



4115, rue Sherbrooke ouest, bureau 310  
Westmount, Québec H3Z 1K9  
Tel.: 514.481.3401  
Fax: 514.481.4679  
[eem.ca](http://eem.ca)

# **Environmental and Social Impact Assessment of the CBG Mine Expansion Project**

## **Chapter 8 – Report on potential impacts on human rights**

DECEMBER 2014  
ENGLISH TRANSLATION JUNE 2015

PROJECT NUMBER: 13EAO039

PREPARED FOR:

Compagnie des Bauxites de Guinée

# MASTER TABLE OF CONTENTS

## MASTER TABLE OF CONTENTS

<b>CHAPTER 1 – BACKGROUND.....</b>	<b>1-1</b>
<b>CHAPTER 2 – PHYSICAL ENVIRONMENT STUDY.....</b>	<b>2-1</b>
<b>CHAPTER 3 – BIOLOGICAL BASELINE STUDY.....</b>	<b>3-1</b>
<b>CHAPTER 4 – BIOLOGICAL IMPACT ASSESSMENT.....</b>	<b>4-1</b>
<b>CHAPTER 5 – SOCIOECONOMIC BASELINE STUDY .....</b>	<b>5-1</b>
<b>CHAPTER 6 – STAKEHOLDER CONSULTATION.....</b>	<b>6-1</b>
<b>CHAPTER 7 – SOCIAL IMPACT ASSESSMENT.....</b>	<b>7-1</b>
<b>CHAPTER 8 – REPORT ON POTENTIAL IMPACTS ON HUMAN RIGHTS.....</b>	<b>8-1</b>
<b>CHAPTER 9 – CUMULATIVE IMPACT ASSESSMENT.....</b>	<b>9-1</b>
<b>CHAPTER 10 – ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN.....</b>	<b>10-1</b>

## TABLE OF CONTENTS

<b>CHAPTER 8 – REPORT ON POTENTIAL IMPACTS ON HUMAN RIGHTS</b> .....	<b>8-1</b>
<b>8.1 Executive Summary</b> .....	<b>8-1</b>
<b>8.2 Introduction</b> .....	<b>8-2</b>
<b>8.3 Definition of consultation/study area boundaries</b> .....	<b>8-8</b>
<b>8.4 Appropriate normative framework for the Project</b> .....	<b>8-10</b>
8.4.1 Normative framework applicable in Guinea .....	8-10
8.4.1.1 <i>National normative framework</i> .....	8-10
8.4.1.2 <i>National normative framework for mining</i> .....	8-13
8.4.1.3 <i>International normative framework for human rights</i> .....	8-15
8.4.1.4 <i>International normative framework for human rights in extractive industries</i> .....	8-16
8.4.1.5 <i>International normative framework regarding transparency in extractive industries</i> .....	8-16
8.4.2 Normative framework applicable to CBG.....	8-18
8.4.2.1 <i>Binding normative framework</i> .....	8-18
8.4.2.2 <i>Non-binding normative framework</i> .....	8-19
8.4.2.3 <i>CBG internal policy on communities</i> .....	8-22
8.4.2.4 <i>Commitment of Halco Mining Consortium</i> .....	8-22
<b>8.5 Background on the host country</b> .....	<b>8-23</b>
8.5.1 Political context.....	8-23
8.5.1.1 <i>Historical overview by Express journalist Catherine Gouéset</i> ....	8-24
8.5.2 Macroeconomic context.....	8-26
8.5.3 Private sector context .....	8-27
8.5.4 Mining sector context.....	8-27
8.5.5 Social security .....	8-28
8.5.6 Human rights violations .....	8-28
8.5.7 Vulnerable groups .....	8-29

<b>8.6 Analysis and assessment of the Project’s potential human rights impacts and mitigation measures</b> .....	<b>8-30</b>
8.6.1 Right to life and right to liberty and security .....	8-30
8.6.2 Right not to be subjected to slavery, servitude or forced labor.....	8-36
8.6.3 Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment .....	8-39
8.6.4 Right to equality before the law, equal protection of the law and non-discrimination .....	8-44
8.6.5 Right to access effective remedies .....	8-47
8.6.6 Right to freedom of movement and right to freedom of information	8-51
8.6.7 Right to freedom of assembly and right to freedom of opinion and expression .....	8-56
8.6.8 Right to work and right to enjoy just and favorable conditions of work (including rest and leisure) .....	8-59
8.6.9 Right to form and join trade unions, right to strike and right of association .....	8-66
8.6.10 Right to an adequate standard of living (housing, food, water and sanitation) and right to own property.....	8-71
8.6.11 Right to health .....	8-80
8.6.12 Right of the child to protection and right to education .....	8-86
8.6.13 Right to self-determination .....	8-92
<b>8.7 Operational recommendations</b> .....	<b>8-95</b>
8.7.1 Commitment through a policy statement .....	8-95
8.7.2 Assessing and remedying potential and actual human rights impacts	8-96
8.7.3 Integrating human rights into the corporate management system.	8-97
8.7.4 Performance monitoring .....	8-99
<b>8.8 Summary of findings</b> .....	<b>8-100</b>
<b>8.9 List of references</b> .....	<b>8-107</b>
<b>8.10 Notes</b> .....	<b>8-110</b>

## ANNEXES

ANNEXE 8-1 : Conventions internationales et régionales en matière de droits humains ratifiées par la Guinée

ANNEXE 8-2 : Tableau d'équivalence droits humains/normes de performance SFI

## LIST OF TABLES

Table 8-1 Rights potentially impacted by the CBG Expansion Project.....	8-4
Table 8-2 References to human rights in the constitution and secondary legislation	8-10
Table 8-3 References to human rights in the Mining Code.....	8-13
Table 8-4 Non-binding international benchmark standards in the area of human rights .....	8-21
Table 8-5 Voluntary initiatives for environmental and social responsibility, and human rights .....	8-22
Table 8-6 International commitments of members of the Halco Mining Consortium (except State) .....	8-23
Table 8-7 Assessment of potential impacts on the right to life, liberty and security	8-33
Table 8-8 Assessment of residual impacts on the right to life, liberty and security	8-36
Tableau 8-9 Assessment of potential impacts on the right not to be subjected to slavery, servitude or forced labor .....	8-37
Table 8-10 Assessment of residual impacts on the right not to be subjected to slavery, servitude or forced labor .....	8-39
Table 8-11 Assessment of potential impacts on the right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	8-41
Table 8-12 Assessment of residual impacts on the right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	8-43

Table 8-13 Assessment of potential impacts on the right to equality before the law and non-discrimination .....8-45

Table 8-14 Assessment of residual impacts on the right to equality before the law and non-discrimination .....8-47

Table 8-15 Assessment of potential impacts on the right to access effective remedies.....8-49

Table 8-16 Assessment of residual impacts on the right to access effective remedies .....8-51

Table 8-17 Assessment of potential impacts on the right to the free movement of persons and the right to freedom of information .....8-53

Table 8-18 Assessment of residual impacts on the right to the free movement of persons and the right to freedom of information .....8-55

Table 8-19 Assessment of potential impacts on the right to freedom of assembly and the right to freedom of opinion and expression.....8-57

Table 8-20 Assessment of residual impacts on the right to freedom of assembly and the right to freedom of opinion and expression.....8-59

Table 8-21 Assessment of potential impacts on the right to work and to just and favorable conditions of work .....8-62

Table 8-22 Assessment of residual impacts on the right to work and to just and favorable conditions of work .....8-66

Table 8-23 Assessment of potential impacts on the right of association, the right to form and join trade unions, and the right to strike .....8-68

Table 8-24 Assessment of residual impacts on the right of association, the right to form and join trade unions, and the right to strike .....8-70

Table 8-25 Assessment of potential impacts on the right to an adequate standard of living and right to own property .....8-75

Table 8-26 Assessment of residual impacts on the right to an adequate standard of living and right to own property .....8-79

Table 8-27 Assessment of potential impacts on the right to health.....8-82

Table 8-28 Assessment of residual impacts on the right to health.....8-85

Table 8-29 Assessment of potential impacts on the right of the child to protection and the right to education .....8-88

Table 8-30 Assessment of residual impacts on the right of the child to protection and the right to education .....8-91

Table 8-31 Assessment of potential impacts on the right to self-determination..8-92

Table 8-32 Assessment of residual impacts on the right to self-determination ...8-94

Table 8-33 Potential and residual human rights impacts from the CBG Expansion Project..... 8-102

## ABBREVIATIONS AND ACRONYMS

(Note: Text in square brackets [] is a translation of a French term for which there is no official English version.)

<b>°C:</b>	Degrees Celsius
<b>AFD</b>	Agence Française de Développement [French development agency]
<b>AIDS:</b>	Acquired immune deficiency syndrome
<b>AIP:</b>	Annual investment plan
<b>AMC:</b>	Alliance Mining Commodities Ltd.
<b>ANAÏM:</b>	Agence Nationale d'Aménagement des Infrastructures Minières [national agency for mining infrastructure development]
<b>APA:</b>	Laboratoire Archéologie et Peuplement de l'Afrique [African archeology and settlement laboratory]
<b>APAÉ:</b>	Association des parents et amis d'élèves [parents and friends of students]
<b>ARV:</b>	Antiretroviral
<b>BAP:</b>	Biodiversity action plan
<b>BEPC:</b>	<i>Brevet d'études du premier cycle du second degré</i> [middle-school leaving certificate]
<b>BGÉE:</b>	Bureau Guinéen d'Études et d'Évaluation Environnementale [Guinean bureau of environmental studies and assessment]

- BM:** Banque Mondiale / World Bank (WB)
- BPII:** *Bonnes pratiques industrielles internationales* / Industrial international best practices
- C/P:** Frontline fishing camps and ports
- CA:** *Chiffre d'affaires* [revenues]
- CBG:** Compagnie des Bauxites de Guinée
- CCME:** Canadian Council of Ministers of the Environment
- CCNUCC:** *Convention-cadre des Nations Unies sur le changement climatique* / World Bank United Nations Framework Convention on Climate Change (UNFCCC)
- CDD:** *Contrat de durée déterminée* [contract of defined length]
- CDI:** *Contrat de durée indéterminée* [contract of indefinite length]
- CÉCI:** *Centre d'études et de coopération internationale* / Centre for international Studies and Cooperation
- CECIDE:** Centre du Commerce International pour le Développement [international trade center for development]
- CEDEAO:** Communauté économique des États de l'Afrique de l'Ouest / United Nations Economic Commission for Africa (UNECA)
- CFB:** Chemin de Fer de Boké [Boké railroad]
- CITES:** Convention on International Trade in Endangered Species
- CMG:** Chambre des Mines de Guinée [Guinean chamber of mines]
- COD:** Chemical oxygen demand
- COPC:** Contaminant of potential concern
- CoPSAM:** Comité Préfectoral de Suivi des Activités des Miniers [prefectoral mining activity monitoring committee]

<b>CPC:</b>	<i>Contaminant potentiellement préoccupant</i> / contaminant of potential concern (COPC)
<b>CPD:</b>	Comité Préfectoral de Développement [prefectoral development committee]
<b>CPÉ:</b>	<i>Consultation et participation éclairées</i> / informed prior consent (IPC)
<b>CR:</b>	<i>Commune rurale</i> [rural commune]
<b>CRD:</b>	<i>Commune rurale de développement</i> [rural development commune]
<b>CSA:</b>	Centre de santé amélioré [improved health center]
<b>CSO:</b>	Civil society organizations
<b>CSR:</b>	Corporate social responsibility
<b>CU:</b>	<i>Commune urbaine</i> [urban commune]
<b>CVÉ:</b>	<i>Composante valorisée de l'écosystème</i> / valued ecosystem component (VEC)
<b>dB:</b>	Decibel
<b>dba:</b>	A-weighted decibel
<b>dBZ:</b>	Decibel relative to Z
<b>DEP</b>	Direction Préfectorale de l'Éducation [prefectoral directorate for education]
<b>DPUHC:</b>	Direction préfectorale de l'urbanisme de l'habitat et de la construction [prefectoral directorate for housing and construction]
<b>DUDH:</b>	<i>Déclaration universelle des droits de l'homme</i> / Universal Declaration of Human Rights (UDHR)
<b>ÉDG:</b>	Électricité de Guinée
<b>EIA:</b>	Environmental impact assessment
<b>ÉIE:</b>	<i>Étude d'impact environnemental</i> / environmental impact assessment

<b>ÉIS:</b>	<i>Étude d'impact social</i> / social impact assessment
<b>EITI:</b>	Extractive Industries Transparency Initiative
<b>EPA:</b>	Environmental Protection Agency (United States)
<b>EPI:</b>	Extended Program on Immunization
<b>EPT:</b>	Ephemeroptera, Plecoptera and Trichoptera (types of aquatic insects)
<b>ESCOMB:</b>	<i>Enquête de surveillance comportementale et biologique sur le VIH/SIDA</i> [HIV/AIDS behavioral and biological surveillance survey]
<b>ESIA:</b>	Environmental and social impact assessment
<b>ESMP:</b>	Environmental and social management plan
<b>ETAE:</b>	<i>Eaux tropicales de l'Atlantique Est</i> [tropical waters of the Eastern Atlantic]
<b>FEL 1:</b>	Front-end loading – preliminary economic assessment
<b>FEL 2:</b>	Front-end loading – prefeasibility study
<b>FEL 3:</b>	Front-end loading – detailed engineering study
<b>FPIC:</b>	Free prior and informed consent
<b>GAC:</b>	Guinea Alumina Corporation
<b>GdG:</b>	<i>Gouvernement de la Guinée</i> / Government of Guinea (GoG)
<b>GDP:</b>	Gross domestic product
<b>GES:</b>	<i>Gaz à effet de serre</i> / greenhouse gas (GHG)
<b>GHG:</b>	Greenhouse gas
<b>GIEC:</b>	Groupe d'experts intergouvernemental sur l'évolution du climat / Intergovernmental Panel on Climate Change (IPCC)
<b>GIS:</b>	Geographic information system
<b>GNF:</b>	Guinean franc

<b>GoG:</b>	Government of Guinea
<b>GPS:</b>	Global positioning system
<b>GRI:</b>	Global Reporting Initiative
<b>GTP:</b>	Ground truth point methodology
<b>Ha:</b>	Hectare
<b>HAP:</b>	<i>Hydrocarbure aromatique polycyclique</i> / polycyclic aromatic hydrocarbon (PAH)
<b>HFO:</b>	Heavy fuel oil
<b>HP:</b>	Horsepower
<b>HSE:</b>	Health, safety and environment
<b>IBA:</b>	Important bird area
<b>ICCPR:</b>	International Covenant on Civil and Political Rights
<b>ICESCR:</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICMM:</b>	International Council on Mining and Metals / Conseil International des Mines et des Métaux
<b>IFC:</b>	International Finance Corporation / <i>Société Financière Internationale</i> (SFI)
<b>IFI:</b>	International finance institutions / <i>institutions financières internationales</i>
<b>ILO:</b>	International Labor Organization
<b>IPCC:</b>	Intergovernmental Panel on Climate Change
<b>ISQG:</b>	CCME Interim Sediment Quality Guideline
<b>IST:</b>	<i>Infections sexuellement transmissibles</i> / sexually transmitted infections (STIs)
<b>ITIE:</b>	Initiative pour la Transparence des Industries Extractives / Extractive Industries Transparency Initiative (EITI)

<b>IUCN:</b>	International Union for Conservation of Nature / Union internationale pour la conservation de la nature (UICN)
<b>km:</b>	Kilometer
<b>km<sup>2</sup>:</b>	Square kilometer
<b>LA<sub>eq</sub>:</b>	Equivalent sound level (dBA)
<b>LDIQS:</b>	CCME Interim Sediment Quality Guideline
<b>L<sub>eq</sub>:</b>	Equivalent sound level (dB)
<b>m:</b>	Meter
<b>m<sup>2</sup>:</b>	Square meter
<b>m<sup>3</sup>:</b>	Cubic meter
<b>m<sup>3</sup>/h:</b>	Cubic meters per hour
<b>MDDEP:</b>	Ministère du Développement durable, de l'Environnement et des Parcs du Québec, now called the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques [Quebec ministry of sustainable development, environment and parks, now called the ministry of sustainable development, environment and the fight against climate change]
<b>MDT:</b>	<i>Matières dissoutes totales</i> / total dissolved solids (TDS)
<b>ml:</b>	Milliliter
<b>mm:</b>	Millimeter
<b>MME:</b>	Ministère des Mines et de l'Énergie / Ministry of Mines and Energy
<b>MTPA:</b>	Million tonnes per annum
<b>MW:</b>	Megawatt
<b>N/A:</b>	Not applicable
<b>NEP:</b>	<i>Niveau d'effet probable du CCME</i> / CCME probable effects level (PEL)

<b>NGO:</b>	Nongovernmental organization
<b>NP:</b>	<i>Norme de performance de la SFI</i> / IFC Performance Standard (PS)
<b>NSP:</b>	<i>Ne s'applique pas</i> / not applicable (N/A)
<b>OUA:</b>	Organization of African Unity
<b>OCDE:</b>	Organisation de Coopération et de Développement Économique / Organization for Economic Cooperation and Development (OECD)
<b>OECD:</b>	Organization for Economic Cooperation and Development
<b>OIT:</b>	Organisation internationale du Travail / International Labor Organization (ILO)
<b>OMS:</b>	Organisation mondiale de la Santé / World Health Organization
<b>ONG:</b>	<i>Organisme non-gouvernemental</i> / nongovernmental organization
<b>ONU:</b>	Organisation des Nations-Unies / United Nations
<b>OSC:</b>	<i>Organisations de la société civile</i> / civil society organizations
<b>OUA:</b>	Organisation de l'unité africaine / Organization of African Unity
<b>OWINFS:</b>	Our World Is Not for Sale
<b>PACV:</b>	<i>Programme d'appui aux organisations villageoises</i> [village support program]
<b>PAH</b>	Polycyclic aromatic hydrocarbon
<b>PAI:</b>	<i>Plan annuel d'investissement</i> / annual investment plan
<b>PARC:</b>	<i>Plan d'action de réinstallation et de compensation</i> / resettlement and compensation action plan (RAP)
<b>PCB:</b>	<i>Plan de conservation de la biodiversité</i> / biodiversity action plan (BAP)
<b>PCS:</b>	<i>Partenaires contre le SIDA</i> [AIDS prevention group]
<b>PDL:</b>	<i>Plan de développement local</i> [local development plan]

<b>PEL:</b>	CCME probable effects level
<b>PEPP:</b>	<i>Plan d'engagement des parties prenantes</i> / stakeholder engagement plan (SEP)
<b>PÉV:</b>	<i>Programme élargi de vaccination</i> / Expanded Programme on Immunization (EPI)
<b>PGES:</b>	<i>Plan de gestion environnementale et sociale</i> / environmental and social management plan (ESMP)
<b>PIB:</b>	<i>Produit intérieur brut</i> / gross domestic product (GDP)
<b>PIDCP:</b>	<i>Pacte international relatif aux droits civiles et politiques</i> / International Covenant on Civil and Political Rights (ICCPR)
<b>PIDESC:</b>	<i>Pacte international relatif aux droits économiques, sociaux et culturels</i> / International Covenant on Economic, Social and Cultural Rights (ICESCR)
<b>PK:</b>	Point kilométrique / kilometer point
<b>PM<sub>10</sub>:</b>	Particulate matter in air up to 10 micrometers in size
<b>PM<sub>2.5</sub>:</b>	Particulate matter in air up to 2.5 micrometers in size
<b>PMH:</b>	<i>Pompe à motricité humaine</i> / manually operated pump
<b>PNUD:</b>	Programme des Nations-Unies pour le Développement / United Nations Development Program (UNDP)
<b>PP:</b>	<i>Parties prenantes</i> / stakeholders
<b>PPV:</b>	Peak particle velocity
<b>PRCB:</b>	Projet de renforcement des capacités de Boké [Boké rural community development project]
<b>PS:</b>	IFC Performance Standard
<b>QSE:</b>	Quality, safety and environment
<b>RAP:</b>	Resettlement and compensation action plan

