

CHILDREN'S RIGHTS AND THE MINING SECTOR

UNICEF EXTRACTIVE PILOT



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INTRODUCTION

Objectives of the mining pilot

Following the release of the Children's Rights and Business Principles (the Principles) in 2012, UNICEF has worked to raise awareness of children and youth as key stakeholders of business and has engaged in activities to better understand how the Principles should be applied in different sectors.

In support of these goals in the mining sector, part of the UNICEF Extractive Pilot 2014 was designed to encourage and facilitate the integration of children's rights into companies' human rights due diligence processes. The project aimed to:

- Identify and analyse ways in which mining sector activity impacts upon children's rights.
- Understand how companies in the mining sector are managing their impacts on children.
- Develop UNICEF's expertise and experience to engage extractive companies on children's rights.
- Provide recommendations to the mining sector on the improved identification and management of their impacts on children's rights.
- Provide recommendations on how UNICEF can best and most strategically engage with the mining sector on the issues that affect children.

Expectations for companies operating in the mining sector

Human rights apply to all age groups, and children have the same fundamental human rights as adults. However, there are rights that only apply to children due to their unique needs and particular vulnerabilities. – UNICEF¹

The United Nations Guiding Principles on Business and Human Rights (UN Guiding Principles) describe the fundamental expectations for all companies as follows:

Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved. ... Because business enterprises can have an impact on virtually the entire spectrum of internationally recognized human rights, their responsibility to respect applies to all such rights. ...

Depending on circumstances, business enterprises may need to consider additional standards. For instance, enterprises should respect the human rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them. In this connection, United Nations instruments have elaborated further on the rights of indigenous peoples; women; national or ethnic, religious and linguistic minorities; children; persons with disabilities; and migrant workers and their families.²

The Children's Rights and Business Principles³ build on the UN Guiding Principles to articulate companies' responsibilities in regard to children's rights, including the guidance that all businesses should "meet their responsibility to respect children's rights and commit to supporting the human rights of children" (Principle 1) and "reinforce community and government efforts to protect and fulfil children's rights" (Principle 10). Annex I outlines how the Principles are of specific relevance to the mining sector.

¹ United Nations Children's Fund, 'Protecting Children's Rights', <www.unicef.org/crc/index_protecting.html>.

² United Nations Office of the High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, United Nations, New York and Geneva, 2011, pp. 13–14; available at <www.unglobalcompact.org/issues/human_rights/The_UN_SRSR_and_the_UN_Global_Compact.html>.

³ United Nations Children's Fund, United Nations Global Compact and Save the Children, 'Children's Rights and Business Principles', 2013, <www.childrenandbusiness.org>.

The expectation for companies to support children's rights requires them to undertake voluntary actions that may extend beyond the legally required actions, particularly in regard to social and community development projects that are targeted to reach children. In the mining sector, companies may be mandated to undertake such activities through agreements with the host government.

Initiatives that work with the mining sector on corporate social responsibility, sustainable development, best practices and standards include the International Council for Mines and Minerals (ICMM), the International Finance Corporation (IFC), the Equator Principles, Bettercoal, the Initiative for Responsible Mining Assurance, and the Voluntary Principles on Security and Human Rights.

Characteristics of the mining industry

This section provides an overview of mining activities undertaken during exploration, construction, operation and closure.

Exploration to find commercially viable mineral deposits can take 1–10 years. The majority of exploration sites do not progress to development because they fail to meet the discovery criteria needed for an operating permit.

At this stage, there are some local employment opportunities, such as digging trenches, but these are limited. Very few companies undertake social impact work at the start of this phase because budgets are very often linked to discovery. However, companies frequently undertake preliminary social risk analysis when the feasibility of a discovery is being assessed.

Construction begins once all permits and approvals have been attained. This can take one to five years and includes building roads, railways, ports, environmental management systems, employee housing, supply chain development, processing facilities and many other types of facilities. This is the most labour-intensive phase and often requires the recruitment of thousands of temporary labourers. During this phase, a company will usually initiate its environmental and social management plan.

The operational phase of the mine can last from 2–100 years, and mines often operate every day of the year, 24 hours a day. Operation involves the recovery of minerals, processing and transportation. Though mining processes vary greatly depending on what is being extracted, these activities are becoming increasingly mechanized, and the labour requirements are low. Social and environmental impact analysis is usually ongoing throughout this phase.

Most metals require substantial processing before they can be traded, which necessitates large-scale capital expenditure, expertise and infrastructure. For the later stages of mining ventures, companies may utilize debt finance, which in some cases involves meeting certain standards. Borrowing from the IFC, for example, requires companies to adhere to the IFC Performance Standards, which address environmental and social impacts associated with large-scale development projects. For governments that own mining operations, the high costs mean that they often need to develop joint venture partnerships with private companies to support the extraction process.

The closure of a mine typically takes two to five years. While land remediation is often undertaken on a rolling basis throughout the mine's life cycle, closure involves dismantling the facilities and returning the entire site to a safe, stable and reclaimed state.

Pilot scope and methodology

In 2014, UNICEF commissioned business consultancy twentyfifty to support the design and implementation of the children's rights and extractive sector pilot project. As part of this project, twentyfifty worked hand in hand with a number of international large-scale mining companies to develop an approach to integrate a children's rights lens into ongoing social and human rights due diligence.

