

The Legal Framework for Combating the Crime of Discrimination and Hate Speech in Algerian Legislation: A Reading in Law No. 20-05

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Abstract

The issue of discrimination and hate speech constitutes a sensitive matter that affects the cohesion and stability of society, particularly in light of digital transformations and the new spaces they have created for the circulation of extremist discourse. In this context, Law No. 20-05 on the prevention and combating of discrimination and hate speech was introduced to serve as a legislative framework to counter these phenomena, in line with Algeria's international commitments in the field of human rights.

The significance of studying this topic lies in highlighting the extent to which legal provisions are capable of addressing the challenges of discrimination and hate speech, and of safeguarding the values of citizenship and peaceful coexistence, in addition to assessing the effectiveness of the newly established mechanisms, foremost among them the National Observatory for the Prevention of these crimes

Keywords: Crimes of discrimination, hate speech, Algerian Law No. 20-05, international conventions, National Observatory

Introduction:

The phenomena of discrimination and hate speech represent among the most serious challenges facing contemporary societies, given their grave repercussions on public order, the fragmentation of the social fabric, and the undermining of the principles of coexistence and peace. This reality compels the legislator to provide legal and institutional safeguards to prevent any exploitation of diversity in a manner that threatens national unity. From this perspective, Law No. 20-05 of 28 April 2020 on the prevention and combating of discrimination and hate speech was enacted, establishing for the first time a comprehensive legislative framework that criminalizes such acts and introduces institutional mechanisms to confront them, foremost among which is the creation of the National Observatory for the Prevention of Discrimination and Hate Speech.

This study seeks to analyze the legal framework criminalizing discrimination and hate speech under Law No. 20-05, to identify the preventive and counteractive mechanisms established by the Algerian legislator, and to evaluate the effectiveness of these provisions in practice,

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particularly through an examination of the role of the National Observatory, in this context, the study raises the following research question: To what extent has the Algerian legislator, through Law No. 20-05, succeeded in establishing effective legal protection against the phenomena of discrimination and hate speech?

To address this question, the descriptive-analytical method will be employed, involving a presentation and analysis of the relevant legal provisions—most notably Law No. 20-05 on the prevention and combating of discrimination and hate speech—for the purpose of evaluation. This will be structured according to the following plan, which is divided into two sections. The first will address the concept of discrimination and hate speech by examining key definitions provided both in international conventions and in Algerian legislation. The second will focus on the means of combating discrimination and hate speech, clarifying the forms of these crimes and highlighting the role of the National Observatory for the Prevention of Discrimination and Hate Speech.

Section One:

The Concept of Discrimination and Hate Speech

Discrimination and hate speech are serious phenomena that threaten social cohesion and stability within societies. For this reason, states, including Algeria, have sought to establish legal frameworks to confront these crimes, relying on both international and domestic standards that prohibit all forms of discrimination and incitement to hatred.

Accordingly, this section will address the meaning of discrimination (First), and hate speech (Second).

First: Definition of Discrimination

The term discrimination refers to any distinction, exclusion, restriction, or preference based on grounds such as race, religion, gender, or language, which aims to annul or weaken the recognition, enjoyment, or exercise of human rights and fundamental freedoms on an equal footing. To provide further detail, this subsection will examine the definition of discrimination in international instruments and in Algerian legislation.

1. Definition of Discrimination in International Instruments

Numerous international instruments have addressed the principle of equality and non-discrimination, whether in a general or specific manner. The Charter of the United Nations, in its Preamble, affirms its faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small, regardless of their attributes or status.

Furthermore, Article 2(1) of the Charter enshrines the principle of equality among the members of the international community, thereby demonstrating that no state is to be favored over another, as required by equality among the various human groups in their composition, structure, and affiliation¹.

The International Convention on the Elimination of All Forms of Racial Discrimination defines discrimination as any distinction, exclusion, restriction, or preference based on race, color, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life².

As for the Universal Declaration of Human Rights of 10 December 1948, it does not provide a definition of discrimination, similar to the UN Charter. However, it refers to non-discrimination and equality in its Preamble and several articles. Article 1 explicitly states that all human beings are born free and equal in dignity and rights. Article 2 affirms that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status³.