<b>RAP:</b>	Rapid assessment program / rapid biological assessment
<b>RSE:</b>	<i>Responsabilité sociale des entreprises</i> / corporate social responsibility (CSR)
<b>RTA:</b>	Rio Tinto Alcan
<b>SAG:</b>	Société Aurifère de Guinée [Guinea gold corporation]
<b>SDT:</b>	<i>Solides dissous totaux</i> / total dissolved solids (TDS)
<b>SEG:</b>	Société des Eaux de Guinée [Guinea water corporation]
<b>SEP:</b>	Stakeholder engagement plan
<b>SFI:</b>	Société Financière Internationale / International Finance Corporation (IFC)
<b>SIA:</b>	Social impact assessment
<b>SIDA:</b>	<i>Syndrome d'immunodéficience acquise</i> / acquired immune deficiency syndrome (AIDS)
<b>SIG:</b>	<i>Système d'information géographique</i> / geographic information system (GIS)
<b>SNAPE:</b>	Service national des points d'eau [national water supply points service]
<b>SO<sub>x</sub>:</b>	Sulphur oxides
<b>SP:</b>	<i>Sous-préfecture</i> [subprefecture]
<b>SSC:</b>	Species Survival Commission
<b>SSE:</b>	<i>Santé, sécurité, environnement</i> / health, safety and environment (HSE)
<b>SST:</b>	<i>Solides en suspension totaux</i> / total suspended solids (TSS)
<b>STI:</b>	Sexually transmitted infections
<b>TDR:</b>	<i>Termes de référence</i> / terms of reference (TOR)
<b>TDS:</b>	Total dissolved solids

<b>TOR:</b>	Terms of reference
<b>TPE:</b>	<i>Très petite entreprise</i> / very small business
<b>TPH:</b>	Tonnes per hour
<b>TSP:</b>	Total suspended particulates
<b>TSS:</b>	Total suspended solids
<b>UDHR:</b>	Universal Declaration of Human Rights
<b>UICN:</b>	<u>Union internationale pour la conservation de la nature</u> / International Union for Conservation of Nature (IUCN)
<b>UN:</b>	United Nations
<b>UNDP:</b>	United Nations Development Program
<b>UNECA:</b>	United Nations Economic Commission for Africa
<b>UNESCO:</b>	United Nations Organization for Education, Science and Culture / Organisation des Nations unies pour l'éducation, la science et la culture
<b>UNFCC:</b>	United Nations Framework Convention on Climate Change
<b>UniGE:</b>	Université de Genève / University of Geneva
<b>UTM:</b>	Universal Transverse Mercator
<b>VEC:</b>	Valued ecosystem component
<b>VIH:</b>	<i>Virus de l'immunodéficience humaine</i> / human immunodeficiency virus (HIV)
<b>WB:</b>	World Bank / Banque Mondiale (BM)
<b>WHO:</b>	World Health Organization / Organisation mondiale de la Santé (OMS)
<b>ZÉE:</b>	<i>Zone économique exclusive de la Guinée</i> [Guinea economic exclusive zone]
<b>ZICO:</b>	<i>Zone importante pour la conservation des oiseaux</i> / important bird area (IBA)

## CHAPTER 8 – REPORT ON POTENTIAL IMPACTS ON HUMAN RIGHTS

### 8.1 Executive Summary

This chapter complements the social impact study for the Expansion Project. Many subjects dealt with in the chapter on social impacts are revisited in order to analyze them from a human rights standpoint. This separate chapter covers the subject of human rights since it requires a specific methodology, essentially with respect to analysis tools and reference standards.

The CBG Expansion Project means a stepped-up rate of mineral extraction within CBG's existing mining concession between now and 2022. The Project involves constructing new mining infrastructures (new pits, rail sorting yard, sidings, workshops, modernized plant, enlarged port and dredging in the Rio Nuñez) in the Sangarédi and Kamsar areas of Boké prefecture.

The Project will bring both positive impacts (e.g., job creation and better standard of living) and negative risks (e.g., pollution, involuntary resettlement and cumulative impacts). These impacts and risks will be felt by local communities living in the Project's footprint. Since the Project is also expected to create some 300 regular jobs and 1,200 temporary jobs, it will also have impacts on CBG workers, employees contracted through the supply chain and local subcontractors.

The impacts and risks may have non-negligible effects on those persons' fundamental rights, which are guaranteed in the International Bill of Human Rights, which Guinea has ratified. This normative framework is the legal basis by means of which the human rights impact study identifies the rights that risk being affected by the Project. The normative framework for the CBG is complemented by the national legal framework (constitution, Mining Code, etc.) as well as the international framework, both binding (African and international human rights conventions) and non-binding (International Finance Corporation, United Nations Global Compact, etc.).

To avoid interfering with the enjoyment of human rights, the Project will implement the measures suggested in this study for preventing and mitigating adverse impacts (policy on rights, resettlement and compensation action plan, strict health and safety standards, etc.). Furthermore, the Project will provide opportunities to improve the human rights situation of local populations (community projects, public-private partnerships, etc.).

The human rights impact study is based on the socioeconomic baseline study (Chapter 5), the social impact study (Chapter 7) and the valued ecosystem components (VECs) studied to identify the human rights most affected. After specific consultations in the field with a number of stakeholders in the Sangarédi area, this study determined that the Project would have an impact on enjoyment of the following human rights:

- right to life;
- right to the free movement of persons;
- right of the child to protection;
- right to an adequate standard of living;
- right to health; and
- right to self-determination.

Women and children from poor rural areas in the mining concession are the groups most vulnerable to adverse impacts and thus require special attention.

The table of impacts on human rights at the end of this chapter summarizes the sources of impacts and measures to offset them.

Operational recommendations have been made for implementing activities promoting respect for human rights. With a view to ensuring reasonable diligence, the activities recommended to CBG make it possible to identify potential impacts, remedy them and monitor the performance of human rights activities. In carrying out these activities, the rights and freedoms of both local communities and CBG employees must also be respected.

## **8.2 Introduction**

This study analyzes Project-related risks and opportunities in the area of human rights, particularly those related to mining the new Sangarédi mine bauxite plateaus

(Zone 1). It also proposes measures to prevent or mitigate every risk to and impact on human rights. These measures can remedy adverse impacts or, at least, minimize their likelihood and seriousness.

The study on potential human rights impacts complements the social impact study by analyzing specifically how the impacts identified can diminish or eliminate an individual's ability to enjoy his or her fundamental rights.

A specific chapter covers this study since it is acknowledged that a specific methodology is applied to the issue of human rights. The Guide to Human Rights Impact Assessment and Management (HRIAM) developed by the International Finance Corporation (IFC) and the International Business Leaders Forum<sup>1</sup> provides the study's framework.

This study is based essentially on the VECs (valued ecosystem components), which are analyzed from a human rights standpoint. Most of these components are also covered in the social impact study (Chapter 7):

- demographics;
- public health and safety;
- availability of infrastructure and basic services;
- land use;
- movement and circulation;
- social cohesion (conflicts, and communications and information); and
- living environment and landscape.

Unlike the social impact study, where probable Project impacts are studied, this chapter assesses the potential occurrence of Project-related risks to human rights. Implementing the operational recommendations in this chapter would reduce the potential occurrence of these risks and increase the social acceptability of the Expansion Project.

### **What are human rights?**

Human rights are the basic rights and freedoms to which every human being is entitled without discrimination. Human rights are:

- universal: they apply regardless of nationality, residence, gender, race, ethnicity, religion and cultural heritage;
- inalienable: they cannot be taken away or compromised except in specific situations set out in law;
- indivisible: they are all of equal importance and must be considered according to the principle of equality; and
- interdependent and interrelated: they are mutually reinforcing, i.e., violation of one right affects the maintenance of other rights, and similarly, the enjoyment of one right supports the fulfilment of other rights.

Non-discrimination is a key principle in human rights and freedoms. It applies to all individuals and rules out all discrimination based on a list of characteristics including gender, race, religion, nationality, etc.

This assessment applies the methodology set out in the Guide to Human Rights Impact Assessment and Management (HRIAM) developed by the International Finance Corporation (IFC) and the International Business Leaders Forum.<sup>2</sup> The normative framework for human rights adopted for this assessment, in line with the HRIAM methodology, is that of the International Bill of Human Rights,<sup>3</sup> which is comprised of:

- the Universal Declaration of Human Rights (UDHR);
- the International Covenant on Civil and Political Rights (ICCPR); and
- the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Based on the 35 human rights in the International Bill of Human Rights, this study has focused on 19 rights that potentially risk being affected by Project activities (see Table 8-1). The actual cumulative impacts produced by CBG activities have also been considered.

**Table 8-1 Rights potentially impacted by the CBG Expansion Project**

Right	Potential impact
1. Right to life	X

Right	Potential impact
2. Right to liberty and security	X
3. Right not to be subjected to slavery, servitude or forced labor	X
4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	X
5. Right to recognition as a person before the law	
6. Right to equality before the law, equal protection of the law and non-discrimination	X
7. Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred	
8. Right to access effective remedies	X
9. Right to a fair trial	
10. Right to be free from retroactive criminal law	
11. Right to privacy	
12. Right to freedom of movement	X
13. Right to seek asylum from prosecution in other countries	
14. Right to have a nationality	
15. Right of the child to protection	X
16. Right to marry and form a family	
17. Right to own property <sup>4</sup>	X

Right	Potential impact
18. Right to freedom of thought, conscience and religion	
19. Right to freedom of opinion, information and expression <sup>5,6</sup>	X
20. Right to freedom of assembly	X
21. Right to freedom of association <sup>7</sup>	X
22. Right to participate in public life	
23. Right to social security, including social insurance	
24. Right to work	X
25. Right to enjoy just and favorable conditions of work (including rest and leisure) <sup>8</sup>	X
26. Right to form and join trade unions, and the right to strike	X
27. Right to an adequate standard of living (housing, food, water and sanitation)	X
28. Right to health	X
29. Right to education <sup>9</sup>	X
30. Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors	
31. Right to self-determination	X
32. Right of detained persons to humane treatment	
33. Right not to be subjected to imprisonment for inability to fulfil a contract	

Right	Potential impact
34. Right of aliens to due process when facing expulsion	
35. Rights of minorities	

This study is structured as follows:

- definition of the consultation/study area boundaries (Section 3);
- appropriate normative framework for the Project (Section 4);
- background on the host country (Section 5);
- analysis of human rights risks, impacts and opportunities (Section 6);
- operational recommendation (due diligence with respect to human rights) (Section 7); and
- summary of findings and table of human rights impacts (Section 8).

### 8.3 Definition of consultation/study area boundaries

This assessment covers the human rights of those living in the Project footprint: Zone 1 (mine), Zone 2 (plant and port) and Zone 3 (railroad). It includes local rural and urban communities, and workers from CBG and its business partners. The assessment intends to address the human rights of those groups that may potentially be affected by the Project.

The study area is the same as that of the social impact study for the Expansion Project (Chapter 7).

Field consultations were carried out with stakeholders in Zone 1. Given tight time constraints, field studies focused on Project Zone 1, where mining will appreciably change the region's environment. Villages there were established long ago and the way of life of residents risks to be lastingly transformed.

The consultation process had three objectives.

1. Obtain general information on respect for human rights in the mining zone. Meetings were held with:
  - security forces;
  - civil society organizations;
  - municipal authorities; and
  - the Sangarédi health center.
2. Collect specific information on CBG operating procedures with regard to subjects related to human rights. Meetings were held with:
  - the health and safety department;
  - the supervision department;
  - the operations department;
  - the response brigade;
  - the military liaison advisor; and
  - the CBG health center.
3. Learn the expectations and fears of local communities regarding the Project. Meetings were held with village representatives from:
  - Horé Lafou;
  - Boulléré;

- Guéguéré;
- Parawi; and
- Hamdallaye.

## 8.4 Appropriate normative framework for the Project

### 8.4.1 Normative framework applicable in Guinea

#### 8.4.1.1 *National normative framework*

Guinea has the legal obligation to maintain, protect and uphold the human rights set out in national legislation and in the international human rights conventions that it has ratified.

Since May 7, 2010, the new constitution of Guinea guarantees the protection of human rights in exercising basic individual and collective freedoms. Table 8-2 summarizes the human rights that risk being affected by the Project.

**Table 8-2 References to human rights in the constitution and secondary legislation**

<b>Right</b>	<b>Legal instrument</b>	<b>Section of constitution</b>
Right to life	Constitution	Part II, Section 6
Right to liberty and security	Constitution	Part II, Section 9
Right not to be subjected to slavery, servitude or forced labor	Constitution	Part II, Section 6
Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	Constitution	Part II, Section 6
Right to equality before the law, equal protection of the law and non-discrimination	Constitution	Part II, Section 8

Right	Legal instrument	Section of constitution
Right to access effective remedies	Constitution Criminal code Code of criminal procedure	Part II, Section 9
Right to privacy	Constitution	Part II, Section 12
Right to freedom of movement	Constitution	Part II, Section 10
Right of the child to protection	Constitution Children's code	Part II, Section 19
Right to own property	Constitution Public and private land code	Part II, Section 13
Right to freedom of thought, conscience and religion	Constitution	Part II, Section 7  Part II, Section 14
Right to freedom of opinion, information and expression	Constitution Loi sur la liberté de la presse	Part II, Section 7
Right to freedom of assembly	Constitution	Part II, Section 10

Right	Legal instrument	Section of constitution
Right to freedom of association	Constitution	Part II, Section 10
Right to social security, including social insurance	Constitution Social security code	
Right to work	Constitution Labor code	Part II, Section 20
Right to enjoy just and favorable conditions of work (including rest and leisure)	Constitution Labor code	Part II, Section 20
Right to form and join trade unions, and the right to strike	Constitution Labor code	Part II, Section 20
Right to an adequate standard of living (housing, food, water and sanitation)	Constitution	Part II, Section 23
Right to health	Constitution Environment code Public health code Water code	Part II, Section 15 Part II, Section 16 Part II, Section 17
Right to education	Constitution	Part II, Section 23

Right	Legal instrument	Section of constitution
Right to self-determination	Constitution	Part I, Section 1
	Mining Code	Part I, Section 2
	Environment code	Part II, Section 21

### 8.4.1.2 National normative framework for mining

Though the new Mining Code does not explicitly mention human rights, certain parts of it enshrine the protection of certain of such rights. An example is Part IV on the rights and obligations associated with mining and quarrying activities. Table 8-3 is a non-exhaustive list of human rights guaranteed by the Mining Code.

**Table 8-3 References to human rights in the Mining Code**

Right	Section of the Mining Code
Right to life	Section 104 (environmental protection) Section 112 (protected zones, third-party activities) Section 113 (safety zones) Sections 132 to 134 (protection from radioactive substances) Sections 145 and 146 (occupational health and safety) Section 148 (blasting)
Right not to be subjected to slavery, servitude or forced labor	Section 147 (banning of child labor)
Right to freedom of movement	Section 111 (protection of communication channels, compensation)
Right of the child to protection	Section 147 (banning of child labor)

Right	Section of the Mining Code
Right to own property	Section 106 (compensation for damage) Section 111 (protection of buildings and settlements, compensation) Sections 123, 124 and 126 (right to own property, compensation) Section 125 (public utility, compensation)
Right to freedom of thought, conscience and religion	Section 111 (protection of places of worship, compensation)
Right to work	Section 107 (priority to domestic businesses) Section 108 (recruitment in local communities)
Right to enjoy just and favorable conditions of work (including rest and leisure)	Sections 145 and 146 (occupational health and safety)
Right to an adequate standard of living (housing, food, water and sanitation)	Section 111 (protection of buildings and settlements, compensation) Section 111 (protection or water points, environmental protection, compensation) Section 130 (local community development)

Right	Section of the Mining Code
Right to health	Section 104 (environmental protection) Section 106 (compensation for damage) Section 111 (protection of water points, environmental protection, compensation) Section 112 (protected zones, third-party activities) Section 113 (safety zones) Section 130 (local community development) Section 131 (end of operations) Sections 132 to 134 (protection from radioactive substances) Sections 135 and 136 (mine wastes) Sections 142 to 144 Sections 145 and 146 (occupational health and safety)
Right to education	Section 109 (training of Guineans) Section 130 (local community development)
Right to self-determination	Sections 104 to 106 Section 110 (zones closed) Section 111 (protection of public utility structures, compensation) Sections 120 to 122 Sections 150 to 152

### 8.4.1.3 *International normative framework for human rights*

Guinea, a member of the United Nations (UN) since 1958 and of the Organization of African Unity (OAU) since 1963, is a party to most international and African human rights conventions.

Since 1959, Guinea has also been a member of the International Labour Organization (ILO) and has ratified the eight ILO core labor conventions on the freedom of association and the right to collective bargaining, the elimination of all forms of mandatory or forced labor, the effective abolition of child labor and the elimination of discrimination regarding employment and profession. Annexe 8-1 contains all international and African legal instruments related to human rights that Guinea has ratified.

#### *8.4.1.4 International normative framework for human rights in extractive industries*

Guinea has been a member of the Economic Community of West African States (ECOWAS) since 1975 and has signed its Protocol on Free Movement of Persons. The Council of Ministers of ECOWAS adopted Directive C/DIR3/05/09 on the harmonization of guiding principles and policies in the mining sector in West Africa,<sup>10</sup> which deals with the obligations that all mining activities must meet with respect to human rights and community development. The Directive has a direct effect on member states, including Guinea. Under sections 17 and 18, if the provisions of the Directive are violated, the ECOWAS court of justice or any other international jurisdiction may be seized by a State, individual or stakeholder.

#### *8.4.1.5 International normative framework regarding transparency in extractive industries*

Guinea is also party to two initiatives for extractive industry transparency.

##### *Extractive Industries Transparency Initiative (EITI)<sup>11</sup>*

The EITI Standard is a global standard that ensures transparency in payments from the use of natural resources. The stakeholders in this process are States, extractive industry companies, civil society, partnering international institutions and a number of investors. To comply with the EITI Standard, companies undertake to disclose the payments they make to States, whose governments disclose the resources they receive in an EITI report that meets several requirements. A multi-stakeholder group with members from government, extractive sector companies and civil society organizations supervises application of the EITI in a given country. Under

Presidential Decree D/2012/014/PRG/SGG, Guinea is committed to this transparency process. Guinea is presently validating its report.

*Kimberly Process<sup>12</sup>*

The Kimberly Process Certification Scheme is an international framework for controlling rough diamond production and trade. Guinea has been a Kimberly Process participant since 2003 and submits annual reports on its implementation of the process.

## 8.4.2 Normative framework applicable to CBG

### 8.4.2.1 *Binding normative framework*

In principle, international and regional conventions, once ratified, are automatically part of national legislation. Guinea's constitution stipulates that "treaties or conventions regularly approved or ratified, once published, have greater authority than acts, subject to reciprocity".<sup>13</sup>

CBG has no direct legal obligations with respect to international treaties. However, its legal responsibility for avoiding repression and violation of international human rights standards can be invoked since such standards are substantiated by national legislation to which the company is subject (see tables 8-2 and 8-3).

In particular, CBG is subject to the provisions of the Mining Code and to its mining convention (including decrees and amendments), which supplements the code's provisions without derogating from them. Regarding Section 18 of the code, the mining convention:

"...specifies the rights and obligations of the parties and can guarantee that the holder is offered stable conditions, notably with respect to taxation and foreign exchange regulations as set out in this Code.

