

EXECUTIVE SUMMARY OF THE ALGERIA COUNTRY RISK ASSESSMENT

The CRA performed on Algeria has investigated each human right from the Universal Declaration of Human Rights (UDHR) at three levels. First, the rights were investigated for areas of conflict between the prevailing national laws and international human rights law. Second, the prevailing social and cultural practices were analysed to identify any inherent human rights violations frequently perpetrated at the societal level. Third, each right was assigned an overall company risk rating, based on the ratings in the formal law and practice categories and the proximity to company operations. The results of the CRA produced the categorisation of 5 human rights as high-risk areas, 14 human rights as medium risk areas and 1 human right as low-risk areas for companies operating in Algeria. The following presents the overall results of the CRA, including a short description of each right. The full CRA offers a detailed in-depth description of each right.

COMPANY RISK

The following rights received a red rating in the Company Risk category in the CRA, which indicates that these human rights constitute high-risk areas for companies operating in Algeria. A short description of each right follows below.

- Right to Freedom from Discrimination (art. 2)
- Right to Life, Liberty and Security of Person (art. 3)
- Right to an Adequate Standard of Living (art. 22)
- Right to Food (art. 25)
- Right to Participate in Cultural Life (art. 26)

Right to Freedom from Discrimination (art. 2) constitutes a high-risk human rights area for Algeria. Women, homosexuals, non-Muslims, and ethnic minorities (primarily Amazighs and Tuaregs) constitute particularly vulnerable groups in Algeria and are highly susceptible to discriminatory treatment. In spite of some progress in gender equality in recent years, Algeria remains a male dominated society where women are denied equal property, marriage or divorce rights and are discouraged to participate in public life and from working outside the home. Women who do work outside the home (15, 21% of women in Algeria) are sometimes subjected to discrimination, including sexual harassment. Moreover, women constitute the bulk of the workforce in the informal sector, which is growing in tandem with the privatisation of the Algerian economy. Work conditions in the informal sector are reportedly poor and maternity leave rights aren't always recognised.

Right to Life, Liberty and Security of Person (art. 3) constitutes a high-risk human rights area for Algeria. Algeria is still recovering from a violent and brutal period of political conflict in which hundreds of thousands of people were killed. Islamic rebel groups are waning in strength, but they continue to attack and abduct civilians, and state security forces continue to commit serious human rights abuses. Even though violations are perpetrated in the government realm and by rebel forces, the company must remain vigilant for complicity. The company may also risk direct violations of the right to life, liberty and security of person if it uses abusive state security forces to guard premises or to maintain orderly and productive operations, or if it fails to take reasonable efforts to protect its workers from known threats by rebel groups.

Right to an Adequate Standard of Living (art. 22) constitutes a high-risk human rights area for Algeria. Unemployment and poverty are extremely high in Algeria and the national minimum wage is too low to guarantee an adequate standard of living for those who are employed. Enforcement of existing minimum wage standards is inadequate, and public social security resources have been depleted as a result of longstanding political conflicts, natural disasters, drought, high unemployment and increasing poverty. Although the World Bank has recently adopted an assistance programme to fund various infrastructure projects in Algeria, the situation continues to be strained. The company risks violating the right to an adequate standard of living if it relies on national minimum wages without investigating the living costs and needs of its employees when setting wage policies.



Right to Food (art. 25) constitutes a high-risk human rights area for Algeria. Algeria struggles with serious environmental and climate problems that affect its ability to produce a sufficient food supply. Such incapacitating problems include water scarcity, lack of rainfall, soil fragility, soil erosion, desertification, inadequate waste management, and pollution. The company is at serious risk of exacerbating the food resource problem if it fails to monitor its pollution output, contaminates existing water or land resources, or overuses local resources and/or reserves for production needs.

Right to Participate in Cultural Life (art. 26) constitutes a high-risk human rights area for Algeria. In an effort to unify the country after colonial rule, the Algerian Government has tried to impose Arab culture on its citizens, at the expense of the cultural expression of minority groups, such as the Amazighs in the Kabylie region of northern Algeria and the Tuaregs in southern Algeria. Moreover, women who do not embrace the traditional culture (such as those who do not wear a headscarf) have experienced harsh criticism and physical violence during the Algerian conflict, including rape and death. Although these violations are committed in the governmental realm or by Islamic rebel groups, the company risks complicity if it supports, benefits from, or endorses any of these practices, inside or outside the workplace.

COMPANY RISK

The following rights received a yellow rating in the Company Risk category in the Algeria CRA which indicates that these human rights constitute medium-risk areas for companies operating in Algeria. A short description of each right follows below.