The African Charter on Human and Peoples' Rights, like many other international instruments, does not define discrimination. Instead, it merely refers to it when addressing equality in the enjoyment of rights and freedoms guaranteed by the Charter. Article 2 provides that every individual shall be entitled to the rights and freedoms recognized and guaranteed in the Charter without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, fortune, lineage, or other status⁴.

Article 3 of the Charter further affirms equality between men and women, committing State Parties to ensuring equality between men and women in the enjoyment of all civil and political rights recognized in the Charter.

2. Definition of Discrimination in Algerian Legislation

Although Algeria ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the Algerian legislator did not incorporate the crime of discrimination into the penal system until the enactment of Ordinance No. 14-01 of 11 February 2014 amending and supplementing the Penal Code. This criminalization came in response to

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the State's international obligations and as an effort to confront the phenomenon of discrimination that had begun to spread in society, in addition to ensuring effective protection of the principle of equality enshrined in successive Algerian constitutions.

In this regard, the 2020 constitutional amendment, in Article 37, provides that citizens are equal before the law and are entitled to equal protection, and that no form of discrimination may be invoked, whether on the basis of birth, race, gender, opinion, or any other personal or social condition or circumstance⁵.

While the Preamble of the Algerian Constitution does not provide an explicit definition of discrimination, it contains clear references to the State's commitment to combating discord and violence, and to rejecting all forms of extremism, hate speech, and discrimination. It affirms the determination of the people to keep Algeria safe from discord, violence, extremism, hate speech, and all forms of discrimination.

As for the Penal Code, as amended and supplemented by Law No. 14-01, it defined the crime of discrimination in Article 295 bis 1 as:

"Any distinction, exclusion, restriction, or preference based on sex, race, color, descent, national or ethnic origin, or disability, which aims or results in impeding or hindering the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life."

It is worth noting that this definition is almost a literal reproduction of the definition provided in Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, which reflects the Algerian legislator's intent to align national legislation with international obligations.

However, this provision did not remain in force, as it was later repealed by Law No. 20-05 on the prevention and combating of discrimination and hate speech. Article 2 of this law redefined discrimination in broader terms, stipulating that it is:

"Any distinction, exclusion, restriction, or preference based on sex, race, color, descent, national or ethnic origin, language, geographical affiliation, disability, or health status, which aims or results in impeding or hindering the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life."⁶

From this definition, it is evident that the Algerian legislator expanded the scope of legal protection by adding new grounds of discrimination that

were not included in the original provision, such as language, geographical affiliation, and health status.

Nevertheless, despite the importance of the definitions contained in both the international convention and Algerian legislation, some of the criteria employed continue to raise legal and doctrinal difficulties, particularly with respect to discrimination based on nationality, ethnicity, or race. These concepts often overlap significantly, making it difficult to draw precise distinctions between them. While the classification of groups by nationality or religion generally poses no problem, the distinction between racial and ethnic meaning remains ambiguous, as many jurists consider the two terms to be nearly synonymous. This makes it challenging for both legislators and judges to delineate the exact differences in practice⁷.

Thus, the Algerian legislator criminalized the act of discrimination because it infringes upon constitutionally guaranteed human rights and fundamental freedoms and violates the principle of equality, which constitutes an essential safeguard for the exercise of these rights and freedoms. The legislator also criminalized another conduct capable of spreading, encouraging, or justifying discrimination, namely hate speech, which will be addressed in the following section.

Second: Definition of Hate Speech

The term *hatred* in Arabic originates from the root *karh*, which denotes aversion to something and unwillingness to accept it. It refers to what burdens the soul, causing discomfort and harm. The *disliked*, therefore, is that which a person detests, standing in opposition to what is loved or desired⁸.

In the English language, the term *hate speech* refers to any form of expression—whether verbal, written, or symbolic—that involves threat, insult, or incitement directed toward an individual or group on the basis of their national or ethnic affiliation, color, genetic origin, nationality, identity, or disability. This form of expression aims to undermine their dignity or to incite hostility against them⁹.

The international community has come to recognize the dangers of the proliferation of hate speech, given its explicit threat to peace, security, and human rights. This has led numerous international treaties and conventions to criminalize this type of expression—or at the very least, to regulate and limit it within the boundaries of freedom of expression. In the same vein, national legislations, including Algerian legislation, have sought to align with this trend. This will be clarified in what follows.

