools of thought (enclosed).</p>		<p>The Monarch reiterated on more than one occasion that crackdown measures shall be taken if any body triggers and/or evokes the fanatical instinct and/or sectarianism.</p>

	<p>makes propaganda amid at weakening national sentiment or inciting racial or sectarian hatred shall sentenced to temporary hard labor.</p> <p><u>Article 273</u>: Anyone proven to have publicly offended any prophet shall be sentenced to imprisonment for a period between one and three years.</p> <p><u>Article 278</u>: Anyone proven guilty of any of the following shall be sentenced to imprisonment of a period not exceeding three months or a fine not exceeding 20 dinars:</p> <ol style="list-style-type: none"> 1. Publishing any material that offensive to other people religious feeling or beliefs. 2. Publicly, with another person listening thereto, making speech or sound that is offensive to said other person's religious feelings or beliefs. <p>Should the Public Prosecutor to prosecute journalist under article 38 of Press and Publication Law rather than the Penal Code, a fine of 10.000-20.000 dinars would be imposed.</p> <p><u>Article 142/3</u>: Perpetrators of attacks that aim at inciting civil war or sectarian strife by the armament of Jordanians or urging them for armament against each other, or by encouraging killing and looting in an area or areas, are penalized by life imprisonment with hard labor, and with death sentence if the attack was carried out.</p> <p><u>Article 150</u>: Any writing or speech or action intended or leading to incite sectarian racial hatred or encourage conflict between religious or different components of nation; shall be penalized by imprisonment for period not less than six month and not exceeding three years and a fine not exceeding fifty dinars.</p>	<p>(iv) In the event of the declaration of martial law or a state of emergency, a limited censorship on newspapers, publications, books and broadcasts in matters affecting public safety and national defence may be imposed by law.</p> <p>(v) Control of the resources of newspaper shall be regulated by law.</p> <p>Interim Audio Visual Media Law No. 71 of 2002.</p> <p><u>Article 20</u> N. The Licensee must not broadcast or rebroadcast all that would incite sectarian and ethnic prejudices, undermine national unity, encourage terrorism, racial or religious discrimination, or abuse the Kingdom's relations with other countries.</p> <p>Interim Law of Election to the House of Deputies No. 9 of 2010</p> <p><u>Article 17</u> Election campaigning: B. When launching an election campaign, the candidate must comply with the following: 2. Respecting others' freedom of opinion and thought.</p> <p>Interim Law of Election to the House of Deputies No. 34 of 2001</p> <p><u>Article 18</u> D. Speeches, statements, advertisements and means of election campaigning must not include any insult to other candidates directly or indirectly, or incitement of sectarian, tribal, regional, partisan or racial prejudices between the segments of the citizens</p>			
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	<p><u>Article 273:</u> Anyone proven to have publicly offended any prophet shall be sentenced to imprisonment for a period between one and three years.</p> <p>The Penal Code No. 16 /1960 Article 278" Anyone proven guilty of any of the following shall be sentenced to imprisonment of a period not exceeding three months or a fine not exceeding 20 dinars:</p> <ol style="list-style-type: none"> 1. Publishing any material that is offensive to other people religious feeling or beliefs. 2. Publicly, with another person listening thereto, making speech or sound that is offensive to said other person's religious feelings or beliefs. <p>Should the Public Prosecutor prosecute journalist under article 38 of Press and Publication Law rather than the Penal Code, a fine of 10.000-20.000 dinars would be imposed.</p> <p>Military Penal Code No. 58 of 2006</p> <p><u>Article 41</u> War Crimes:</p> <p>A. The following acts, committed during armed disputes, are considered war crimes:</p> <ol style="list-style-type: none"> 17. The practice of racial discrimination and other methods based on racial prejudice that is degrading to human dignity. 				
Morocco	<p>Law 77-00 (press code)</p> <p><u>Article 38:</u> Shall be punished as accomplices of an action qualified as a crime or offence, people who, by speeches, shouting or threats uttered in public places or meetings, either in writings or sold printed articles, either distributed, sold or displayed in public places or meetings, by placards or posters displayed in public view, or to the various media audiovisual and electronic media, would have directly provoked the author(s) to commit such action if</p>	<p>Law 77-00 (press code)</p> <p><u>Article 38:</u> Shall be punished as accomplices of an action qualified as a crime or offence, people who, by speeches, shouting or threats uttered in public places or meetings, either in writings or sold printed articles, either distributed, sold or displayed in public places or meetings, by placards or posters displayed in public view, or to the various media audiovisual and electronic media, would have directly provoked the</p>	<p>The applicability of the press code provisions is not well received in practice. They are deemed to be unfair when the press reports touch on the sacredness and the king's person. Some Moroccan NGO's have repeatedly called for the revision or the cancellation of number of provisions mainly those relating to sanctions that are considered to be extremely abusive and heavy. The right to freedom of expression is considered by NGO's and</p>	<p>A judgment delivered on the 12 January 2007 by a trial court of Ouarzazate, in a context of a lawsuit brought against a journalist for incitement to discrimination. The article published concerned a detrimental to the African populations. The editor, who was questioned by the prosecutor, confirmed an error in the choice of the title of the article published. The newspaper devoted 3 pages to a letter for apology. The newspaper containing the article</p>	