If the State participates with third parties in one or more mining or quarrying activities, the nature and conditions of the State's participation are explicitly set out in advance in the mining convention that accompanies the mining concession..."

The mining convention<sup>14</sup> in effect between CBG and the Guinean State dates back to 1963. It makes no explicit mention of company obligations in the area of human rights but commits it to the advancement of:

- the country's economic activity through the use of mining infrastructure (Section 4);
- employment of Guinean personnel (Section 9);
- training of Guinean personnel (Section 9); and
- use of Guinean companies for work and services provided (Section 9).

These provisions touch upon subjects related to the right to work and the right to education, partly in view to attaining the right to an adequate standard of living.

The 1963 mining convention was amended in 2001. The amendment<sup>15</sup> requires that CBG protect the environment (right to health, right to safety, right to fair and equitable working conditions) and heritage (right to freedom of religion, right to self-determination). Section 4 stipulates that:

“The Company undertakes to:

- a) Carry out its activities in a way that respects the environment, complying in particular with standards, legislation and regulations as applied internationally.
- b) Carry out its various activities in a way that respects the health, safety and well-being of its employees and the community.
- c) Preserve the environment and infrastructure allocated for its use throughout the term of the Convention.
- d) In the event that an archaeological site is discovered, the Company will not move objects and will promptly inform Guinean Authorities.”

Lastly, Decree N) D/2005/52/PGR/SGG<sup>16</sup> modifying the initial territory and setting a new mining perimeter requires that the company maintain worker health and safety, and respect the environment. Section 11 stipulates that:

“CBG obligations related to the new mining concession, to compliance with worker health and safety regulations, and to environmental conservation and the restoration of areas affected by the work are governed by the provisions of the Mining Code and the environmental code.”

#### **8.4.2.2**     *Non-binding normative framework*

The responsibility to respect human rights exists beyond the company’s compliance with national legislation. A global standard on the conduct expected of businesses with respect to human rights has gradually taken shape in various flexible legal instruments that are part of a broader normative framework covering corporate social and environmental responsibility (see Table 8-4). The impetus for developing these instruments has come from corporations themselves, investors, governments, international organizations, trade unions and/or civil society.

They provide a framework for corporate activities through guidelines on the responsibility of businesses to respect human rights, not jeopardize them and avoid complicity with violations.<sup>17</sup> Businesses must avoid producing or contributing to adverse impacts on human rights through their own activities. If such impacts occur, they must mitigate or remedy the effects.

The responsibility of businesses in the area of human rights goes beyond the adverse impacts produced directly by their activities. It also includes the impacts produced by their business partners (subcontractors, suppliers, etc.).

Lastly, businesses can promote human rights among players within their sphere of influence (e.g., joint ventures and authorities).

### *United Nations “Protect, Respect and Remedy” Framework*

In 2008, the Special Representative of the UN Secretary General in charge of the issue of human rights and transnational corporations and other business enterprises, proposed the “Protect, Respect and Remedy” Framework.

The Framework has three guiding principles:

- the State’s obligation to protect human rights;
- the responsibility of business enterprises to respect human rights; and
- the need to facilitate access to the means of recourse for the victims of violations caused by businesses.

This Framework is now an authoritative global benchmark in the area of businesses and human rights. Most standards developed around this issue (United Nations Global Compact, IFC, ICMM, etc.) have drawn upon it. In 2011, the Special Representative presented 31 guiding principles for businesses and human rights that implement the “Protect, Respect and Remedy” Framework.<sup>18</sup>

Operational principles 17 to 21 establish an ongoing benchmark management procedure called “human rights due diligence”, that a business must implement, given the circumstances (e.g., sector, operating context, size and other similar factors), in order to fulfil its responsibility in maintaining human rights.

Though such instruments do not legally bind businesses, they provide guidance for adequate behavior in carrying out their activities. They are thus particularly well-

suited for CBG as it carries out Project activities and, more generally, to measure its human rights performance by means of tools measuring its compliance.

**Table 8-4 Non-binding international benchmark standards in the area of human rights**

Source	Standard
United Nations Global Compact	The ten principles <sup>19</sup> (2000)
International Finance Corporation (IFC)	IFC performance standards on environmental and social sustainability <sup>20</sup> (2012)
Organisation for Economic Co-operation and Development (OECD)	OECD guidelines for multinational enterprises <sup>21</sup> (2011 edition)
International Labour Organization (ILO)	Tripartite declaration of principles concerning multinational enterprises and social policy <sup>22</sup>
World Bank	Operational policies <sup>23</sup>

Other voluntary initiatives establish principles of good conduct and/or lines of action intended for all businesses or those in the extractive industry. They address subjects related to environmental and social responsibility, human rights and transparency. Table 8-5 is a non-exhaustive list of such initiatives.

**Table 8-5 Voluntary initiatives for environmental and social responsibility, and human rights**

The Voluntary Principles on Security and Human Rights <sup>24</sup> (VPSHR) (2000)
Equator Principles (2002)
Kimberly Process (2002)
Extractive Industries Transparency Initiative (EITI) (2003)
Ten principles of the International Council on Mining & Metals (ICMM) (2003)
Transparency International Business Principles for Countering Bribery
Publish What You Pay (PWYP) initiative
Global Reporting Initiative (GRI) indicators and protocols

### *8.4.2.3 CBG internal policy on communities*

CBG commitments regarding local communities are contained in Document 99/DG/CBG/09 dated April 24, 2009 and covering its community relations policy. In that document, CBG acknowledges its social and environmental responsibility toward communities, based on mutual respect and active engagement, in order to achieve their sustainable development and the company’s development. The CBG policy includes regular consultations with communities in order to understand their perceptions regarding its activities throughout the life cycle of its projects. It promotes partnerships intended to strengthen local capacities through training and employment, and by supporting sustainable development of very small businesses and basic social services.

### *8.4.2.4 Commitment of Halco Mining Consortium*

Halco Mining Consortium owns 51% of CBG shares. The Consortium is jointly owned by Alcoa (45%), Rio Tinto Alcan (45%) and Dadco (10%). Each of the members of

the Consortium has made an individual commitment to respect certain principles related to environmental and social responsibility, and human rights. Each is also a stakeholder in a number of initiatives (Table 8-6).

**Table 8-6 International commitments of members of the Halco Mining Consortium (except State)**

	<b>Code of conduct covering human rights</b>	<b>Global Compact</b>	<b>IFC</b>	<b>OECD</b>	<b>Other initiatives</b>
Alcoa	X	X	X	X	GRI ICMM EITI
Rio Tinto Alcan	X	X	X	X	VPSHR GRI ICMM EITI Transparency International
Dadco	NR	NR	NR	NR	NR

NR = Not on record

## 8.5 Background on the host country

### 8.5.1 Political context

Since its independence in 1958, Guinea has been subjected to authoritarian regimes and coups. With the most recent presidential elections (November 2010), power shifted to the government of Alpha Condé, considered Guinea’s first democratically elected president since the country gained independence.

### 8.5.1.1 *Historical overview by Express journalist Catherine Gouéset*<sup>25</sup>

“In 1952, trade unionist Ahmed Sékou Touré becomes leader of a nationalist movement in what is then a French colony. In 1958, Guinea proclaims its independence and Sékou Touré institutes an authoritarian regime. In 1965, Sékou Touré breaks off relations with France, aligning with the Eastern Bloc. The President accuses France of plotting against him. In 1961, Guinea joins with Mali and Ghana to form the Union of African States. There is a major exodus of Guinean intellectuals during this period. In 1975, Conakry restores links with France. The year 1984 is marked by the **death** of Sékou Touré. This is followed by a coup led by Colonel Lansana Conté and Diarra Traoré. After a failed coup by the latter in 1985, Traoré is removed from his position as Minister of Education. In 1990, a new constitution ends the military regime and introduces a multi-party system. In 1991, Lansana Conté’s party wins an election with 71 of the 114 seats in the Assembly and in 1993, Lansana Conté wins the presidential election. In 1996, 30 people are killed during a mutiny of the army. Lansana Conté wins successive elections until his death in 2008. In 2000, opposition leader Alpha Condé is sentenced to five years in prison for having instigated a rebellion. He is released in May 2001. With civil wars in neighboring Liberia and Sierra Leone, incursions of armed groups begin.

In November 2001, there is a 98% “Yes” vote to a proposed constitutional amendment extending the presidential mandate from five to seven years, with no limit regarding age or number of mandates. In June 2002, President Lansana Conté’s PUP party (Parti de l’Unité et du progrès) wins 85 seats in legislative elections, results disputed by the opposition. In November 2003, Lansana Conté is reelected with 95.6% of votes in the first ballot of elections boycotted by the opposition. In April 2004 Prime Minister François Lonseny Fall resigns after a falling out with President Lansana Conté regarding current practices and the lack of dialogue. In January 2005, Lansana Conté is the target of an assassination attempt and Alpha Condé returns to Guinea after two years of exile in France. In April 2006, Prime Minister Cellou Dalein Diallo is dismissed, followed by a

general strike in June. Demonstrations to increase purchasing power are put down by the army leaving 15 dead.

In January-February 2007, an unlimited general strike is called. Demonstrations are crushed by security forces with more than 100 dead. President Conté appoints a close supporter, Minister Eugène Camara, to the position of Prime Minister. This triggers the rage of trade unions and the opposition, who demand that Conté step down. Martial law is declared. In March, Lansana Kouyaté is named Prime Minister through pressure from the trade unions and international mediators. He forms a consensus government. In May, a mutiny breaks out in the army for higher wages for soldiers.

In January 2008, Information Minister Justin Morel Junior is dismissed and replaced by a close supporter of the head of state. This appointment, considered by the opposition as a challenge to the authority of Prime Minister Lansana Kouyaté, sparks riots. In May, the Prime Minister is dismissed. Lansana Conté dies on December 22, 2008. Captain Moussa Dadis Camara becomes the self-proclaimed head of state. He promises to hand power over to civilians, and to tackle poverty, corruption and drug trafficking.

In January 2009, he appoints a government comprised of 29 members, the majority of whom are civilians. Only nine ministries remain in the hands of the army, in accordance with international community wishes. In August, the junta announces that elections will be held in January 2010. In September, the likelihood that autocracy-leaning Dadis Camara is a candidate as president in the January 2010 elections is resisted by the Forum des forces vives, a coalition of the opposition, trade unions and civil society organizations. The rally it organizes in Conakry stadium is violently repressed by the army. More than 150 people die. In the following days, France announces that it is suspending its military cooperation and re-examining its bilateral aid. In October, the European Union and African Union impose sanctions against the junta. The UN begins an enquiry into the massacre of civilians during the September 28 demonstration in Conakry. In December 2009, junta leader Dadis Camara is the target of an assassination attempt.

In January 2010, Dadis Camara leaves for Morocco and Burkina Faso, and decides not to return to Guinea. General Sékouba Konaté ensures the interim government. Opposition spokesman Jean Marie Doré is named to lead the government. In June 2010, what is considered the first free election in Guinea takes place. Former prime minister Cellou Dalein Diallo and his long-time opponent Alpha Condé qualify for the second ballot, which is won by Condé on November 7, 2010.

The new constitution adopted in 2010 marks the start of a new stage in Guinean politics. It makes possible a return to constitutional order and reforms to the defense and security sector.

The initial years of the Condé government have been marked by gradual but crucial progress toward political democracy, public sector reform and economic development.

Despite this turning point, political and social stability remains fragile.”

## 8.5.2 Macroeconomic context

Guinea is a developing country with a small market and is highly dependent upon customs revenues, mineral rents and international aid.

The stable political situation after the 2010 presidential election has helped to gain support from the international community and funds to Guinea earmarked for heavily indebted poor countries (HIPC), such as a mechanism whereby Bretton Woods organizations erase the country’s foreign debt.

Other structural hurdles to economic development remain, however, including the lack of investment in infrastructures. Large segments of the population do not benefit from such investment. The institutional environment is not conducive to the development of a competitive private sector.<sup>26</sup>

Since 2011, the authorities have adopted a macroeconomic stabilization program to deal with a precarious situation characterized by high inflation, a negative growth rate, budget deficits and major increases in the debt.<sup>27</sup>

Though indispensable, macroeconomic stability alone is not enough to fight poverty. Guinea’s economic growth has become increasingly tied to natural resource

extraction and it is likely that investment has not sufficed to offset dissipation of the country's mineral rent.

### 8.5.3 Private sector context

Though Guinean legislation encourages free enterprise and competition, the government is handicapped by a lack of transparency in applying the law. Businesspeople say openly that administrative processes are opaque and conducive to corruption; criteria and regulations are often applied on the basis of personal interests.<sup>28</sup>

Problems of governance and corruption are the main barriers to investment in Guinea. The business culture, political mechanisms and low wages are all factors that lend way to corruption. In 2013, Guinea ranked 150/177 on Transparency International's corruption perceptions index.<sup>29</sup>

Guinea recently made weak but promising progress on the World Bank's Doing Business Index for 2013, particularly with respect to property rights, access to financing, the business register and links with the mining sector on both the supply and demand sides.<sup>30</sup>

### 8.5.4 Mining sector context

Guinea is one of the world's top bauxite producers and has major reserves of gold, iron ore and diamonds. Guinea's mining sector represents more than a quarter of the GDP and 80% of exports.

Though the extractive industry employs a large number of workers, that number is small compared to those seeking jobs. As a result, the new jobs in mining do little to increase the standard of living in the country. The mining sector also tends to increase the risk of shortcomings with respect to governance and corruption. To offset that risk, the World Bank believes that it is necessary for the government to establish clear policies and make major investments to diversify the economy.

The 2011 Mining Code includes the first legal framework covering the social responsibility of businesses.

### 8.5.5 Social security

The poverty rate in Guinea rose from 53% in 2007 to 55% in 2012. Extreme poverty rose from 12.2% to 18%. Poverty varies in prevalence geographically. For instance, 67% of the population in N'Zérékoré (Guinea's forestland) lives under the poverty line compared to 27% in Conakry. However, in Conakry there is greater inequality of income. The foremost factors determining poverty are geography, gender and the level of education of the head of the family.<sup>31</sup> Though specific data for the study area is not available, mining companies there attract job seekers with expectations of an improvement in their living conditions.

Guinea has no explicit social protection policy. Food insecurity is endemic, affecting 32% of rural households in 2009. The existing social security net is inadequate and social efforts are scattered, with no significant and constant financing. Support between family members is often the only security available to the population. Only employees of the state and large firms like mining companies are protected by measures, e.g., pension and health plans. Most of the population is thus vulnerable to economic upheavals and life events. Households depend heavily on networks of informal solidarity, which are not sufficient to reduce poverty and tend to collapse when widespread shocks occur.

Though elementary education is compulsory in Guinea, the means of enforcing the law are limited. According to UNDP (2012), the adult literacy rate is 39%. Guinea's workforce is poorly educated. In the study area, the school enrolment rate of youths exceeds the national average.

### 8.5.6 Human rights violations

In the area of human rights, the greatest step forward has been the recent legislative elections, the first inclusive democratic elections in the country's history.

The foremost violations of human rights include unlawful killings by security forces and the excessive use of force; arbitrary arrest and detention, often for long periods before unfair trials and judgement; and dangerous, unsanitary conditions of detention.

Impunity remains a major challenge. The government has not taken significant measures to curb impunity for human rights violations by agents of the State.<sup>32</sup>

### 8.5.7 Vulnerable groups

The country has a diverse population with three main linguistic groups: the Pulas, Malinkes and Susus. However, these groups are very heterogeneous and inter-ethnic marriages are common.

Though prohibited by law, ethnic and racial discrimination are commonplace in recruitment processes, urban segregation and the rhetoric of political parties.

Children whose birth has not been registered are routinely denied access to schools and medical services.<sup>33</sup>

The literacy rate among women (29%) is considerably lower than among men (39%), and the maternal mortality rate and fertility rate remain high.

Though rape and domestic violence are crimes under Guinea's criminal code, women rarely denounce such violations for fear of stigmatization or retaliation.

Violence and discrimination directed toward women and girls exist. Early forced marriages and female genital mutilation occur; discrimination toward children, the disabled and individuals belonging to certain ethnic groups is frequent; trafficking and forced labor, including that of children, remain causes of human rights violations.

## 8.6 Analysis and assessment of the Project’s potential human rights impacts and mitigation measures

Definitions for human rights and mitigation measures, when relevant for the Project, are based on the reference document Human Rights Translated: A Business Reference Guide.<sup>34</sup>

### 8.6.1 Right to life and right to liberty and security

#### Legal basis

Right to life	Right to liberty and security
UDHR, Article 3	UDHR, Articles 3 and 9
ICCPR, Article 6	ICCPR, Article 9

#### Definition

##### **Right to life**

The right to life is the foremost and most fundamental right. It entails the right not to be deprived of life arbitrarily or unlawfully and to have one’s life protected. No person can be deprived of life by unlawful, summary or arbitrary killing.

States have the obligation to ensure that their bodies respect the life of those under their jurisdiction and to investigate unlawful, summary or arbitrary killings and punish offenders.

The right to life also includes the right to survival and development, particularly of children. States have positive obligations to achieve access to adequate nourishment, housing, clean water, conventional education, and basic health care in order to guarantee the right to life.

## **Right to liberty and security**

The right to liberty and security of person prohibits unlawful or arbitrary arrest and detention of any kind.

All detainees must be able to challenge the legality of their detentions before judicial bodies.

This right also implies the protection of all persons not detained from physical and moral attacks, threats of such attacks or severe instances of harassment.

It covers less severe forms of ill-treatment than those prohibited by the ICCPR under Article 6 (the right to life) and Article 7 (freedom from torture, cruel, inhuman and/or degrading treatment).

### *Sources of potential impacts*

#### **Right to life**

Potentially adverse incidents may jeopardize the right to life related to the security of local communities and workers from the company or its subcontractors, suppliers and other business partners. The risk of fatal accidents during construction work (mine and railroad infrastructure) and mining activities (blasting, ore rail shipments, hazardous products, etc.) may impinge on this right.

The risk of inadequate drainage may result in standing water and the ensuing hazard of bacterial illnesses (malaria and tuberculosis) leading to death. Children in rural areas without access to health care are particularly vulnerable to such impacts.

The increased area mined risks putting greater pressure on the natural resources used by the area's rural population.

The increase in sexually transmitted infections (STIs) due to the influx of people around Kamsar and Sangarédi is also a factor that may adversely affect the right to life. This impact may particularly affect married women due to transmission of the virus contracted by their spouses during extramarital relations with high-risk individuals (sex workers, teenagers with multiple sexual partners and ill-informed of the pathways of transmissions and means of protection, etc.).

Certain structural factors both outside the Project (lack of a network of basic social services, jobs, water and electricity) and within the Project (lack of information about the Project, consultation, transparency in local recruitment processes, compensation of communities affected, etc.) may also result in social clashes. This may lead to disproportional use of force and lethal methods by defense, security or subcontracted services in charge of protecting the company's property and interests.

### **Right to liberty and security**

The Project may jeopardize the security of its workers if it does not provide them with safe working conditions, if it exerts physical violence against them or if it is complicit in instances of severe harassment, for example by CBG supervisors, subcontractors or defense and security forces in charge of watching over CBG property and interests.

The Project may result in complicity in the violation of the right to liberty and security if individuals are arbitrarily or unlawfully detained by authorities for alleged infractions against company property or interests (stealing of fuel, vandalism, etc.).

Impact assessment

Table 8-7 presents the assessment of potential impacts on the right to life, liberty and security.

**Table 8-7 Assessment of potential impacts on the right to life, liberty and security**

	Potential	Seriousness
Right to life	Medium	High
Right to liberty and security	High	High

Prevention and mitigation measures

**Policy**

Adopt a policy on human rights and protection of the right to life, liberty and security of person.

