

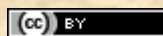


NOMOGAIA
HUMAN RIGHTS AND BUSINESS INITIATIVE

Human Rights Impact Assessment: A toolkit for practitioners conducting corporate HRIAs



August 2012



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Table of Contents

INTRODUCTION	3
HUMAN RIGHTS IMPACT ASSESSMENT	4
RIGHTS TO BE CONSIDERED	5
RIGHTSHOLDERS TO BE CONSIDERED	6
METHODOLOGY	7
PHASE I: OVERVIEW	8
CONTEXT – LOCAL	8
CONTEXT – NATIONAL	10
PROJECT.....	11
COMPANY	11
DOCUMENTATION.....	12
PHASE II: HUMAN RIGHTS TOPIC CATALOGS	13
A LIMITED BASELINE	13
RIGHTSHOLDER ENGAGEMENT	13
AN ITERATIVE PROCESS.....	14
SPECIAL TOPICS	15
CATALOGS	16
PHASE III EXAMINE AND VERIFY HUMAN RIGHTS RATINGS	17
FEEDBACK.....	20
RIGHTSHOLDER FEEDBACK.....	20
COMPANY FEEDBACK	21
GOVERNMENT FEEDBACK.....	21
PHASE IV IMPLEMENTATION	22
EXECUTIVE SUMMARY	23
CONCLUSION	25
APPENDIX #1 HUMAN RIGHTS – BY SOURCE	26
APPENDIX #2 HUMAN RIGHTS TOPIC CATALOGS.....	27
APPENDIX #3 HRIA BACKGROUNDER	36
APPENDIX #4 GLOBAL INDICATOR RESOURCES.....	37
APPENDIX #5 HUMAN RIGHTS EXPLAINED	38
APPENDIX #6 SPECIAL TOPICS IN SUMMARY	41
REFERENCES	43

Introduction

Having found your way to this document, you have probably already invested significant time and energy in understanding the UN Framework and Guiding Principles for Business and Human Rights. You have read up on corporate human rights due diligence, and perhaps you have sought guidance – from governments, international financial institutions, consultants and NGOs – on what a Human Rights Impact Assessment (HRIA) should look like. You may have become frustrated by the shortage of clear direction in the field.

This document is written for practitioners. It aims to provide guidance on HRIA while simultaneously presenting the format for an actual assessment. It escorts you through a four-phase process of human rights impact assessment, starting with data gathering and scoping, and culminating with a set of rights scores contrasting *baseline human rights conditions* and impacts. This process provides the basis for issuing recommendations. This methodology will be described in brief after this introduction, and then impact assessment will be demonstrated, with examples and formatting guides, in a step-by-step manner.

Once you are ready to begin conducting a human rights impact assessment, download the **HRIA Template**, a document associated with this one and downloadable online at www.nomogaia.org. The **Template** is an unlocked document that allows you to input content directly to build assessments like those featured as examples in this toolkit.



Human Rights Impact Assessment

An HRIA, like all impact assessments conducted on large capital projects (“Projects”), predicts and quantifies the ways a Project will change baseline conditions. An HRIA’s fundamental purpose is to provide a reasoned, supported and comprehensive answer to the question: “How does the Project affect human rights?” The invariably multifaceted answer enables companies, governments, NGOs, financial institutions and communities to understand the complex ways a Project will change lives.

What it is	What it does
<ul style="list-style-type: none">• Commenced prior to Project construction or mid-operation, identifying changes that will occur in the human rights scene as a result of shifting Project activities• Integrated with ESHIA to ensure that all components contribute to rights analysis• Reliant on independent data acquired through literature review & interviews with community members, government officials, and Project staff• Cognizant of appropriate grievance procedures and mechanisms to allow orderly resolution of perceived rights infringements	<ul style="list-style-type: none">• Establishes a baseline of local perspectives and human rights realities• Enables a project proponent to respect human rights in the Project area and understand local communities holistically• Anticipates and mitigates negative impacts on human rights caused by the Project – through alterations in Project design, policies, procedures and involvement of third parties• Foresees risks associated with topics overlooked by other impact and community assessments• Identifies vulnerable rightsholders and prioritizes risks and opportunities• Documents local perceptions of improvement or degradations in local human rights conditions• Develops institutional capacity and institutional sensitivity regarding rights-sensitive business practices• Protects Projects and rightsholders

Experience has shown that standard assessments cannot capture the full range of issues that might trigger or exacerbate human rights challenges. An HRIA relies on traditional assessments when possible and does not duplicate them, but employs a different scope, methodology and perspective to foresee impacts.

Rights to be Considered

HRIAs are conducted based on the rights enumerated in the United Nations' Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the eight International Labor Organization (ILO) core conventions. In addition, depending on the Project and the specified goals of the HRIA, you might consider incorporating other internationally recognized human rights conventions. These may include such sources as the Declaration of the Rights of Indigenous Peoples, the Convention on the Rights of the Child, as well as regional conventions such as the African Charter on Human and Peoples Rights. In the process of assessment you will also take into account applicable laws that are informative of human rights. Please see **Appendix 1** for a list of relevant rights drawn from the major international rights documents.

Potential Rights		
Labor	Environmental /Welfare	Civil / Political
Right to Work	Right to Life	Right to Property
Right to Favorable Working Conditions	Right to Adequate Standard of Living	Freedom from Degrading Treatment and Torture
Right to Just Remuneration	Right to Water	Freedom from arbitrary arrest
Freedom from Child Labor	Right to Health	Freedom of Thought
Freedom from Forced Labor	Right to a Clean Environment	Freedom of Expression
Equal Pay for Equal Work	Right to Food	Freedom of Assembly
Nondiscrimination	Right to Housing	Freedom of Religion
Right to Belong to a Union	Right to Security of Person	Right to Education
Right to Strike	Right to Privacy	Right to Public, Political Participation
Freedom of Association	Freedom of Residence	
Right to Holidays with Pay	Indigenous Rights	



Rightsholders to be considered

Rights analysis starts and ends with the individuals whose human rights are impacted – the "rightsholders." Human beings – not corporations, governments, NGOs or other institutions – have human rights and are potential rightsholders. Stakeholders, in contrast, are those individuals, groups or entities that have a "stake" in the project, be it financial, social, environmental, or otherwise. The rightsholder group can be very small or very large, including even those who have no direct interaction with the Project, for example people from communities with no marketable skills to find work with the Project, but who live close enough to feel the effects of a growing local economy.

Potential Rightsholders – Directly Impacted

Labor Rightsholders	Environmental /Welfare Rightsholders	Civil / Political Rightsholders
Employees	Residents where population growth burdens infrastructure	Indigenous people with traditional uses for/activities in the Project area
Contractors and subcontractors	Residents whose water supply, access, or quality is impacted	Individuals aligned with traditional leaders who are cut out of Project agreements
Day laborers	Residents whose air quality is impacted	Anti-project protestors subject to violence or threats
Non-local recent hires	Residents dwelling near to blast sites	Victims of public or private security force brutality
	People who lose possession of their land	Constituents of local governments where graft rises

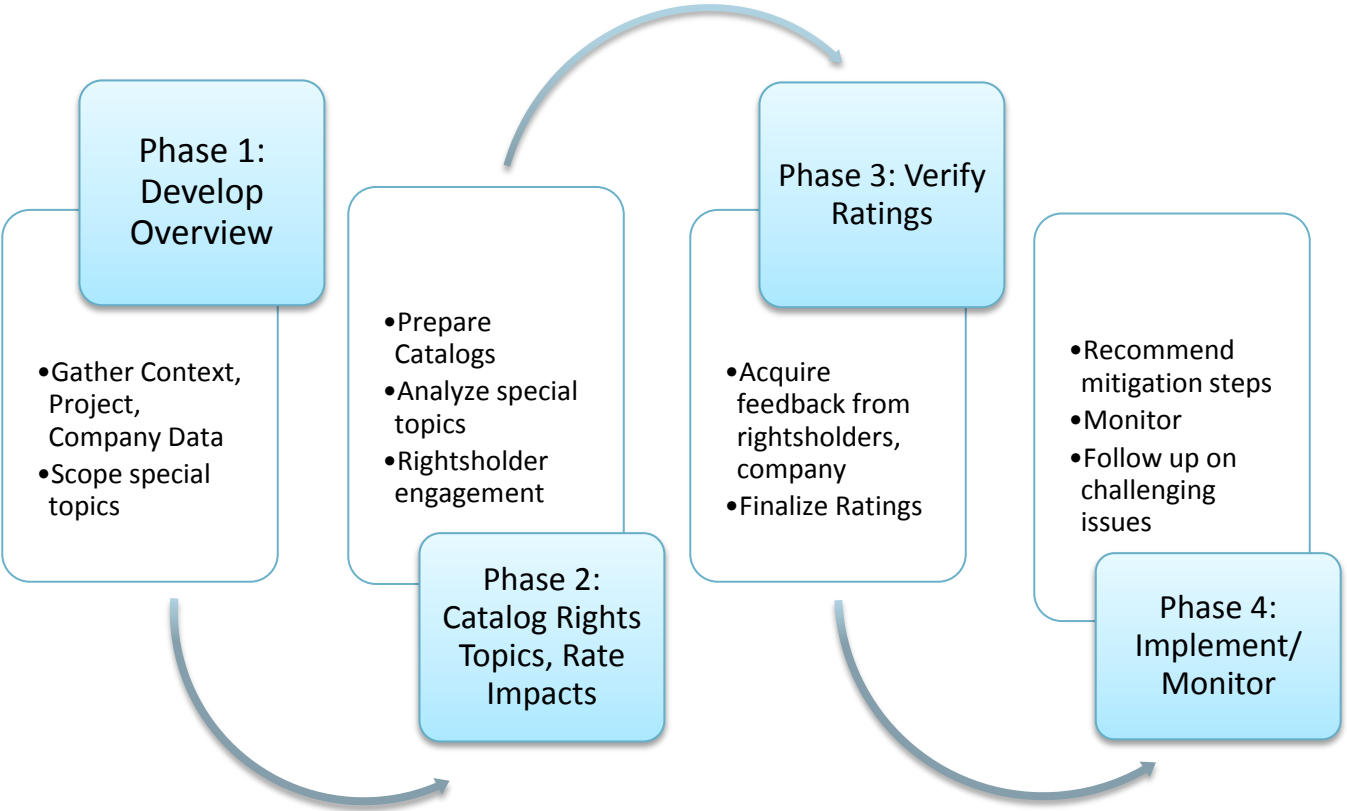
Rightsholders generally live within the project vicinity (there are exceptions, such as child laborers in the supply chain). "Rightsholder engagement" is integral to a Human Rights Impact Assessment, particularly if they are not well represented by government, trade unions, NGOs or any other organization. Community leaders, traditional government leaders, and NGO leaders may have positions and opinions reflective of rightsholder concerns, and so should be heard. But these opinions can also be politicized or misleading, distracting from the rightsholders' actual sentiments. As an assessor you will seek out the marginalized and vulnerable – those whose interests are rarely taken into consideration, sometimes to the detriment of all. The goal of rightsholder engagement is to determine, as accurately as possible, the effect of the Project on rights, regardless of whether the rightsholders wield power.