	<p>that provocation has been followed. This provision shall equally apply where the provocation has led to an attempted crime.</p> <p>Article 39bis: Whoever by any means set out in Article 38, incites racial discrimination, hatred or violence against a person or persons because of their race, origin, color or ethnicity or religion, or supported the war crimes and crimes against humanity will be punished with imprisonment from one month to one year and fined 3,000 to 30,000 dirhams or one of these two penalties.</p> <p>Law 75-00 completed by law 36-04 relating to the right of Association. Article 3 Article 17</p> <p>Law 36-04 (2006) relating to political parties Article 4: Is null and void any grant of a political party founded on a cause or for a purpose contrary to the Constitution and laws or that aims to undermine the Islamic religion, the monarchy or integrity Kingdom's territorial.</p> <p>Is also null and void any grant of a political party based on religious, linguistic, ethnic or regional, or general, on any discriminatory basis, or contrary to human rights.</p> <p>Penal code Article 721</p> <p>The labour code Article 9 Article 36 Article 478</p>	<p>author(s) to commit such action if that provocation has been followed. This provision shall equally apply where the provocation has led to an attempted crime.</p> <p>Article 39bis: Whoever by any means set out in Article 38, incites racial discrimination, hatred or violence against a person or persons because of their race, origin, color or ethnicity or religion, or supported the war crimes and crimes against humanity will be punished with imprisonment from one month to one year and fined 3,000 to 30,000 dirhams or one of these two penalties.</p> <p>Law 75-00 completed by law 36-04 relating to the right of Association. Article 3 Article 17</p>	<p>number of researchers and political activists to be very repressive and continues to be used to jail critics of the government. The Law on associations states that an association cannot exist legally if its objectives or aims are deemed "contrary to good morals" or undermine "Islam" or the monarchy, or "the country's territorial integrity" or if its is deemed to "call for discrimination". The restrictions on undermining Islam, the monarchy, and the country's territorial integrity, are the well understood red lines on free discourse in the country (article 41 of the press code). The law does not elaborate on the meaning of these broad phrases, or on the equally sweeping restrictions on associations whose objectives are "contrary to good morals" or "call for discrimination". These restrictions in Moroccan law far exceed the limits that the applicable international human rights treaties permit on freedom of expression, and provide the authorities with a basis in domestic law for dissolving organizations whose political agenda displeases them.</p>	<p>was withdrawn from kiosks and bookstores. Case of a human rights activist "Chakib Al Khayari" convicted on June 24, 2009 and sentenced to three years in prison.</p>	
Yemen	<p>Criminal and Penal law Article (194): Punishable by imprisonment for a term not</p>	<p>Constitution, 1994 Article (41) Every citizen has the right to participate in the political,</p>	<p>Violations against journalists during the period from April -July 2009 affected around 151</p>		

	<p>exceeding three years or a fine: a) Of announcing publicly the views include ridicule or contempt of religion in its concepts or beliefs or teachings, B) Who incites publicly disrespect a group of people or giving priority to certain community which would disturb the public peace. <u>Article (195)</u> The punishment shall be imprisonment for a term not exceeding five years or a fine if the religion being ridiculed or contempered is Islam. <u>Article (261)</u> Punishable by imprisonment for a term not exceeding one year or a fine not exceeding two thousand rials: a) Of damaged or distorted, or desecrated a mosque or anywhere else prepared under license from the State to establish a religious ritual or a symbol or other things with religious sanctity. b) Of deliberate jamming to practice a religion or a religious meeting or does something to disable it or prevent it by violence or threat.</p> <p>Labour Law <u>Article (5)</u> Work is a natural right of every citizen and a duty for everyone who is capable of working, on the basis of equal conditions, opportunities, guarantees and rights without discrimination on grounds of sex, age, race, colour, beliefs or language. The State shall, as far as possible, regulate the right to access to work through development planning of the national economy.</p>	<p>economic, social and cultural life of the country. The state shall guarantee freedom of thought and expression of opinion in speech, writing and photography within the limits of the law.</p> <p><u>Article (47) (a)</u> The state shall guarantee to its citizens their personal freedom, preserve their dignity and their security. The law shall define the cases in which citizen's freedom may be restricted. Personal freedom cannot be restricted without the decision of a competent court of law.</p>	<p>journalists. Many of those prosecuted expressed their opinions against the government. Presence of women in politics is small. Only one woman is in the parliament out of 301 members.</p>		
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