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1. Definition of Hate Speech in International Conventions

A number of international conventions have addressed hate speech, either by expressly criminalizing it or by drawing attention to its dangers for human rights and international peace. Among the most prominent of these is the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, which stipulates in Article 3(c) that direct and public incitement to commit genocide shall be punishable. This constitutes the first international recognition of the gravity of verbal incitement as part of what are termed crimes against humanity¹⁰.

The International Convention on the Elimination of All Forms of Racial Discrimination likewise considers racial discrimination, hatred, and any incitement to acts of violence against an ethnic group or persons of a particular national origin, as well as any assistance to racist activities, to be crimes punishable by law¹¹.

Similarly, the International Covenant on Civil and Political Rights of 1969 explicitly prohibits any advocacy of hatred in its various forms. Article 20 thereof provides that: “Any propaganda for war shall be prohibited by law. Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.”

In the same vein, Article 13 of the American Convention on Human Rights of 1969 establishes a direct prohibition of advocacy or incitement to hatred and violence. It stipulates that any propaganda for war, and any advocacy of national or religious hatred constituting incitement to unlawful violence or other similar illegal acts against any person or group of persons, on grounds including race, color, religion, language, or national origin, shall be deemed crimes punishable by law.

Accordingly, from the foregoing provisions, it can be said that international law does not criminalize hate speech merely as an expression of opinion; rather, it criminalizes it when accompanied by the element of public incitement to hatred, discrimination, or violence, particularly when directed against a specific group on the basis of race, religion, nationality, origin, or identity. Most international law scholars agree that hate speech is not afforded absolute protection under freedom of expression. Instead, restrictions are imposed when it poses a threat to the fundamental rights of others or to public order.

2. Definition of Hate Speech in Algerian Legislation

An examination of the provisions of Law No. 20-05, particularly Article 2, reveals that the Algerian legislator has provided a detailed definition of the concept of hate speech. It stipulates that hate speech encompasses all

forms of expression that disseminate, encourage, or justify discrimination, as well as those containing contemptuous, insulting, hostile, hateful, or violent language directed against an individual or a group of individuals on the basis of sex, race, color, descent, national or ethnic origin, language, geographical affiliation, disability, or health status¹².

Thus, hate speech may consist of words, publications, calls, or images that imply discrimination and provoke hatred among people, whether within a single society or between societies¹³.

However, what is noticeable about the definition provided by the Algerian legislator in Law No. 20-05—despite its evident intent to safeguard social peace—is that it remains broad and conceptually imprecise. The definition expands the scope of criminalization to an excessive degree of generality, which may result in a dangerous conflation between lawful and unlawful expression. The terms used are vague and emotionally charged—such as hatred, hostility, loathing, contempt, and insult—and have no equivalent in the wording of Article 20 of the International Covenant on Civil and Political Rights¹⁴.

Some scholars consider the inclusion of such terms in the criminalizing text to be a legislative flaw, as they do not necessarily constitute criminal behavior but may rather reflect mere personal feelings that individuals cannot, from a legal perspective, be compelled to abandon or replace. However, the danger begins when these feelings move from the psychological realm into a public expressive act involving direct or indirect incitement to discrimination, violence, or exclusion against an individual or a specific group. In that case only does the matter exceed the boundaries of personal freedom to enter the scope of a legally recognized crime. Therefore, it would have been more appropriate for the legislator to frame the definition according to objective criteria that take into account the elements of criminal intent, imminent danger, and contextual circumstances, in line with international standards—foremost among them Article 20 of the International Covenant on Civil and Political Rights and the Rabat Plan of Action—in order to strike a balance between combating hate speech and safeguarding freedom of expression¹⁵.

Accordingly, it can be said that the Algerian legislator approached hate speech from a perspective different from that adopted by international conventions, as it linked this speech to the notion of discrimination based on various grounds such as sex, race, color, descent, national or ethnic origin. It combined both concepts—hate speech and discrimination—within a single legal framework, namely Law No. 20-05, with the aim of

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addressing them together. International law, on the other hand, tends to view hate speech as one of the underlying causes leading to the commission of serious crimes, chiefly genocide. This is reflected in Article 20 of the International Covenant on Civil and Political Rights, which refers to such speech in terms of “propaganda for war” or “advocacy of national or religious hatred.” Other international conventions, meanwhile, have addressed racial discrimination as fertile ground for the proliferation of hate speech, thus requiring its suppression within a broader framework designed to protect human rights and international peace.