- Right to Freedom from Forced Labour and Servitude (art. 4)
- Right to Freedom from Torture, Cruel, Inhuman or Degrading Treatment or Punishment (art. 5)
- Right to Privacy (art. 12)
- Right to Freedom of Movement (art. 13)
- Right to Family Life (art. 16)
- Right to Own Property (art. 17)
- Right to Freedom of Opinion, Expression, Thought, Conscience and Religion (art. 18 and 19)
- Right to Peaceful Assembly and Freedom of Association (art. 20 and 23)
- Right to Take Part in Government (art. 21)
- Right to Work and Just and Favourable Conditions of Work (art. 23, 24 and 25)
- Right to Health (art. 25)
- Right to Adequate Housing (art. 25)
- Right to Education (art. 26)
- Right to Intellectual Property (art. 26)

Right to Freedom from Forced Labour and Servitude (art. 4) is violated at several levels in Algeria and constitutes a medium-risk human rights area for companies. Even though the Government is considered to enforce the ban on forced and bonded labour, it continues to use prison labour in spite of criticism from the UN. Other violations include acts perpetrated by the Islamic rebel groups who have abducted civilians and kept them in labour camps during the conflict. Moreover, Algeria constitutes a transit point for trafficking from Central and Western Africa to Europe, and trafficking victims who end up in Algeria are forced to work under exploitative work conditions to survive, including prostitution and forced and bonded labour. It is estimated that approximately 200.000 illegal immigrants live in Algeria; however, it is unknown how many are trafficking victims.

Right to Freedom from Torture, Cruel, Inhuman or Degrading Treatment or Punishment (art. 5) constitutes a medium-risk human rights area for companies. In the context of the Government's fight against the Islamic rebel groups, the Government is reported to systematically use torture to extract confessions. Even though the incidence and severity of torture cases is declining in tandem with the disengagement of the conflict, the practice continues to occur. The violations are carried out in the government realm, and the company must avoid complicity and refrain from endorsing, supporting or benefiting from the Government's practices. Sexual harassment of women (a sub-category of the right to freedom from



torture, cruel, inhuman and degrading treatment or punishment), is reported to be widespread at Algerian workplaces, and it is the responsibility of the company to establish measures to protect female employees against sexual harassment.

Right to Privacy (art. 12) constitutes a medium human rights risk area for companies operating in Algeria. The state of emergency currently in effect allows provincial governors to issue exceptional warrants at any time. State security forces routinely conduct unwarranted searches and the Government monitors telephone conversations and spies on political opponents and rebel groups. Although the violations are generally committed in the governmental realm, the risk of complicity exists if the company is approached to provide private information to the Government regarding an individual or group's political or religious beliefs.

Right to Freedom of Opinion, Expression, Thought, Conscience and Religion (art. 18 and 19) is categorised as a medium human rights risk for companies. The state of emergency currently in effect permits restrictions on the freedom of speech for anyone considered a threat to public security or order, and the Government is criticised by human rights groups for not respecting freedom of speech and press. 99% of the population belongs to the Sunni branch of Islam, and the law and the societal institutions favour Islam and Islamic-anchored institutions. Discrimination against religious minorities is not reported to be a wide-spread problem, but religion remains a sensitive issue. The Islamic rebel groups were run by Islamic extremist and in order to control and prevent such extremism from flourishing, the Government attempts to control religious life in Algeria. Violations of the right to freedom of opinion, expression, thought, conscience and religion are thus carried out in the Government realm or by Islamic rebel groups, but due to the severity of these violations, the company must remain cautious for complicity.

Current violations of the *Right to Freedom of Movement (art. 13)* are often perpetrated in the context of the conflict where the Government has restricted civilians' right to freedom of movement in a number of areas. Also, the conflict has resulted in a high number of internally displaced who are living under substandard conditions where their presence has put enormous pressure on the destination areas. In addition to these violations, the Tuareg, an indigenous people living in southern Algeria, have been subjected to violations, even though they enjoy special rights under international law as an indigenous people. Furthermore, Algeria hosts about 200.000 illegal immigrants, some of whom are trafficking victims living and working under substandard conditions. The company must avoid complicity in any of the above-mentioned violations by refraining from endorsing, supporting or benefiting from them.