Potential Rightsholders - Indirectly Impacted

Labor Rightsholders	Environmental /Welfare Rightsholders	Civil / Political Rightsholders
Employees and owners in supply, production chains	Subsistence farmers with impacted lands	Press, fearing reprisals, self-censors
Farmers, tradesmen who lose livelihoods to the Project	Residents dwelling near to project roads	Those affected by a conflict financed/exacerbated by Project
Minorities and disenfranchised groups not employed by the Project	People who are at risk of losing possession of their land in the future	Those fearing violence from private or public security forces supporting the Project
Spouses and families of employed people	Users of downstream water	Citizens affected by increased regional, national corruption
Members in unions with employees and contractors	Food purchasers struggling with inflated prices	Activists subject to reprisals for their opposition to the Project

Methodology

You are ready to begin conducting human rights due diligence on a project. You want to determine whether and to what extent the Project will interact with pre-existing social, economic, environmental or political conditions (the “Context”) to impact particular human rights positively or negatively. Rights can be impacted in complex ways – sometimes simultaneously positively and negatively, sometimes indeterminately, given currently available information and the rightsholders considered. The pages below outline a four-phase process for HRIA.



Phase I: Overview

HRIA begins with a scoping phase. The aim of scoping is not to comprehensively detail project realities, but to develop foundational knowledge of the project and context upon which to build your rights analysis. Inputs into Overview boxes should be brief; details will be incorporated during Cataloging in Phase II.

Context – Local

Example: Local Context Overview for HRIA:

Project location (district, municipality): *Hoima and Buliisa Districts, Western Uganda, at and near the shoreline of Lake Albert, approximately 130 kilometers from the national capital, Kampala.*

Type, strength of local government: *Hoima District's hierarchy derives its authority from the Local Government Act 1997, as amended in 2005. It is governed by the democratically elected District Local Council, which is led by the District Chairperson. Each district has a five-tier Local Government Structure, which operates from the lowest level, known as the Local Council I, which represents a single village, through District Local Council. The 5735.3-square kilometer district is divided into two counties (Bugahya and Buhaguzi), 11 sub-counties, two town councils and 536 villages. Each county is a political constituency, represented in the Parliament of Uganda by an elected Member of Parliament (Hoima OVC Strategic Plan).*

Buliisa was divided from Masindi in 2006 and established as a district. It remains nascent, politically. With population growth of 4.5% a year, its current population is estimated at nearly 90,000, up from 65,000 during the 2002 census.

Presence, strength of traditional systems: *Traditional systems exist on two levels. Residents of the Hoima and Buliisa districts retain clan ties, with clan leaders serving roles allocating lands and resolving domestic disputes. The Banyoro king, situated in Hoima town, is a figurehead with cultural sway throughout the project area and beyond but without political power at present.*

Infrastructure: *The area has weak public infrastructure, owing in part to ethnic divides between the Banyoro population of the district and the Acholi population that wields significant control in government. Roads are paved to Hoima town, but the final 50 kilometers to Block 2A of the Project are unpaved and drop down a steep escarpment to the lake. Between Hoima and Buliisa, all roads were unpaved as of February 2011. Health facilities are poor and sparse, and clinicians experience drug shortages.*

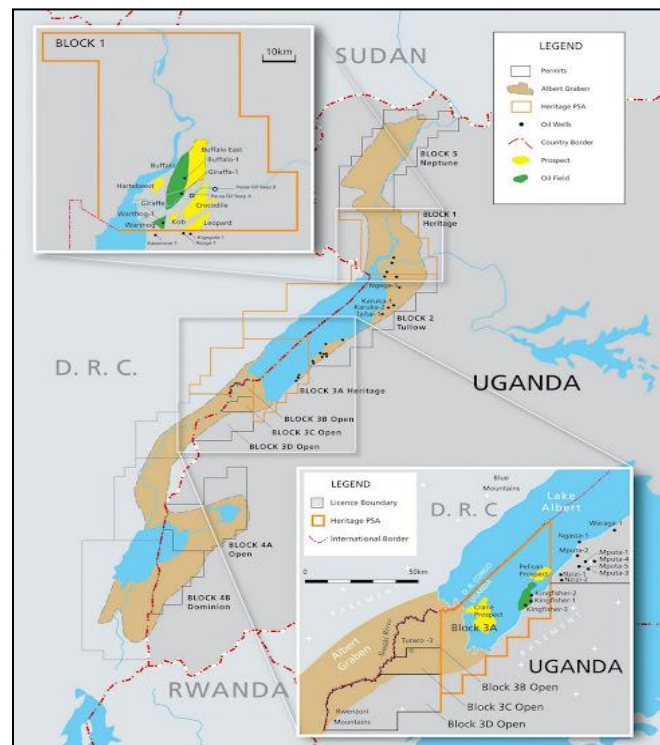
Climate, Landscape: *The district straddles the escarpment of the Great Rift Valley. At its lowest point, 621 meters, on the lakeshore, monthly temperatures range from 27 to 31 degrees Celsius. Vegetation is sparse and limited in the arid lakeshore area – Buliisa is semi-desert. Atop the escarpment, at an altitude of over 1000 meters, vegetation is dominated by forest-savanna mosaic but also includes medium altitude moist forests, savanna, swamps and post-cultivation communities.*

Major Crops: *Sweet potatoes, bananas, maize, cassava, beans, soy, rice, finger millet, sorghum, ground nuts, Simsim, yams and Irish potatoes are dominant crops. The common cash crops include cotton, tea and coffee.*

Seasons: *The area has an average rainfall of 1,000mm, with two heavy rain seasons running from March-May and from August-November.*

Local economy, employment: *Nearly 80 percent of the population subsists on farming, including herding and fishing. In villages and towns, government officials and small businesses, including restaurants, shops and mechanics, represent, constitute the remainder of the economy. There is little tourist infrastructure.*

Other: This section is used if an underlying contextual reality is of vital importance but is not categorized by any of the above topics. In Mauritania, for example, the continuing presence of slavery should be noted.



Context – National

Example: National Context Overview for HRIA
Government location: Kampala, Uganda's largest city.
Type of government, basics of legal structure: Uganda is a presidential republic, in which the president is both head of state and head of government. Legislative power is vested in both the presidency and the National Assembly. The system is based on a democratic parliamentary system with universal suffrage for all citizens over 18 years of age.
Duration of administration: The current president, Yoweri Museveni, has been in power for 26 years and was recently reelected for an additional five-year term.
Corruption: Multi-party democracy exists, but corruption allegations have marred all recent elections. Corruption is seen as a problem in 79% of all business deals (poll figures, Gallup), and the independence of the anti-corruption agency is frequently called into question. Corruption at a local level is not considered a significant problem. Local leaders expect "gifts" for providing information, however.
Presence of military/police and history of conflict (if relevant): Until 2005, Uganda operated under emergency law. The end of martial law increased freedom of speech to a degree but did not result in significant changes to political structures, authorities or practices. The 2011 elections resulted in violence when the incumbent declared himself the winner and his political opponent, Kizza Besigye, alleged that elections were not free and fair. Demonstrations were violently quashed and Besigye was repeatedly arrested and at one point badly beaten. The expanding military presence in Kampala and surrounding Project sites is frequently commented on by residence. Despite the military's violent response to post-election troubles, the institution is widely respected in Uganda. A longstanding conflict in northern Uganda recently ended, resulting in the closure of Internally Displaced Persons camps throughout northern and western Uganda. The demilitarization of the area is incomplete, as forces cross from DRC into Uganda with some regularity. In late 2011 the US sent 100 advisory troops to Uganda to conclusively end the violence in the area by killing Lord's Resistance Army leader Joseph Kony. Ugandans have viewed this move as an American attempt to interfere in Ugandan politics and potentially steal Uganda's oil.
Education levels (gender) and literacy (national and local): Region-disaggregated education levels to differentiate Kampala from Hoima are not available, but education standards are generally considered to be better in Kampala than in more remote areas, including the Project area, where Company documents allege that no education infrastructure was present prior to exploration. Across Uganda, gender equality has become a feature of primary education, while officials have struggled to keep female enrolment rates equal with males in secondary and tertiary schooling.
Cultural divides: Although Uganda has worked hard to develop national cohesion, prior to and during colonial times, ethnic groups were divided into nation states. There are three major linguistic divides separating the north, east and west regions of the country. In addition, political and social allegiances to smaller "tribal" groups remain strong, and stereotypes generate mutual distrust.
Key environmental problems:
Key health problems:
National employment, economy, labor conditions and standards:

Project

Example Project Catalog
Type: <i>Nomogaia is assessing the initial development of Tullow's Block 2 oilfields. As a large-footprint capital project, we consider this to include extraction, conveyance, refinement and possibly energy generation and transmission (depending on how intimately linked the local population considers oil extraction and energy production). Impacts assessed are focused on rightsholders within the project footprint but also include rightsholders impacted by the expenditure (or non-expenditure) of oil revenues.</i>
Size Duration (planned lifespan): <i>The oilfields span 5 districts and extraction is expected to last for approximately 30 years.</i>
Ownership history: <i>Tullow acquired a stake in the Project area with the purchase of Energy Africa in 2004. The Project was first explored by Heritage Oil, beginning in 2007. Tullow bought out Heritage's stake in the Project in 2010, giving the company 100 percent ownership of the site. Tullow farmed down 33% stakes of the Project to Total (France) and CNOOC (China) in 2012, after a significant government delay.</i>
Labor rules:
Relevant affiliations (IFIs, Industry Associations, etc):
Employment/workforce size (construction, operations):

Company

Example Company Catalog
Size (value, number of operations, number of countries of operation): <i>At the end of 2010 Tullow had interests in over 100 licenses across 22 countries, producing from a total of 67 fields. The Company had had 935 full time employees worldwide.</i>
Ownership history: <i>Founded in 1986 by its current President</i>
Operations history (type of projects): <i>At its founding, Tullow re-worked small, old oil fields in Senegal. Until 2010 it was largely an upstream operator. With production commencing in Ghana in 2010 it became seen as an upstream and downstream operator.</i>

Documentation

Company-supplied data was drawn from existing feasibility and assessment documents listed here:

Date	Author	Title (Citation symbol in HRIA)
March 2008	ERM	Early Production System EIA (And Annexes) (EIA 2008)
April 2008	ERM	Lake Albert Offshore Drilling ESIA (ESIA 2008)
August 2008	AWE	Buffalo EIA

Additional sources include:

- Various legal documents and publicly available country resources
- Communications with key Company personnel
- Communications with key NGO personnel
- Communications with key Government personnel
- Documentation of local complaints against the Project
- Company standards and guidelines



Phase II: Human Rights Topic Catalogs

A Limited Baseline

Before you can begin to quantify impacts, you will need to understand the project as it relates to baseline human rights conditions. This is not to say you need to understand the nationwide, or even local, human rights baseline – such a task would be overwhelming. Instead, you will work backwards, first using your knowledge about Project design to predict issues that would invoke human rights impacts if the baseline were neutral (i.e. if rights were adequately protected), then using your knowledge of the context to predict how existing realities alter the human rights baseline in ways that are meaningful to the project. Where contextual topics are not pertinent to the project, you will leave the "rights" "rightsholders" and "score" columns blank in the catalogs. This process is described in more detail in the text box, right. By carrying out this iterative process, you develop a contextual baseline that is specifically informative to your Project, rather than generally applicable to nationwide rights protections. It cannot be adequately emphasized that the context catalogs do **not** substitute for a human rights baseline for a country. The content is targeted specifically to address impacts associated with a Project, not general human rights issues. Completing the context catalogs equips you to use a human rights lens only on the project under assessment.

Rightsholder Engagement

Rightsholder engagement is multi-method, incorporating interviews, focus groups, surveys and informal, unstructured conversations. Because vulnerable rightsholders are rarely comfortable in formal data-gathering conditions, you will conduct conversations in houses, schools, shops, restaurants, streets, fields, community centers, churches, and, occasionally, pubs. Ensuring that rightsholders are relaxed will be among your top priorities. These discussions aim at understanding rightsholders as they see themselves and their lives and pinpointing the differences between official descriptions of local life – from company, government, and NGOs – and rightsholders' descriptions.

