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Legal Protection against Discrimination and Hate Speech in Algerian Linguistic Dialects

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Abstract
In Algeria, legal protection against discrimination and hate speech in local linguistic dialects constitutes part of the general framework for respecting the cultural and linguistic pluralism enshrined in the Constitution. The Algerian Constitution has established linguistic pluralism as a component of national identity, recognizing Tamazight alongside Arabic as national and official languages. Although official discourse reinforces the principle of equality and non-discrimination, some local dialects remain subject to marginalization or ridicule, whether in the media or in the public sphere. From a legal perspective, the Algerian Penal Code criminalizes acts that incite hatred or discrimination on the basis of race, origin, or language, including speech that offends a particular dialect or linguistic group. However, the enforcement of these laws faces challenges in practice, particularly with regard to indirect or symbolic discrimination. Enhancing legal and educational awareness of the importance of respecting dialectal diversity is therefore an essential step toward ensuring effective and comprehensive protection for all components of Algerian society.
Keywords: Legal protection, hate speech, Algeria, linguistic dialects.

Introduction

Legal protection against discrimination and hate speech in local linguistic dialects in Algeria is a complex issue involving legal, cultural, and social dimensions. Algeria is a country characterized by numerous dialects, ranging from Algerian Arabic to Tamazight with its various branches (Chaoui, Kabyle, Mozabite, Tuareg, etc.), which makes the issue of linguistic coexistence a genuine challenge. Although the Algerian Constitution recognizes Tamazight as a national and official language alongside Arabic, daily practices continue to witness certain forms of discrimination or exclusion on linguistic grounds, whether in the media or in educational and administrative settings.

The Algerian legal framework has sought, to the extent possible, to combat discrimination among individuals within Algeria, particularly Law No. 20-05 of 28 April 2020. In general, it contains provisions criminalizing hate speech and discrimination, including discrimination

based on language or cultural affiliation. However, the actual implementation of these laws still faces several challenges, such as weak monitoring mechanisms, insufficient legal awareness among citizens, and the absence of a precise and clear definition of hate speech associated with local dialects.

Local dialects are often a means of expressing culture and identity; however, when they are used in contexts that exclude or belittle other dialects, they become a tool of discrimination, which requires legal and educational intervention. In this regard, linguistic pluralism education should be strengthened in schools, media outlets that respect linguistic and cultural diversity should be supported, and academic research on local dialects should be encouraged as a component of the broader national identity.

The role of the judiciary in addressing hate speech targeting dialects should also be strengthened, with the need to involve specialists in linguistics and sociology in the analysis of cases of a linguistic nature. Social awareness remains the cornerstone of such protection, as the law alone cannot change attitudes; rather, an integrated effort involving state institutions, civil society, and the media is necessary. Legal protection against linguistic discrimination is not merely a matter of rights, but also an essential condition for achieving national harmony and strengthening the sense of belonging among all Algerians without exception.

The issue of legal protection against discrimination and hate speech in local linguistic dialects in Algeria raises profound questions regarding the effectiveness of current legislation in confronting linguistic and cultural divisions that are sometimes reflected in hate speech directed against certain dialects or the groups that speak them. While laws aim to ensure equality and non-discrimination, their implementation remains limited in the face of social and political tensions affecting local dialects such as Kabyle, Chaoui, Tuareg, and others. This raises the following question: Do legal provisions focus solely on protecting Modern Standard Arabic, or does such protection extend to all local dialects? How can the preservation of national unity be reconciled with respect for linguistic diversity? And are legislation combating hate speech truly capable of deterring acts that discriminate against individuals on the basis of their dialect? This issue requires an in-depth study and a reconsideration of the legal framework in order to ensure effective and comprehensive protection that reflects the reality of Algeria's linguistic diversity.

First: The Concept of Hate Speech and Discrimination According to Local Dialects in Algeria

Hate speech in Algeria refers to the use of language and expressions that promote violence and prejudice against certain individuals or groups based on their ethnic, religious, or cultural affiliations. This discourse is sometimes manifested in local linguistic discrimination, whereby acts of discrimination and rejection are directed against local dialects or languages, such as Tamazight or Algerian Darija, resulting in the social and cultural marginalization of their speakers. Such discrimination is considered part of a broader discourse that reinforces divisions and undermines peaceful coexistence, thereby requiring community and educational efforts to curb it and promote respect for linguistic diversity and national identity.

