Managing your Human Rights Impacts & Risks

Wednesday, 18 June 2014

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Australia-Africa Mining Industry Group

Banarra

WELCOME & INTRODUCTIONS

Learning outcomes & objectives

Agenda

1. Crash-course on human rights & business	9:25– 9:45am
2. Human rights in Africa	9:45 – 10:00am
3. Relevance of human rights to mining	10:00 – 10:15am
4. Human rights due diligence: an overview	10:15 – 10:30am
– *Break*	10:30 – 10:45am
5. Human rights due diligence: exercise	10:45 – 11:45am
6. Practical tools reference	11:45 – 11:50am
– Closing comments & feedback	11:50am – 12:00pm

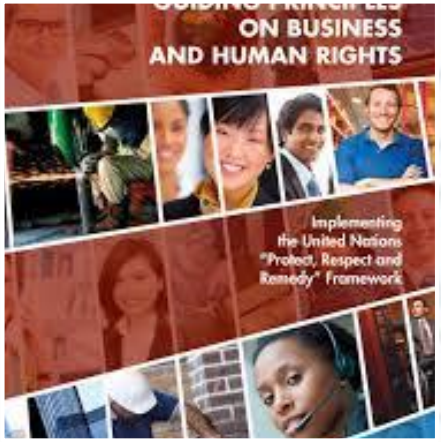
CRASH-COURSE ON HUMAN RIGHTS & BUSINESS

Human rights & business

The global standard for human rights & business

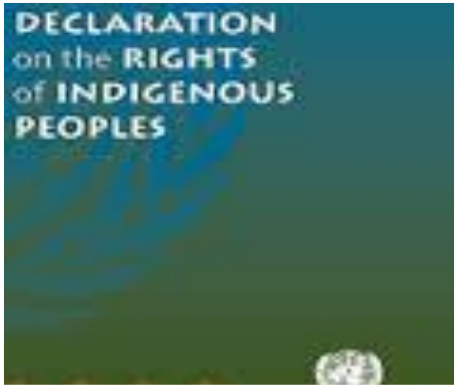
United Nations 'Protect, Respect and Remedy' Framework

Guiding Principles on Business and Human Rights

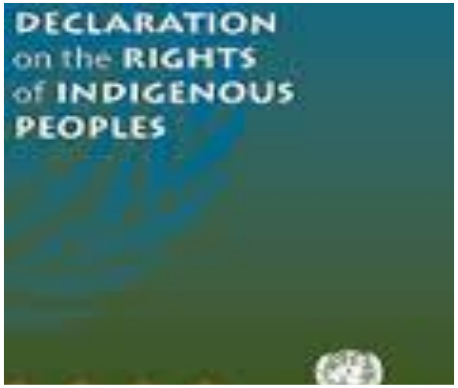


Voluntary initiatives

Identifying human rights



Identifying human rights



- Right to work
- Right to freedom of association and collective bargaining
- Right to an adequate standard of living
- Rights of indigenous peoples
- Right to health

Banjul Charter, Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

HUMAN RIGHTS IN AFRICA

Human rights related issues in Africa

RELEVANCE OF HUMAN RIGHTS TO MINING

Human rights & extractive industries

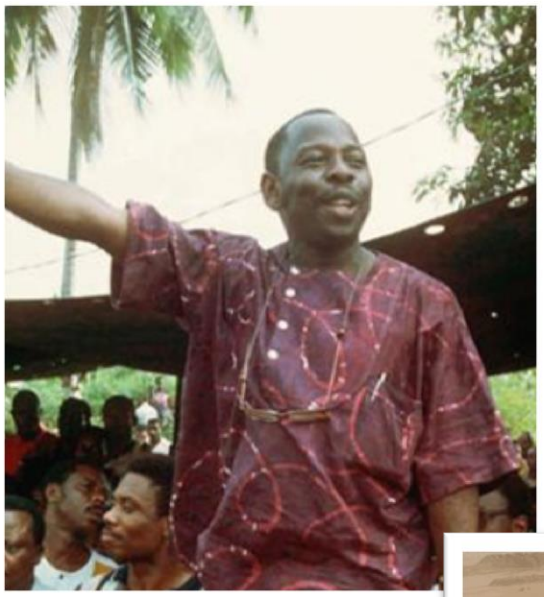
- According to the United Nations Special Representative for Business and Human Rights, of the worst cases of corporate-related human rights abuses in recent years **the extractive industries utterly dominate the field (Ruggie)**.