Example: Rightsholder Engagement updates corporate knowledge: Corporate documentation says locals only source their water from government-supplied water basins. You ask rightsholders where they and all their neighbors collect water, and they say people mostly use a shallow well close to town. You walk with rightsholders to the well and ask about the government basin. They agree that one exists, but it is 3 kilometers away and mostly just used by herders to water livestock.

This method for establishing a limited baseline was developed in the field and is experience based. We do not develop a human rights baseline in the sense of analyzing the status of protection for each human right for each rightsholder group throughout the country. In Mauritania, where slavery persists, a nation-wide analysis of slavery would be massive. Further, only a small portion would be relevant to a project located in a rural area, where the terms of slavery are different than they are elsewhere in the country. Rather than start our research with a comprehensive investigation of human rights violations and safeguards, we start narrower. First we look at how the project reaches outward, touching external spheres: socioeconomic, political, labor environmental, economic, health. This includes, for example, an analysis of project engineering – is there a risk of a tailings dam breaking, are air emissions likely to cause illnesses or damage crops, is there a major difference between the workforce size required for construction versus operations? Then we analyze the complexities of the external spheres within the project area to consider their potential reactions to project development – are project area inhabitants skilled to obtain the jobs available in the area, are existing pollution concerns going to be catastrophically exacerbated by project emissions, is discrimination so significant that certain population groups will be excluded from the benefits generated by the project? This process is fulfilled by completing the cataloging mechanism elaborated below and detailed in Appendix #2.

An Iterative Process

Topic catalogs cannot be completed in a single sitting or even a single location. Some topics are addressed in existing literature; some are only available through one-on-one discussion with rightsholders. Some literature will prove to be inaccurate or outdated, and some interviewees will present modified versions of the truth. To produce a comprehensive HRIA, you will often find yourself revisiting topics numerous times. Unanticipated observations may require you to modify your analysis of relevant rights, and this is good. Such changes do not fundamentally challenge the rights issue, but rather modify and refine the content of the catalogs and your understanding of underlying realities.



Special Topics

Often the research conducted for cataloging will reveal complex challenges associated with myriad topics and rights. Though the catalogs will reveal the extent of the challenges posed, addressing these issues requires thoughtful analysis beyond what catalogs and charts can accomplish. These include conflict zones, the presence of artisanal miners, extreme HIV/AIDS prevalence, destructive historical pollution, indigenous communities, communities that will require resettlement and ubiquitous exploitive labor practices. If the Project you are assessing faces one or more of these challenges, list them prior to the catalogs to note they will be addressed in detail in recommendations and will have a presence in the catalogs. A brief description of these special topics is available in Appendix #5. An example is below.

Example Special Topic: Spread of HIV/AIDS:

HIV/AIDS has had catastrophic impacts on Malawian life. Malawi's HIV rates are estimated at 14-20 percent. Rates are significantly higher among truck drivers, miners and sex workers, three populations that are present in large numbers at the Project site and in the region. In the district, nine percent of the population tested positive in 2008, but almost no one was tested from the clinic closest to the project, in Bwiliro town. Stigmas associated with HIV are significant; testing remains rare (though Company VCT programs have significantly increased testing in 2010), and the topic remains taboo in northern communities, if no longer in the Project area itself. Traditional marriage laws for widows can also exacerbate the spread of HIV. There is significant to extreme risk to local communities as jobseekers from high HIV communities move to the Project area (often without their families), and population density increases opportunities for sexual encounters.

Capital projects are said to create Structural Risk for HIV, creating a self-reinforcing cycle for the spread of HIV by weakening social structures. This social breakdown includes:

- Social disruption resulting from sudden widespread in-migration, one of the first consequences of which is food and health insecurity
- Overwhelmed infrastructure for hygiene, medical care, and education
- Additional disruption from in-migration from other cultures, jeopardizing family integrity and local economies
- Influx of money leading to the creation/expansion of a market for transactional sex
- Unregulated expansion of sex industry fueled by demand and by increasing numbers of young people who have lost family and income to AIDS

HIV impacts the Right to Health most directly, but it has corollary impacts on a variety of other human rights. Because it afflicts society's most able-bodied wage earners, it affects whole families' Right to an Adequate Standard of Living. Stigmas associated with losing a family member to the disease negatively impact the Right to Nondiscrimination. For children, the combination of stigmas and the need to replace wages lost by a sick parent result in elevated school dropout rates, negatively impacting the Right to Education.

To respect human rights, a company must not commit, profit by, or facilitate rights violations. At the Project, HIV rates were low by Malawian standards, due to the remoteness of the area. The influx of non-local has contributed to rapidly rising rates locally. Current conservative estimates for HIV in the squatter village of jobseekers near the project are 12 percent. Health authorities and senior company management suspect rates are more than double that.

The government of Malawi cannot be relied on to address HIV. Karonga's annual "District Implementation Plan" for fighting HIV only applies to government employees. The training is poor, the government workers are few, and the diffusion of information is minimal. Karonga had no HIV coordinator at the time assessment commenced (Spring 2009). The HIV offices are understaffed and unmanaged. The government's strongest initiative trains peer advisors in target groups, who then spread information about HIV to others in their professions.

In the first half of 2009, the Project made significant and valuable efforts to address HIV, including opening a new testing site in Kayelekera, training two HIV serotesters (one for the community, one for the Company on-site doctor), distributing literature, and supporting drama groups from the Malawi AIDS Counselling and Resource Organization (MACRO).

However, very serious gaps remain in HIV prevention and treatment. International best practices for corporate HIV/AIDS programs are not being followed. HIV programs require infrastructure, including a secure space for counseling, medical attention, and access to ARVs. This is not necessarily a philanthropic effort. The World Bank has shown that once the HIV prevalence rate exceeds four to five percent it escalates rapidly, decimating productivity and profitability.

Catalogs

Socio-economic, political, legal, environmental, health and labor conditions figure into the human rights conditions experienced by rightsholders. Exploration of those six broad categories and their related subtopics will suggest which rights may be impacted. Not all questions can be answered definitively or immediately. Some inputs are not available in existing literature and must be answered by rightsholders and stakeholders during site visits. The following pieces of information are incorporated into catalogs:

Category	Topic	Subtopic	Input	Source	Impacted Rights	Impacted Rightsholders	Score
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As you fill in the Input, Source, Rights and Rightsholder blanks in the catalogs, your knowledge of the project and context increases. Each topic is, in itself, simple. It's the compilation of information from diverse sources that is daunting. Data gathering and inputting is slow initially, but as you acquaint yourself with frequently used sources (shortlisted in Appendix #3) the process becomes quicker.

There are over 300 topics cataloged during assessment. These are all listed in Appendix #2 below. A few sample topics are provided here to provide a sense of how detailed the inputs generally are. Note that green-tinted topics are Context Topics, blue-tinted topics are Project Topics, and violet-tinted topics are Company Topics.

Example: Sample Inputs to Context, Project and Company Catalogs

Category	Topic	Subtopic	Input	Source	Impacted Rights	Impacted Rights-holders	Score
Labor	Discrimination	Groups at risk for marginalization in hiring	Women say employers are reluctant to hire them because they require maternity pay and must sometimes leave work to attend to sick relatives -- a duty that falls on women rather than men. Rural in-migrants and non-speakers of Spanish struggle to find employment.	CEDLA	Non-Discrimination, Work C'ditions	Women; Indigenous peoples ; Recent in-migrants	-9
Political/Legal	Security	Extent of Project to be patrolled (including monitoring/searching employees)	In the Exbol factory the doors are guarded and strip searches were previously employed to deter and catch thefts. Lower-quality jewelry is produced at contractor entities, and security is outsourced rather than be conducted by Exbol.	CEDLA	Security of Person	Employees	-3
Labor	Discrimination	Non-Discrimination in hiring and promotion	Company workforce is 52% female and 48% male (2007 data) and the company has been rewarded for employing nondiscriminatory practices (Triple Sello Award). Company policy prohibits Discrimination on the grounds of race, gender, age, sexual orientation, political views or religion. Promotions and retaining of employees are based on the results of employee reviews, which include discussions of "behavior" -- union-savvy workers are seen to be ill-behaved	2007 CSR Report	Non-Discrimination; Equal Work for Equal Pay	Union supporters; Educated workers	5

In the "HRIA Template" accompaniment to this document, the catalogs are interactive and can be filled out in Microsoft Excel. Your inputs are automatically transferred into your HRIA document.

Phase III Examine and Verify Human Rights Ratings

In the topic catalogs above, a column headed “Score” is located at the far right. By scoring each topic you activate a software program that develops ratings for each human right. Associate each Context Topic with a score for the extent and intensity with which rights are protected or violated at a limited baseline. Associate each Project and Company Topic with a score for the direction, intensity and extent of impact likely to result from project activities. What results is a contrast of baseline and impact scores for each applicable right (i.e. each right that is likely to be significantly impacted).

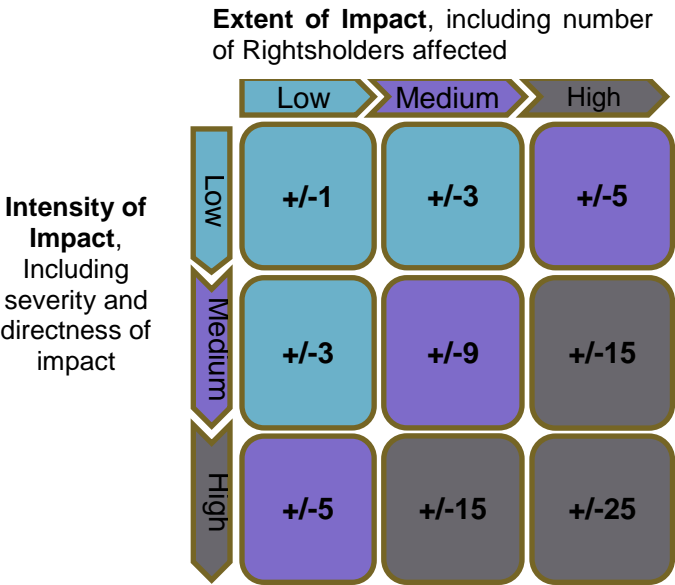
Example: Human Rights Impact Ratings		
Context	Human Rights	Impact
	Adequate Standard of Living	
	Clean Environment	
	Right to Housing	
	Nondiscrimination	
	Right to Food	
	Right to Work	
	Privacy	
	Education	
	Freedom from Child Labor	
	Expression, Thought, Religion	
	Favorable Work Conditions	
	Right to Health	
	Right to Health - HIV	
	Security of Person	
	Equal Work for Equal Pay	
	Property	
	Noninterference	
	Public and Political Participation	
	Right to Water	
	Unionization	
	Collective Bargaining	
	Strike	
	Association	
	Assembly	
	Just Remuneration	
	Holidays with Pay	

The scoring system is numerical (see Matrix, below). Intensity is defined as the severity with which an impact will alter life, and the degree to which the Company is responsible. Extent is defined as the number of people impacted. The matrix uses a 1 – 3 – 5 scale for perceptual reasons (the 1 – 3 – 5 scale creates sufficient differentiation between low and high impacts without creating excessively large increments that will unduly bias the scoring described below).

Example: *If only one hundredth of the population is hired by a Project at a wage rate triple the local norm, intensity will be high but extent will be low. The issue will have a +5 score.*

Software built into the Topic Catalogs sorts inputs by Impacted Right and numerically averages scores to produce a Rating in the -25 and +25 range. Color-coded ratings are automatically generated by the program. Context ratings are issued separately from Project/Company ratings so assessors can understand conditions within a limited baseline and contrast them with likely impacts. Existing conditions have bearing on the Project’s ability to respect rights that are not fully protected.