Law No. 20-05 of 28 April 2020, relating to the prevention of and fight against discrimination and hate speech,[1] provides that it does not apply, first, where discrimination is based on health status through the prevention of death or risks to the physical integrity of the person, incapacity for work, or disability and insurance against these risks; second, in cases of health status and/or disability when this consists of refusal of employment based on medically established inability to work, in accordance with the provisions of labor legislation or the General Basic Law on the Civil Service; third, gender with regard to recruitment, when belonging to one gender or another, pursuant to the legislation in force, constitutes an essential condition for performing a job or professional activity; and fourth, nationality when it constitutes a condition for recruitment in accordance with the legislation in force.[2]

Hate speech is a complex and multidimensional phenomenon, with serious and far-reaching consequences for human rights and the rule of law in democratic societies. Preventing and combating hate speech online presents specific challenges, and monitoring bodies of the Council of Europe and other international agencies have documented its persistence and impact. The impact of hate speech is not limited to the dignity and human rights of the individual directly targeted; it also extends to persons belonging to the same minority or group directly targeted. Hate speech leads to serious divisions within society as a whole, affects the participation and inclusion of all those targeted by it, threatens democracy, and increasingly results in victims of hate speech being excluded from society, marginalized from public debate, and silenced. History indicates that hate speech has been deliberately used to mobilize groups and communities against one another, with the aim of provoking violent escalation, hate crimes, wars, and genocide.[3]

1- Definition of Hate Speech and Discrimination According to Local Dialects in Algeria

Hate speech is a verbal or written expression containing words or phrases that incite hostility or violence against a particular group of people because of their religion, race, language, or social affiliation.[4] In Algeria, local dialects vary among Algerian Arabic (Darija), Tamazight, and French, each possessing its own linguistic and cultural characteristics depending on the wilaya. Hate speech and discrimination sometimes appear through these dialects in expressions that convey contempt for or exclusion of certain groups, such as discrimination between regions, tribes, or religions, reflecting the impact of social and historical conflicts within Algerian society. Understanding this phenomenon through local dialects helps reveal the deep roots of hatred and promote coexistence and respect among the various components of society across its 58 wilayas and their diversity.

The term “hate speech” is used to describe a category of people who are subjected to contempt by another group. It is also used as an evaluative term that assesses its referent negatively and

[1] Law No. 20-05 of 28 April 2020 relating to the prevention of and fight against discrimination and hate speech, Official Gazette, No. 25, dated 29 April 2020.

[2] Ordinance No. 69-31 of 22 May 1969 approving Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, adopted by the General Conference of the International Labour Organization on 25 June 1958 at its Forty-Second Session.

[3] https://www.coe.int/en/web/combating-hate-speech/what-is-hate-speech-and-why-is-it-a-problem

[4] https://www.un.org/ar/hate-speech/understanding-hate-speech/what-is-hate-speech

thereby exposes it to criticism. Accordingly, the term "hate speech" refers to "all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, antisemitism or other forms of hatred based on intolerance, including intolerance expressed through aggressive nationalism and ethnocentrism, as well as discrimination and hostility against minorities, migrants and people of immigrant origin."[5]

A- Definition of Hate Speech According to Geographical Affiliation under Algerian Law

Under Law No. 20-05 relating to the prevention of discrimination and hate speech in Algeria, Article 2 defines hate speech as follows: "All forms of expression that spread, encourage or justify discrimination, as well as those that involve contempt, insult, hostility, hatred or violence directed against a person or group of persons on the basis of sex, race, color, ancestry, national or ethnic origin, language, geographical affiliation, disability or health status."

The same article defines geographical affiliation as: "Affiliation to a specific area or region of the national territory."

B- Definition of Discrimination and Forms of Expression Thereof under Algerian Law

According to Article 2 of Law No. 20-05, discrimination is defined as: "Any distinction, exclusion, restriction or preference based on sex, race, color, ancestry, national or ethnic origin, language, geographical affiliation, disability or health status, which aims at or results in impairing or obstructing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social or cultural spheres, or in any other field of public life."

The same article defines forms of expression as: "Speech, writing, drawing, gestures, images, singing, acting, or any other form of expression, regardless of the means used."