Section II:

Combating the Crimes of Discrimination and Hate Speech

Crimes of discrimination and hate speech are among the emerging criminal phenomena to which the Algerian legislator has accorded special attention, given the direct threat they pose to the constitutional principles of equality and non-discrimination, as well as the serious harm they inflict on national unity and social peace. For this reason, the Algerian legislator expressly criminalized these acts within Law No. 20-05, providing a precise definition of them, identifying their forms, and prescribing deterrent penalties for their perpetrators. However, the punitive aspect alone is not sufficient. The legislator also established a new institutional mechanism, the National Observatory for the Prevention of Discrimination and Hate Speech, entrusted with monitoring, follow-up, coordination, and proposing measures to build a comprehensive preventive approach that complements the penal response. Thus, examining both the forms of these crimes and the role of the Observatory in preventing them is of paramount importance for understanding Algeria’s contemporary criminal policy in this field.

I. Forms of the Crimes of Discrimination and Hate Speech

The criminalization of acts of discrimination and hate speech is one of the most significant innovations of Law No. 20-05, through which the Algerian legislator introduced substantial amendments to the national legal system with the aim of countering the grave consequences of the spread of such acts, particularly through social media, which has a direct negative impact on individuals, society, public security, social peace, and national unity.

The law enshrines this through Articles 30 to 42, which classify acts of discrimination and hate speech as misdemeanors and prescribe penalties proportionate to their seriousness. These may be examined as follows:

1. The Crime of Discrimination and Hate Speech, or Incitement to or Advocacy of Such Act

The Algerian legislator criminalized discrimination and hate speech in Article 2 of Law No. 20-05, wherein the perpetrator seeks to obstruct or hinder the recognition of human rights and fundamental freedoms in various areas of social, economic, cultural, and political life. For this crime in its basic form, Article 30, paragraph 1, prescribes a penalty of imprisonment from six months to three years and a fine ranging from 60,000 to 300,000 Algerian dinars¹⁶.

As for the penalty applicable to those who incite, organize, glorify, or engage in propaganda for the commission of these crimes, paragraph 2 of the same article stipulates imprisonment from one to three years and a fine from 100,000 to 300,000 dinars, unless the act constitutes a more serious crime under the law¹⁷.

What is noteworthy about this provision is that the Algerian legislator required the element of publicity for incitement and treated it as an aggravating factor, prescribing a penalty of one to three years' imprisonment. If publicity were considered a condition for the existence of the offense itself, this would represent a legislative shortcoming, as it would absolve liability in cases where incitement occurred in private but through a medium otherwise recognized as a means of public incitement under Article 41 of the Penal Code.

The Algerian legislator also provided for harsher penalties—imprisonment from two to five years and a fine ranging from 200,000 to 500,000 dinars—in the following cases¹⁸:

- Where the victim is a child or where the crime is facilitated by the victim's illness, disability, or physical or mental incapacity;*
- Where the perpetrator holds legal or actual authority over the victim, or abuses professional influence to commit the crime;*
- Where the act is committed by multiple persons, whether as principal perpetrators or accomplices;*
- Where the crime is committed through information and communication technologies.*

2. Incitement to Violence in Crimes of Discrimination and Hate Speech

According to Article 32 of Law No. 20-05, the legislator established a separate form of these crimes, namely incitement to violence, defined as any unlawful use of physical or material coercion aimed at achieving personal or collective ends directed against an individual or group based on protected characteristics such as race, color, national or religious

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origin, or other grounds listed in the law. The prescribed penalty is imprisonment from three to seven years and a fine ranging from 300,000 to 700,000 dinars.

3. Financing Entities Advocating Discrimination and Hate Speech

Articles 33 and 36 of Law No. 20-05 reflect a preventive and firm approach to combating such crimes, extending criminalization beyond individual acts to encompass collective and organizational forms that threaten social peace and national cohesion. The law prohibits the establishment of associations, organizations, or groups whose purpose is to prepare, incite, or commit one or more crimes of discrimination or hate speech, and also criminalizes any participation therein, whether through active involvement or moral support.

In this context, the offense is consummated upon the mere joint design to commit the criminal act, without the need for its actual execution, which underscores the precautionary nature of the provision. The prescribed penalty is imprisonment from two to five years and a fine ranging from 500,000 to 1,000,000 dinars.