Human rights & the extractive industries

2014 Human Rights Watch – 2014 Africa reports:

- *Fair Trial Violations by Somalia's Military Court*
- *Gang Attacks in Western Kenya and the Government's Failed Response*
- *Killings and Arrests by Sudan's Security Forces during the Sept. Protests*
- *Uneven Progress in Ending Forced Child Begging in Senegal*
- *Child Marriage in Malawi*
- ***Human Rights Abuses in Sierra Leone's Mining Boom***
- *A Five-Point Plan to Curtail Sexual Violence in Somalia*
- *Trafficking and Torture of Eritreans in Sudan and Egypt*
- ***The Impact of Mining on Human Rights in Karamoja, Uganda***

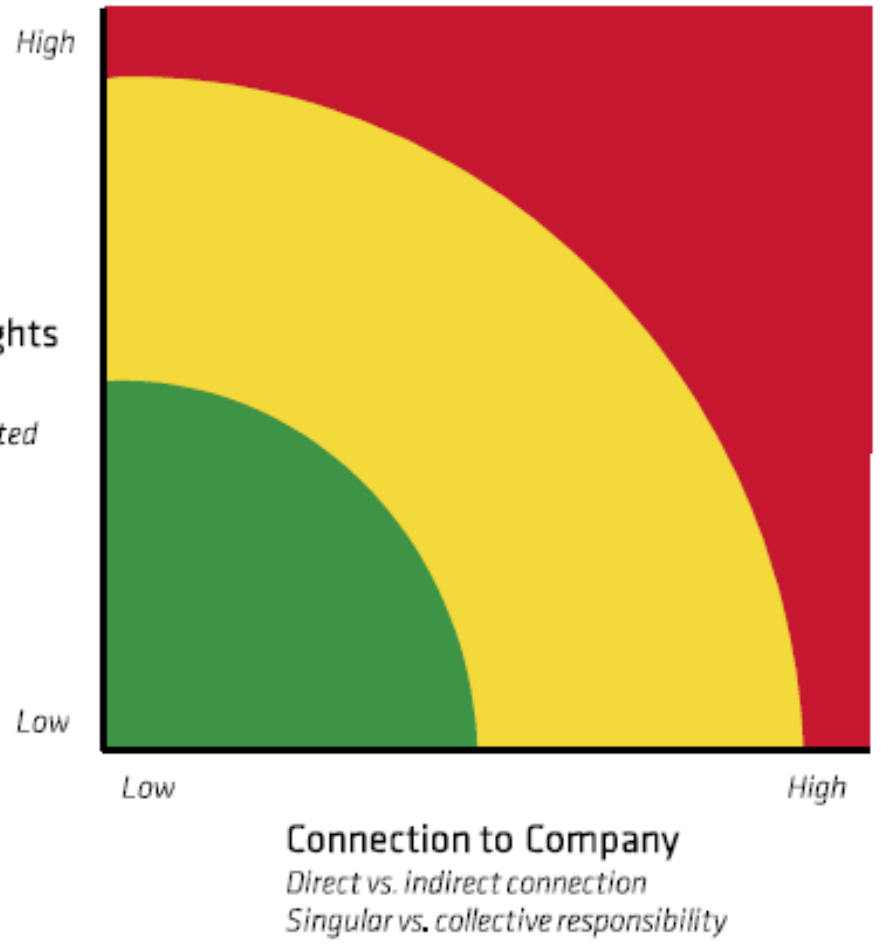
Human rights mining-related stories



Issues from a people-centric perspective

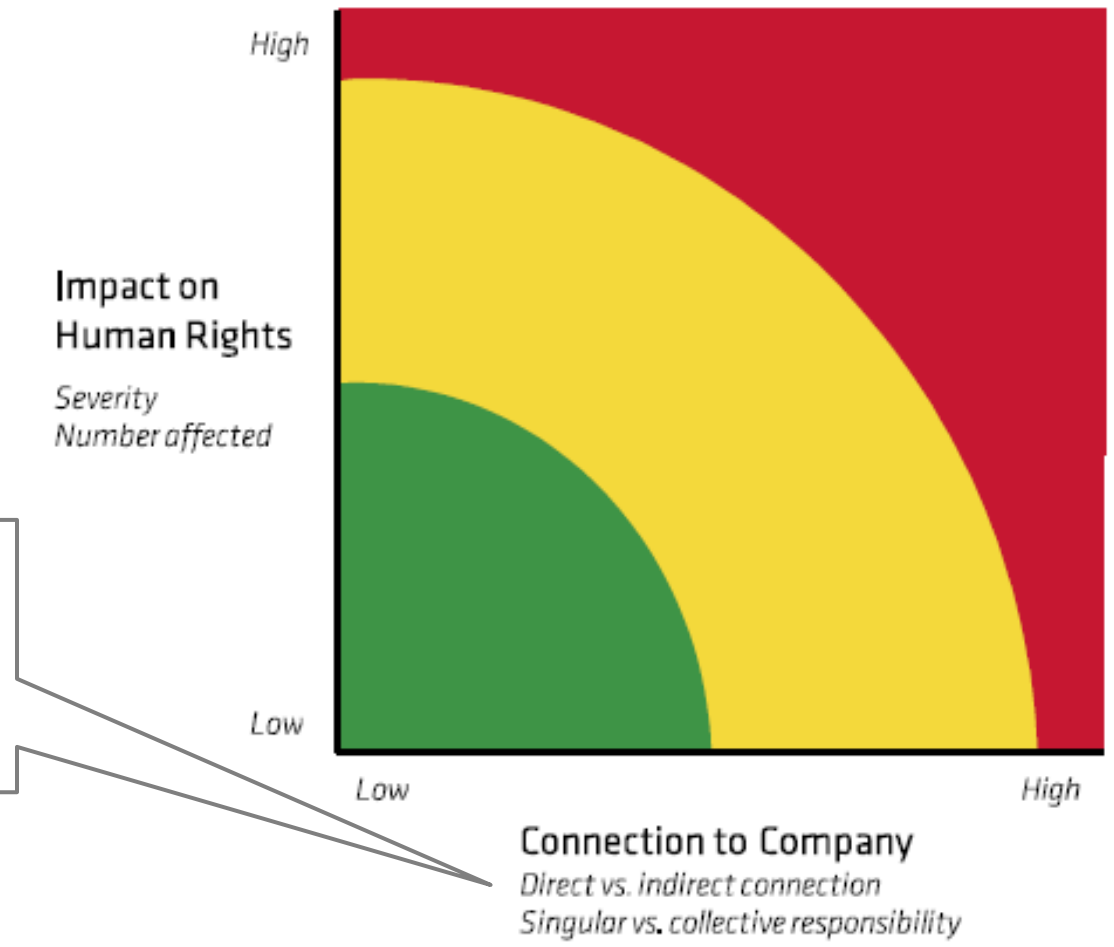
Severity - Level of severity of the potential risk, including death, bodily harm and impact on physical health

Number - Based on the number of people and/or stakeholder groups, potentially affected



Issues from a company-centric perspective

Connection to Company - Enables companies to map their influence broadly and understand which risks the company should address