Example: *An un-established regulatory environment puts companies at risk of benefitting from weak governance. To mitigate this risk the company must analyze the weakness of the regulatory framework and ensure that its standards remain adequate to respect human rights, even if local law does not require it.*



As seen in the ratings table below, the range for yellow ratings is a fraction of the double-digit ranges between other color ratings. The statistical and academic reasons for this are detailed in other documents. For practical purposes, the yellow range is restricted (1) to reflect the reality that few impacts are perfectly balanced to be, on net, neutral, and (2) because it is not a helpful rating for companies interested in ensuring that they are not negatively impacting human rights.

-25 to -12	Red indicates that a right is likely to be severely negatively impacted by the Project to the extent that it poses risk to the success of the Project itself.
-12 to -0.5	Orange indicates that the Project has the potential to impact a right in negative ways.
-0.5 to 0.5	Yellow indicates that impacts are variable but are likely to be significantly positive or negative. Because of the contingent nature of yellow ratings, monitoring is necessary to determine whether, which way, and how severely the rights end up being impacted.
0.5 to 12	Green indicates the Project is likely to impact a right in positive ways.
12 to 25	Blue ratings are expected to improve significantly as a direct result of Project activities. Blue ratings indicate impacts that can positively affect a Corporate Partner's reputation and can be examples of outstanding positive influence in a community.
In addition to the colored ratings, there are times when data gaps or future performance generate uncertainty in ratings. Uncertainty is addressed in gray and black scores. Gray scores are accompanied by a numerical score for the right. Black scores indicate that uncertainty is too extreme to posit a colored score.	
	A gray rating indicates that uncertainty caused by data inadequacy or unavailability creates doubt in the given color rating.
	A black rating is a strong caution of data gaps and unforeseeable risks/impacts.



Feedback


After your scoring is complete, conduct a quick-check of the ratings. If a rating comes as a surprise, double-check that the score inputs were correct – omission of a single negative sign in front of a score can change a rating from red to green. Once you feel comfortable with your ratings, consult rightsholders and project proponents to finalize and verify ratings.

Rightsholder Feedback

For many ratings, rightsholders themselves are the most valuable experts on their own human rights. Even in communities where human rights terminology does not exist, rightsholders experience changes in their sense of self within society. People are keenly aware of what affects their lives. Human rights are about people's lives. Rightsholder feedback is an opportunity for rightsholders to verify or reject the conclusions assessors make about rights in the course of assessment.

Example: Rightsholder Feedback	
Assessors conclude that a farmer's Right to an Adequate Standard of Living has been negatively impacted by resettlement to less fertile land. During feedback sessions several farmers say they have reduced their farming activities and diversified their livelihood activities, benefitting from improved access to labor markets. Some farmers couldn't find employment, however, and have been impoverished concretely and comparatively, as their colleagues prospered relative to them. Right to an Adequate Standard of Living is then split into two ratings for two rightsholder groups	
Right to Adequate Standard of Living – farmers with diversified incomes	<div></div>
Right to Adequate Standard of Living – farmers with no alternative income	<div></div>

Rightsholder feedback must be conducted in a format and style to which rightsholders relate, accounting for literacy rates, gender divides, and work schedules. Although feedback sessions should be tailored to specific rightsholder groups and specific Projects, core elements remain the same. Assessors inform rightsholders of each presumed impacted right and rating and describe how each right is relevant to the community by giving a community-based example.



Show a photo of children fetching water from a remote site familiar to all. Link the intangible concepts of "right to water" and "right to education" with a concrete new challenge in daily life by asking them whether you were correct to see a longer walk to the borehole as an added burden in children's daily lives

Company Feedback

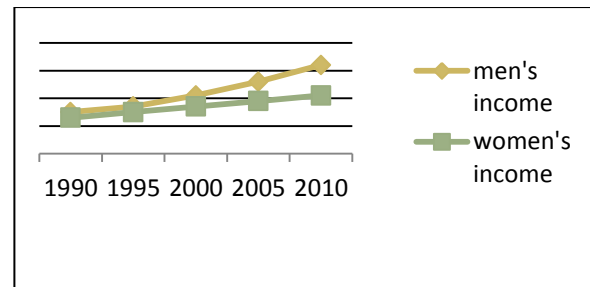
Companies under assessment often have valuable contributions to make to drafts, particularly in correcting outdated information and filling in data gaps, as companies constantly accrue monitoring data and update policies. A negative environmental impact at the time of assessment can be upgraded to neutral or positive rating if new data shows changes in performance. Additionally, company feedback can expose areas where corporate impacts on human rights are unclear or unintuitive. For example, some companies struggle to see how they negatively impact nondiscrimination, as long as they have a gender equality policy. You can use such feedback as a guide to produce explicit links in the chain of events that begin with a Company's hiring strategy and result in vulnerable or marginalized groups' disempowerment.

Example: Understanding Corporate Complicity in Structural Discrimination

Misogyny is endemic in Tanzania's southern highlands. The company is not responsible for this reality, but it is responsible for ensuring that its operations do not widen the empowerment gap between men and women. At Project operations, no women hold senior positions. Women rise no higher than junior management – secretaries and dispensary clinics.

Structural inequality¹ is powerful and overwhelms nondiscrimination policies the Company has established. By failing to address contextual inequality, the Project appears to be deepening inequalities between men and women. By improving their workers' access to cash, the Company is preferentially benefiting its higher-paid employees - men. Only four women are permanent employees. The situation is even more problematic among "temporary" workers. When children are ill or fields need to be tilled, women must stay home. Rough estimates from August 2009 payroll suggest that women comprise 20 percent of temporary workers and earn a mere 17 percent of wages. The resulting income disparity is depicted below:

*This is called **disparate impact**. Enriching men leaves women comparatively impoverished, in a worse economic and social position. The UN has specifically addressed this problem with regard to the costs of unequal household burdens on women, which weakens their access to social security benefits and decreases their available time for education, training, leisure, self-care, and political activities. The Company has a duty to know what its impacts are on women's mental and physical wellbeing. This data is not currently collected.*



Discrimination has at times been exacerbated by the Project in incidences of sexual harassment. Sexual harassment training should be conducted at the Project on a regular basis, and workers should have access to an anonymous complaints mechanism to level accusations (with substantiation) against managers who may be violating them.

Government Feedback

Not all governments are responsive to Human Rights Impact Assessment, but a draft assessment should be sent to relevant ministries unless government involvement could pose risks to rightsholders. Some governments will serve an important role in verification, updating government statistics and issuing comments. Generally, excluding government from a discussion of human rights would be both counterproductive and counterintuitive. Draft copies can be emailed or sent in hard copy. Clearly state the timeline for expected feedback and planned publication. Proponents of human rights generally support transparency and openness, but companies are often hesitant to publish human rights related documentation. The question of confidentiality will eventually arise and deserves a careful weighing of the benefits and risks of making assessments publicly available.

Phase IV Implementation

There is no standardization process for issuing recommendations. Recommendations are all developed on a project-specific basis. What is crucial is that recommendations be concretely actionable, directly linked to the human rights risks the aim to mitigate, and commensurate with the intensity and extent of the likely impact.

Example: Recommendation Right to Health – HIV/AIDS

Education, prevention, treatment and counseling are the cornerstones of any effective HIV/AIDS policy in the extractive industry. Although many management systems have been set forth, the policy preferred by experts was produced by the International Petroleum Industry Environmental Conservation Association (IPIECA). The IPIECA standards begin with a Company mandate to clearly define and communicate HIV/AIDS policy, complete with its position of non-discrimination and employee confidentiality. Its focus on implementation includes situational analysis of the epidemic, management responsibilities, voluntary counseling/testing/treatment of employees, education, access to treatment and ongoing monitoring. Recommendations specific to the Project include:

Transmission – A network of Wellness Centers have been developed along southern Africa's major trucking routes. Centers are located at HIV 'hotspots' (confluences of high transport volumes, long stoppage times, and high prevalence rates). The sites provide information, education and communication; voluntary counseling and testing referrals; condoms and STI treatments to vulnerable individuals including truckers and sex workers.

Treatment – Access to Antiretroviral drugs (ARVs) is poor in Malawi. Although the drugs are provided free of charge by the government, they are only available at district hospitals. Karonga's hospital is over 50 kilometers from Kayelekera, and residents say that long distances and high transportation costs make access to ARVs prohibitively expensive. Bringing ARVs to Kayelekera will require diplomatic networking and collaboration with the Government of Malawi, and this has apparently begun through the government-supported MACRO HIV organization. If such a plan requires company support (e.g. petrol and secure transportation of ARVs from Karonga hospital to Kayelekera clinic), such support is strongly encouraged by Assessors.



Workers attending a drama presentation hosted and facilitated by the Project, run by the District Health Office. Comedy is employed to educate workers and encourage voluntary testing.

(Photo James Nottingham 2010)

Executive Summary

The executive summary should include the rights ratings, a summary of the implications of those ratings, and a summary of associated recommendations. The level of detail included in the Executive Summary is left to the discretion of the assessor as appropriate for that client company. Though it is written last, it should be placed at the front of the HRIA.

Example Executive Summary:

The plantation under assessment is one of the most responsible employers in the country. Workers have access to on-site medical care, flexible hours (with limitations) and toilets. Workers are generally given the option to make more than minimum wage, and housing conditions reflect the adequacy of salaries. Several workers said they were empowered in their professional and personal lives through their work. Employee families, too, benefit from Company policies. Annual vision and dental exams are provided, and standards of living are high for the area. Employees' children are provided school supplies, and the company's scholarship program has supported many children through secondary school. Workers, provided transportation to work, can live near their extended families rather than move to the Project area, promoting the Right to Privacy and the Right to Housing.

Employee policies would be above reproach but for recent and complicated dealings with labor leaders in a case of stolen social security funds. The firings and rumors that have followed the theft raise questions about the independence, strength, and capacity of the Permanent Committee and the Asociacion Solidarista, the labor organizations present. Freedom of Association is at risk. The Company is recommended to thoroughly and publicly investigate the event and supply replacement funds while the investigation is ongoing.

Dole has implemented a top-of-the-line environmental program for the industry with regard to erosion management and herbicide/pesticide use. However, monitoring is less rigorous than mitigation practices. TSS and chemical measurements should be taken downstream and upstream of the project. Long-term average annual soil loss has been estimated and limited through the use of the Universal Soil Loss Equation (USLE). The Company has established mitigation practices (contour planting, vetiver grass plantings, bamboo stakes in drains, etc.) that diminish erosion; these practices have been researched for their effectiveness and incorporated into erosion calculations that are performed for the specific situation of each farm. USLE calculations were not made available to assessors. EPA suggests that soil monitoring is the best way to monitor erosion. Process water settling ponds are only tested for chlorine content. However, process water is monitored every six months before discharge to the environment for compliance with national law. A thorough study by the Organic certifier showed such clean (pesticide free) packhouse water that the Company may use the same discharge tanks for both conventional and organic fruit.

The greatest weakness in the Project's human rights regime is its approach towards the communities nearest to the project. The Project has struggled to see that rightsholders relevant to its operations include people external to the Project who are impacted by operations both directly and indirectly. This perspective has resulted in declining human rights protections for resident, and may, if unchanged, result in human rights campaigns against the Projects. Residents have seen declining protections for their Rights to Education, Health, Adequate Standards of Living (and Housing), a Clean Environment, Adequate Supply of Water and Privacy. There is a global pattern of businesses ignoring community complaints and later facing lawsuits. Whatever the cost of addressing grievances, it is lower than legal fees. More importantly to this assessment, it is the appropriate way to ensure the company is not associated with human rights violations. Dust mitigation programs should be instituted and a sound barrier for the school should be considered. Employment opportunities should be investigated for local residents – shopkeepers and mechanics, in particular, would benefit from a proactive employment approach by the Project.