4. The Crime of Promoting Discrimination Electronically, through the Media, or Commercially

According to Article 34 of Law No. 20-05, the Algerian legislator prescribed a penalty of five (05) to ten (10) years' imprisonment and a fine ranging from 5,000,000 to 10,000,000 Algerian dinars for any person who creates, manages, or supervises a website or electronic account—including blogs, pages, groups on social networks, and both official and unofficial accounts—that is likely to incite discrimination or hatred within society¹⁹.

Furthermore, under Article 35 of the same law, imprisonment of two (02) to five (05) years is prescribed for anyone who produces, manufactures, sells, offers for sale, or distributes, by any means, products, goods, publications, recordings, films, tapes, discs, computer programs, or other materials containing forms of expression or ideas that may lead to the commission of crimes of discrimination or hate speech²⁰. It is clear from these provisions that the Algerian legislator broadened the scope of criminalization to cover all stages of dealing with such media—from production to distribution—thereby reflecting a preventive approach: it is not necessary for the criminal result to actually occur, but rather it suffices that the material in question be of an inciting nature or prepared in a way that facilitates acts of discrimination and hate speech.

II. The Role of the National Observatory as a Mechanism for the Prevention of Discrimination and Hate Speech

The National Observatory for the Prevention of Discrimination and Hate Speech is one of the most important bodies established under Law No. 20-05 of April 28, 2020, created in response to the institutional need to address the phenomenon of discrimination and hate speech, which threatens national unity and social peace. The Observatory has been entrusted with multiple tasks of a strategic, monitoring, and awareness-raising nature, through which it proposes, implements, and follows up on the national strategy in this field.

To ensure its effectiveness, the legislator designed the Observatory with a special composition that brings together representatives of state institutions and relevant public bodies, as well as representatives of civil society and national experts. The Observatory therefore combines two essential dimensions: a diverse membership ensuring the participation of multiple stakeholders, and broad prerogatives enabling it to fulfill its role in the prevention and combat of hate speech. This may be detailed as follows:

1. Composition of the National Observatory for the Prevention of Discrimination and Hate Speech

The creation of the Observatory is one of the most notable features of Law No. 20-05, marking an institutional step forward in strengthening the state's mechanisms for combating these phenomena, which have increasingly threatened social cohesion and public security. Article 9 of the law provides for its establishment as a national body with legal personality and financial and administrative autonomy. Its mandate includes monitoring all forms of discrimination and hate speech and developing the national prevention strategy, thereby enabling it to exercise its powers without bureaucratic constraints that might hinder its effectiveness²¹.

The legislator accorded particular attention to the Observatory's composition, ensuring diversity and representation of various stakeholders. It consists of six (06) national experts appointed by the President of the Republic, along with representatives of national institutions directly related to its mandate: the High Council for the Arabic Language, the High Commission for Amazighity, the National Council for Human Rights, the National Authority for the Protection and Promotion of Childhood, the National Council for Persons with Disabilities, and the

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Audiovisual Regulatory Authority. It also includes representatives of associations active in combating discrimination and hate speech²².

This approach reflects the legislator's will to involve all relevant actors—official and non-official—in order to confer a participatory dimension on the Observatory's work. Legally, members are appointed by presidential decree for a renewable five-year term, which underscores the official and national character of this body. Once installed, members elect the Observatory's president, whose mandate is incompatible with any elective office, function, or professional activity, in order to ensure full dedication and avoid conflicts of interest²³.

To enhance its effectiveness, the law authorizes the Observatory to seek assistance from representatives of various ministries, public administrations, public and private institutions, as well as qualified experts, for support and advice. However, these contributions are limited to a non-binding advisory capacity, reflecting the legislator's concern to preserve the Observatory's independence while allowing it to benefit from specialized expertise²⁴.

Nevertheless, the Observatory's diverse composition may face practical challenges in coordinating the views of its members, given their varied backgrounds and the interests of the institutions they represent. Moreover, the advisory nature of the contributions from external actors may weaken the Observatory's executive authority, restricting its role to coordination and proposals rather than conferring decision-making power in addressing instances of discrimination and hate speech.

Accordingly, the establishment of the National Observatory demonstrates the Algerian legislator's orientation toward adopting a more comprehensive institutional and preventive policy in confronting these serious phenomena. On the one hand, it embodies the state's constitutional commitment to protecting human rights and promoting a culture of citizenship and tolerance. On the other hand, it contributes to strengthening social peace by engaging a wide range of actors, including public authorities, national institutions, and civil society.