Relevance of human rights

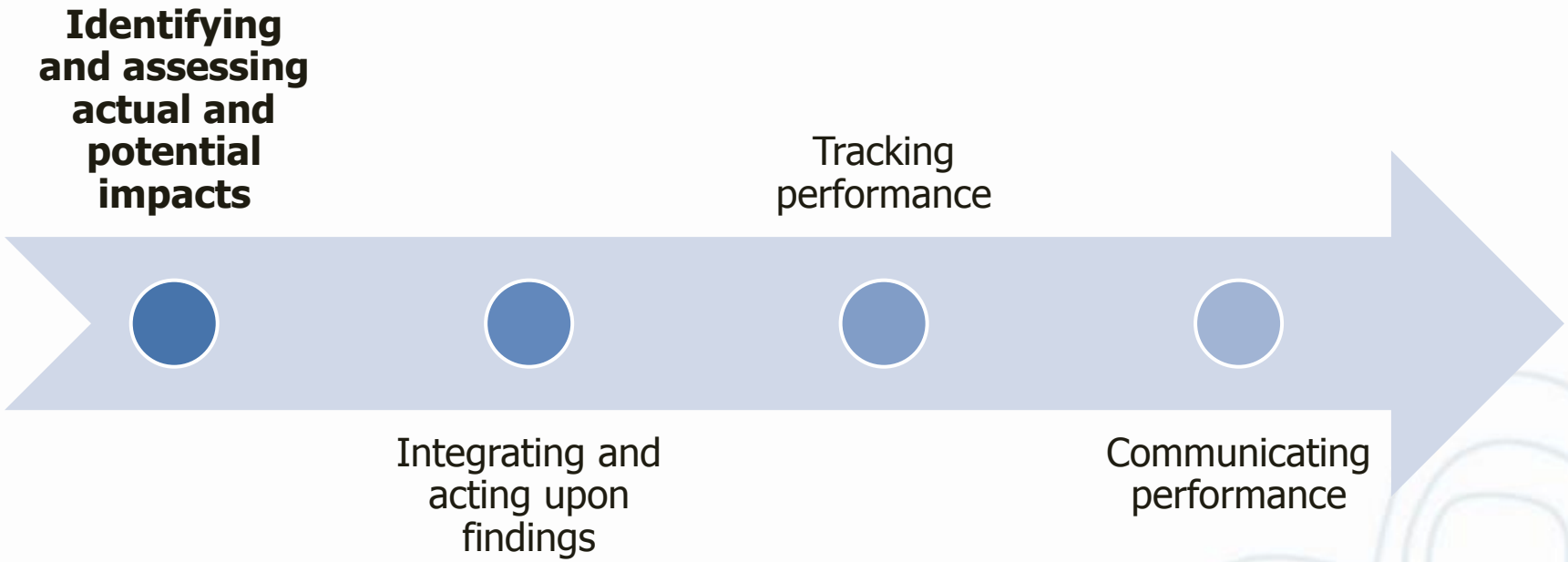
HUMAN RIGHTS DUE DILIGENCE

What is human rights due diligence?

Due Diligence

an ongoing process to **identify**, **prevent**, **mitigate** and **account** for how companies address their impacts on human rights

What is human rights due diligence?