2- Manifestations of Discrimination and Hate Speech against Dialects in Algeria

Despite the legal provisions, reality reveals manifestations of marginalization or ridicule directed against certain dialects, such as Tamazight dialects (Chaoui, Kabyle, Mozabite, Tuareg, etc.), as their speakers are sometimes disparaged in the media or their dialects are belittled in public discourse. Regional Arabic dialects (Algiers, Oran, Constantine, Saharan, etc.) may also be used as a means of class-based or regional discrimination, particularly on social media.

A- Causes of Discrimination and Hate Speech against Dialects in Algeria

These include:[6]

- **The French colonial legacy:** The French marginalized both Tamazight and Arabic, and subsequently focused on Frenchification, which deepened the identity conflict after independence and left a country characterized by numerous dialects without a fair or inclusive language policy.

[5] Colin Calleja, Joseph Giordmania, Chantelle Camilleri, Kirstin Sonne, Understanding Hate Speech and Derogatory Language against Migrants and Ethnic Minorities in Malta: A Qualitative Analysis of Social Media Comments and Lived Experiences, November 2023, University of Malta, p. 7.

[6] Abdelmadid Ramdane, Discrimination and Hate Speech in Algeria: Prevention and Combat, Legal and Political Research, Vol. 07, No. 01, June 2021.

- **Identity conflicts:** The conflict between Tamazight and Arab identity took on a linguistic dimension, as each dialect is associated with a particular region and identity, making it a target of hate speech when it is viewed as a competitor to the "official" identity.
- **Media and education:** Official media focus on Modern Standard Arabic or French, while dialects are sometimes portrayed as "colloquial," "uneducated," or "backward," thereby creating a negative stereotype.
- **Centralization and regional racism:** The capital and major wilayas marginalize regional dialects and consider them "rural" or "backward," which leads to regional discrimination, particularly against speakers of Chaoui, Tuareg, or Mozabite.
- **Social media:** Platforms such as Facebook and YouTube are sometimes used to spread hate speech against speakers of certain dialects, through mocking videos or offensive comments. In addition, the absence of legal oversight of these manifestations contributes to their spread.
- **Lack of knowledge of the Constitution and absence of awareness:** Despite the recognition of Tamazight as a national and official language, many citizens are unaware of this. The lack of awareness reinforces linguistic discrimination and leads some people to regard the use of other dialects as a "threat" to unity.
- **Linking dialect to political affiliation:** Some dialects are unfairly associated with political ideologies or separatist demands, which leads to their demonization. An example is the association, in the view of some, between Kabyle and the separatist movement (MAK).

B- Effects of Discrimination and Hate Speech against Dialects in Algeria

Discrimination and hate speech against dialects in Algeria have negative and profound effects at both the individual and societal levels. Algeria is a country characterized by multiple dialects and languages, including Modern Standard Arabic, Darija (colloquial Arabic), and Tamazight in its various branches (Kabyle, Chaoui, Mozabite, Tuareg, etc.), in addition to French linguistic influences resulting from colonialism. In this context, discrimination between dialects and the use of hate speech against some of them constitute a form of cultural and linguistic exclusion. The main effects are as follows:[7]

- **Fragmentation of the social fabric:** that is, creating a gap between linguistic groups; when a particular dialect is insulted, its speakers feel that they are second-class citizens. Likewise, the spread of regional divisions through linguistic discrimination fuels regionalism (between the north and south, or between the east and west), as well as weakening the sense of national belonging; meaning that a person who is despised because of their dialect may feel alienated within their own country.
- **Cultural marginalization:** that is, the exclusion of local cultural production, as marginalized dialects are excluded from the media and educational curricula, threatening the loss of a rich popular heritage. It also contributes to weakening cultural diversity; the diversity of dialects is part of Algerian identity, and the rejection of some of them constitutes a threat to the collective identity.
- **Discrimination in educational and employment opportunities:** The denigration of local dialects in educational institutions may lead to a decline in children's confidence in their mother

[7] Oussaidane Yassine, Discours de haine sur les réseaux : entre mépris et discrimination / Hateful Speech on Networks: Between Contempt and Discrimination, Revue Société Éducation Travail, Vol. 08, No. 02, 2023.

tongue and personality, as well as the preference for speakers of "elite" dialects or dialects close to those of the capital, resulting in an imbalance in equal opportunities.