2. The Functions of the National Observatory for the Prevention of Discrimination and Hate Speech

Pursuant to Article 14 of Law No. 20-05 on the prevention and combat of discrimination and hate speech, the National Observatory is required to submit an annual report to the President of the Republic. This report includes a comprehensive assessment of the implementation of the national strategy adopted in this field, as well as practical recommendations aimed at strengthening and improving the national mechanisms for prevention.

The Observatory's role does not end there; it is also tasked with publishing the report to inform public opinion of its contents, thereby promoting transparency and consolidating trust between institutions and society²⁵.

Within the scope of its mandate, the Observatory also engages in the exchange of information and expertise with international institutions and organizations working in the field of combating discrimination and hate speech, within the framework of international cooperation. These prerogatives may be summarized as follows²⁶:

- Proposing the elements of the national strategy for the prevention of discrimination and hate speech, and contributing to its implementation in coordination with the relevant public authorities, stakeholders, and civil society.*
- Early detection of acts of discrimination and hate speech, and notifying the competent authorities thereof.*
- Reporting to the competent judicial authorities any acts brought to its attention that may constitute an offense under this law.*
- Providing opinions and recommendations on any matter related to discrimination and hate speech.*
- Conducting periodic evaluations of the legal instruments and administrative measures for the prevention of discrimination and hate speech, and assessing their effectiveness.*
- Defining standards and methods for prevention, and developing national expertise in this field.*
- Designing awareness programs and coordinating sensitization campaigns on the risks and impacts of discrimination and hate speech on society.*
- Collecting and centralizing data related to discrimination and hate speech.*
- Undertaking studies and research in the field of prevention.*
- Proposing measures to simplify and improve the national legal framework for the prevention of discrimination and hate speech.*
- Strengthening cooperation and the exchange of information with national and foreign institutions active in this field.*

It is thus evident that the Algerian legislator conferred broad and diverse prerogatives upon the Observatory, reflecting the intent to make it a central instrument of the national policy for the prevention of these phenomena. Nevertheless, these prerogatives remain general in nature and preventive rather than repressive or decisional. The law entrusted the Observatory with proposing and developing mechanisms for prevention—

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whether at the legislative or public policy level—within a comprehensive approach that combines legal, educational, and awareness-raising dimensions. The Observatory is also tasked with monitoring the implementation of the national strategy developed by the state, as stipulated in Article 5, in coordination with public authorities, civil society, and the private sector.

The legislator also designed the Observatory's role to complement that of other authorities and institutions; it does not operate in isolation but rather shares responsibilities with judicial bodies, relevant public authorities, and even civil society organizations. This reflects a philosophy based on participatory governance: combating discrimination and hate speech is not the mission of a single entity, but a collective responsibility requiring the concerted efforts of state institutions and society²⁷.

Conclusion

In conclusion, Law No. 20-05 represents a qualitative development in Algeria's criminal policy for combating discrimination and hate speech. It introduced clear definitions, expanded the scope of criminalization, and established an institutional mechanism—the National Observatory for the Prevention of Discrimination and Hate Speech. However, its effectiveness remains contingent on sound implementation and on achieving a balance between combating these crimes and safeguarding freedom of expression.

The main findings of this study can be summarized as follows:

- Law No. 20-05 covers various forms of discrimination and hate speech, including those committed through electronic means, while aligning with international conventions ratified by Algeria, thereby reinforcing its position in the field of human rights.*
- The legislator recognized that repression alone is insufficient, making prevention a key component of the national strategy.*
- The National Observatory constitutes a new institutional mechanism with preventive and monitoring functions in combating discrimination and hate speech. The inclusion of civil society and the private sector represents a positive element that reinforces the participatory approach.*

Accordingly, the study makes the following recommendations:

- Strengthening the preventive dimension through awareness-raising programs, equipping the Observatory with practical tools and technical capacities, and continuing legislative and judicial efforts to ensure the coherence of national texts with international standards, while adapting them to the challenges of the digital sphere.*

- *Developing coordination mechanisms between the Observatory and other national bodies in order to avoid overlap and ensure complementarity.*
- *Promoting international partnerships to exchange expertise and adopt best practices in addressing hate speech*

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