Human rights due diligence in practice

Human rights risk assessment

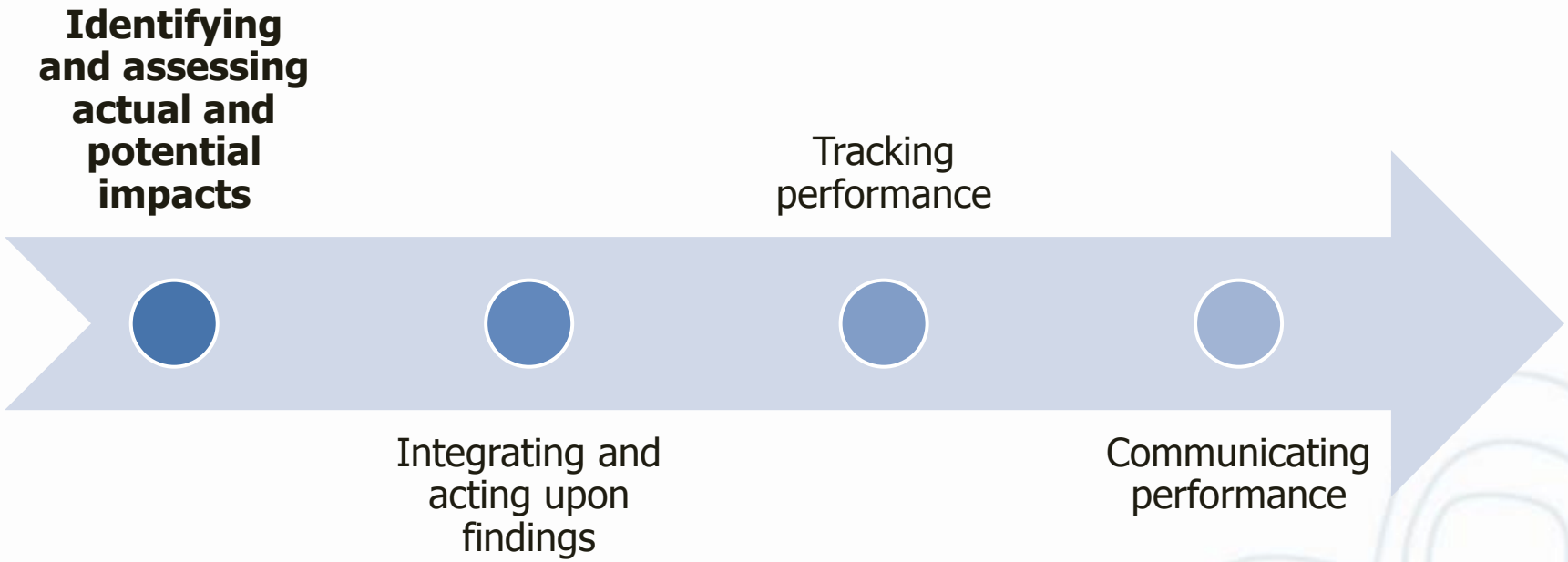
Human rights impact assessment

- Standalone
- Integrated
- "Add on"
- Self-assessment

15 minutes

BREAK

Exercise


Identifying and assessing actual and potential impacts
Integrating and acting upon findings
Tracking performance
Communicating performance

Exercise

Objective: To understand how you can begin to think about and assess actual and potential human rights impacts.

As a group **select** a human rights issue that interests you.

For the issue:

1. **Describe** what it is;
2. **Identify** human rights related to it;
3. **Consider** the nature of the connection the company may have to it;
4. **Consider** potential risks it could pose to the business; and