- **Psychological effects:** a sense of inferiority; an individual may feel that their dialect is evidence of their "backwardness" or "lack of education," which affects their self-esteem. Linguistic bullying, particularly in schools or on social media, can lead to psychological trauma and social withdrawal.
- **Encouraging the loss of linguistic identity:** that is, the abandonment by new generations of their original dialects out of fear of ridicule or social rejection, as well as the dominance of certain dialects considered "acceptable" or "prestigious," creating a form of internal cultural colonization.
- **Fueling hate speech:** social media have become platforms for mocking certain dialects, and regional jokes based on specific dialects contribute to spreading negative stereotypes.

Second: The Legal Framework for Ensuring the Protection of the Diversity of Algerian Dialects

The legal framework for ensuring effective and comprehensive protection that reflects the reality of dialectal diversity in Algeria is based on a set of legislations and constitutions that recognize linguistic plurality as an integral part of national identity. The Algerian Constitution provides for the recognition of Arabic as an official language and Tamazight as a national and official language as well, thereby consolidating the principle of respect for cultural and linguistic diversity in the country. In addition, laws provide protection for the rights of all linguistic components in the fields of education, media, and administration, while establishing mechanisms to promote the use of national and local languages in public life. These legal frameworks also support efforts to preserve indigenous languages and guarantee individuals the right to express themselves in their mother tongue, thereby achieving a balance between national unity and cultural diversity and ensuring the effective participation of all linguistic groups in building Algerian society.

1- Legal Protection against Discrimination and Hate Speech in Dialects in Algeria

Algeria attaches increasing importance to legal protection against discrimination and hate speech, particularly in light of the social and political challenges facing modern societies. The Algerian Constitution has enshrined the principle of equality among citizens before the law without discrimination on the basis of sex, origin, language, opinion, or any personal or social circumstance. In this context, Algeria has ratified a number of international human rights conventions that criminalize all forms of discrimination and racism. The Algerian legislator has also enacted Law No. 20-05 of 2020, which contains clear provisions criminalizing hate speech and incitement thereto, whether through the media, social networks, or any other means. This legal framework aims to protect the social fabric and promote a culture of tolerance and peaceful coexistence, while emphasizing the balance between freedom of expression and the requirements of public order and respect for human dignity.

A- Protection under International Law

There are several international conventions that protect human rights against all forms of discrimination and hate speech, which Algeria has ratified. As is well known, international law

has a higher status than Algerian legislation. Therefore, we will address some of the relevant conventions ratified by Algeria:

Under the Universal Declaration of Human Rights of 1948, Article 2 provides for the "right to enjoy all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion..." Article 3 also guarantees the right of every individual to life, liberty, and security of person. Article 7 further affirms that all people are equal before the law and are entitled without any discrimination to equal protection of the law, and that everyone has the right to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.[8]

The International Covenant on Civil and Political Rights also expressly prohibits calls to hatred in their various forms and manifestations within its provisions, most notably Article 20, which prohibits "any propaganda for war" and prohibits "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."[9]

Likewise, Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination clearly prohibits hate speech, providing that "States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination..."[10]

The entire substance of the Convention on the Elimination of All Forms of Discrimination against Women of 1979 addresses forms of direct discrimination and hate speech indirectly, including Article 1, which defines the term discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition..."[11]

Algeria has also ratified the Convention on the Rights of Persons with Disabilities, which likewise prohibits any discrimination and hate speech against this group and calls for the protection of their fundamental rights.[12]

A review of the provisions of the relevant international human rights conventions shows that they are not identical in regulating the prohibition of hate speech. This may be attributed to the

[8] Centre Universitaire de Mila – E-Learning Platform

[9] Presidential Decree No. 89-67 of 16 May 1989 concerning accession to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights, approved by the United Nations General Assembly on 16 December 1986 and published in the Official Gazette of the People's Democratic Republic of Algeria, No. 11, 1989.

[10] Ordinance No. 66-348 of 15 December 1966 approving the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the United Nations General Assembly on 21 December 1965.

[11] Presidential Decree No. 96-51 of 22 January 1996 concerning the accession of the People's Democratic Republic of Algeria, with reservations, to the Convention on the Elimination of All Forms of Discrimination against Women of 1979, Official Gazette, No. 06, 1996.

[12] Presidential Decree No. 09-188 of 12 May 2009 concerning the ratification of the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on 13 December 2006, Official Gazette, No. 33, dated 31 May 2009.

fact that they have limited themselves to establishing the highest standards of rights, while leaving it to national criminal legislation to determine the legal characterization of acts falling within the context of hate speech.