Right to Family Life (art. 16) is categorised as a medium-risk human rights area for companies. Algeria's legislation offers sufficient protection on maternity leave and pregnant and breastfeeding women, and the current violations of the right to family life primarily relate to the traditional family pattern dominant in Algeria, which places women in a subordinate position to men and discourages women from actively taking part in public life, including working. The company will rarely have any direct influence on this cultural pattern; however, it must make sure not to reproduce the discriminatory practices in its business operations and must develop sufficient policies and safeguards to protect against common practices that violate the right to family life.

Right to Own Property (art. 17) constitutes a medium human rights risk area. Southern Algeria is home to an indigenous people, known as the Tuareg, who play a small role in Algerian politics and society but inhabit a land rich in natural resources. As a result, foreign investments may come into conflict with indigenous rights under international law. If the company purchases or leases land which displaces Tuareg people, the company may be complicit in the Government's efforts to infringe upon the groups' right to property. Women also constitute a vulnerable group in terms of property rights. Due to the patriarchal society of Algeria, women have little possibility to realise their property rights, and the company must ensure not to duplicate this practice and ensure that women are treated equally to men.

Right to Peaceful Assembly and Freedom of Association (art. 20 and 23) is a medium human rights risk for companies in Algeria. The rights to strike and bargain collectively are generally respected, and approximately two thirds of the Algerian workforce is a member of a trade union. However, anti-union harassment is reported to occur when trade union organisers try to carry out union activities and establish union branches. This is particular pertinent in the informal sector,



which currently is thriving, and trade unions find it very difficult to unionise workers informal sector where labour conditions are sketchy.

Right to Take Part in Government (art. 21) is a medium human rights risk for companies operating in Algeria. The right to participate in the political process is inhibited by the Government's authority to deny opposing political groups the right to form parties and to block registered parties from engaging in political activities. Corruption and bribery is also widespread at all levels of society in Algeria. There is no government transparency and the Government does not provide access to information. The company risks violating the rights of the Algerian people to establish a well functioning democratic system if it participates in or contributes to practices of governmental bribery and corruption.

Right to Work and Just and Favourable Conditions of Work (art. 23, 24 and 25) is a medium human rights risk for companies. Labour laws in Algeria are generally quite good, but high unemployment, the establishment of export processing zones, the privatisation of the economy, and the rise of informal sector employment all contribute to the recent growth in abusive and unchecked labour practices.

Right to Health (art. 25) constitutes a medium human rights risk for companies. Algeria has a national system of free health care, which minimises the company's health care obligations for its employees. Nonetheless, the conflict period has drained public resources and as a result the health care system has deteriorated. While occupational health and safety regulations are extensive, labour inspectors do not effectively enforce the provisions, which is a particular problem in the informal sector and a likely issue with suppliers.

Right to Adequate Housing (art. 25) constitutes a medium human rights risk for companies. Rampant housing shortages and inadequate housing facilities severely restrict the right to adequate housing in Algeria, which will affect the company when existing employees or new recruits search for suitable housing within reasonable proximity to the workplace. The company might consider building or purchasing dormitory units to house its employees, but must ensure that its operations do not impair housing options or enjoyment rights of surrounding communities, which are already overburdened by the lack of suitable housing.

Right to Education (art. 26) is a medium human rights risk for companies in Algeria. There are reports of child labour, particularly in rural areas, which, when combined with the growth of the informal sector where implementation of the labour law is poor, results in risk for the company and its suppliers.

Right to Intellectual Property (art. 26) is categorised as a medium human rights risk. Algeria has thorough intellectual property legislation, and with the increasing enforcement of the legislation, the risk of engaging in violations is decreasing. The greatest potential risk relates to the intellectual property rights of Algeria's indigenous peoples; the Tuaregs and the Amazighs (Berbers). Even though no information was available at the time this report written concerning specific threats to their intellectual property rights, both Tuaregs and Amazighs have experienced suppression by the Government in a number of other areas. If the company deals with issues of indigenous knowledge or resources, it must take extra efforts to protect the intellectual property rights of Algeria's indigenous peoples according to international standards.

 COMPANY RISK

The following rights received a green rating in the Company Risk category in the Algeria CRA which indicates that these human rights constitute low-risk risk areas for companies operating in Algeria. A short description of each right follows below.

- Right to Fair Trial and Recognition as a Person before the Law (art. 6,7,10 and 11)



Right to Fair Trial and Recognition as a Person before the Law (art. 6,7,10 and 11) is categorised as a low risk human rights category for companies because most violations are perpetrated by the Government and outside the sphere of influence of the company. However, whenever the company engages in litigation in Algeria, it should be aware that limitations in the legal system prevent the right to a fair trial from being fully recognised.