Require that business partners adhere to that policy and develop similar internal policies.

Adopt rigorous standards in matters of health, security and environmental protection.

**Policy implementation process**

Disseminate these standards in a meaningful way and in the local languages through awareness campaigns with workers, business partners and local communities.

Monitor and measure the regular effective implementation of these standards by all stakeholders.

Publish all alerts on any potential Project-induced hazard to health, security or the environment.

Apply strict quality control measures for equipment (mine, port, and railroad tracks and trains) and products that may result in injury or death.

Make sure that products and procedures entailing a potential risk to health, security and the environment be accompanied by proper instructions on use, which are written in the local languages and understandable by children.

Ensure medical assistance and compensation for workers and their families in instances of serious work-related injuries or death (right to social security).

Ensure that business partners have mechanisms for medical assistance and that their employees effectively benefit from it, and that compensation is available in instances of serious work-related injuries or death (right to social security).

Ensure that local communities can benefit from medical assistance and compensation in instances of serious Project-related injuries or death (right to social security and right to compensation).

Make it a priority to protect the sources of water and watercourses of the local communities most adversely impacted by Project operations (Sintiourou Kourawel, Kourawel, Hamdallaye and Fassely Foutabhé).

Consider compensation or resettlement when local communities are very severely affected by cumulative environmental impacts.

Inform local communities of the risks to health, safety and the environment that may exist due to Project activities.

Implement a procedure for background checks regarding the respect for human rights of members of defense and security forces (response brigade and military liaison adviser), subcontractors and CBG guards in order to prevent the hiring of individuals having committed serious human rights abuse.

Train subcontractors and CBG personnel on best guarding practices in line with human rights.

Follow the Voluntary principles on security and human rights.

### Opportunities

#### **Specific actions**

Train stakeholders (government, business partners, and public and private businesses) on the importance of protecting the right to life, liberty and security of person in CBG Project activities.

In collaboration with ministry of health authorities, implement chronic disease prevention programs and health projects to prevent and treat such diseases.

Develop sustainable fishing, farming and livestock projects in local communities where ecosystem services will be impacted by Project activities in order to guarantee that a sufficient supply of adequate food is available.

Collaborate with health authorities in implementing awareness campaigns on the methods of preventing STIs, including HIV/AIDS.

Collaborate in promoting HIV/AIDS testing, access to antiretroviral (ARV) drugs and medical treatment, without discrimination against workers living with HIV/AIDS while protecting their private life (HIV status).

Encourage the training of defense and security forces (response brigade and military liaison adviser) on international standards like the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms, and best practices developed by companies and civil society in matters of local recourse to force.

### Residual impacts

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-8 gives the level of the residual impact under such conditions.

**Table 8-8 Assessment of residual impacts on the right to life, liberty and security**

	<b>Potential</b>	<b>Seriousness</b>
Right to life	<b>Low</b>	<b>High</b>
Right to liberty and security	<b>Medium</b>	<b>High</b>

## 8.6.2 Right not to be subjected to slavery, servitude or forced labor

### Legal basis

UDHR, Article 4

ICCPR, Article 8

### Definition

Slavery occurs when one human being effectively owns another. The right to freedom from servitude covers other forms of dominance, egregious economic exploitation, and degradation of human beings, as in the context of the trafficking of workers (including sex workers), serfdom and debt bondage.

Given the particularly inhumane nature of these human rights abuses, the right not to be subjected to slavery or servitude is subject to no restrictions. Forced or compulsory labor, also prohibited, is defined by the International Labour Organization (ILO) as “all work or service which is exacted from any person under menace of any penalty and for which the said person has not offered himself voluntarily”.

### Sources of potential impacts

The right not to be subjected to forced or involuntary labor may be jeopardized during the Project construction phase through the use of local, national and international workers for construction work. It is possible that the methods of

recruiting such labor include intimidation and work by victims of trafficking or slavery, particularly migrants and children, who are subjected to hazardous working conditions. The Project could result in allegations of complicity if it benefits from forced or involuntary labor by persons in the supply chain and from subcontracting companies.

Conducting Project activities with workers from the informal economy, who may be victims of contemporary forms of slavery, servitude or forced labor, could also entail a risk of violating this right.

Those working for Project suppliers and subcontractors, especially if they are from disadvantaged rural communities, are most vulnerable to this type of treatment (see Right to enjoy just and favorable conditions of work).

Impact assessment

Table 8-9 presents the assessment of potential impacts on the right not to be subjected to slavery, servitude or forced labor.

**Tableau 8-9 Assessment of potential impacts on the right not to be subjected to slavery, servitude or forced labor**

	Potential	Seriousness
Right not to be subjected to slavery, servitude or forced labor	Medium	Remediable

Prevention and mitigation measures

**Policy**

Adopt a policy on human rights and protection of the right not to be subjected to slavery, servitude or forced labor.

Make sure that all Project policies comply with ILO Convention 29 on forced labor.

Require that business partners (suppliers and subcontractors) contractually adhere to that policy and develop similar internal policies.

### **Policy implementation process**

Prohibit the use of forced labor or any form of bonded labor in the company, by consortium members and by the Project's business partners.

Prohibit that Project activities be carried out by persons without a work contract.

Implement a mechanism whereby all Project personnel can anonymously report cases of forced labor.

Train Project and CBG personnel to detect any sign of forced labor or trafficking (e.g., keeping the passports of migrant workers or intimidating local or other workers, often in order that they stay on the job unpaid).

### *Opportunities*

Project mine workers may procure the services of sex workers<sup>35</sup> (men, women or children) who are possibly victims of trafficking or sexual slavery.<sup>36</sup> Project workers could be made aware of the right thus abused.

### **Specific actions**

Consider, in partnership with other companies and civil society organizations, drawing government attention toward the issue of slavery, servitude and forced labor, and the attention of those who are the most vulnerable (children and especially young girls).

Clarify with all stakeholders (government, business partners, and public and private businesses) the importance of prohibiting forced labor in CBG Project activities, given that the CBG Project cannot have total control regarding the prohibition of such practises.

Make workers aware that sex workers may be victims of exploitation and aware of their own potential criminal responsibility.

Residual impacts

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-10 gives the level of the residual impact under such conditions.

**Table 8-10 Assessment of residual impacts on the right not to be subjected to slavery, servitude or forced labor**

	Potential	Seriousness
Right not to be subjected to slavery, servitude or forced labor	Low	Remediable

**8.6.3 Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment**

Legal basis

UDHR, Article 5

ICCPR, Article 7

Definition

The right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment is a right that is subject to no restrictions or exceptions under international human rights law.

Torture is the most serious of the prohibited acts of ill treatment: it involves a very high degree of pain and suffering that is intentionally inflicted for a particular purpose (e.g., extracting a confession).

Cruel and/or inhuman treatment also entails severe suffering of the victim, though of a lesser scale than “torture”. Degrading treatment is characterized by extreme humiliation of the victim.

### Sources of potential impacts

This right pertains to the Project insofar as it may be impacted if workers, particularly local ones, employed directly or by business partners (suppliers and subcontractors), are subjected to severe harassment or hazardous working conditions, producing in them serious anguish and mental distress.

The CBG Project may give rise to allegations of violating this right due to the business relations it has with the Guinean State in the joint venture. Allegations may also arise because its facilities are protected in part by defense and security forces that may be singled out as the perpetrators of torture or other cruel, inhuman and/or degrading treatment or punishment. As pointed out earlier regarding potential impacts on the right to life, liberty and security of person, certain frustrations, whether or not related to the Project, may result in social clashes and lead defense and security forces or subcontractors to commit acts of torture against members of local communities or trade unions, or Project workers.

### Impact assessment

Table 8-11 presents the assessment of potential impacts on the right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment.

**Table 8-11 Assessment of potential impacts on the right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment**

	Potential	Seriousness
Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	Medium	High

*Prevention and mitigation measures*

**Policy**

Adopt a policy on human rights and protection of the right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment.

Require that business partners (suppliers and subcontractors) adhere to that policy and develop similar internal policies.

**Policy implementation process**

Ensure that the working conditions of all workers contracted by the Project directly or by business partners comply with the highest health and safety standards.

Ensure that all workers are protected against inhuman or degrading treatment.

Implement a mechanism whereby all Project personnel can anonymously report any inhuman or degrading treatment in the workplace.

Implement a procedure for background checks regarding the respect for human rights of members of defense and security forces (response brigade and military liaison adviser), subcontractors and CBG guards in order to prevent the hiring of individuals having committed serious human rights abuse.

Train subcontractors and CBG personnel on best guarding practises in line with human rights.

Follow the Voluntary principles on security and human rights.

### Opportunities

#### **Specific actions**

Clarify with all stakeholders (government, business partners, and public and private businesses) the importance of prohibiting inhuman or degrading treatment in CBG Project activities, given that they cannot have total control over prohibiting such practises.

Draw, in partnership with other companies and civil society organizations, government attention toward the issue of torture and denounce any known case of it.

Encourage the training of defense and security forces (response brigade and military liaison adviser) on international standards like the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms, and best practises developed by companies and civil society in matters of local recourse to force.

Residual impacts

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-12 gives the level of the residual impact under such conditions.

**Table 8-12 Assessment of residual impacts on the right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment**

	Potential	Seriousness
Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	Low	High

## 8.6.4 Right to equality before the law, equal protection of the law and non-discrimination

### Legal basis

UDHR, Article 7

ICCPR, Article 26

### Definition

This right guarantees equality before the law, and equal protection of the law without discrimination.

Individuals are protected from any discrimination based on race, color, gender, language, religion, political opinion, national or social origin, property or birth. Health status (HIV status), disability, marital status, age and sexual orientation have been added to the characteristics above.

Discrimination means any distinction, exclusion or preference made on one or more of the grounds listed above that has the effect of diminishing or denying altogether equality of opportunity or treatment for the victim.

In certain circumstances, “affirmative action” measures may be taken to help a particular group that has suffered serious long-term discrimination in order to reverse that trend.

### Sources of potential impacts

Project activities may adversely impact the right to non-discrimination of its direct workforce or that of its business partners (suppliers and subcontractors). Care must be taken not to support the discrimination of workers on the basis of any characteristic in any area: recruitment, remuneration, employee benefits, information or training.

Women and members of ethnic minorities in the mine zone may suffer discrimination during recruitment if it is not transparent and based either on the applicant’s skills or on affirmative action criteria (giving priority to hiring people, particularly women, from local communities adversely affected by the Project).

Impact assessment

Table 8-13 presents the assessment of potential impacts on the right to equality before the law and non-discrimination.

**Table 8-13 Assessment of potential impacts on the right to equality before the law and non-discrimination**

	Potential	Seriousness
Right to equality before the law and non-discrimination	High	Remediable

Prevention and mitigation measures

**Policy**

Adopt a policy on human rights and protection of the right to non-discrimination on the basis of race, color, gender, language, religion, political opinion, national or social origin, property, birth or group affiliation when recruiting and promoting workers.

Comply with the UN’s Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent<sup>37</sup> and with the following ILO conventions:

- Convention 111 on discrimination in respect of employment and occupation;
- Convention 100 on equal remuneration;
- Convention 156 on workers with family responsibilities;
- Convention 183 on maternity protection; and
- ABC of women workers’ rights and gender equality.<sup>38</sup>

Require that business partners (suppliers and subcontractors) adhere to that policy and develop similar internal policies.

## **Policy implementation process**

Lead a campaign to prevent acts of intimidation and discrimination among workers.

Make sure that all CBG and Project policies and operating procedures in the area of recruitment, appointment, training and promotion are based on the skills, qualifications and experience of workers or applicants.

Engage CBG and Project senior management in a strategic communications campaign designed to provide the basis for a new recruitment policy based on skills and equal opportunity. Performance must be monitored at the highest level in the company.

Implement a grievance management mechanism in order to receive complaints and support remedies for workers alleging cases of discrimination. Such a mechanism would reduce the risk of discrimination and would remedy any cases of it through negotiation and the application of collective agreements.

Maintain a transparent human resources policy that is mindful of the advancement of all workers and that monitors career paths.

Adopt an awareness and education program on STIs (HIV/AIDS) and contagious diseases (tuberculosis) in order to reduce discrimination toward workers living with these afflictions.

Collaborate with the competent authorities in conducting awareness campaigns on discrimination based on gender, aimed particularly at reducing cases of female genital mutilation and educating girls living in the Project footprint.

Make sure that community projects implemented under the Project adhere to the principle of non-discrimination and are conducive to gender equality (e.g., health center built under the Project where staff pledge not to practise female genital mutilation, construction of school facilities open to girls, etc.).

Opportunities

**Specific actions**

Clarify with all stakeholders (government, business partners, and public and private businesses) the importance of non-discrimination in CBG Project activities, given that they cannot have total control over prohibiting such practises.

Consider, in partnership with other companies and civil society organizations, drawing government attention toward the issue of discrimination in the country based on ethnicity and gender.

Residual impacts

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-14 gives the level of the residual impact under such conditions.

**Table 8-14 Assessment of residual impacts on the right to equality before the law and non-discrimination**

	Potential	Seriousness
Right to equality before the law and non-discrimination	Medium	Remediable

8.6.5 Right to access effective remedies

Legal basis

UDHR, Article 7

ICCPR, Article 26

### Definition

The right to access effective remedies entitles every individual to effective access to tribunals under conditions of equality, to swift and adequate remedy to harm suffered and to useful information on human rights violations and the available means of remedy.

The State is the primary duty bearer for this obligation.

### Sources of potential impacts

The Project could jeopardize the effectiveness of this right if it obstructs access by its workers or those of its business partners to judicial remedy in the event of labor or commercial disputes by intimidating them or by corrupting judicial authorities (e.g., using illegal reports by response brigade investigating officers for protection against any recourse filed by a worker).

Similarly, the Project should not interfere in judicial proceedings that would oppose it to stakeholders alleging violations of human rights due to adverse Project impacts (e.g., local communities affected).

The Project could jeopardize this right if it does not implement a formal complaints and grievance mechanism for communities potentially affected, combined with corrective measures.

Impact assessment

Table 8-13 presents the assessment of potential impacts on the right to access effective remedies.

**Table 8-15 Assessment of potential impacts on the right to access effective remedies**

	Potential	Seriousness
Right to access effective remedies	Medium	Remediable

Prevention/mitigation measures and opportunities

**Policy**

Adopt a policy on human rights and protection of the right to access effective remedies, including a complaints mechanism for workers and local communities.

Require that the supply chain, subcontracting companies and business partners adhere to that policy and develop similar internal policies.

**Policy implementation process**

Undertake an internal campaign against acts of corruption and bribery of authorities at all levels.

Denounce all acts of passive or active corruption by CBG Project personnel and by subcontractors.

Take disciplinary action and consider lodging a complaint against any employee guilty of acts of corruption with government officials.

Implement an operational non-judicial grievance management mechanism available to all Project stakeholders and local communities. The mechanism should meet the

requirements of the United Nation’s Guiding Principles on Business and Human Rights, in particular the criteria set out in Principle 31:

“In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be:

- (a) Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;
- (b) Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;
- (c) Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;
- (d) Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;
- (e) Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake;
- (f) Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;
- (g) A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms;

Operational-level mechanisms should also be:

- (h) Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.”

Promote awareness in study area communities so that the existence and functioning of this complaints mechanism is known and accepted as legitimate by those potentially affected by the Project.

### *Residual impacts*

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section,

following an aggressive schedule and supported with the appropriate resources. Table 8-16 gives the level of the residual impact under such conditions.

**Table 8-16 Assessment of residual impacts on the right to access effective remedies**

	Potential	Seriousness
Right to access effective remedies	Low	Remediable

### 8.6.6 Right to freedom of movement and right to freedom of information

#### Legal basis

Right to freedom of movement	Right to freedom of information
UDHR, Article 13	UDHR, Article 19
ICCPR, Article 12	ICCPR, Article 19

#### Definition

##### **Right to freedom of movement**

The right to freedom of movement means that any individual can:

- move freely throughout the country if there legally;
- freely choose where to live;
- leave the country, including that of origin; and
- return to one’s country of origin.

The first three parts of the right may be limited by restrictions on movement that are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others.

## **Right to information**

Freedom of expression encompasses freedom of information, defined as the freedom “to seek, receive and impart information and ideas through any media and regardless of frontiers”. This right allows access to information held by public or private organizations when the fundamental interests of citizens are at stake or when it is essential to protect other human rights.

### *Sources of potential impacts*

Project activities may have an adverse impact by restricting the free choice of place of residence with villages potentially affected by involuntary resettlement. This list of villages will be determined at a later stage as part of the resettlement and compensation action plan (RAP).

Project activities may adversely impact the right to move freely over the region if they isolate villages by obstructing village paths (e.g., Boundou Wandé) or access roads to ecosystem services (lands, watercourses, springs and places of worship) or to services (markets, hospitals, schools, etc.).

The CBG Project could deny the right to information if all key information on environmental and social impacts, and related to human rights, is not provided to local communities that may be directly or indirectly affected. Furthermore, the right to information of workers and business partners on matters concerning them (e.g., health and safety, collective agreements and labor rights) would be jeopardized if CBG or the Project maintained information asymmetry in bad faith.

### *Impact assessment*

Table 8-17 presents the assessment of potential impacts on the right to the free movement of persons and the right to freedom of information.

**Table 8-17 Assessment of potential impacts on the right to the free movement of persons and the right to freedom of information**

	Potential	Seriousness
Right to the free movement of persons	High	High
Right to freedom of information	High	High

*Prevention and mitigation measures*

**Policy**

Adopt a policy on human rights and protection of the right to freedom of movement, on involuntary resettlement and on the right to information.

Adopt a comprehensive Project communications strategy.

Require that business partners (suppliers and subcontractors) adhere to that policy and develop similar internal policies.

**Policy implementation process**

Comply with the Basic principles and guidelines on development-based evictions and displacement,<sup>39</sup> developed by the UN Special Rapporteur on Adequate Housing, which emphasizes:

- the importance of comprehensive impact assessments;
- the right of return for displaced persons;
- the right to resettlement;
- the right to fair and just compensation; and
- the right of all persons concerned to written notice far enough in advance to minimize the adverse impacts of evictions.

Comply with IFC Performance Standard 5 and Guidance Note 5 on land acquisition and involuntary resettlement in order to minimize the adverse impacts of resettlement.

Develop a resettlement and compensation action plan (RAP) in line with IFC standards, World Bank operational directives 4.12 and 4.30, and sector standards. The RAP must focus on human rights and the needs of vulnerable populations, and support free and informed participation,<sup>40</sup> full and just compensation for property, and access to the means of recourse.

Consult in good faith the local communities concerned by involuntary resettlement through their own representative institutions in order to obtain their consent. These consultations must be held before initiating any activity that could affect their right to freely choose their place of residence.

Establish regular community consultation processes before, during and after resettlement.

Use independent third-party mediation by non-State parties. Note for the Project that, based on consultations for this study, most local communities do not consider commune and subprefecture authorities to be reliable mediators.

Develop routes that respect village paths and minimize isolating areas (e.g., ore train yards and crossings), providing viable alternatives for travel to local communities already or newly affected (safe crossing facilities).

Release with union representatives to direct and indirect (subcontracted) employees the content of the mines and quarries collective agreement and national labor regulations.

Broadly inform all Project workers, including those contracted by business partners, about health and safety standards in effect for the Project.

### Opportunities

Involuntary resettlement and mine infrastructure development can provide opportunities to improve the standard of living of communities (housing, food, water and sewage, roads, utilities, basic services, etc.).

**Specific actions**

Clarify with all stakeholders (government, business partners, and public and private businesses) the importance accorded by CBG and the Project to respecting the right to freedom of movement and international standards on involuntary resettlement, given that they cannot have total control over ensuring this right.