Executive Summary, Continued

Right to Work / Nondiscrimination	 Blue
Equal Work for Equal Pay	 Blue
Right to Just Remuneration / Holidays with Pay / Good Work Conditions	 Green
Freedom of Association	 Green
Right to Favorable Work Conditions	 Green
Right to Housing (General)	 Green
Right to Housing (San Jorge)	 Red
Right to Health	 Green
Right to Clean Environment	  Yellow
Right to Clean Air (San Jorge)	 Red
Right to Clean Air (Other)	 Yellow
Right to Water (Santa Teresa and San Jorge)	  Orange
Right to Adequate Standard of Living (Employees)	 Green
Right to Adequate Standard of Living (Local Residents)	 Orange
Right to Education (Workers' Children)	 Green
Right to Education (Local Children)	 Red
Right to Privacy (Communities)	 Orange
Right to Privacy (Workers)	 Blue

Conclusion

Implementation of an HRIA does not end with recommendations. We consider monitoring a necessary component of assessment, because human rights are fluid and are achieved incrementally. Periodic assessment and monitoring enable you to track both improvement and corrosion of rights protections. Monitoring serves to help the company understand how effectively it is mitigating negative human rights impacts and reinforcing positives. Monitoring reports rely heavily on rightsholder interviews, environmental monitoring data, and community records, with attention to perceptions as well as concrete reality. Also, on some topics an HRIA relies on company policies, which are merely stated expectations of corporate behavior. Such intentions may change or be disregarded. For this reason an HRIA should be updated with follow-up compliance assessments as the human rights situation around a Project goes through its life stages.

Example: Follow-up Recommendation regarding HIV – HIV rates have increased with dangerous rapidity in the Project area. Project policies to increase understanding of the disease and encourage voluntary testing and counseling have been successful, but now residents know their HIV status without having the means to access treatment. The Project funds transportation for seropositive workers but not for wives, children or neighbors. This partial approach to HIV does not mitigate disease spread. ARVs should be made available to all project area residents, preferably by establishing an ARV distribution center near site, but potentially by providing free transport to the district hospital free of charge for all seropositive residents. Concerns of privacy should be discussed with experts – assessors will provide further recommendations upon request. The Project is encouraged to work with government but not to allow politics to delay distribution of treatment to the seropositive. An HIV policy should be produced and made public as soon as possible, implemented throughout the Company (including the Malawi headquarters), and integrated into operations. The successful initiatives already implemented should continue

Human rights analysis at a Project is never done. An HRIA provides a snapshot of the Project's impacts, but interactions between the Project and context are dynamic. A Company's failure to implement recommendations will have implications for ongoing human rights issues as will its successful implementation of recommendations. Every change in a Project alters the human rights landscape, and ongoing monitoring is needed to stay abreast of the issues.

APPENDIX #1 Human Rights – By Source

Rights Topics	Right / Freedom	Source Article			
UD = Universal Declaration of Human Rights; ESC = Convention on Economic Social and Cultural Rights; CP = Convention on Civil and Political Rights; ILO = International Labor Organization Core Conventions.		ILO	UD	ESC	CP
I. Labor					
A. Working Conditions	1. Right to Favorable Working Conditions 2. Right to Work		23	6 7	
B. Child Labor	1. Freedom from Exploitive Child Labor	138		10	
C. Non-Discrimination	1. Nondiscrimination 2. Equal Pay for Equal Work 3. Freedom of Religion	100 111	1,2 6 7 23	2 7	2,3 16 18 26
D. Right to Unionize	1. Freedom of Association 2. Right to Belong to a Trade Union 3. Right to Strike	87 98	20 22 23	8	11
E. Fair pay	1. Right to Just Remuneration 2. Right to Holidays with Pay 3. Right to Adequate Standard of Living	100	23 24 25	7	
II. Security					
A. Freedom from violence/coercion	1. Rights to: Life, Liberty, Security of Person 2. Freedom from Degrading Treatment/Torture 3. Freedom from Arbitrary Arrest, Imprisonment		3 5 7 9		6- 11 14 15
B. Free speech/freedom from intimidation	1. Freedom of Thought 2. Freedom of Expression 3. Freedom of Assembly		18 19 20		18 19 21
III. Health / Environment					
A. Environment	1. Right to Adequate Supply of Water 2. Right to Clean Air/Environment			12	
B. Health	1. Right to Std. of Living Adequate for Health 2. Right to Health		25	12	
IV. Property / Economic					
A. Housing	1. Freedom of Residence 2. Right to Housing		13 25		
B. Livelihood	1. Right to an Adequate Standard of Living		25		
C. Property	1. Right to Property		17		
D. Privacy	1. Right to Privacy (Noninterference)		12		17
E. Food	1. Right to Food, Freedom from Hunger		25	11	
V. Education					
A. Education	1. Right to Education		26	13	
B. Childhood	1. Rights of Children				24
VI. Political					
A. Corruption	1. Right to Public and Political Participation				17
VII. Indigenous Rights					
A. Informed consent	1. Right of Self Determination, Right to Natural Resources, Right to Subsistence			1	1
B. Culture	1. Right to Cultural Participation		27		27

APPENDIX #2 Human Rights Topic Catalogs

Category	Topic	Subtopic	Input	Source	Impacted Rights	Impacted Rights-holders	Score
Labor	Discrimination	Unemployment Rates by age group and gender					
Labor	Discrimination	Groups at risk for marginalization in hiring					
Labor	Discrimination	Local/cultural rules regarding women working					
Labor	Discrimination	Local holidays/prayer days/taboo days					
Labor	Discrimination	Attitudes toward minorities					
Labor	Exploitive Practices	Percent of children ages 7-14 in workforce					
Labor	Exploitive Practices	Child labor/forced labor in the area/supply chains					
Labor	Exploitive Practices	Human trafficking in the area/supply chains					
Labor	Labor Laws	Child labor laws					
Labor	Labor Laws	Forced labor laws					
Labor	Labor Laws	Anti-Discrimination labor laws					
Labor	Labor Laws	Sexual harassment laws					
Labor	Labor Laws	Occupational health & safety laws					
Labor	Labor Laws	Subcontractor Laws					
Labor	Labor Laws	ILO Ratifications					
Labor	Unions	Legality of unions					
Labor	Unions	Presence/power of unions					
Labor	Wages and Hours	Payroll deductions common with employment					
Labor	Wages and Hours	Local employability/skill level					
Labor	Wages and Hours	National Wage Rates					
Labor	Wages and Hours	Wage levels in Project area (formal/informal)					
Labor	Wages and Hours	Fringe benefits common with employment					
Labor	Wages and Hours	National/local unemployment rates					
Health	Access and Infrastructure	Percentage of pregnant women seen +1/+4 times					
Health	Access and Infrastructure	Percentage of pregnant women seen +1/+4 times - Local					
Health	Access and Infrastructure	Public per capita expenditure on essential medicines					
Health	Access and Infrastructure	Hospitals and clinics per 10,000 population					
Health	Access and Infrastructure	Public health workers per 10,000 population					
Health	Access and Infrastructure	Public health workers per 10,000 population - local					
Health	Access and Infrastructure	Published national list of essential medicines					
Health	Access and Infrastructure	Accessibility, appropriateness for minorities					
Health	Access and Infrastructure	Potable water (rural/urban/slum)					
Health	Access and Infrastructure	Rural/urban availability of essential medicines					
Health	Access and Infrastructure	Public sanitation (rural/urban/slum)					

	Infrastructure	
Health	Access and Infrastructure	Rural/urban/slum availability of HIV counseling, testing, treatment
Health	Food	Agricultural value added per worker
Health	Food	% arable land under cultivation
Health	Food	% GDP supplied by agriculture
Health	Food	Food security
Health	Food	Local Food production
Health	Food	Cropland per capita of agricultural population
Health	Health Regulations	Comprehensive sex education during schooling
Health	Health Regulations	Existence of publicly available civil registration
Health	Health Regulations	Existence & terms of National Health Plan (human rights, workforce strategy, rural personnel issues, etc)
Health	Health Regulations	Legislative/Constitutional recognition of the Right to Health
Health	Health Regulations	Ratified treaties recognizing the Right to Health
Health	Infectious diseases	Inoculations: MMR, diptheria, tetanus, pertussis, polio
Health	Infectious diseases	Infectious disease burden
Health	Infectious diseases	HIV prevalence by age and gender
Health	Infectious diseases	Local HIV rates
Health	Infectious diseases	Local/national TB rates
Health	Underlying Determinants	Life expectancy at birth
Health	Underlying Determinants	Maternal mortality per 100,000 births
Health	Underlying Determinants	Total government spending on health (as % of GDP)
Health	Underlying Determinants	Contraception - rates & types
Health	Underlying Determinants	Prevalence rate of violence against women
Health	Underlying Determinants	Under-5 malnutrition and mortality rates
Health	Underlying Determinants	Infant mortality
Health	Underlying Determinants	Local childhood illnesses, treatments
Health	Underlying Determinants	Percentage of deliveries at home, hospital, other
Environment	Air	Flow patterns, rates
Environment	Air	Quality - dust content, chemical content, GHG content
Environment	Air	Regulatory Standards
Environment	Geology	Seismicity - -
Environment	Geology	Volcanic activity
Environment	Geology	Physical landscape
Environment	Geology	Acid generating potential
Environment	Geology	Other soil-related concerns (pits, dissolution, etc)
Environment	Geology	Steep slopes – erosion risks
Environment	Groundwater	Sources
Environment	Groundwater	Quantity

Environment	Groundwater	Uses: Drinking, agricultural, cleaning, hydropower, etc
Environment	Groundwater	Depletion rates, changes in flow in recent years
Environment	Groundwater	Regulatory Standards
Environment	Groundwater	Quality
Environment	Surface Water	Sources
Environment	Surface Water	Quantity
Environment	Surface Water	Depletion rates, changes in flow in recent years
Environment	Surface Water	Uses: Drinking, agricultural, cleaning, hydropower, etc
Environment	Surface Water	Quality
Environment	Surface Water	Regulatory Standards
Political/ Legal	Conflict	Recent, likely or current conflict zone
Political/ Legal	Conflict	Local military size, structure and presence
Political/ Legal	Conflict	Availability of weapons - kind, cost, abundance, source
Political/ Legal	Conflict	History of ethnic/religious strife
Political/ Legal	Government Type	Government Type; level of functioning - National
Political/ Legal	Government Type	Government Type; level of functioning - Local
Political/ Legal	Government Type	Separation of powers
Political/ Legal	Government Type	Traditional government structure in place
Political/ Legal	Government Type	Relations among traditional/national governments
Political/ Legal	Government Type	Frequency/fairness of reform processes
Political/ Legal	Government Type	Frequency/fairness of elections (% population voting)
Political/ Legal	Government Type	<i>Government effectiveness</i>
Political/ Legal	Government Type	<i>Regulatory quality</i>
Political/ Legal	Law Systems	<i>Rule of law</i>
Political/ Legal	Law Systems	Legal code (environmental, political, education, other)
Political/ Legal	Law Systems	Political evolution, occupation, colonization
Political/ Legal	Law Systems	Tax structure
Political/ Legal	Nondiscrimination Regulations	Ratified treaties recognizing nondiscrimination
Political/ Legal	Nondiscrimination Regulations	General provisions against discrimination
Political/ Legal	Nondiscrimination Regulations	Nondiscrimination laws for non-treaty characteristics
Political/ Legal	Nondiscrimination Regulations	Enforcement of nondiscrimination regulations
Political/ Legal	Strength of Civil Society	Attitude of local police regarding demonstrations
Political/ Legal	Strength of Civil Society	Local laws regarding demonstrations, CSOs
Political/ Legal	Strength of Civil Society	State of local activism / Freedom of press