A- Legal Protection under Algerian Legislation

- Constitutional Framework

The Algerian Constitution[13] enshrines the principle of equality and prohibits discrimination. It also recognizes linguistic and cultural pluralism through:

Article 2: Islam is the religion of the State.

Article 3: Arabic is the official language.

Article 4: Tamazight is also a national and official language and may be developed within an institutional framework.

Article 37: Citizens are equal before the law without discrimination on the basis of origin, language, opinion, or any other status.

Articles 51 to 54: The State guarantees respect for individual freedoms and non-discrimination in rights and duties.

Thus, the Constitution recognizes the plurality of dialects and languages and provides a legal basis for protection against discrimination on the basis of language or dialect.

- National Legislation and Combating Hate Speech

In recent years, legislation has come to include provisions criminalizing discrimination and hate speech, particularly following the popular movement. This is Law No. 20-05 of 28 April 2020, which criminalizes acts that incite discrimination and hate speech and punishes anyone who uses any means, including social media, to disseminate hate speech or linguistic or regional discrimination.

1- National Strategy for the Prevention of Discrimination and Hate Speech

The objective of this strategy in Algeria is to promote ethical conduct in public life and disseminate a culture of tolerance and dialogue and the rejection of violence in society, pursuant to Law No. 20-05. According to Article 6 thereof, the State shall take preventive measures against discrimination and hate speech in their various forms through:

- Developing educational and training programs for awareness-raising and sensitization.
- Promoting a culture of human rights and equality.
- Establishing a culture of tolerance, dialogue, and acceptance of others.
- Adopting mechanisms for vigilance, warning, and early detection of the causes of discrimination and hate speech.
- Providing information and raising awareness about the dangers of discrimination and hate speech and the effects of using information and communication technologies to disseminate them.
- Promoting institutional cooperation.

Article 7 of this law also provides for the involvement of civil society and the private sector in the preparation and implementation of the national strategy for the prevention of discrimination

[13] Presidential Decree No. 20-442 of 30 December 2020 concerning the constitutional amendment adopted by popular referendum, Official Gazette, No. 82, dated 30 December 2020.

and hate speech. Article 8 of the same law provides that the media must ensure that their programs promote a culture of preventing all forms of discrimination and hate speech, as well as tolerance and human values.

A- Prevention as a Mechanism for Combating Discrimination and Hate Speech

Prevention is one of the most important mechanisms for combating discrimination and hate speech in Algeria, as it represents a proactive approach aimed at addressing the root causes of these phenomena before they escalate. This mechanism relies on disseminating a culture of tolerance and peaceful coexistence through education, the media, and public awareness. It also includes establishing clear policies and effective legislation criminalizing hate speech in all its forms, in addition to supporting institutions that promote human rights and equal citizenship. By enhancing public awareness, particularly among young people, and training workers in the media and educational institutions, the spread of exclusionary and prejudiced ideas can be limited, thereby contributing to building a more united and cohesive Algerian society that respects the cultural, linguistic, and religious diversity that characterizes it.

B- National Observatory for the Prevention of Discrimination and Hate Speech

The National Human Rights Council called for activating the National Observatory for the Prevention of Discrimination and Hate Speech, whose establishment was provided for under Law No. 20-05 of April 2020, in Articles 9 to 15.

In a statement issued on the occasion of the International Day for the Elimination of All Forms of Racial Discrimination, observed on 21 March, the Council referred to the enactment of Law No. 20-05 of April 2020, relating to the prevention of and fight against discrimination and hate speech, which provides for the establishment of the National Observatory for the Prevention of Discrimination and Hate Speech, calling for "the activation of this Observatory placed under the authority of the President of the Republic."

It stated that the Observatory's role consists of "proposing elements of the national strategy for the prevention of discrimination and hate speech and contributing to its implementation, in coordination with the competent public authorities and all stakeholders in this field and civil society, in order to ensure the early monitoring of acts of discrimination and hate speech and notify the relevant authorities thereof.[14]"

Pursuant to Article 10 of Law No. 20-05, the Observatory is responsible for monitoring and analyzing all forms and manifestations of discrimination and hate speech, identifying their causes, and proposing the necessary measures and procedures for their prevention. In this context, it is responsible in particular for:

- Proposing elements of the national strategy for the prevention of discrimination and hate speech and contributing to its implementation in coordination with the competent public authorities and various stakeholders.
- Notifying the competent judicial authorities of acts that come to its knowledge and that may constitute an offense among the offenses provided for under this law.
- Periodically evaluating legal instruments and administrative procedures in the field of preventing discrimination and hate speech and assessing their effectiveness.