Investigate, in consultation with the local communities affected, possible participation in the advancement of education, employment and health in the study area.

*Residual impacts*

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-18 gives the level of the residual impact under such conditions.

**Table 8-18 Assessment of residual impacts on the right to the free movement of persons and the right to freedom of information**

	Potential	Seriousness
Right to the free movement of persons	Medium	High
Right to freedom of information	Medium	High

## 8.6.7 Right to freedom of assembly and right to freedom of opinion and expression

### Legal basis

Right to freedom of assembly	Right to freedom of opinion and expression
UDHR, Article 20	UDHR, Article 19
Article 21 ICCPR	Article 19 ICCPR

### Definition

#### **Right to freedom of assembly**

All persons have the right to gather and assemble peacefully, subject only to those restrictions that are imposed by law as necessary to protect the interests of national security, public safety, public order, public health or morals, or the protection of the rights and freedoms of others.

Assembly may take place for a specific purpose, where there is public discussion expressing certain ideas. Freedom of assembly encompasses the right to demonstrate in groups, whether in stationary gatherings or marches.

#### **Right to freedom of opinion and expression**

The right to freedom of opinion ensures that a person can hold opinions free from outside interference. This right cannot be restricted under any circumstances. The right to freedom of expression is the right to seek, receive and impart ideas in whatever media or form. This right can be restricted by measures provided by law and necessary to protect the rights or reputations of others, or to protect national security, public order, public health or morals.

### Sources of potential impacts

Guinea’s recent history has been marked by violations of freedom of assembly and expression committed by political authorities and members of security forces.<sup>41</sup> In the study area, there have been episodes of disproportionate use of force by law enforcers against persons expressing their dissatisfaction with the chronic lack of

basic social services and utility services or with regard to unjust treatment. In this unfavorable context, the Project could be seen as complicit with violation of the right of assembly or expression if people showing their dissatisfaction with its operations were victims of abuse.

Impact assessment

Table 8-19 presents the assessment of potential impacts on the right to freedom of assembly and the right to freedom of opinion and expression.

**Table 8-19 Assessment of potential impacts on the right to freedom of assembly and the right to freedom of opinion and expression**

	Potential	Seriousness
Right to freedom of assembly	Medium	High
Right to freedom of opinion and expression	Medium	High

Prevention and mitigation measures

**Policy**

Adopt a policy on human rights and protection of the right to freedom of assembly and expression.

Adopt a communications policy directed to all stakeholders in the study area.

Require that business partners (suppliers and subcontractors) adhere to that policy and develop similar internal policies.

**Policy implementation process**

Communicate to all stakeholders detailed information on all Project impacts.

Implement a grievance management mechanism accessible to local communities to receive all expressions of discontent with Project activities. Guarantee the public that an answer will be given and corrective measures taken if needed.

Implement a procedure for background checks regarding the respect for human rights of members of defense and security forces (response brigade and military liaison adviser), subcontractors and CBG guards in order to prevent the hiring of individuals having committed serious human rights abuse.

Train subcontractors and CBG personnel on best guarding practices in line with human rights.

Follow the Voluntary principles on security and human rights.

### Opportunities

#### **Specific actions**

Clarify with all stakeholders (government, business partners, and public and private businesses) the importance of respecting the right of assembly, opinion and expression in CBG Project activities, given that they cannot have total control over prohibiting abuse of those rights.

Investigate any involvement of company or subcontractor personnel in the violation of those rights.

Consider and denounce publicly or privately violations of the right of assembly and expression, particularly if employees, business partners or members of local communities in the study area were the victims.

Encourage the training of defense and security forces (response brigade and military liaison adviser) on international standards like the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms, and best practises developed by companies and civil society in matters of local recourse to force.

Residual impacts

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-20 gives the level of the residual impact under such conditions.

**Table 8-20 Assessment of residual impacts on the right to freedom of assembly and the right to freedom of opinion and expression**

	Potential	Seriousness
Right to freedom of assembly	Low	High
Right to freedom of opinion and expression	Low	High

### 8.6.8 Right to work and right to enjoy just and favorable conditions of work (including rest and leisure)

Legal basis

Right to work                                      Right to enjoy just and favorable conditions of work (including rest and leisure)

UDHR, Article 23                                      UDHR, Articles 23 and 24

ICESCR, Article 6                                      ICESCR, Article 7

Definition

**Right to work**

The right to work recognizes the right of everyone to the opportunity to make their living by work which they freely choose or accept. The State has the obligation to

develop a system guaranteeing all workers access to employment. Workers should not be unfairly deprived of employment.

Full employment must be an objective to be achieved over time by governments. The State has the obligation to promote technical guidance, implementation of training programs and policies aiming for full employment. The State must ensure non-discrimination and equal protection of employment. For persons who are unable to find jobs, the State must provide mechanisms guaranteeing the right to social security.

### **Right to enjoy just and favorable conditions of work (including rest and leisure)**

This right has various components, all highly relevant to the actions of companies as they concern the treatment of employees. The State must protect the right of workers to:

- fair wages;
- equal remuneration for work of equal value;
- equal working conditions for men and women;
- sufficient remuneration to provide workers with a decent standard of living for themselves and their families;
- healthy and safe working conditions;
- equality of opportunity for promotion; and
- a right to rest, leisure and holidays.

A minimum wage must be “fair” and enable families to enjoy the right to an adequate standard of living. ILO Convention 131 on minimum wage fixing stipulates that minimum wages should be set based, among other things, on the cost of living and the needs of workers and their families. Wages must be paid regularly and in whole with no unauthorized deductions or restrictions.

ILO standards generally limit the hours employees must work to 48 per week or 10 per day, though these rules are subject to exceptions. It is stipulated that workers should be entitled to one day of rest every seven days and that they benefit from at least three weeks of paid leave (beyond holidays) for every year of full-time service. In consultation with employers and employees from appropriate bodies, the State must adopt a national occupational health and safety (OH&S) policy to reduce work-

related accidents and injuries and to minimize the hazards inherent to the workplace.

Guinean legislation is compatible with the provisions in ILO conventions regarding work duration, overtime, paid leave general OH&S conditions and the setting of a minimum wage. However, there are shortcomings in the application of these standards and there is still a lack of practical implementation standards to ensure these rights. Working condition inspection capabilities were reduced due to human and budgetary restraints.<sup>42</sup>

### **Sources of potential impacts**

The Project could jeopardize the right to work under just and favorable conditions if recruitment conditions (transparency and non-discrimination) and working conditions (wages, hours, rest, safety, etc.) are not controlled. Workers hired by business partners (suppliers and subcontractors) to build mine infrastructure could be particularly vulnerable to unfair working conditions.

Members of rural communities recruited under the Project could also be subjected to disadvantageous working conditions due to a combination of factors rendering them vulnerable. For the most part unaware of their human rights and labor legislation, unqualified, poorly educated and living in unsatisfactory conditions, they could be induced to work with no contract or to sign contracts that have not been translated into or explained in their language and containing unfair provisions regarding hours of work, wages, vacation and rest, health and safety or freedom to join trade unions.

The Project could be confronted with disruptions to its operations in the event of collective actions (strikes, unannounced work stoppages or acts of violence) by CBG or business partner workers whether or not organized or unionized. Failure to pay a decent wage could be the main cause. Where wages are very low, as is the case of some subcontracting companies with which CBG does business, movements of discontent could become a very serious problem for the Project and the authorities, especially if the issue of wages is seen by workers as being a question of survival.

A lack of clear information on the number of jobs created by the Project could also raise unrealistic public expectations. Given the high rate of youth unemployment, the frustration arising from these expectations and underlying tension that results

could lead to movements of discontent against the Project. Disproportionate use of force by law enforcement officers could be reported. Such situations are an operational risk both for CBG’s reputation and for consortium members.

Women, members of ethnic minorities in the Project footprint and those from poor rural areas could be victims of discrimination during hiring and/or be subjected to working conditions below national and international standards.

Impact assessment

Table 8-21 presents the assessment of potential impacts on the right to work and to just and favorable conditions of work.

**Table 8-21 Assessment of potential impacts on the right to work and to just and favorable conditions of work**

	Potential	Seriousness
Right to work	High	Remediable
Right to just and favorable conditions of work (including rest and leisure)	High	Remediable

Prevention and mitigation measures

**Policy**

Adopt a policy on human rights and protection of the right to work and to just and favorable working conditions.

Comply with the most stringent national and international labor standards, including the following ILO Conventions:

- Convention 1 on hours of work;
- Convention 47 on the 40-hour week;
- Convention 132 on holidays with pay;
- Convention 14 on weekly rest (industry);
- Convention 131 on minimum wage fixing;
- Convention 95 on protection of wages; and
- Convention 161 on occupational health services.

Require that the supply chain, subcontracting companies and business partners adhere to that policy and develop similar internal policies.

Verify that CBG remuneration and promotion policies are based on the principle of equal pay for work of equal value and incorporate the principle of equality of opportunity for promotion based on merit.

### **Policy implementation process**

Make sure, with the support of union representatives, that all new workers on the Project receive in local languages adequate training on health and safety standards and first aid.

Run regular audits on health and safety conditions for Project workers and encourage discussion of audit conclusions at the highest level of CBG and Project senior management, accompanied by corrective measures if needed.

Strengthen health and safety standards by incorporating a human rights viewpoint and clear performance targets.

Ensure tighter monitoring of health and safety conditions on Project operation sites with close attention to high-risk tasks.

Promote regular, transparent posting of information on work-related accidents throughout the lifespan of the Project.

Implement systems to limit the hours of work of direct employees and those recruited by third parties (suppliers and subcontractors) and ensure compliance with the days of rest specified in the relevant ILO standards.

Work in good faith with business partners (suppliers and subcontractors) during the price negotiation phase and when developing operating procedures in order to ensure that payment of adequate wages is guaranteed. For the Project to achieve this, the following could be considered:

- undertake a dialogue with all social partners on the improvement of operating procedures;
- separate labor costs from production costs in calls for tenders;
- include a requirement for a decent minimum wage in calls for tenders and contracts;
- give preference to and reward business partners offering their employees a decent minimum wage and social protection (e.g., uniforms, food, housing, medical care, regular medical examinations, child care, free transportation, and performance and attendance bonuses); and
- Ensure lasting business relations with certain partners in order to promote payment of a decent minimum wage.

Develop internal mechanisms to set, monitor and strictly enforce the payment of sufficient wages, taking into account the cost of living in the Project footprint.

Consider posting employee pay scales in order to ensure transparency regarding gender-related differences in wages.

Implement a complaints mechanism available to supply chain and subcontractor workers so that they report cases of work under unjust or unfavorable conditions.

Release all information of public interest about the Project, including the number of jobs, skills sought and hiring methods used.

Promote local youth employment and hiring among members of the local communities particularly affected by Project impacts.

Train subcontractors and CBG personnel on best guarding practises in line with human rights.

Follow the Voluntary principles on security and human rights.

Make regular checks with very small enterprises of the wages actually paid to workers, working conditions, etc.

### Opportunities

CBG is one of the leading sources of employment in Kamsar, Boké and Sangarédi. The Project will provide new workers with long-term and temporary jobs, enabling improvement in their standard of living.

CBG thus has a role to play as employer in achieving the right to work and improving working conditions.

### Specific actions

Consider, in partnership with other companies and civil society organizations, drawing government attention toward violations of these rights.

Clarify with all stakeholders (government, business partners, and public and private businesses) the importance of respecting the right to work and to enjoy just and equitable working conditions in CBG and Project activities, given that they cannot have total control over prohibiting bad practices.

Investigate any involvement of company or business partner personnel in violations of the right to enjoy just and equitable working conditions.

Take the Project as an opportunity to implement best practises with respect to hours of work, sickness benefits and vacations, in line with the highest extractive industry standards so that CBG earns a reputation as a select, productive employer operating in good faith.

Encourage the training of defense and security forces (response brigade and military liaison adviser) on international standards like the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms, and best practises developed by companies and civil society in matters of local recourse to force.

### Residual impacts

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-22 gives the level of the residual impact under such conditions.

**Table 8-22 Assessment of residual impacts on the right to work and to just and favorable conditions of work**

	<b>Potential</b>	<b>Seriousness</b>
Right to work	<b>Medium</b>	<b>Remediable</b>
Right to just and favorable conditions of work (including rest and leisure)	<b>Medium</b>	<b>Remediable</b>

### 8.6.9 Right to form and join trade unions, right to strike and right of association

Legal basis

Right to freedom of association

UDHR, Article 20

ICCPR, Article 22

Right to form and join trade unions, and the right to strike

UDHR, Article 23 UDHR

ICCPR, Article 8

Definition

**Right of association**

The right of association includes the right to form or join all types of associations such as political parties, religious societies, sporting and other recreational clubs,

non-governmental organizations and trade unions. This right must not be restricted, except to protect the interests of national security, public safety, public order, public health or morals, or the protection of the rights and freedoms of others

### **Right to form and join trade unions, and the right to strike**

The right to form and join trade unions is the right of everyone to form trade unions and to join the trade union of his or her choice, subject to the union's own membership rules. This right may only be restricted by the State in circumstances that are set down in law and are necessary to protect national security, public order, or the rights and freedoms of others. Trade unions themselves have the right to establish national federations or confederations, and join international trade union groupings.

Trade unions are permitted to function freely, subject only to limitations that are lawful and necessary to protect national security, public order or the rights and freedoms of others.

Lastly, the right to strike is recognized if exercised in accordance with the law.

ILO conventions dictate that workers should not be discriminated against because of trade union membership. Though Guinean law prohibits anti-union discrimination, it does not provide the means of protection to ensure effective enforcement.

### *Sources of potential impacts*

The Project could impinge on these rights if trade union membership and activities among its workers were prohibited or limited in any way.

Dismissal of workers on the basis of discrimination due to trade union membership or participation in a legal strike movement would also violate this right. Similarly, security force repression of legal strike movements by Project employees could result in the risk of allegations of complicity in violating the right to strike or other human rights (association, meeting, etc.). Guinean defense and security forces have on a number of occasions been singled out as the perpetrators of serious human rights violations when restricting the right to strike in the past (2006 and 2007).<sup>43</sup>

Any obstruction of this right could have consequences on the degree to which workers are informed of their rights, particularly those in the mines and quarries collective agreement, or in their access to collective bargaining.

Impact assessment

Table 8-23 presents the assessment of potential impacts on the right of association, the right to form and join trade unions, and the right to strike.

**Table 8-23 Assessment of potential impacts on the right of association, the right to form and join trade unions, and the right to strike**

	<b>Potential</b>	<b>Seriousness</b>
Right of association	<b>Medium</b>	<b>Remediable</b>
Right to form and join trade unions, and right to strike	<b>Medium</b>	<b>Remediable</b>

Prevention and mitigation measures

**Policy**

Adopt a policy on human rights and protection of the right of association, to form and join unions, and to strike.

Require that business partners (suppliers and subcontractors) adhere to that policy and develop similar internal policies.

Ensure that this policy is in line with ICESCR and with ILO Convention 98 on the right to organize and collective bargaining, and Convention 87 on freedom of association and protection of the right to organize.

## **Policy implementation process**

Make sure that information on these rights and on the CBG policy is available to workers in local languages both in writing and verbally, particularly for illiterate employees.

Implement a reliable, confidential internal reporting mechanism in order to receive any allegation of interference with union activities. This mechanism must protect from retaliation of any sort those lodging complaints and their representatives.

### Opportunities

#### **Specific actions**

Clarify with all stakeholders (government, business partners, and public and private businesses) the importance of respecting the right of association and to form and join unions in CBG and Project activities, given that they cannot have total control over such matters.

Consider, in partnership with other companies and union organizations, drawing government attention toward these rights.

Engage in a constructive dialogue with union representatives in order to achieve progress in union rights and the rights of extractive industry workers.

Consider raising publicly or confidentially with authorities concerns over restrictions on union rights affecting Project stakeholders, doing so either alone or with other sector companies.

### Residual impacts

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-24 gives the level of the residual impact under such conditions.

**Table 8-24 Assessment of residual impacts on the right of association, the right to form and join trade unions, and the right to strike**

	<b>Potential</b>	<b>Seriousness</b>
Right of association	<b>Low</b>	<b>Remediable</b>
Right to form and join trade unions, and right to strike	<b>Low</b>	<b>Remediable</b>

## 8.6.10 Right to an adequate standard of living (housing, food, water and sanitation) and right to own property

### Legal basis

Right to an adequate standard of living

Right to own property

UDHR, Article 25

UDHR, Article 17

ICESCR, Article 11

### Definition

#### **Right to adequate housing<sup>44</sup>**

The right to adequate housing encompasses more than the provision of basic shelter; it is the right to live somewhere in security, dignity and peace. This means that housing or shelter must fulfil certain basic criteria, such as security of tenure, availability of utilities and other services (e.g., sewage facilities and access to safe drinking water), affordability, habitability, accessibility, location and cultural adequacy of location.

#### **Right to adequate food<sup>45</sup>**

Food is vital for human survival and also essential as a means to fully enjoy all other rights. The human right to adequate food implies that food should be available and accessible to people in a quantity and of a quality sufficient to satisfy their nutritional needs, free from harmful substances and acceptable to their culture. This right includes the possibilities for individuals to feed themselves and their family directly by productive land and other natural resources (e.g., farming, animal husbandry, fishing, hunting and food gathering), as well as to purchase foods at markets and stores. The State is responsible for improving methods of production, conservation and distribution of food through the development of modern farming systems, as well as ensuring an equitable distribution of food supplies in relation to need.

Protective measures are required to prevent contamination of food and water supplies arising from poor environmental hygiene or inappropriate handling at various stages of the food chain.

### **Right to water, sanitation and hygiene<sup>46</sup>**

The right to water includes adequate availability of safe, affordable, physically accessible water for personal and domestic use. These uses include water for drinking, personal sanitation, preparation of food, washing of clothes, as well as for personal and household hygiene. The water provided must be of good quality, free from elements that might harm a person's health, and a minimum quantity of approximately 50–100 liters per person per day.

The State is obliged to ensure that water services are delivered in an equitable and non-discriminatory manner, prioritizing the most vulnerable groups and those who have traditionally faced difficulties in accessing adequate quantities of water. Water need not be provided for free, but water and water facilities must be affordable for the most disadvantaged members of society. Individuals and communities should be a part of decision-making processes that may affect their access to water and should be given full access to information concerning water and sanitation matters.

### **Right to own property**

The right to own property means that everyone, alone or in association with others, can acquire property. Arbitrary deprivation of that property is prohibited.

### *Sources of potential impacts*

#### **Right to adequate housing**

Blasting in pits could affect living conditions in local communities.

There could be a strong adverse impact on the right to adequate housing in a number of local communities due to the Project as villages may have to be relocated in whole or in part.

Women, children and the elderly are especially vulnerable in a resettlement process. Resettlement may cause intense stress among women who are in charge of the

entire family. When housing conditions are inadequate, they are often affected disproportionately and may be exposed to violence. Often responsible for fetching water, women may spend hours a day walking, waiting in line and carrying water if the drinking and sanitation supply on resettlement sites is inadequate. The health, educational development and general well-being of children are also strongly influenced by the quality of the housing in which they live.

### **Right to adequate food**

To respect the right to food, CBG and Project activities must neither pollute nor harm the supply of foodstuffs or hinder people's capacity to reach them.

The contamination or elimination of ecosystem services (farmland, sources of water and plants) available to local communities due to disturbances related to mine infrastructure construction work (dust and noise) and to pit operation (dust, noise, drilling and earthwork) may be major factors eroding the right to adequate food.