Political/ Legal	Strength of Civil Society	Frequency of protests in Project area
Political/ Legal	Strength of Civil Society	History of protests, crackdowns
Political/ Legal	Strength of Civil Society	Degree of political involvement, debate, engagement
Political/ Legal	Strength of Civil Society	<i>Voice and accountability</i>
Political/ Legal	Strength of Civil Society	<i>Political rights and civil liberties</i>
Political/ Legal	Strength of Governance	Accountability of public officials
Political/ Legal	Strength of Governance	Perception of Corruption
Political/ Legal	Strength of Governance	Anti-corruption efforts
Political/ Legal	Strength of Governance	Perception of personal safety/crime
Political/ Legal	Strength of Governance	Confidence in judiciary
Social/ Economic	Demography and Economy	Population living below \$1 a day, \$2 a day
Social/ Economic	Demography and Economy	Standard of Living, Poverty Levels
Social/ Economic	Demography and Economy	Cost of living survey – living wage rates
Social/ Economic	Demography and Economy	Presence of artisanal mining
Social/ Economic	Demography and Economy	Availability, style, material of housing
Social/ Economic	Demography and Economy	Land ownership structure
Social/ Economic	Demography and Economy	History of land disputes
Social/ Economic	Demography and Economy	Age pyramid, gender balance
Social/ Economic	Demography and Economy	Density of local population
Social/ Economic	Demography and Economy	GDP indicator
Social/ Economic	Demography and Economy	Major Industries
Social/ Economic	Demography and Economy	Natural resources
Social/ Economic	Demography and Economy	Source of local livelihoods
Social/ Economic	Education	Educational attainment (by gender and level)
Social/ Economic	Education	Literacy rates (disaggregated for age and sex)
Social/ Economic	Education	Local school infrastructure
Social/ Economic	Education	school costs: primary, secondary, books, transport, etc
Social/ Economic	Indigenous Peoples	Indigenous people present – strength, status of culture
Social/ Economic	Indigenous Peoples	Conflicts with/between indigenous communities
Social/ Economic	Local Cultures	Languages
Social/ Economic	Local Cultures	Family size, structure
Social/ Economic	Local Cultures	Religions

Social/ Economic	Local Cultures	Ethnicities/Tribes
Social/ Economic	Local Cultures	Culture of in-migrants
Social/ Economic	Local Cultures	Skill-sets, Skill-levels of in-migrants
Social/ Economic	Local Cultures	Level of social cohesion
Social/ Economic	Local Cultures	Attitudes toward minorities
Social/ Economic	Local Cultures	Cultural practices tied to land
Social/ Economic	National Culture	Languages
Social/ Economic	National Culture	Family size, structure
Social/ Economic	National Culture	Religions
Social/ Economic	National Culture	Ethnicities/Tribes
Labor	Employment	Project training programs for workers
Labor	Employment	Conditions of workplace - Employees
Labor	Employment	Conditions of Employment (written contract, terms of contract) - Employees
Labor	Employment	Conditions of Employment (written contract, terms of contract) - Contractors
Labor	Employment	Conditions of Employment (written contract, terms of contract) - Day Labor
Labor	Employment	Conditions of workplace - Contractors
Labor	Employment	Conditions of workplace - Day labor
Labor	Employment	Project job suitability for women
Labor	Employment	Means to distinguish between local and immigrant applicants
Labor	Employment	Grievance Procedure
Labor	Employment	(other) discrimination risks
Labor	Employment	Employment profile
Labor	Unions	# workers likely to be members of existing unions
Labor	Unions	Existence of government unions relevant to project workers
Labor	Wages and Hours	Wage Scale
Labor	Wages and Hours	Day labor, contractor wage rates
Labor	Wages and Hours	Benefits - Employees
Labor	Wages and Hours	Benefits - Employees of contractors
Labor	Wages and Hours	Worker housing standards
Labor	Wages and Hours	Worker dormitories
Health	Facilities	Project clinics
Health	Facilities	Health engineering of Project to affect infectious disease vectors
Health	Facilities	Response to pressure on employee health centers to serve wider community
Health	Facilities	Project's community development programs for health
Health	Facilities	Project clinics, District health facilities – medical stocks, wards, beds
Health	Facilities	Existing sanitation systems) – latrines at clinics, schools and private houses
Health	Health Impact Assessment	Conducted, status
Health	Health Impact Assessment	Extent of Population Reached

Health	Risks to Health	Hazardous material escape
Health	Risks to Health	Disease influx
Health	Risks to Health	Soil-related (acid generation, seepage)
Health	Risks to Health	Radiation
Health	Risks to Health	Population within 1km of fence
Health	Risks to Health	Population downstream
Health	Risks to Safety	Power lines
Health	Risks to Safety	Explosions (including from neighboring facilities)
Health	Risks to Safety	Traffic accidents
Health	Risks to Safety	Population within radius of blasting/flaring (including from neighboring facilities)
Environment	Air	Environmental Management Plan
Environment	Air	Emissions from operations, traffic
Environment	Air	Dust from operations, traffic
Environment	Air	Environmental licenses
Environment	Ecosystem	Project risks causing collateral damage: erosion, floods, landslides, mudslides, volcanic seeps
Environment	Ecosystem	Displaced soil protected to retain nutrients
Environment	Ground Water	Project usage
Environment	Ground Water	Conveyance systems
Environment	Ground Water	Effect on quality, water table level
Environment	Ground Water	Sewage treatment plans
Environment	Ground Water	Project-supplied water for drinking and cleaning - color/quality/quantity of well- and tank-water
Environment	Ground Water	Community water sources for drinking/cleaning
Environment	Surface Water	Diversion of surface water
Environment	Surface Water	Effect on surface water quality
Environment	Surface Water	Project usage
Environment	Surface Water	Water treatment/management system
Environment	Surface Water	Creation of supply reservoirs
Environment	Surface Water	Threats to availability of water
Environment	Surface Water	Project-supplied water for drinking and cleaning - color/quality/quantity of well- and tank-water
Environment	Surface Water	Community water sources for drinking/cleaning
Political/ Legal	Civil Society	Intensity and scope of media scrutiny
Political/ Legal	Civil Society	Presence / strength of NGO activity in community
Political/ Legal	Governance	Project-related risks of corruption
Political/ Legal	Security	Security plans
Political/ Legal	Security	Extent of Project to be patrolled (including monitoring/searching employees)
Political/ Legal	Security	Local, national, global reputation of security Corporate Partner to be employed
Political/ Legal	Security	Heavy road use by/for Project results in injuries
Political/ Legal	Security	Availability of items to be stolen, including petrol tapping

Political/ Legal	Security	Project/Company relationship with military/police
Social/ Economic	Demography and Economy	<i>Markets – prices and variety of available food and goods</i>
Social/ Economic	Demography and Economy	Project student population influx significantly affects schools
Social/ Economic	Demography and Economy	Project affects (or supports) religious demographics
Social/ Economic	Demography and Economy	Population influx significantly increases food prices
Social/ Economic	Demography and Economy	Influx of workers – numbers, rate of in-flow, from where, for what duration, with / without families
Social/ Economic	Demography and Economy	Project employment of locals
Social/ Economic	Demography and Economy	Impact, nationwide
Social/ Economic	Indigenous Peoples	Free, Prior, Informed Consent granted
Social/ Economic	Indigenous Peoples	Type, extent of indigenous land occupied by projec
Social/ Economic	Indigenous Peoples	Royalties or Commitments to indigenous groups
Social/ Economic	Infrastructure	Project community development
Social/ Economic	Infrastructure	Project dependent on few transportation points or paths
Social/ Economic	Infrastructure	Project activities damage structures (e.g. blasting causes cracks, road dust destroys market goods
Social/ Economic	Infrastructure	Improvement of transportation corridors (goods, food, etc)
Social/ Economic	Infrastructure	Project training programs for community/potential employees
Social/ Economic	Infrastructure	Improvement of communication links
Social/ Economic	Land the Project Occupies	Impacted access to business supplies
Social/ Economic	Land the Project Occupies	Impacted access to neighbors
Social/ Economic	Land the Project Occupies	Confiscation of land used for food production
Social/ Economic	Land the Project Occupies	Impacted access to crops or productive trees
Social/ Economic	Land the Project Occupies	Impacted access to healthcare needs
Social/ Economic	Land the Project Occupies	Confiscation of land used for businesses
Social/ Economic	Land the Project Occupies	Confiscation of land used for informal livelihoods
Social/ Economic	Land the Project Occupies	Current houses – of all socio-economic levels
Social/ Economic	Land the Project Occupies	Impacted access to neighbors
Social/ Economic	Land the Project Occupies	Impacted access to timber/firewood
Social/ Economic	Land the Project Occupies	Relocation of populations
Social/ Economic	Psychological Impacts	Local fears
Social/ Economic	Psychological Impacts	Emergency backup plans
Political/ Legal	Pending/past legal complaints	Environmental
Political/ Legal	Pending/past legal complaints	Health

Political/ Legal	Pending/past legal complaints	Human Rights
Political/ Legal	Pending/past legal complaints	Labor
Political/ Legal	Pending/past non-legal accusations	Environmental
Political/ Legal	Pending/past non-legal accusations	Health
Political/ Legal	Pending/past non-legal accusations	Human Rights
Political/ Legal	Pending/past non-legal accusations	Labor
Labor	Discrimination	Nondiscrimination in hiring and promotion
Labor	Discrimination	History of discriminatory behaviors or outcomes
Labor	Exploitive Practices	Labor policies for contractors
Labor	Exploitive Practices	Labor policies for supply chain
Labor	Exploitive Practices	Child labor policies
Labor	Exploitive Practices	History with child labor
Labor	Exploitive Practices	Forced labor/trafficking policies
Labor	Unions	Free speech and assembly policies
Labor	Unions	Unionization policy
Labor	Unions	Relations with unions
Labor	Wages and Hours	Training standards and methods
Labor	Wages and Hours	Worker grievance mechanism
Labor	Wages and Hours	Policies re working conditions
Labor	Wages and Hours	Equal pay for equal work policy
Health	Community	Community infectious diseases policies (for site-specific, high-prevalence illnesses: malaria, dengue, etc)
Health	Community	Community health and safety policy
Health	Community	Health monitoring system for communities
Health	Community	History of collaboration with existing health workers
Health	Community	Policy on sharing medical facilities with communities
Health	Workforce	OH&S policy
Health	Workforce	OH&S record at other operations
Health	Workforce	Protective gear policy
Health	Workforce	Health monitoring policy - annual checkups, etc
Environment	Community	Hazardous materials policies (e.g. Cyanide Code)
Environment	Community	Regulations for project vehicles (emissions, speeds, spills)
Environment	Environment	Environmental Standards (USEPA, ASEAN Standards, Local Laws)
Environment	Environment	History of environmental problems worldwide
Environment	Environment	History with the product/material to be developed
Political/ Legal	Conflict	Company policies regarding environmental and social impacts of products
Political/ Legal	Conflict	Grievance Procedures for communities
Political/ Legal	Conflict	History of resolving disputes with labor
Political/ Legal	Conflict	History of resolving disputes with communities

Political/ Legal	Corruption	Corruption policies
Political/ Legal	Corruption	History of corruption
Political/ Legal	Security	Security Policies (e.g. Voluntary Principles)
Political/ Legal	Security	Policy for addressing Project opposition
Political/ Legal	Security	Practice of addressing Project opposition
Political/ Legal	Security	History in the host country
Social/ Economic	Marginalized Groups	Indigenous Rights policy
Social/ Economic	Marginalized Groups	Minority populations policy
Social/ Economic	Marginalized Groups	Community relocation/ resettlement policy

Appendix #3 HRIA Backgrounder

Human Rights and Business

Since 2008 the global community has embraced the principle that corporations have duties toward human rights. The consensus developed around the work of Professor John Ruggie, the United Nations' Special Rapporteur on Human Rights and Business, who had spent the previous three years studying the topic under his United Nations mandate.