[14] https://www.aps.dz/ar/algerie/103903-2021-03-21-16-15-52

- Collecting and centralizing data relating to discrimination and hate speech.

1- Criminal Protection against Offenses of Discrimination and Hate Speech

Protection against offenses of discrimination and hate speech is considered one of the fundamental pillars for ensuring social peace and promoting the principles of justice and equality. Such offenses threaten social cohesion and fuel conflicts between individuals and groups, as they involve contempt or disparagement of a particular group on the basis of race, religion, language, social affiliation, or other grounds. Modern legislation in many countries provides strict legal protection against such acts by criminalizing incitement to hatred and the dissemination of racist or discriminatory ideas, whether through the media, social networks, or in public life. It also requires States to adopt preventive and awareness-raising measures to promote a culture of tolerance and acceptance of others, as this constitutes the cornerstone of building a cohesive and diverse society that respects the fundamental rights and freedoms of all without discrimination.

A- Criminal Provisions on Discrimination and Hate Speech

Law No. 20-05, in Articles 30 to 42 thereof, criminalizes several acts relating to discrimination and hate speech through a number of legal provisions, including:

- Discrimination and hate speech are punishable by imprisonment from six months to three years and a fine ranging from DZD 60,000 to DZD 300,000. Any person who publicly incites the commission of the offenses provided for herein, organizes, glorifies, or carries out propaganda for such purposes is subject to these penalties, unless the act constitutes an offense punishable by law with a more severe penalty, in which case it is punishable by imprisonment from one to three years and a fine ranging from DZD 100,000 to DZD 300,000.
- Discrimination and hate speech are punishable by imprisonment from two to five years and a fine ranging from DZD 200,000 to DZD 500,000 if the victim is a child, if the perpetrator has abused the authority of their position, or if the offense was committed through the use of information and communication technologies.

Hate speech is punishable by imprisonment from three to seven years and a fine ranging from DZD 300,000 to DZD 700,000 if it includes an incitement to violence. Any person who supervises or manages a website dedicated to disseminating information promoting any form of discrimination or hate speech is punishable by imprisonment from five to ten years and a fine ranging from DZD 5,000,000 to DZD 10,000,000.

It should be noted that an attempt to commit the misdemeanors provided for under this law is punishable by the penalties prescribed for the offense itself, while legal persons are subject to the penalties provided for under the Algerian Penal Code.[15]

B- Protection of Victims of Discrimination and Hate Speech

Pursuant to Articles 16 to 20 of Law No. 20-05, the State guarantees victims of the offenses provided for under this law healthcare and psychological and social support in a manner that ensures their security, safety, physical and psychological integrity, and dignity. The State also

[15] Ordinance No. 66-156 of 8 June 1966 containing the Algerian Penal Code, Official Gazette, No. 49, dated 11 June 1966.

works to facilitate victims' access to justice in cases of discrimination and hate speech. Victims are also entitled, by operation of law, to legal aid, as well as to the special measures for the protection of victims and witnesses provided for under the legislation in force.

Any person claiming that one of the rights guaranteed under this law has been violated may request the judge hearing urgent matters at the competent judicial authority within whose jurisdiction their place of residence is located to take any precautionary measure to put an end to such violation, subject to a daily coercive fine.

C- International Judicial Cooperation against Discrimination and Hate Speech

Pursuant to Articles 43 to 45 of Law No. 20-05, within the framework of ongoing inquiries or judicial investigations aimed at establishing the offenses provided for under this law and identifying their perpetrators, the competent authorities may, while taking into account international conventions and the principle of reciprocity, resort to international judicial cooperation.

In cases of urgency, requests for international judicial cooperation may be accepted if submitted through rapid means of communication, including fax or electronic mail, insofar as such means provide sufficient security guarantees to verify their authenticity.

Requests for international judicial cooperation aimed at exchanging information or taking any precautionary measures shall be addressed in accordance with the relevant international conventions, bilateral international agreements, and the principle of reciprocity.