Access to food may be jeopardized if physical access to farmland, sources of water and watercourses and/or places where foodstuffs are sold is disrupted or hindered by the construction of new mine infrastructure and new roads, and/or the closing of the means of access used by local communities before the Project (e.g., present situation in Boundou Wandé).

Certain villages already adversely impacted in this way by mining will be vulnerable to both of these impacts (e.g., Daroul, Pora at PK 130, Ndanta Fongné Ley and Dow, Congo Lengué and Hamdallaye). Local communities that may be displaced will also be particularly affected if no economically adequate alternative is available to them on resettlement sites.

Women from these villages will be especially vulnerable. They account for the majority of farm workers and are in charge of processing foods. They are very often discriminated against in access to the means allowing them to produce adequate food and generally to natural resources, technology, schooling, vocational training and information. For these reasons, they have less opportunity to find and keep a job with satisfactory conditions. Many women work in the informal sector under precarious conditions. This situation compromises their ability to buy food and most often seriously undermines food security in households supported by working women.

The influx of people seeking opportunities in the study area could increase pressure on ecosystem services, reducing the quantity of available foodstuffs. This factor, combined with the arrival of workers having incomes higher than the rest of the population, could push the price of foodstuffs higher, making them more difficult to obtain for members of local communities and those who are particularly vulnerable.

### **Right to water, sanitation and hygiene**

The Project could adversely impact enjoyment of the right to water if local water resources are polluted (dust, turbidity and possible pollutants), the physical environment is changed (diversion of watercourses and drying up of springs) or physical access to resources is hindered (obstructing of pathways).

The influx of people seeking opportunities in the study area could increase pressure on water, sanitation and hygiene services, especially in urban areas. This situation could result in sanitation problems (diseases and epidemics) and water supply issues. This would affect the most disadvantaged social level, as well as women, children and the elderly.

### **Right to own property**

The right to own property of local communities could be jeopardized by the Project if their goods and lands are requisitioned during the construction or operation phase.

Extension of the areas used by the Project may accelerate the change in customary tenure rights that is already underway due to CBG mining activities. This change means the gradual disappearance of collective use of land with a shift to individually owned lots destined for sale. A number of villages may thus no longer enjoy the lands that they formerly had customary rights to use and administer, with the consent of the title holders, and find themselves in complete destitution.

Regarding the right to own property, though national legislation allows women to own property, they do not inherit it. Women remain disadvantaged when it comes to succession, ownership of other property and access to credit. This has direct consequences on their access to adequate housing and sufficient food. With property rights being exercised more and more by individuals, the Project may be a factor causing female ownership of property to regress.

Also of note is the situation of former CBG employees and their families housed by CBG who risk losing their housing in the event of layoffs, prolonged illness, retirement or death.

Impact assessment

Table 8-25 presents the assessment of potential impacts on the right to an adequate standard of living and right to own property.

**Table 8-25 Assessment of potential impacts on the right to an adequate standard of living and right to own property**

	Potential	Seriousness
Right to an adequate standard of living (food, housing, clothing, drinking water and sanitation)	<b>High</b>	<b>High</b>
Right to own property	<b>High</b>	<b>High</b>

Prevention and mitigation measures

**Policy**

Adopt a policy on human rights and protection of the right to an adequate standard of living, including the right to adequate housing, sufficient food and to water, sanitation and hygiene.

Require that business partners (suppliers and subcontractors) adhere to that policy and develop similar internal policies.

## **Policy implementation process**

### **Right to adequate housing**

Maintain a safe distance between mine infrastructure, pits and local community housing, particularly in rural areas.

In matters of involuntary resettlement:

Comply with IFC Performance Standard 5 on land acquisition and involuntary resettlement.

Comply with the Basic principles and guidelines on development-based evictions and displacement, developed by the UN Special Rapporteur on Adequate Housing, which emphasizes:

- the importance of comprehensive impact assessments;
- the right of return for displaced persons;
- the right to resettlement;
- the right to fair and just compensation; and
- the right of all persons concerned to written notice far enough in advance to minimize the adverse impacts of evictions.

Apply strictly resettlement and compensation action plan (RAP) directives and recommendations, following an approach based on human rights and vulnerable groups.

When housing workers in mining towns, comply with the provisions and standards in ILO Recommendation 115 on workers' housing.<sup>47</sup>

### **Right to adequate food**

Ensure that Project activities do not jeopardize food security of workers and local communities (quantity and quality of foodstuffs meeting WHO standards).

In the mine zone, control the impact of dust on water quality and vegetable gardens in order to minimize the impact on subsistence crops.

Develop individual and collective projects (training, mechanization, diversification, groupings, etc.) in sustainable agriculture, animal husbandry and fishing in local

communities that are relocated or whose ecosystem services are to be affected by Project activities, paying close attention to rural women.

Apply strictly resettlement and compensation action plan (RAP) directives and recommendations, following an approach based on human rights and vulnerable groups.

### **Right to water, sanitation and hygiene**

Make sure that Project workers have adequate sanitation facilities available on their workplaces, with separate facilities for men and women.

Ensure that the Project does not limit access by workers or local communities to safe water needed for their personal and domestic use, and to water for subsistence (e.g., irrigation of farmlands).

Dig or drill wells in villages affected by a reduction in the quality or availability of a source of drinking water, and in collaboration with the communities concerned, organize their maintenance to ensure their proper functioning.

### Opportunities

The Project could have a positive impact on the right to an adequate standard of living of its workers and their families in mining towns by providing for them, without discrimination:

- adequate housing;
- a drinking water supply of good quality, free from elements that might harm a person's health, and of adequate quantity (about 50–100 liters per person per day);
- sanitation services; and
- electricity.

The Project will help fulfil the right to adequate food by providing workers with quality meals of sufficient quantity during working hours in order to avoid physical suffering.

Overall, the Project is particularly relevant in the area of the right to an adequate standard of living beyond the positive impacts mentioned above. It will help its

workforce and local communities meet their basic needs through the direct and indirect jobs it will create and the implementation of appropriate community development programs based on human rights.

### **Specific actions**

Clarify with all stakeholders (government, business partners, and public and private businesses) the importance of progress regarding the right to an adequate standard of living in CBG and Project activities, given that they cannot have total control in achieving it.

Consider, in partnership with other companies and civil society organizations, drawing government attention toward the importance of progress regarding the right to an adequate standard of living.

Ensure that measures taken under the resettlement and compensation action plan (RAP) and development projects improve standards of living over the long term, while avoiding over-dependence on CBG. Maximize association with government agencies so CBG substitutes as little as possible for the State in its public service missions.

Ensure the participation of all stakeholders at all stages of the development and implementation of community projects designed to improve the right to an adequate standard of living, giving priority to those who are vulnerable and have limited income.

Explore possible joint action with extractive industry companies active in the study area in order to promote and support government efforts to make adequate housing, sufficient food and water, and sanitary/hygiene services available to communities.

### ***Residual impacts***

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-26 gives the level of the residual impact under such conditions.

**Table 8-26 Assessment of residual impacts on the right to an adequate standard of living and right to own property**

	Potential	Seriousness
Right to an adequate standard of living (food, housing, clothing, drinking water and sanitation)	Medium	High
Right to own property	Medium	High

## 8.6.11 Right to health

### Legal basis

UDHR, Article 25

ICESCR, Article 12

### Definition

This article recognizes the right to the highest standard of physical and mental health. The right includes the right to control over one's health and body, including reproductive and sexual rights, and freedom from interference, such as freedom from non-consensual medical treatment and experimentation. This right is closely related to the right to an adequate standard of living. All people must have access to the underlying building blocks of good health:

- a sufficient supply of adequate food;
- adequate housing;
- safe and potable water;
- adequate sanitation;
- medical supplies;
- healthy working conditions; and
- a healthy environment.

States must take measures to prevent, treat and control diseases, reduce infant mortality and provide for the healthy development of children. They also have the obligation to improve all aspects of industrial and environmental hygiene, and to create conditions that will ensure universal access to medical services and medical attention in the event of sickness.

### Sources of potential impacts

The Project could have a direct adverse impact on the right to health of its workforce and local communities if it fails to ensure that its construction and operation activities do not harm their health.

Workers could fall victim to a wide range of diseases or injuries arising directly or indirectly from Project activities if strict health and safety standards are not maintained. These include but are not limited to:

- injuries of varying severity or deaths due to work accidents;
- injuries or diseases due to contact with and use of hazardous toxic chemicals;
- impairments developed through exposure to noise;
- diseases developed due to prolonged exposure to dust (rural areas and mining concession);
- diseases endemic to the study area (malaria);
- contagious diseases like HIV/AIDS and tuberculosis due to population explosion;
- chronic diseases like cardiovascular disorders or diabetes caused by a sedentary lifestyle and higher standard of living (richer food);
- multifactor stress;
- musculoskeletal and other disorders due to excessive work hours or difficult working conditions; and
- gender-related diseases or medical conditions (pregnancy, breast feeding, etc.).

Local communities could be subject to diseases and injuries at all stages of the Project arising from:

- accidents due to ore train traffic, mining vehicles, blasting on bauxite plateaus or in pits, etc.;
- exposure to hazard toxic chemicals in untreated or poorly treated industrial wastes or elsewhere;
- environmental contamination like air pollution and water pollution by sediment and (aluminum) dust, a more pathogenic environment conducive to the proliferation of the vectors of parasitic diseases (malaria), etc.;
- disappearance of ecosystems leading to lower agricultural yields and food insecurity, etc.; and
- the influx of workers and others potentially increasing the transmission of HIV and tuberculosis, the development of new diseases or epidemics, scarcer food, etc.

Children from poor rural areas (mining concession) are the hardest hit by such impacts since they are most vulnerable to malnutrition, infectious diseases and road accidents. This vulnerability is made worse by poor access to care (facilities and drugs). Teenage girls in towns and cities (Kamsar and Sangarédi) could face sexual and reproductive health problems (HIV/AIDS and early undesired pregnancy).

Impact assessment

Table 8-27 presents the assessment of potential impacts on the right to health.

**Table 8-27 Assessment of potential impacts on the right to health**

	Potential	Seriousness
Right to health	High	High

Prevention and mitigation measures

**Policy**

Adopt a policy on human rights and protection of the right to health.

Require that business partners (suppliers and subcontractors) adhere to that policy and develop similar internal policies.

Adopt rigorous health and safety standards in line with the highest international occupational health and safety standards, and specifically with ILO recommendations and conventions:

- Convention 155 on occupational safety and health;
- Recommendation 164 on occupational safety and health;
- Convention 174 on the prevention of major industrial accidents;
- Convention 148 on the work environment (air pollution, noise and vibrations); and
- Convention 176 on safety and health in mines.

Adopt rigorous standards in terms of environmental requirements in line with Guinean environmental legislation (mining, forestry and environment codes, and

Order 045/PRG/87), and with international standards and best environmental practises (IFC performance standards 1, 2, 3 and 4). Comply with WHO standards in matters of public health.

### **Policy implementation process**

Disseminate these standards in a meaningful way and in the local languages through awareness campaigns with workers, business partners and local communities.

Monitor and measure the regular effective implementation of these standards by all stakeholders.

Adopt, in collaboration with the State, a public health and environmental monitoring policy in the mine zone in order to comply with WHO standards.

Publish all alerts on any potential Project-induced hazard to health, security and the environment.

Ensure tight control of access to toxic products and infrastructures (railroad, pits and processing plant) that may be hazardous to the health of workers and the local communities.

Make sure that information on routine procedures and use, where appropriate, are available in local languages and understandable, especially by children and others who are most vulnerable.

Ensure medical attention and compensation for workers and their families in the event of disease.

Ensure that business partners have in place the means for medical attention and that their employees effectively benefit from it.

Consider compensation or relocation when local communities are very severely affected by cumulative environmental impacts.

Develop community projects in the areas of sustainable fishing, farming and livestock projects in local communities where ecosystem services will be impacted by Project activities in order to guarantee that a sufficient supply of adequate food is available.

Make it a priority to protect the sources of water and watercourses of the local communities most affected by Project operations.

Take measures to establish systems monitoring the adverse impacts (contamination and degradation) of Project activities on sources of water, watercourses and the water table.

Plan the safe disposal of material, especially toxic chemicals that could otherwise cause environmental damage.

Establish processes to prevent long-term environmental contamination after the Project comes to an end.

Establish emergency cleanup programs covering accidental environmental contamination.

### Opportunities

Though there are more health and medical facilities in the study area and care there is better ensured than in the rest of Guinea, thanks in part to CBG, they remain insufficient to meet the basic health needs of local communities, particularly rural ones. This lack makes people more vulnerable in the event of injury or illness. The Project could help in achieving progress toward the right to health by considering specific health sector actions, alone or in partnership with public and private agencies.

### **Specific actions**

Clarify with all stakeholders (government, business partners, and public and private businesses) the importance of progress regarding the right to health in CBG and Project activities, given that they cannot have total control in achieving it.

Consider, in partnership with other companies and civil society organizations, drawing government attention toward the importance of progress regarding the right to health.

Promote raising standards related to the right to health through financial support or the use of key CBG competencies (doctors, medical facilities, expertise, etc.) within genuine public-private partnerships.

Ensure the participation of all stakeholders at all stages of the development and implementation of community projects designed to improve the right to health, giving priority to those who are vulnerable and have limited income.

Explore possible joint action with extractive industry companies active in the study area in order to promote and support government efforts to achieve the right to health, in particular by reducing malaria, HIV/AIDS and tuberculosis.

Promote testing, access to ARV drugs, and non-discriminatory medical attention for workers living with HIV/AIDS, while ensuring that information on their HIV status remains confidential.

Continue, privately or in partnership with the State, to conduct throughout the study area awareness campaigns regarding sexual health and the methods of preventing STIs, including HIV/AIDS.

Residual impacts

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-28 gives the level of the residual impact under such conditions.

**Table 8-28 Assessment of residual impacts on the right to health**

	Potential	Seriousness
Right to health	Medium	High

## 8.6.12 Right of the child to protection and right to education

### Legal basis

Right of the child to protection

UDHR, Article 23

ICESCR, Article 8

Right to education

UDHR, Article 26

ICESCR, Articles 13 and 14

### Definition

#### **Right of the child to protection**

The right of the child to protection recognizes the need for special protection of minors. The duty to protect children falls upon their family, the community and the State. Protection of the child includes protection from sexual and economic exploitation.

Children may not be engaged to do work that is hazardous, arduous, and for which they are underpaid, or to work for the same number of hours as adults. Child laborers are frequently denied the opportunity to pursue their schooling. Their mental and physical health can suffer due to poor working conditions, long hours of work and ill-treatment by employers.

Elimination of child labor is a difficult issue. Some families rely on the income from child labor to ensure an adequate standard of living. The ILO prohibits hazardous work by children under 18.

#### **Right to education**

The aim of the right to education is “full development of the human personality and sense of dignity”. This right guarantees all children the right to free and compulsory elementary schooling. It requires that the State gradually promote access to secondary and higher education.

The right to education also includes:

- the right to equal access to education and equal enjoyment of educational facilities;
- the freedom of parents and children to choose the type of education received; and
- the freedom to establish educational institutions (subject to minimum educational standards).

Educational facilities should be available, accessible, culturally and ethically acceptable, and flexible so as to be able to adapt to society's changing needs. For example, education should where possible adapt to, or at least acknowledge, changing technologies, such as the modern importance of information technologies.

### Sources of potential impacts

#### **Right of the child to protection**

The right of the child to protection could be jeopardized if the Project fails to respect the minimum age for work (16 years in Guinea) and subjects minors to hazardous work, long hours of work or ill-treatment.

Other adverse impacts on the right of the child to protection are covered in the section on the right to an adequate standard of living and the right to health.

#### **Right to education**

In cases of resettlement, the Project could interfere with the right to education of children from the villages relocated by interrupting stages in their schooling.

The Project could also have an adverse impact on enjoyment of this right during the construction and operation phases if infrastructure work limits physical access to schools, degrades the environment near them (Hamdallaye) or leads to their destruction and relocation. During the operation phase, isolation of certain parts of villages is to be feared due to such factors as new mine roads and increased rail traffic.

Lastly, if children work in the supply chain or for subcontracting companies and this prevents their schooling, the Project could lead to complicity in violations of the right to education.

Impact assessment

Table 8-29 presents the assessment of potential impacts on the right of the child to protection and the right to education.

**Table 8-29 Assessment of potential impacts on the right of the child to protection and the right to education**

	Potential	Seriousness
Right of the child to protection	High	High
Right to education	High	High

Prevention and mitigation measures

**Policy**

Adopt a policy on human rights and protection of the right of the child to protection and the right to education by prohibiting child labor.

Comply with the highest standards, specifically:

- the Convention on the Rights of the Child;
- ILO Convention 182 on the worst forms of child labor; and
- ILO Convention 138 on the minimum age of employment and work.

Require that business partners (suppliers and subcontractors) adhere to that policy and develop similar internal policies.

### **Policy implementation process**

#### **Right of the child to protection**

Prohibit within CBG child labor for those under 18.

Work with business partners to implement a socially responsible approach to eliminating child labor.

Disseminate this policy effectively to all personnel and business partners (suppliers and subcontractors) and guide their operating procedures to bring them into alignment.

Offer Project workers regular training in order to make them aware of issues around child labor and the responsibility shared by all.

Implement a complaints mechanism to promote the detection of child labor in the supply chain and subcontracting companies and require that the latter introduce similar mechanisms.

Require in all contracts with business partners that work by minors under 18 be prohibited.

#### **Right to education**

Develop a resettlement and compensation action plan (RAP) in line with industry standards, focused on human rights and including transitional and long-term measures to avoid interrupting the schooling of children from the communities relocated.

Take measures throughout the Project to facilitate children's safe travel to schools if village paths and roads are modified by construction work and/or operations. School children in rural areas must be given priority in applying such measures.

#### *Opportunities*

The CBG Expansion Project could be presented as incompatible with child labor. It could also be a means of promoting the right to education for the development of a

qualified workforce, the education of workers' children and of all children in the study area.

### **Specific actions**

Clarify with all stakeholders (government, business partners, and public and private businesses) the importance of progress regarding the right to education in CBG and Project activities, given that they cannot have total control in achieving it.

Consider, in partnership with other companies and civil society organizations, drawing government attention toward the importance of progress regarding the right to education and the prohibition of child labor.

Help raise standards regarding the right to education, particularly of girls, by implementing long-term projects in education within genuine public-private partnerships.

Explore possible joint action with extractive industry companies active in the study area in order to promote and support government efforts to achieve the right to education and curtail the worst forms of child labor.

### **Residual impacts**

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-30 gives the level of the residual impact under such conditions.

**Table 8-30 Assessment of residual impacts on the right of the child to protection and the right to education**

	<b>Potential</b>	<b>Seriousness</b>
Right of the child to protection	<b>Medium</b>	<b>High</b>
Right to education	<b>Medium</b>	<b>High</b>

### 8.6.13 Right to self-determination

Legal basis

Article 1 UDHR

Article 1 ICESCR

Definition

This right allows peoples to determine their political status and their place in the international community. It includes the right of peoples to develop and progress in social, economic and cultural terms, to dispose of their land’s natural resources and wealth, and not to be deprived of their own means of subsistence. The right to self-determination is concerned with freedom from domination by an alien power. It is a collective right of the people against colonial or comparable rule.

Sources of potential impacts

The Project could jeopardize the right to self-determination if, without consultation and prior consent, it seizes the lands, watercourse, springs and traditional forests of local communities on which are based their means of subsistence and with which they identify culturally.

Impact assessment

Table 8-31 presents the assessment of potential impacts on the right to self-determination.

**Table 8-31 Assessment of potential impacts on the right to self-determination**

	Potential	Seriousness
Right to self-determination	High	High

### Prevention/mitigation measures and opportunities

#### **Policy**

Adopt a policy on human rights and protection of the right to freedom of movement, on involuntary resettlement and on the right to information.