Ruggie produced a *Framework for Human Rights and Business*, which was unanimously welcomed by the United Nations Human Rights Commission and embraced with similar enthusiasm worldwide. The acceptance Ruggie's *Framework* by corporations, governments and civil society capped a long debate over whether international businesses have human rights duties, and it went one step further, defining those duties.

While governments retain the express responsibility to protect, promote and fulfill human rights, businesses are called on to "respect" human rights. The incorporation of companies into the human rights regime is partly a reflection of the undeniable influence companies can have in small, poor or weakly governed states, and it is partly an acknowledgment that capital development has implications well beyond the Project fence line even in developed countries.

In 2011 Ruggie provided parameters to guide corporate "human rights due diligence" to ensure that companies respect human rights. The Guiding Principles he produced outline corporate duties in principles 11-21. Principle 18 focuses on assessment, stating:

"In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should:

- (a) Draw on internal and/or independent external human rights expertise;
- (b) Involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation."

Principle 21 compliments Principle 18, calling on companies to use assessment findings to alter operations and Project design.

The Framework and Principles have now been endorsed by major corporate groups in global industries. The International Council on Metals and Mining (ICMM), the International Petroleum Industry Environmental Conservation Association (IPIECA), the International Fund for Agricultural Development (IFAD) and the Food and Agriculture Organization (FAO), among others, are active supporters. In addition to the support of corporate groups, the Framework's standards have now been incorporated into the Global Reporting Initiative (GRI). GRI guidelines require companies to state the percentage of projects that have been assessed for human rights impacts and report on the extent and quality of those assessments.

This HRIA meets GRI standards for assessment as laid out in the GRI 3.1 guidelines for Human Rights Indicators 1, 2 and 10. In addition, it is a process sufficient to fulfill the human rights requirements of the updated OECD Guidelines for Multinational Enterprises in May of 2011 (Guideline IV).

Appendix #4 Global Indicator Resources

The short-list below presents some of the most consistent data sources used in desktop research. Where possible, all findings drawn from these reports are verified with local primary sources.

I. Labor	NATLEX, US Dept. of State, World Economic Forum	http://www.ilo.org/dyn/natlex/natlex_browse.byCountry?p_lang=en , http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper (click "Countries/Regions" to select country) WEF Global Gender Report http://www.weforum.org/issues/global-gender-gap
II. Security	US. Dept. of State	http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper (click "Countries/Regions" to select country)
Work Conditions, Child Labor, Non-Discrimination, Unionization, Fair Pay		
Freedom from violence/ coercion		
B. Free speech		
III. Health	Health System Dashboard	http://dashboard.healthsystemsdatabase.org/ (there are different charts for each country for Maternal and Child Care, TB, HIV, Malaria, Reproductive Health – each is of value)
IV. Environment	UNEP, FAO, Company Docs.	EIAs, UNEP Drylands/Desertification map: http://gallagher-photo.com/blog/wp-content/uploads/2011/06/UN-desertification.jpg ; FAO Forest Resources Assessment 2010 http://www.fao.org/forestry/fra/fra2010/en/
IV. Economic	Gallup, US Dept. of State, OHCHR	Gallup Worldview Poll https://worldview.gallup.com/signin/login.aspx?ReturnUrl=%2fdefault.aspx (My login is kendylsalcito@gmail.com password red303, it's an easy sign-up, though) OHCHR http://www2.ohchr.org/english/issues/
A. Housing		Gallup Worldview → World → Business and Economics → Personal Economics
B. Livelihood		Gallup Worldview → World → Crime and Personal Safety;
C. Property		Gallup Worldview → World → Judiciary and Law Enforcement
D. Privacy		http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper (click "Countries/Regions" to select country)
E. Food	FAO	FAOStat.fao.org - http://www.fao.org/economic/ess/ess-fs/ess-fs-country/en/
V. Education	UNICEF	http://www.unicef.org/infobycountry/ (select country, then click "statistics" in the column on the left) (for childhood nutrition/mortality UNICEF works as does Health Dashboard 20/20)
VI. Political	World Bank; Gallup	World Bank Governance Indicators http://info.worldbank.org/governance/wgi/pdf_country.asp (look at the individual ratings as well as the aggregate figure) Gallup Worldview → World → Law and Order → Corruption and Bribes Global Integrity Index http://www.globalintegrity.org/report
Corruption, Rule of Law		
VII. Indigenous Rights	ILO, UN	James Anaya is the UN Special Rapporteur on Indigenous Peoples. He has issued some country reports, which are available here: http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx
FPIC, Culture		

APPENDIX #5 Human Rights Explained

Human Rights are sometimes not intuitive to Company staff. These are explained in brief paragraphs below to outline the sources for the rights and the corporate responsibilities associated with respecting those rights.

Right to Health.

The Right to Health, as stated in Article 26 of the Universal Declaration of Human Rights, incorporates a right to food, clothing, housing, medical care, social services, and unemployment protection. These welfare rights are the responsibility of governments to provide and corporations to respect. The Right to Health is also found in the Declaration of Economic Social and Cultural Rights Article 12, which ensures all humanity the right to health and environmental hygiene, including the right to adequate water, clean air, and access to information about disease.

The Right to Health may be affected by conditions in sleeping quarters for workers, contractors and day-laborers, depending on employer standards and practices. Sensitization is often necessary to address sexually transmitted diseases and HIV. Failure to control rates on site puts the Company at risk of violating a wealth of rights affected by the spread of HIV. Additional risks to the Right to Health can be posed by a Project's failure to monitor airborne, waterborne and soil-based particulates.

Right to Adequate Standard of Living.

The Right to an Adequate Standard of Living is found in the Universal Declaration, the ILO Core Conventions, and the International Covenant on Economic, Social and Cultural Rights. A Project's wages often significantly improve the standard of living for most if not all of its workforce; high standards are less prevalent among subcontractors and often absent among day labor aggregators.

Right to Water.

In April 2011, the UN adopted a resolution to incorporate the Right to Water and Sanitation as a fundamental human right. The Right to Water is implicit in the Universal Declaration (Article 3) within the Right to Life, since water is necessary for survival, as well as the International Covenants, since water is necessary for health and an adequate standard of living (Economic, Social and Cultural Covenant, Articles 12 and 11, respectively). The right to water is a right to have adequate, affordable, clean water sufficient for bathing, drinking, and livelihood, including watering livestock or watering crops.

Rightsholders whose Right to Water is often impacted by a Project include community members, local agriculturalists and pastoralists, and downstream users. When a Project diverts water, the elderly and infirm are often at the greatest risk.

Right to Clean Environment.

It is a rare capital Project that does not have significant impacts on the Right to a Clean Environment. Digging, dredging, road-breaking and construction generally have significant environmental impacts that can pose human rights risks.

Right to Education.

The Right to Education includes a right to primary education and the right to gain skills to participate in the workforce and in the public sphere. This right is found in the Universal Declaration (Article 26) and

the International Covenant on Economic, Social and Cultural Rights (Article 13). Companies often contribute infrastructure to local school systems but frequently fail to account for student influx and staff shortages. These are concerns from a human rights standpoint. Skills-training is also incorporated into the Right to Education and has elements of nondiscrimination to ensure that all rightsholders have equal access to skills and development programs.

Right to Favorable Working Conditions.

Article 23 of the Universal Declaration of Human Rights, and Article 7 of the International Covenant on Economic, Social and Cultural Rights both establish a Right to Enjoy Favorable Conditions of Work. Conditions necessary to ensure a favorable work environment include adequate and non-discriminatory wages (Right to Just Remuneration and Equal Pay for Equal Work), adequate rest (including Holidays with Pay), and adequate health and safety controls. The ILO Convention 100 also ensures equal pay for equal work. Concerns of wages, equality of pay, occupational health & safety dominate the concerns associated with working conditions.

Nondiscrimination.

Freedom from Discrimination has its basis in Articles 2, 4, 6 and 7 of the Universal Declaration. It is augmented through Articles 2, 3, 16, 18 and 26 of the International Covenant on Civil and Political Rights, and within ILO Core Conventions 100 and 111. Given the diversity of its sources, it is clear that discrimination has economic, social and political components.

The Right to Work, drawn from Article 23 of the Universal Declaration of Human Rights, as well as Article 6 of the International Covenant on Economic, Social and Cultural Rights, has a significant nondiscriminatory component. Anyone should have the opportunity to work, and everyone should have opportunities for training. Sexism and racism are ingrained in some societies. Social stratifications extend for generations, taking on a caste-like quality, and placing families and ethnic groups in positions from entrenched slavery to dynastic, monopolistic empowerment. When the workforce mirrors the national social dynamic, this exacerbates and further embeds structural inequalities by accepting the status quo and enriching the privileged. Discrimination can be discussed in terms of both discriminatory practices and discriminatory outcomes. If a practice treats certain groups unfairly, it is apparent in the policies upon which the practice was built and leaves little room for definitional debate. Discriminatory outcomes, in contrast require a far more nuanced understanding.

Discriminatory outcomes are the result of discriminatory contexts. This, in its entrenched form is referred to as **structural inequality**. Women or minorities facing structural inequality don't have educations/skills/permission to enter the work force. Often they lack confidence in their abilities, but at least as significantly, sometimes women are so bogged down with exhausting unpaid workloads that they simply don't have the time or energy to apply for jobs. Structural inequality is usually powerful and supersedes non-discriminatory practices that a third party may try to implement. Sometimes a policy of nondiscrimination, in failing to address contextual inequality, deepens inequalities.

If it were possible to leave the status quo untouched, the Project would have no responsibility to address structural inequality in communities. But that is impossible, for a responsible project proponent improves the standards of living, training and well being of its employees. If only privileged individuals apply for management jobs (or meet qualification requirements), then only they gain skills, confidence, employability and wealth, while the position of marginalized rightsholders stagnates. The disparity is thus deepened. Enriching one sub-population and leaving another impoverished comparatively worsens the economic and social disparity.

In many contexts, however, unemployment and underemployment are so severe that a single worker's salary can support extended families. The opportunity to improve the Standard of Living for significant numbers of individuals presents a major human right benefit, as long as the benefits are not concentrated within a single ethnic, gender, class or other social group.

Freedom of Association/Right to Unionize/Right to Strike.

Labor Union Rights are found in the Universal Declaration of Human Rights (Articles 20, 22, 23), the International Covenant on Economic, Social and Cultural Rights (Article 8) and the International Covenant on Civil and Political Rights (Article 11), as well as in ILO Core Conventions #87 and #98.

Security of Person.

Personal security is intimately linked to Freedom from Fear as enshrined in the preamble to the Universal Declaration of Human Rights and laid out more expressly in Article 3. It is reinforced by Articles 6 and 11 of the International Covenant on Civil and Political Rights. While it is often cited to protect prisoners from mistreatment, at its core it is a right of each citizen to know government safeguards protect his life. In weak states, the most substantial threat to Security of Person is the presence and expansion of extra-governmental armed groups. Security of Person has expanded since universal human rights were put to paper in 1948. In 2005, the United Nations modernized and concretized Freedom from Fear to "include poverty, deadly infectious disease and environmental degradation," noting that these can have consequences as catastrophic as slavery, torture, and violence – including lessening life chances on a large scale. The Freedom from Fear is a component of the Right to Psychological Security of Person.