5. **Assess** what systems or processes could help prevent or manage it.

Exercise

For example …

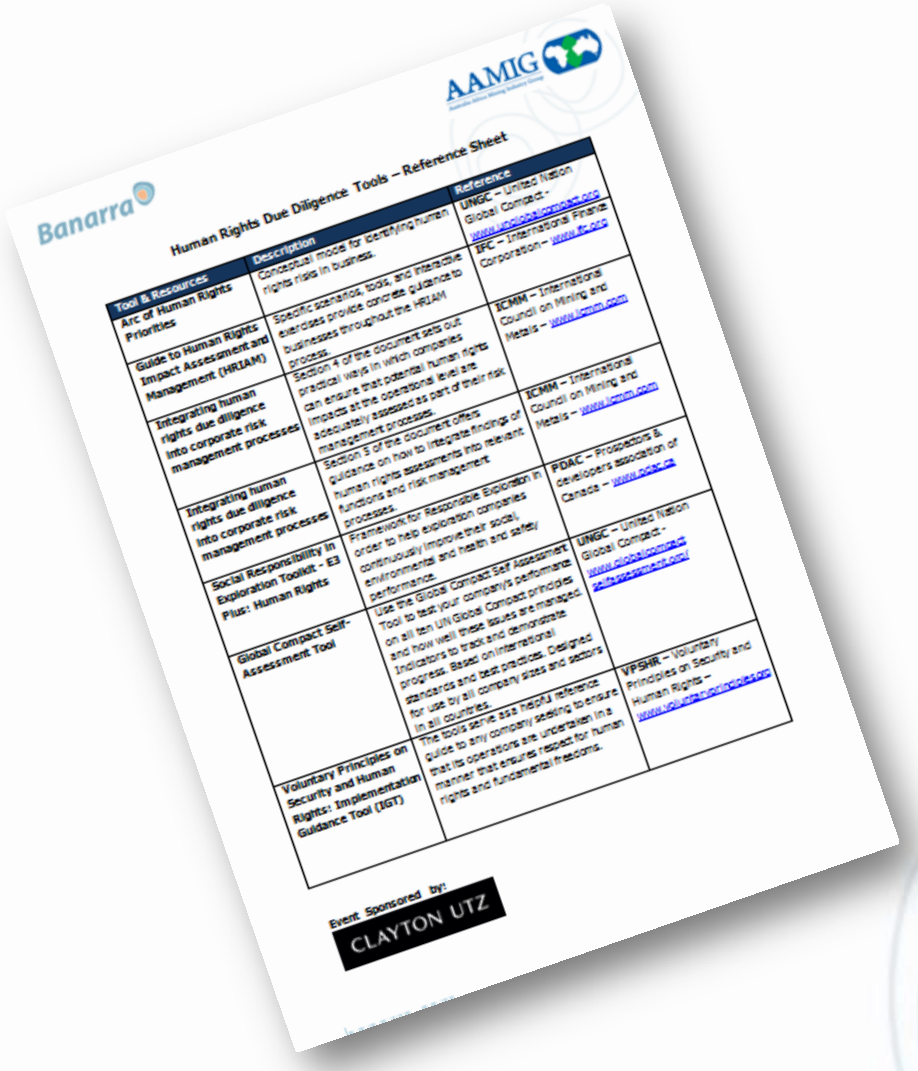
Human Rights Issue: Forced Labour				
Description of the Issue	**Relevant Human Rights**	**Connection to the Company**	**Potential Risks to the Business**	**Systems and Processes**
Forced labour concerns people who are compelled to work through the threat of violence to themselves or their families	Right to life, liberty and security of person; Right not to be subjected to slavery, servitude or forced labour	Indirect – potentially present in the supply chain (e.g. services)	Complicity in human rights abuses; Reputational impacts associated with local or international NGO campaigns	Human Resources Policies; Code of conduct; Contract management system; Regular Audits