Require that business partners (suppliers and subcontractors) adhere to that policy and develop similar internal policies.

#### **Policy implementation process**

Comply with the Basic principles and guidelines on development-based evictions and displacement,<sup>48</sup> developed by the UN Special Rapporteur on adequate housing, which emphasizes:

- the importance of comprehensive impact assessments;
- the right of return for displaced persons;
- the right to resettlement;
- the right to fair and just compensation; and
- the right of all persons concerned to written notice far enough in advance to minimize the adverse impacts of evictions.

Comply with IFC Performance Standard 5 and Guidance Note 5 on land acquisition and involuntary resettlement in order to minimize the adverse impacts of resettlement.

Develop a resettlement and compensation action plan (RAP) in line with IFC standards, World Bank operational directives 4.12 and 4.30, and sector standards. The RAP must focus on human rights and the needs of vulnerable groups, and support free and informed participation,<sup>49</sup> full and just compensation for property, and access to the means of recourse.

Consult in good faith the local communities concerned by involuntary resettlement through their own representative institutions in order to obtain their consent. These consultations must be held before initiating any activity that could affect their right to freely choose their place of residence.

Establish regular community consultation processes before, during and after resettlement.

Consider using independent, mutually acceptable third-party mediation by non-State parties. Note for the Project that, based on consultations for this study, most local communities do not consider the authorities to be reliable mediators.

Residual impacts

The level of Expansion Project impacts has been reassessed in this section based on the implementation of all mitigation measures described in the preceding section, following an aggressive schedule and supported with the appropriate resources. Table 8-32 gives the level of the residual impact under such conditions.

**Table 8-32 Assessment of residual impacts on the right to self-determination**

	Potential	Seriousness
Right to self-determination	Medium	High

## 8.7 Operational recommendations

For each right, the measures to prevent or mitigate the risks of Project impacts cover most of what is required by the principle of human rights due diligence.

To meet fully all of its human rights obligations throughout all stages of the Project and beyond, CBG should develop a corporate human rights policy and devise methods to measure and manage its performance in line with the principle of due diligence.

A number of operational recommendations can be made to CBG to achieve this. They are taken from the IFC methodology for applying due diligence.<sup>50</sup>

### 8.7.1 Commitment through a policy statement

To entrench its commitment to protect human rights, CBG should formulate it clearly in a policy statement that:

- is approved by the company president and board of directors;
- considers expertise available inside and outside the company;
- specifies what the company expects of its staff and business partners (suppliers and subcontractors);
- applies to all company and subcontractor activities;
- recognizes the rules of national law and international reference standards in the area of social and environmental responsibility, and human rights (International Bill of Human Rights, ILO conventions, IFC performance standards, Voluntary principles on security and human rights, OECD guidelines, etc.);
- lists the human rights most evidently associated with its line of business and operating context:
  - forced labor;
  - child labor;
  - non-discrimination;
  - right of association;
  - workplace health and safety;
  - hiring and working conditions;
  - product quality control;

- community security;
- land management;
- environmental health and security;
- vulnerable groups;
- corruption and bribery; and
- supply chain management and business partners.

This policy statement should be made public and disseminated internally and externally among all stakeholders.

CBG could also consider incorporating certain international initiatives the area of social and environmental responsibility, and human rights (Global Compact, ICMM, GRI, etc.) or labeling, as it now adheres to certain ISO standards in the area of production.

### 8.7.2 Assessing and remedying potential and actual human rights impacts

This report is an integral part of the assessment stage. However, more in-depth impact assessments should be conducted for certain rights particularly affected by CBG operations under the Expansion Project. The table of impacts on human rights (Table 8-3) identifies the rights requiring additional study.

Beyond the Project, it is important that the company undertake ongoing assessments, acknowledging that human rights risks will change during operations and with changes to the context for mining in Guinea (stricter regulations, review of mining contracts, transparency initiative, etc.). Since ongoing, these assessments would involve regular consultations with all operation phase stakeholders, particularly the local communities affected.

Based on these assessments, CBG should develop measures to prevent or mitigate risks and impacts, and to improve human rights. This would involve changes to its design, construction, operation, management and maintenance activities.

Suitable prevention, mitigation and improvement measures mean actions that are achievable and culturally acceptable for all stakeholders.

Prevention and mitigation measures should involve responses that differ depending on the seriousness and magnitude of the risk or impact:

- preventing adverse impacts;
- reducing adverse impacts;
- enhancing positive impacts;
- restoring and remedying adversely impacted entities; and
- compensating for nuisance, damage and loss.

Mitigation measures should be part of suitable action plans of varying scope:

- public improvements benefiting the whole community;
- awareness raising promoting positive and minimizing adverse impacts on human rights; and
- affirmative action targeting vulnerable groups particularly affected.

CBG is encouraged to cooperate with all parties (local authorities, traditional leaders and government departments) as well as vulnerable groups in developing prevention, mitigation and improvement measures. The company can thereby appreciate their specific needs and gain from local knowledge and know-how.

### 8.7.3 Integrating human rights into the corporate management system

CBG should take stock of its past performance in respecting human rights in order to identify its good practises and its weaknesses.

It could also determine the track record of suppliers and subcontractors with which it deals. CBG could reconsider certain business contracts based on the results. It could also include human rights provisions in contracts with business partners.

On the basis of its policy statement and analysis of practises, CBG should also incorporate the subject of human rights into all of its management policies and operating procedures. Noteworthy examples are operating policies for hiring and promoting employees, acquiring land and infrastructure, using natural resources, managing industrial and domestic wastes, etc.

The company could also consider implementing:

- an in-house system for early identification and assessment of human rights risks for potentially high-risk business operations;
- an in-house complaints management process for employees alleging abuse of their basic rights;
- a grievance reporting and settlement mechanism<sup>51</sup> for stakeholders and local communities with a grievance process that is:
  - proportionate to company capabilities;
  - suited to local cultural practises in conflict management;
  - physically and linguistically accessible;
  - transparent and accountable; and
  - offering protection to those expressing grievances;
- a project cataloguing system specifying the risks and potential impacts on related human rights;
- procedures for identifying, responding to and monitoring human rights risks and impacts at every stage in the Project's life cycle;
- a method of clearly identifying (e.g., under the social management plan) those in charge of risk and impact identification, mitigation and monitoring, as well as releasing reports and determining responsibilities;
- a mechanism for informing all personnel on ESIA conclusions and on human rights (stakeholder engagement, grievance mechanism, prevention and mitigation measures accepted, decisions by line management, etc.);
- a central point of contact for handling human rights within the company; and
- a policy for developing a corporate culture and discourse conducive to human rights in the workplace.

It is important the CBG undertake strengthening its knowledge and capabilities regarding human rights by training staff who work in areas both with a high likelihood of human rights impacts (e.g., in its community relations and health & safety departments) and with certain such risks (e.g., its operations, human resources, finance and communications departments).

Lastly, channels of internal communication and discussion based on transparency and consistency should be established between hierarchical levels within the company so that policy development and execution are as pertinent and effective as possible.

To support this integration process, CBG should develop in-house capabilities and, on occasion, call upon external expertise. This initiative would require allocating substantial financial and human resources but can prove cost-effective over the long term by improving the ability to proactively identify and manage risks and impacts.

#### 8.7.4 Performance monitoring

Human rights performance monitoring involves:

- tracking CBG measures implemented not only to prevent/mitigate adverse impacts and improve positive impacts but also to integrate human rights into its departments (objectives achieved, new impacts and recurring violations identified, stakeholder participation achieved, grievances settled satisfactorily, external commitments met, legal requirements respected, etc.);
- disseminating internally and externally reports on human rights challenges encountered and the means deployed by CBG to overcome them (lessons learned, key decisions made or modified, company adjustments to stakeholder needs, release to stakeholders of information on company activities, etc.); and
- assessing the effectiveness of new CBG policies (based on their pertinence, desired impact, efficiency, sustainability, flexibility or key performance indicators<sup>52</sup>).

CBG should be prudent when publicly releasing its human rights performance reports, particularly regarding violations committed by government officials. Releasing such information could entail risks for the company, its personnel and local communities.

Table 8-33 summarizes findings in the form of a matrix of impacts on human rights. The rights that the Project risks to affect most are highlighted in red. Those moderately at risk are highlighted in orange and those that seem less likely to be affected or jeopardized are highlighted in green.

The table presents an assessment of the significance of risks for each right based on the likelihood of it being affected and the potential seriousness.

## 8.8 Summary of findings

Table 8-33 of human rights impacts classifies impacts by their potential to occur as low, medium or high. The table also gives the potential seriousness of the impacts, particularly those that have irremediable effects on human rights (ecological damage, and the vulnerability and size of groups affected). Irremediable also means limited capacity to restore the rights of the person involved to a situation identical to that before the impact occurred. The Project's level of control over each impact is also given.

For local communities the most affected, the Project entails risks of accidents, nuisances, ecosystem contamination, land seizure and involuntary resettlement. In those communities, the Project may thus very likely have very serious impacts affecting the following human rights:

- the right to life;
- the right to the free movement of persons;
- the right of the child to protection;
- the right to an adequate standard of living;
- the right to health; and
- the right to self-determination.

The Project could also affect to a lesser extent the following rights:

- the right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment; and
- the right to work and right to enjoy just and favorable conditions of work.

The level of Expansion Project impacts has been reassessed based on the implementation of all mitigation measures described in this chapter, following an aggressive schedule and supported with the appropriate resources. The level of the residual impact under such conditions is presented below.

For social and human rights impacts, the mitigation measure often include, besides specific measures, additional studies and management plans. The residual impacts consider that these studies and plans are carried out. Should the studies not be performed or plans not be completed, the residual impacts would clearly need to be revised.

- Potential of (adverse) impact

High	Medium	Low	Not applicable (N/A)
------	--------	-----	----------------------

- Potential seriousness of impact

High	Medium	Remediable	Not applicable (N/A)
------	--------	------------	----------------------

**Table 8-33 Potential and residual human rights impacts from the CBG Expansion Project**

Human rights	Source of risk or impact	Stakeholder affected	Project phase	Action plan		Potential	Seriousness	Residual potential	Residual seriousness
				Mitigation measures required	Level of control (direct/semi-direct)				
Right to life  Right to liberty and security	- Accidents - Ecosystem pollution - STIs - Disproportionate use of force - Arbitrary detention	- Local communities - CBG workers - Suppliers and subcontractors	Construction Operation	- Develop, disseminate and enforce rigorous health & safety and environmental standards - Inform stakeholders of Project impacts - Monitor changes to impacts - Apply property security and guarding standards in line with human rights - Provide compensation and social security - Promote awareness of HIV/AIDS and disease prevention.	- Direct (ensure the best health & safety conditions for communities and workers; maintain control over Project security personnel; protect workers from harassment) - Semi-direct (high-risk sexual behavior among workers; harassment of suppliers and subcontractors by their employers; arbitrary detention and unlawful killing by defense and security forces).	Medium (pollution and accidents)	High (loss of life; irremediable environmental degradation)	Low	High
Right not to be subjected to slavery, servitude or forced labor	Intimidation and coercion by employers	- Local communities - Suppliers and subcontractors	Construction	- Develop, disseminate and enforce a policy prohibiting forced labor - Maintain a rigorous recruiting and contracting system - Implement a complaints mechanism - Promote awareness of this issue among personnel.	- Direct (hire CBG workers in a transparent non-coercive manner) - Semi-direct (unlawful hiring methods and poor working conditions among suppliers and subcontractors)	Medium (forced labor)	Remediable	Low	Remediable
Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	- Difficult working conditions - Disproportionate use of force	- CBG workers - Suppliers and subcontractors	Construction Operation	- Develop, disseminate and enforce rigorous health & safety standards - Apply property security and guarding standards in line with human rights - Implement a complaints mechanism.	- Direct (ensure workers the best health & safety conditions) - Semi-direct (poor working conditions among suppliers and subcontractors; torture by defense and security forces)	Medium (poor treatment of suppliers and subcontractors)	High (physical and psychological consequences of inhuman or degrading treatment)	Low	High

Human rights	Source of risk or impact	Stakeholder affected	Project phase	Action plan		Potential	Seriousness	Residual potential	Residual seriousness
				Mitigation measures required	Level of control (direct/semi-direct)				
Right to equality before the law and non-discrimination	<ul style="list-style-type: none"> <li>- Cultural prejudice</li> <li>- De jure discrimination based on gender or ethnicity</li> </ul>	<ul style="list-style-type: none"> <li>- Local communities</li> <li>- CBG workers</li> <li>- Suppliers and subcontractors</li> </ul>	Construction Operation	<ul style="list-style-type: none"> <li>- Develop, disseminate and enforce an anti-discrimination policy</li> <li>- Hire, promote and pay wages based on skills and equal opportunity</li> <li>- Support community projects geared toward vulnerable groups (women)</li> </ul>	<ul style="list-style-type: none"> <li>- Direct (ensure effective policy and best in-house anti-discrimination practises)</li> <li>- Semi-direct (discriminatory hiring methods; discriminatory social practises; anti-discrimination legislation poorly enforced and offering little protection)</li> </ul>	High (discrimination against women)	Remediable	Medium	Remediable
Right to access effective remedies	<ul style="list-style-type: none"> <li>- No remedies</li> <li>- Ineffective remedies</li> <li>- Little ability to access remedies</li> <li>- Impediments to access (intimidation)</li> </ul>	<ul style="list-style-type: none"> <li>- Local communities</li> <li>- CBG workers</li> <li>- Suppliers and subcontractors</li> </ul>	Construction Operation	<ul style="list-style-type: none"> <li>- Develop, disseminate and enforce an anti-corruption policy</li> <li>- Implement a grievance management mechanism</li> </ul>	<ul style="list-style-type: none"> <li>- Direct (follow procedures; take ethical stand against corruption; prevent litigation through an efficient, accessible grievance management mechanism)</li> </ul>	Medium	Remediable	Low	Remediable
Right to the free movement of persons  Right to freedom of information	<ul style="list-style-type: none"> <li>- Mining of lands under Project</li> <li>- Involuntary resettlement</li> <li>- Isolation of villages.</li> </ul>	<ul style="list-style-type: none"> <li>- Local communities</li> <li>- CBG workers</li> </ul>	Construction Operation	<ul style="list-style-type: none"> <li>- Minimize cases of involuntary resettlement</li> <li>- Develop, disseminate and enforce a responsible policy on managing land acquisition and involuntary resettlement (RAP)</li> <li>- Consult regularly with local communities and stakeholder</li> <li>- Promote awareness of worker rights</li> <li>- Support community projects geared toward vulnerable groups.</li> </ul>	<ul style="list-style-type: none"> <li>- Direct (apply RAP; consult local communities freely and openly beforehand; acquire land lawfully)</li> <li>- Semi-direct (spontaneous resettlement of communities, and State-supervised resettlement)</li> </ul>	High (several villages potentially relocated)	High (poorly managed involuntary resettlement)	Medium	High

Human rights	Source of risk or impact	Stakeholder affected	Project phase	Action plan		Potential	Seriousness	Residual potential	Residual seriousness
				Mitigation measures required	Level of control (direct/semi-direct)				
Right to freedom of assembly  Right to freedom of opinion and expression	<ul style="list-style-type: none"> <li>- Movements of discontent</li> </ul>	<ul style="list-style-type: none"> <li>- Local communities</li> <li>- CBG workers</li> <li>- Suppliers and subcontractors</li> </ul>	Construction  Operation	<ul style="list-style-type: none"> <li>- Develop, disseminate and enforce within the company a policy on freedom of expression</li> <li>- Apply property security and guarding standards in line with human rights</li> <li>- Implement a grievance management mechanism</li> </ul>	- Semi-direct (violations of freedom of expression by authorities; disproportionate use of force)	Medium	High (loss of human life)	Low	High
Right to work  Right to just and favorable conditions of work (including rest and leisure)	<ul style="list-style-type: none"> <li>- Creation of direct, indirect and induced jobs</li> <li>- Unfair and disadvantageous working conditions (wages, workplace health &amp; safety, long hours of work, etc.)</li> <li>- Unemployment and social conflicts</li> <li>- Discrimination during hiring.</li> </ul>	<ul style="list-style-type: none"> <li>- Local communities</li> <li>- CBG workers</li> <li>- Suppliers and subcontractors</li> </ul>	Construction  Operation	<ul style="list-style-type: none"> <li>- Develop, disseminate and enforce rigorous health &amp; safety standards</li> <li>- Develop, disseminate and enforce a policy on the right to just and favorable conditions of work (stringent requirements in subcontracts)</li> <li>- Inform local communities about Project-induced jobs</li> <li>- Implement a complaints mechanism available to business partners</li> <li>- Hire based on qualifications.</li> </ul>	<ul style="list-style-type: none"> <li>- Direct (ensure best health &amp; safety conditions for all workers; give just wages and promote on an equal basis; prioritize hiring in local communities)</li> <li>- Semi-direct (poor working conditions among suppliers and subcontractors; high unemployment rate and few State employment policies; labor law not enforced and no inspections)</li> </ul>	High (hiring among suppliers and subcontractors)	Remediable	Medium	Remediable
Right of association  Right to form and join trade unions, and right to strike	<ul style="list-style-type: none"> <li>- Discrimination against unionized personnel</li> <li>- Prohibition of union activities</li> <li>- Disproportionate use of force</li> <li>- Awareness of worker rights.</li> </ul>	<ul style="list-style-type: none"> <li>- CBG workers</li> <li>- Suppliers and subcontractors</li> </ul>	Construction  Operation	<ul style="list-style-type: none"> <li>- Engage workers and management in a smooth constructive dialogue</li> <li>- Release standards on workers' rights and collective bargaining.</li> </ul>	<ul style="list-style-type: none"> <li>- Direct (respect freedom to form unions in the company)</li> <li>- Semi-direct (union rights violated by suppliers and subcontractors; freedom to organize limited or curtailed by authorities)</li> </ul>	Medium	Remediable	Low	Remediable

Human rights	Source of risk or impact	Stakeholder affected	Project phase	Action plan		Potential	Seriousness	Residual potential	Residual seriousness
				Mitigation measures required	Level of control (direct/semi-direct)				
Right of the child to protection  Right to education	<ul style="list-style-type: none"> <li>- Child labor</li> <li>- Involuntary resettlement disturbing the health (malnutrition), standard of living (housing) and schooling of children</li> <li>- Accidents</li> </ul>	<ul style="list-style-type: none"> <li>- Local communities</li> </ul>	Construction  Operation	<ul style="list-style-type: none"> <li>- Develop, disseminate and enforce a policy prohibiting child labor</li> <li>- Develop a RAP designed to protect children affected by resettlement</li> <li>- Prevent access by children to hazardous work sites</li> <li>- Implement community project focused on the education, development and well-being of children.</li> </ul>	<ul style="list-style-type: none"> <li>- Direct (promote health &amp; safety mindful of the vulnerable; vigorously support community project designed to improve the health, education and standard of living of children)</li> <li>- Semi-direct (limited access by children to basic social services; harmful traditional practises)</li> </ul>	High	High (accidents, diseases, low standard of living causing irreparable harm to child development)	Medium	High
Right to an adequate standard of living (food, housing, clothing, drinking water and sanitation)  Right to own property	<ul style="list-style-type: none"> <li>- Mining of lands under Project</li> <li>- Contamination of ecosystems</li> <li>- Pressure on natural resources and already limited social services (influx of people)</li> <li>- Involuntary resettlement</li> <li>- Nuisances produced by Project</li> <li>- Creation of direct, indirect and induced jobs</li> <li>- Services to CBG workers</li> <li>- Cumulative impacts</li> <li>- STIs and parasitic diseases.</li> </ul>	<ul style="list-style-type: none"> <li>- Local communities</li> <li>- CBG workers</li> <li>- Suppliers and subcontractors</li> </ul>	Construction  Operation	<ul style="list-style-type: none"> <li>- Develop, disseminate and enforce a policy improving the right to an adequate standard of living</li> <li>- Develop, disseminate and enforce rigorous health &amp; safety standards</li> <li>- Develop a RAP geared toward human rights and vulnerable groups</li> <li>- Prevent access to hazardous work sites</li> <li>- Implement community projects designed to improve the population's standard of living</li> <li>- Inform stakeholders of Project impacts</li> <li>- Monitor changes to impacts</li> <li>- Act to replace any Project-induced loss of or difficulty in accessing:                             <ul style="list-style-type: none"> <li>- safe water</li> <li>- sanitation</li> <li>- food</li> <li>- housing</li> <li>- clothing</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Direct (promote health &amp; safety mindful of the vulnerable; apply RAP consulting local communities freely and openly beforehand; acquire land lawfully; vigorously support community project designed to improve the health, education and standard of living of children)</li> <li>- Semi-direct (limited access to basic social services)</li> </ul>	High	High (involuntary resettlement; irreparable environmental degradation)	Medium	High