Additional issues pertaining to Security of Person can arise in worker and community fears. Rightsholders that are ill-informed about operations, incidents, and project-wide risks generate rumors that feed on themselves, sometimes developing debilitating fears and social fissures.

Right to Privacy.

The Right to Privacy is found in the Universal Declaration, Article 17 and in the International Covenant on Civil and Political Rights, Article 17. Privacy is impacted by projects in two primary ways. First, blasting, construction and demolition work can result in damages to structures. Second, in-migrating populations may change population density, demographics and social cohesion. These effects on privacy also have interactions with the right to housing and the right to natural resources (water, food, agricultural land).

Right to Health / Right to Clean Environment

The Right to Health, as stated in Article 26 of the Universal Declaration of Human Rights, incorporates a right to food, clothing, housing, medical care, social services, and unemployment protection. These welfare rights are the responsibility of governments to provide and corporations to respect. The Right to Health is found in the Declaration of Economic Social and Cultural Rights. Article 12 ensures all humanity the right to health and environmental hygiene, including the right to adequate water, clean air, and access to information about disease. In its duty to respect the Right to Health and Environmental Hygiene, the Project should uphold, at a minimum, the "do no harm" principle.¹ Given the significant risks tied to potential negative impacts from a uranium project, the Project takes on a proactive responsibility to respect this right in its operations.²

¹ UN Special Representative John Ruggie's Framework for Business and Human Rights presents principles by which a transnational business should operate. "Do no harm" is the most fundamental; responsible businesses build from there.

² The most current and comprehensive study on the human right to water was conducted by the Institute for Human Rights and Business and made public in September 2008. Drafters of the report *Business, Human Rights*

APPENDIX #6 Special Topics in Summary

1. Conflict Zones

Operating in a conflict zone substantially increases the risk that human rights violations will occur. However, it can also put a Company in position to improve the local rights situation. Many companies simply refuse to operate where conflict already exists, on the principle that risk, uncertainty and liability outweigh potential economic gain. More frequently, companies set up operations where the *risk* of conflict is high. Assessors look for conflict-relevant conditions, including extreme poverty, social tensions, or high unemployment. A Company's impact is viewed over a backdrop of local history, politics, social systems, and economic welfare. These elements are investigated in the Topics Catalogs, but they require greater consideration in conflict situations.

2. Resettlement

Human rights impacts increase markedly when a Project requires the relocation of one or more communities. Resettlement can potentially improve a community's health, education, and sanitation systems; but the process is almost always fraught with unforeseen challenges. Many of the risks and responsibilities that accompany relocation are rooted in communities' social, environmental, and health characteristics. Discerning - and then remedying - issues incumbent with resettlement requires extensive consultation with the population. Typically, Projects have consultants and personnel dedicated to this topic. Human rights assessors build on, rather than duplicate, that work wherever possible.

3. Indigenous Communities

In 2008 the United Nations adopted the Declaration of Indigenous Rights, recognizing the unique rights of native groups in an effort to preserve distinctive, ancient and inherently valuable cultures. Because such communities are endowed with a "right to culture", Projects are significantly restrained in their allowable impacts when operating on indigenous lands. Indigenous rights include a right to consultation, "free, prior and informed consent", land rights, natural resources rights, cultural rights, and religious rights.

4. Areas of Historical Pollution

Commencing a Project in an area that is already profoundly polluted has inherent implications for the Private Partner. In such cases local populations may be hypersensitive to risks associated with industrialization. In other cases, people, so inured to living with extreme pollution, are numb to the reality that additional contamination could have disastrous cumulative impacts. Some Project areas can incapacitate a responsible Private Partner. Poverty, environmental pollution, social deterioration, and repeated armed conflict in a region make it intensely combustible. Any new operation would have extreme difficulties displacing the entrenched hostilities and desperate living conditions created by previous industrial pollution.

& the Right to Water included the Roundtable on Business in partnership with the United Nations Global Compact Human Rights Working Group, and NGO Realizing Rights, as well as representatives from business, civil society, socially-responsible investors, and national and international human rights organizations. The report identifies three potential responsibilities of business concerning water: as a consumer of water, an enabler of access to water, and a provider or distributor of water. Businesses increasingly agree that they should report on water use and monitor their "water footprint." The Protect needs to consider this right as it continues to gain respect and attention.

5. Areas of High HIV/AIDS Rates

Data lays bare the impacts of HIV/AIDS on communities suffering epidemic-level rates of the virus. Common causes for HIV rate spikes are well documented, as are the medical, social and economic repercussions of such increases. Those depictions are harrowing.

HIV rates are higher among subsets of the population that are drawn to Project sites – including truck drivers, construction crews and sex workers. Research indicates that HIV rates increase as a result of improved transportation and increased in-migration – two central elements of Project development.

Because HIV is often contracted by young, healthy, productive members of society and progresses more rapidly to AIDS under circumstances of poverty, illness, and poor nutrition, it inflicts significant damage on communities least capable of coping. Establishing the best HIV protocol for a Project requires extensive consultation with local health authorities, communities, NGOs and government.

6. Small-Scale Miners

Called “small-scale,” “artisanal,” “illegal,” or “traditional,” there are almost as many terms for low technology miners as there are types. Small-scale mining includes the bandits who sweep into communities, steal ore, terrorize locals, and leave, as well as whole communities that have been diligently mining near surface ores for thousands of years. Operations can range from one-man panning to bulldozers and leaching with hazardous chemicals.

The common thread among all these operations is that they are simultaneously a boon and burden to human welfare. Small-scale mining is often highly polluting, because toxic chemicals are used for extraction and because it is never accompanied by effective reclamation plans. Artisanal mining is usually unregulated, and it infringes on the environmental and health rights of downstream communities. But, for all its harms, it can be the one great empowering economic force in communities stricken with otherwise insurmountable poverty.

Appendix #7 Sample Cost of Living Survey (as employed in Catalogs)

This sample survey is appropriate for Latin American contexts. For expenditures appropriate for other regions and economies, visit <http://iresearch.worldbank.org/lsm/lsmssurveyFinder.htm> and examine/modify existing Living Standards Measurement Surveys.

Income

1. Base wages
2. Additions to base wages (given weekly, monthly)
3. Income in-kind for employer-provided goods and services (meals, transport, etc)
4. Self-employment income
5. Farm labor
6. Family labor
7. Income from rent
8. Pensions/dividends/transfers from family members acquired regularly

Expenditures

1. Food
 - a. Including drinks and tobacco
 - b. Value of food received from employer
 - c. Meals purchased at restaurants
2. Clothing received in-kind from employer
3. Housing expenses
 - a. Rent
 - b. Utilities – water, electricity/fuel
 - c. Property taxes
 - d. Other regular costs
4. Household maintenance
 - a. Furniture, appliances
 - b. Household cleaning/repairs
 - c. Maid services
 - d. Est. value of goods produced at home and used for household consumption
5. Healthcare
 - a. Medicine
 - b. Doctor visits
 - c. Goods for personal hygiene
 - d. Other household and home business products
6. Transport and communications
 - a. Public transport, mail, phone service
 - b. Purchase of vehicles
 - c. Gas
 - d. Maintenance/repair of vehicles
7. Education and entertainment
 - a. Magazines/newspapers
 - b. Books, games, etc
 - c. Radio, tv camera
 - d. School tuition, transport, meals, uniforms, supplies
 - e. Pre-school expenses (incl daycare)
8. Value of transfers to non-household members

Household

1. How many people per household
2. Housing is owned, squatted, rented or usufruct? (follow-up re frequency of payments, when the last one was)
3. How many people per salary
4. Salaries for women v men v children
5. Number of languages spoken within household
6. Type of household – house, apartment, room
7. # rooms
8. Type of material – cement block, adobe, stone, other
9. Type of floor – parquet, tile, cement, earth
10. Type of roof

Water/Sanitation

1. Water is inside/outside the house
2. Water is from well, river, tanker/brought by someone, canal, spring?
3. If outside the house, how long does it take to retrieve
4. Is it ever empty?
5. Is it clean?
6. Is there a toilet in/outside your house? Septic tank? Sewer?

Lighting/Electricity

1. Taken (illegal wiring)
2. Paid (how frequently? When was last payment)
3. Only kerosene/oil/gas

Cooking fuel

1. Electricity
2. Gas
3. Kerosene
4. Coal
5. Wood

Economic Activity

1. Primary employment
 - a. Type of company
 - b. Salary
 - c. Transport
 - d. Electricity/Water/ Utilities
 - e. Equipment maintenance
 - f. Social Security
 - g. Taxes/benefits
2. Secondary employment

Migration

1. From
 - a. Rural
 - b. Urban
 - c. Farm/Plantation
2. How long were you there, why did you leave?
3. Why did you come here?
 - a. More income
 - b. Work
 - c. Study
 - d. Marriage
 - e. Family
 - f. Other
4. What type of work do you seek? What skills do you have?
5. Education level, literacy?
6. Did you leave family behind? Who/how many?
7. Did you bring family with? Who/how many?

Daily expenses

1. Food and drinks
2. Tobacco
3. Soap, shampoo, hygiene
4. Laundry detergents, cleaning supplies
5. Transits
6. Magazines/Newspapers
7. Clothes – for you, for children
8. Kitchen supplies
9. Medical/herbal (traditional) treatments
10. Entertainment (movies, dancing, games)
11. Funerals/weddings
12. Distant travel
13. Other

Household Appliances/Goods

1. Radio/CD player/DVD player
2. Fridge
3. Sewing machine
4. Vacuum/mop
5. Knitting machine
6. Blender
7. Fan
8. Car
9. Bicycle
10. Motorbike
11. Telephone
12. TV (B/W or Color)
13. Bathroom
14. Gas stove
15. Computer
16. Microwave

Foods

1. Rice
2. Maize
3. Wheat Flour
4. Barley, barley flour, barley derivatives?
5. Quinoa, quinoa flour, quinoa derivatives
6. Bread
7. Cookies, cakes, etc?
8. Noodles of all types
9. meat
10. Poultry, meat products (bacon, sausage, ham, pate, sausage, bones)
11. Fresh seafood, frozen, smoked, canned etc.
12. Milk
13. Yogurt, butter, cheese
14. Eggs
15. Edible oils, margarine
16. Special seasonings (garlic, cinnamon, pepper, tomato sauce, vinegar)
17. Tubers and roots (potato, sweet potato, yucca)
18. Pulses (peas, chickpeas, lentils, beans, soy)
19. Fresh vegetables
20. fresh fruit
21. Vegetables and fruits, frozen/canned
22. Blonde white sugar
23. Coffee, tea, cocoa, herbs
24. Candies, chocolates, honey, molasses
25. Prepared grocery products
26. Alcoholic beverages
27. soft drinks
28. others

Meals

1. How many meals are eaten per day?
2. What is eaten for breakfast? (if tea, with milk?)
3. What is eaten for lunch?
4. What is eaten for dinner?

Child health

1. length of nursing
2. when started on solid foods
3. diarrhea recently
 - a. more/less liquid
 - b. more/less food
 - c. ORT (oral rehydration therapy)
 - d. Treated at home, taken for care, taken after how many days of sickness
4. How do you recognize pneumonia? (correct answer is rapid, agitated, difficult breathing, not fever or cough)
5. Where do you take a baby with pneumonia?
6. What is the cost of care there? Other places?

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