It should be noted that requests for international judicial cooperation shall be refused if their execution would prejudice national sovereignty or public order. The response to requests for international judicial cooperation may be subject to the condition of maintaining the confidentiality of the information communicated, or to the condition that such information not be used for purposes other than those specified in the request, or to the requirement that the requesting State have legislation relating to the protection of personal data.

Conclusion

Despite legislative progress in Algeria in the field of combating hate speech and discrimination, legal protection against dialect-based discrimination still requires effective and practical implementation. This must be accompanied by social awareness that respect for dialects is part of respect for human dignity and the collective national identity.

Discrimination and hate speech against dialects in Algeria result from a combination of exclusionary language policies, identity conflicts, and misguided social perceptions. Combating such discrimination begins by establishing a culture of recognition of linguistic diversity as a strength rather than a threat, together with fair media and linguistic education.

Accordingly, we note the following:

- Algeria is considered one of the most linguistically diverse countries in the Arab world.
- There are four main Arabic dialects (eastern, western, central, and southern), in addition to Tamazight in its various branches (Kabyle, Chaoui, Tuareg, and Mozabite). This diversity enriches culture, but it may sometimes be exploited to produce discriminatory discourse.
- At times, dialects are used to distinguish individuals from a particular region and stigmatize them with negative characteristics. Examples include describing inhabitants

of the south as "primitive" or "less civilized," or using expressions such as "the Chaoui does not understand," "the Kabyle is stubborn," or "the Sétifian always insults"...

- Weak enforcement of laws: Despite the existence of laws criminalizing discrimination, their application in cases relating to dialects remains very limited.
- Absence of direct complaints: Many citizens do not report linguistic discrimination, either because of a lack of awareness or because of a lack of confidence in the judicial system.
- Linking certain dialects to regional identity: This creates political sensitivities.
- Dialects are exploited in "memes" and online mockery, such as turning a particular way of pronunciation into a means of ridicule or imitating a particular dialect in a mocking manner for the purpose of entertaining the audience.
- Associating a particular dialect with negative characteristics (stupidity, violence, ignorance, betrayal, etc.) reinforces a degrading perception, which leads to:
- The construction of stereotypes.
- The dissemination of feelings of contempt and hatred.
- Affecting people's employment or educational opportunities based on their region and dialect.

Recommendations

Accordingly, the following measures are necessary:

- Legal and institutional enforcement is essential to eliminate discrimination and hate speech in all their forms and scopes, particularly through effective deterrent penalties. This means enforcing laws criminalizing discrimination and hate speech in accordance with the Constitution and human rights instruments, and establishing a national mechanism for receiving complaints relating to regional or linguistic discrimination.
- Launching awareness campaigns on respect for dialectal and cultural differences.
- Incorporating a subject on cultural and linguistic pluralism into educational curricula.
- Encouraging the media to represent all dialects fairly and without ridicule.
- Regulating media content to prevent the dissemination of regionalist discourse or discourse containing mockery of dialects or regions, and providing balanced space for all dialects on public and private channels, without marginalization or ridicule.
- Supporting youth initiatives that promote unity and cultural diversity.
- Monitoring online content that promotes discrimination between regions or mocks local dialects.

Thus, Algeria has the necessary legal foundations to combat discrimination and hate speech against dialects (Law No. 20-05), but the challenge lies in effective implementation particularly across social media platforms, schools, and public spaces. Efforts need to focus on:

- Activating the work of the National Observatory and monitoring and documenting cases of discrimination against dialects.
- Developing intelligent technological tools to detect hate speech in Algerian Arabic (Darija).

- Enhancing social awareness through the media and schools to promote linguistic tolerance.
- Encouraging the adoption of local dialects within official discourse and the media in order to build an inclusive identity.

List of Footnotes

1. Law No. 20-05 of 28 April 2020 relating to the prevention of and fight against discrimination and hate speech, Official Gazette, No. 25, dated 29 April 2020.
2. Ordinance No. 69-31 of 22 May 1969 approving Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, adopted by the General Conference of the International Labour Organization on 25 June 1958 at its Forty-Second Session.
3. [Council of Europe – What is hate speech and why is it a problem?](https://www.coe.int/en/web/combating-hate-speech/what-is-hate-speech-and-why-is-it-a-problem?utm_source=chatgpt.com)
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