Report back

- 5 minutes per group to report back on exercise.

PRACTICAL TOOLS

Reference sheet



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Human Rights Due Diligence Tools – Reference Sheet

Tool & Resources	Description	Reference
Arc of Human Rights Priorities	Conceptual model for identifying human rights risks in business.	UNGC – United Nation Global Compact - www.unglobalcompact.org
Guide to Human Rights Impact Assessment and Management (HRIAM)	Specific scenarios, tools, and interactive exercises provide concrete guidance to businesses throughout the HRIAM process.	IFC – International Finance Corporation – www.ifc.org
Integrating human rights due diligence into corporate risk management processes	Section 4 of the document sets out practical ways in which companies can ensure that potential human rights impacts at the operational level are adequately assessed as part of their risk management processes.	ICMM – International Council on Mining and Metals – www.icmm.com
Integrating human rights due diligence into corporate risk management processes	Section 5 of the document offers guidance on how to integrate findings of human rights assessments into relevant functions and risk management.	ICMM – International Council on Mining and Metals – www.icmm.com
Social Responsibility in Exploration Toolkit - E3 Plus: Human Rights	Framework for Responsible Exploration in order to help exploration companies continuously improve their social, environmental and health and safety performance.	PDAC – Prospectors & developers Association of Canada – www.pdac.ca
Global Compact Self-Assessment Tool	Use the Global Compact Self Assessment Tool to test your company's performance on all ten UN Global Compact principles and how well these issues are managed. Indicators to track and demonstrate progress. Based on international standards and best practices. Designed for use by all company sizes and sectors in all countries.	UNGC – United Nation Global Compact - www.globalcompact.org/AboutTheGC/index.html
Voluntary Principles on Security and Human Rights: Implementation Guidance Tool (IGT)	The tools serve as a helpful reference guide to any company seeking to ensure that its operations are undertaken in a manner that ensures respect for human rights and fundamental freedoms.	VPSHR – Voluntary Principles on Security and Human Rights – www.voluntaryprinciples.org

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CLOSING COMMENTS & FEEDBACK

Presenters

Bastien Mignonneau

Bastien's work as a Senior Consultant at Banarra has led him to conduct human rights due diligence projects for mining companies in Mauritania, the Republic of the Congo and the Democratic Republic of Congo. He is also familiar with the African context through his personal life and invested in the responsible development of companies in this region having lived himself and worked in Cote d'Ivoire part of his life.

More generally, Bastien has practical experience in the design, development and delivery of CSR-related assessments and in the development of management systems aligned to global initiatives such as the UN Guiding Principles, ICMM Sustainable Development Framework and the Voluntary Principles on Security and Human Rights.

Vanessa Piercey

Vanessa is a Consultant at Banarra, with a background in human rights. Vanessa has worked closely with resource companies across Australia and overseas, including Barrick Gold, BHP Billiton, Newcrest, Oil Search and IAMGOLD, to assist them in delivering on their community relations objectives.

She plays a leading role in Banarra's Human Rights Risk Assessment methodology which has now been implemented with clients in Australia, South America and Africa. She has also been a key contributor to a range of other social and human rights methodologies, particularly around the development, implementation and audit of community relations management systems.