Human rights	Source of risk or impact	Stakeholder affected	Project phase	Action plan		Potential	Seriousness	Residual potential	Residual seriousness
				Mitigation measures required	Level of control (direct/semi-direct)				
Right to health	<ul style="list-style-type: none"> <li>- STIs and parasitic diseases</li> <li>- Nuisances produced by Project</li> <li>- Contamination of ecosystems</li> <li>- Pressure on natural resources and already limited social services (influx of people)</li> <li>- Creation of direct, indirect and induced jobs</li> </ul>	<ul style="list-style-type: none"> <li>- Local communities</li> <li>- CBG workers</li> <li>- Suppliers and subcontractors</li> </ul>	<ul style="list-style-type: none"> <li>Construction</li> <li>Operation</li> </ul>	<ul style="list-style-type: none"> <li>- Develop, disseminate and enforce rigorous health &amp; safety standards</li> <li>- Prevent access to hazardous work sites</li> <li>- Inform stakeholders of Project impacts</li> <li>- Monitor changes to impacts</li> <li>- Implement community training, safety and disease treatment projects</li> <li>- Promote awareness of HIV/AIDS and disease prevention among workers</li> </ul>	<ul style="list-style-type: none"> <li>- Direct (ensure the best health &amp; safety conditions in communities and workforce; vigorously support community projects designed to improve health and focused on the needs of vulnerable groups)</li> <li>- Semi-direct (limited access to basic social services)</li> </ul>	High	High (spread of diseases ;irremediable environmental degradation)	Medium	High
Right to self-determination	<ul style="list-style-type: none"> <li>- Mining of lands under Project</li> <li>- Contamination of ecosystems</li> <li>- Involuntary resettlement</li> </ul>	<ul style="list-style-type: none"> <li>- Local communities</li> </ul>	<ul style="list-style-type: none"> <li>Construction</li> <li>Operation</li> </ul>	<ul style="list-style-type: none"> <li>- Develop, disseminate and enforce a responsible policy on managing land acquisition and involuntary resettlement (RAP)</li> <li>- Support development planning activities by local entities</li> <li>- Consult local communities and all stakeholders regularly</li> <li>- Provide fair compensation</li> <li>- Implement a grievance management mechanism</li> </ul>	<ul style="list-style-type: none"> <li>- Direct (apply RAP; consult local communities freely and openly beforehand; acquire land lawfully)</li> <li>- Semi-direct (spontaneous resettlement of communities, and State-supervised resettlement)</li> </ul>	High	High (poorly managed involuntary resettlement)	Medium	High

## 8.9 List of references

### Binding national standards

Constitution de la République de Guinée, 2010

Code pénal de la République de Guinée, 1998

Convention minière CBG et État guinéen, 1963

<http://www.documentcloud.org/documents/527599-cbg-convention.html>

Amendement à la Convention minière CBG et État guinéen, 2001

<http://www.documentcloud.org/documents/527598-cbg-amendement-na1.html>

Décret N) D/2005/52/PGR/SGG portant modification du territoire initial et attribution d'un nouveau périmètre d'exploitation, 2005

<http://www.documentcloud.org/documents/527601-cbg-decret-2005.html>

### Binding international standards

ECOWAS directive on the harmonization of guiding principles and policies in the mining sector (Directive C/DIR3/05/09), ECOWAS, 2009

<http://documentation.ecowas.int/download/en/publications/Ecowas%20Directive%20and%20policies%20in%20the%20minning%20sector.pdf>

The Right to Adequate Housing, Office of the United Nations High Commissioner for Human Rights and the United Nations Human Settlements Programme (UN-Habitat), 2010

[http://www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf)

The Right to Adequate Food, Office of the United Nations High Commissioner for Human Rights and Food and Agriculture Organization of the United Nations (FAO), 2010

<http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf>

The Right to Water, Office of the United Nations High Commissioner for Human Rights and Food and Agriculture Organization of the United Nations (FAO) and World Health Organization (WHO), 2010

<http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>

ILO conventions, International Labour Organization (ILO)

<http://ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>

International Bill of Human Rights

<http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>

## **Non-binding international standards on environmental and social responsibility, and human rights**

Extractive Industries Transparency Initiative (EITI)

[https://eiti.org/files/English\\_EITI\\_STANDARD.pdf](https://eiti.org/files/English_EITI_STANDARD.pdf)

Kimberly Process, <http://www.kimberleyprocess.com/en>

Briefing paper on the Global Compact and human rights: Understanding sphere of influence and complicity, in The Global Compact Leaders Summit, undated, Embedding human rights into business practice: A joint publication of the United Nations Global Compact and the Office of the High Commissioner of Human Rights

The ten principles, United Nations Global Compact, 2000

<https://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>

IFC performance standards on environmental and social sustainability, International Finance Corporation, 2012

[http://www.ifc.org/wps/wcm/connect/c8f524004a73daeca09afdf998895a12/IFC\\_Performance\\_Standards.pdf?MOD=AJPERES](http://www.ifc.org/wps/wcm/connect/c8f524004a73daeca09afdf998895a12/IFC_Performance_Standards.pdf?MOD=AJPERES)

Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, United Nations Human Rights Office of the High Commissioner, 2011.

[http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN)

OECD guidelines for multinational enterprises, Organisation for Economic Co-operation and Development (OECD), 2011

<http://www.oecd.org/corporate/mne/48004323.pdf>

Tripartite declaration of principles concerning multinational enterprises and social policy, International Labour Organization (ILO), 2006

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_094386.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf)

Operational policies, World Bank

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20094697~menuPK:224055~pagePK:220503~piPK:220476~theSitePK:228717,00.html>

Draft principles and guidelines for the effective elimination of discrimination based on work and descent,

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/CRP/A-HRC-11-CRP3.pdf>

ABC of women workers’ rights and gender equality, International Labour

Organization (ILO) [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_087314.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_087314.pdf)

The Voluntary principles on security and human rights, US and UK governments and other stakeholders, 2001

[http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary\\_principles\\_english.pdf](http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary_principles_english.pdf)

### **Reference tools on human rights impact assessment**

Guide to Human Rights Impact Assessment and Management (HRIAM), International Finance Corporation (IFC) and International Business Leaders Forum, 2010

<http://www.ifc.org/wps/wcm/connect/8ecd35004c0cb230884bc9ec6f601fe4/hriam-guide-092011.pdf?MOD=AJPERES>.

Human Rights Translated: A Business Reference Guide, Monash University Castan Centre for Human Rights Law, International Business Leaders Forum, United Nations Human Rights Office of the High Commissioner for Human Rights, United Nations Global Compact, 2008.

[https://www.unglobalcompact.org/docs/news\\_events/8.1/human\\_rights\\_translated.pdf](https://www.unglobalcompact.org/docs/news_events/8.1/human_rights_translated.pdf)

Human rights in the mining & metals industry: Handling and resolving local level concerns & grievances, International Council on Mining & Metals (ICMM), 2009.

<http://www.icmm.com/document/691>

HRCA Quick Check, Danish Institute for Human Rights, 2006.

[https://hrca2.humanrightsbusiness.org/docs/file/HRCA%20Quick%20Check\\_English.pdf](https://hrca2.humanrightsbusiness.org/docs/file/HRCA%20Quick%20Check_English.pdf)

### **Reports by government agencies and international organizations on the human rights situation in Guinea**

[Doing Business – Guinea](#), World Bank (2014).

[Investment Climate Statement – Guinea](#). U.S. Department of State, 2013.

[Corruption perception index – Guinea](#), Transparency International, 2014.

[Human Development Report – Guinea](#), UNDP, 2013.

[Country Reports on Human Rights Practices – Guinea](#), U.S. Department of State, 2013.

[At a glance: Guinea](#), UNICEF

World Report 2014: Guinea, Human Rights Watch.

<http://www.hrw.org/world-report/2014/country-chapters/guinea>

Guinean 2013 Human Rights Report, U.S. Department of State, 2013

<http://www.state.gov/documents/organization/220332.pdf>

Dying for change: Brutality and repression by Guinean security forces in response to a nationwide strike, Human Rights Watch, 2007,  
[http://www.hrw.org/sites/default/files/reports/guinea0407webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/guinea0407webwcover_0.pdf)

### Other

Chronologie de la Guinée (1952–2010), Catherine Gouëset, 2010  
[http://www.lexpress.fr/actualite/monde/afrique/chronologie-de-la-guinee-1952-2010\\_836207.html](http://www.lexpress.fr/actualite/monde/afrique/chronologie-de-la-guinee-1952-2010_836207.html)

## 8.10 Notes

---

<sup>1</sup> Guide to Human Rights Impact Assessment and Management (HRIAM), International Finance Corporation (IFC) and International Business Leaders Forum, 2010  
<http://www.ifc.org/wps/wcm/connect/8ecd35004c0cb230884bc9ec6f601fe4/hriam-guide-092011.pdf?MOD=AJPERES>.

<sup>2</sup> Guide to Human Rights Impact Assessment and Management (HRIAM), International Finance Corporation (IFC) and International Business Leaders Forum, 2010  
<http://www.ifc.org/wps/wcm/connect/8ecd35004c0cb230884bc9ec6f601fe4/hriam-guide-092011.pdf?MOD=AJPERES>.

<sup>3</sup> The International Bill of Human Rights,  
<http://www.ohchr.org/Documents/Publications/FactSheet2Rev.en.pdf>

<sup>4</sup> This right will be addressed with the right to an adequate standard of living.

<sup>5</sup> The right to freedom of opinion and expression will be addressed with the right to freedom of assembly.

<sup>6</sup> The right to freedom of information will be addressed with the right to freedom of movement.

<sup>7</sup> This right will be addressed with the right to form and join trade unions.

<sup>8</sup> This right will be addressed with the right to work.

<sup>9</sup> This right will be addressed with the right of the child to protection.

<sup>10</sup> Directive C/DIR/05/09 on Harmonization of Guiding Principles and Policies in the Mining Sector in West Africa , ECOWAS  
[http://www.comm.ecowas.int/sec/fr/directives/ECOWAS\\_Mining\\_Directives.pdf](http://www.comm.ecowas.int/sec/fr/directives/ECOWAS_Mining_Directives.pdf)

<sup>11</sup> Extractive Industries Transparency Initiative (EITI),  
[https://eiti.org/files/English\\_EITI\\_STANDARD.pdf](https://eiti.org/files/English_EITI_STANDARD.pdf)

<sup>12</sup> Kimberly Process, <http://www.kimberleyprocess.com/en>

---

<sup>13</sup> Section 151 of the Constitution of May 7, 2010

<sup>14</sup> Mining convention between CBG and the Guinean State, 1963  
<http://www.documentcloud.org/documents/527599-cbg-convention.html>

<sup>15</sup> Amendment to the mining convention between CBG and the Guinean State, 2001  
<http://www.documentcloud.org/documents/527598-cbg-amendement-na1.html>

<sup>16</sup> Décret N) D/2005/52/PGR/SGG portant modification du territoire initial et attribution d'un nouveau périmètre d'exploitation, 2005  
<http://www.documentcloud.org/documents/527601-cbg-decret-2005.html>

<sup>17</sup> "A company is complicit in human rights abuses if it authorises, tolerates, or knowingly ignores human rights abuses committed by an entity associated with it, or if the company knowingly provides practical assistance or encouragement that has a substantial effect on the perpetration of human rights abuse. The participation of the company need not actually cause the abuse. Rather the company's assistance or encouragement has to be to a degree that, without such participation, the abuses most probably would not have occurred to the same extent or in the same way.", Briefing Paper on the Global Compact and Human Rights: Understanding Sphere of Influence and Complicity, in The Global Compact Leaders Summit, undated, Embedding Human Rights Into Business Practice: A Joint Publication of the United Nations Global Compact and the Office of the High Commissioner of Human Rights, p.19.

<sup>18</sup> Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, United Nations Human Rights Office of the High Commissioner, 2011.  
[http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN)

<sup>19</sup> The ten principles, United Nations Global Compact, 2000  
<https://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>

<sup>20</sup> IFC performance standards on environmental and social sustainability, International Finance Corporation, 2012  
[http://www.ifc.org/wps/wcm/connect/c8f524004a73daeca09afdf998895a12/IFC\\_Performance\\_Standards.pdf?MOD=AJPERES](http://www.ifc.org/wps/wcm/connect/c8f524004a73daeca09afdf998895a12/IFC_Performance_Standards.pdf?MOD=AJPERES)

<sup>21</sup> OECD guidelines for multinational enterprises, Organisation for Economic Co-operation and Development (OECD), 2011  
<http://www.oecd.org/corporate/mne/48004323.pdf>

<sup>22</sup> Tripartite declaration of principles concerning multinational enterprises and social policy, International Labour Organization (ILO), 2006  
[http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_094386.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf)

<sup>23</sup> *Operational policies*, World Bank  
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20094697~menuPK:224055~pagePK:220503~piPK:220476~theSitePK:228717,00.html>

---

<sup>24</sup> The Voluntary Principles on Security and Human Rights, US and UK governments and other stakeholders, 2001

[http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary\\_principles\\_english.pdf](http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary_principles_english.pdf)

<sup>25</sup> [http://www.lexpress.fr/actualite/monde/afrique/chronologie-de-la-guinee-1952-2010\\_836207.html](http://www.lexpress.fr/actualite/monde/afrique/chronologie-de-la-guinee-1952-2010_836207.html)

<sup>26</sup> Doing Business – Guinea, World Bank (2014).

<sup>27</sup> *Idem.*

<sup>28</sup> U.S. Department of State (2013). Investment Climate Statement – Guinea.

<sup>29</sup> Corruption perception index – Guinea, Transparency International (2014).

<sup>30</sup> Doing Business – Guinea, World Bank (2014).

<sup>31</sup> Human Development Report – Guinea, UNDP (2013).

<sup>32</sup> Country Reports on Human Rights Practices – Guinea , U.S. Department of State (2013).

<sup>33</sup> At a glance: Guinea. UNICEF

<sup>34</sup> Human rights translated: A business reference guide, Monash University Castan Centre for Human Rights Law, International Business Leaders Forum, United Nations Human Rights Office of the High Commissioner for Human Rights, United Nations Global Compact, 2008. See

[https://www.unglobalcompact.org/docs/news\\_events/8.1/human\\_rights\\_translated.pdf](https://www.unglobalcompact.org/docs/news_events/8.1/human_rights_translated.pdf)

<sup>35</sup> Section 329 (pimping) to 321 (incitement of minors to debauchery) of Guinea’s criminal code.

<sup>36</sup> Section 337 (human trafficking) to 339 (human debt bondage) of Guinea’s criminal code.

<sup>37</sup> Draft principles and guidelines for the effective elimination of discrimination based on work and descent,

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/CRP/A-HRC-11-CRP3.pdf>

<sup>38</sup> ABC of women workers’ rights and gender equality, International Labour Organization (ILO)

[http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_087314.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_087314.pdf)

<sup>39</sup> [http://www.ohchr.org/Documents/Issues/Housing/Guidelines\\_en.pdf](http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)

<sup>40</sup> The right to self-determination and right to participation form the basis of the concept of free, prior and informed consent. Originally intended to protect the rights of indigenous peoples, the principle of free, prior and informed consent is now increasingly considered as a key factor in protecting the rights of all host communities. It is a collectively held right that cannot be exercised by individuals. For further information on this right, see Community relocation on the UN Global Compact site “Human Rights and Business Dilemmas Form”

---

[http://human-rights.unglobalcompact.org/dilemmas/community-relocation/#.UzTbWRx\\_7w4](http://human-rights.unglobalcompact.org/dilemmas/community-relocation/#.UzTbWRx_7w4)

<sup>41</sup> See World Report 2014 on Guinea put out by the NGO Human Rights Watch, <http://www.hrw.org/world-report/2014/country-chapters/guinea>

<sup>42</sup> Guinean 2013 Human Rights Report, U.S. Department of State, 2013  
<http://www.state.gov/documents/organization/220332.pdf>

<sup>43</sup> Dying for change: Brutality and repression by Guinean security forces in response to a nationwide strike, Human Rights Watch, 2007,  
[http://www.hrw.org/sites/default/files/reports/guinea0407webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/guinea0407webwcover_0.pdf)

<sup>44</sup> The Right to Adequate Housing, Office of the United Nations High Commissioner for Human Rights and the United Nations Human Settlements Programme (UN-Habitat), 2010  
[http://www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf)

<sup>45</sup> The Right to Adequate Food, Office of the United Nations High Commissioner for Human Rights and Food and Agriculture Organization of the United Nations (FAO), 2010  
<http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf>

<sup>46</sup> The Right to Water, Office of the United Nations High Commissioner for Human Rights and Food and Agriculture Organization of the United Nations (FAO) and World Health Organization (WHO), 2010  
<http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>

<sup>47</sup>  
[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312453](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312453)

<sup>48</sup> Basic principles and guidelines on development-based evictions and displacement, UN Special Rapporteur on Adequate Housing  
[http://www.ohchr.org/Documents/Issues/Housing/Guidelines\\_en.pdf](http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)

<sup>49</sup> The right to self-determination and right to participation form the basis of the concept of free, prior and informed consent. Originally intended to protect the rights of indigenous peoples, the principle of free, prior and informed consent is now increasingly considered as a key factor in protecting the rights of all host communities. It is a collectively held right that cannot be exercised by individuals. For further information on this right, see Community relocation on the UN Global Compact site "Human Rights and Business Dilemmas Form"  
[http://human-rights.unglobalcompact.org/dilemmas/community-relocation/#.UzTbWRx\\_7w4](http://human-rights.unglobalcompact.org/dilemmas/community-relocation/#.UzTbWRx_7w4)

<sup>50</sup> Guide to Human Rights Impact Assessment and Management (HRIAM), International Finance Corporation (IFC) and International Business Leaders Forum, 2010  
<http://www.ifc.org/wps/wcm/connect/8ecd35004c0cb230884bc9ec6f601fe4/hriam-guide-092011.pdf?MOD=AJPERES>.

---

<sup>51</sup> For more information on developing a grievance reporting and settlement mechanism, see Human rights in the mining & metals industry: Handling and resolving local level concerns & grievances, ICCM, 2009.

<http://www.icmm.com/document/691>

<sup>52</sup> For implementing key performance indicators, see HRCA Quick Check, Danish Institute for Human Rights, 2006.

[https://hrca2.humanrightsbusiness.org/docs/file/HRCA%20Quick%20Check\\_English.pdf](https://hrca2.humanrightsbusiness.org/docs/file/HRCA%20Quick%20Check_English.pdf)