The pilot project was conducted in two phases: design and recruitment, September–December 2013; and roll-out, January–August 2014. Beginning with the project design, twentyfifty consulted with a broad range of stakeholders, including representatives of mining companies, civil society, industry associations and UNICEF staff.

Direct engagement with mining companies indicated significant interest in and support of the process. Through bilateral conversations with a selection of mining companies, twentyfifty was able to start shaping the agenda to be pursued with each participant and move conversations beyond child labour towards a broader understanding of how mining activities can impact children.

Most mining companies recognize children as vulnerable stakeholders and some have overt policy commitments for managing impacts on these stakeholders. But there is very little institutional knowledge on how to define vulnerability for children living in close proximity to industrial mining. Articulating this as a gap in social risk management practices encouraged companies to communicate with and participate in the pilot.

Following the initial consultations, the pilot process aimed to recruit mining companies to work in close partnership around a live due diligence process being undertaken in 2014 at a large-scale mine site, either in Latin America or Africa. As shown in the table below, six companies agreed to participate.

Companies that participated in the mining pilot

Company	Target country	Due diligence exercise
Correjo Coal	Colombia	<ul style="list-style-type: none"> - Integration of child rights perspective into human rights impact assessment template - Review of resettlement process - Review of progress in implementing the UN Guiding Principles
MMG Limited	Democratic Republic of the Congo	<ul style="list-style-type: none"> - Review of progress in implementing the UN Guiding Principles - Development of recommendations around integrating a child rights perspective
Anglo American	Brazil	<ul style="list-style-type: none"> - Review of pre-feasibility study and development of recommendations around integrating a child right's perspective into feasibility studies
Ambatovy/ Sherritt	Madagascar	<ul style="list-style-type: none"> - Review of historic resettlement process - Development of recommendations around integration of child rights perspective
Barrick Gold	Peru	<ul style="list-style-type: none"> - Review of human rights impact assessment process to integrate a child rights perspective
AngloGold Ashanti	United Republic of Tanzania	<ul style="list-style-type: none"> - Did not participate in the due diligence part of the pilot

For each company, twentyfifty conducted an initial phone conversation to agree on participation and identify a due diligence exercise; a phone interview to determine the extent to which the company had implemented the Guiding Principles or other forms of social risk management processes; and follow-up calls as needed. One site visit was conducted, to Correjo Coal, in Colombia.

After each company shared data with twentyfifty on its specific due diligence exercise, a feedback report on how to integrate a children's rights perspective was presented and discussed with each company. In addition, case studies were developed around learning from each due diligence exercise.

Under the terms of this project, companies agreed to share impact data with twentyfifty, confidentially if necessary, but company-specific data were condensed and desensitized into a set of findings and recommendations. The final report submitted to UNICEF included key findings, good practices, methodologies, tools, recommendations and case studies illustrating how companies can integrate children's rights into their social and human rights due diligence. This report was developed with the support and participation of companies actively operational in the mining sector.

The UNICEF Extractive Pilot report, Children's Rights and the Mining Sector, presents a summary of the twentyfifty final report. It is important to note that the information it contains on impacts, other findings and recommendations is in no way a sole reflection of a company's engagement in the pilot project or necessarily a reflection of a specific company's experience. Rather, this engagement complemented broad-based research and the extrapolation of data from existing knowledge on impact identification within the mining sector.

CHILDREN'S RIGHTS AND THE MINING SECTOR

Understanding children as stakeholders

Children are a unique stakeholder group within society. While human rights apply to all age groups, and children have the same fundamental human rights as adults, there are rights that specifically apply to children due to their particular needs and vulnerabilities.

These rights are enshrined in the Convention on the Rights of the Child, which spells out every child's right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The Convention elaborates the human rights of children, recognizing the interdependence of their civil, political, economic, social and cultural rights. It also recognizes that children may need particular accommodations or protection in order to fully enjoy these rights.

Children are more vulnerable to the impacts of large-scale mining than adults, particularly from birth through age 5, when they experience formative physical development. Exposure to chemical waste, for example, may be more serious for a child than an adult and may have lifelong impacts. For a detailed child vulnerability matrix, see Annex II.

In the context of children living in close proximity to mining operations, concerns include:

- Secure livelihoods and the ability to benefit from inheritance
- Access to education and health services
- Protection from sexual and economic exploitation
- Protection from exposure to harmful waste materials
- Safe living environment.

Companies often encounter challenges in understanding how children could be impacted directly, rather than only as a result of mining's impacts on the broader family or community unit – therefore failing to consider children as a group distinct from adults. The fact that parents, and then the national government, hold ultimate responsibility for children's protection and well-being creates an additional challenge for a company in identifying where its responsibility lies for managing this differentiated level of impact.

The pilot project analysis seeks to support large-scale mining companies in respecting children's rights by delineating corporate impacts and responsibilities, and developing and managing appropriate impact mitigation plans.

Potential adverse impacts of mining activity on children's rights

Research indicates that large-scale mining can have impacts on children throughout the life cycle of a mine. For a matrix that details potential impacts on children as a result of mining activity, cross-referenced with the human and child right that is impacted, see Annex III.

This section outlines potential direct and indirect adverse impacts of mining activity in seven areas: (1) conflict; (2) land access, use and acquisition; (3) in-migration; (4) environment; (5) employment; (6) safety and security; and (7) artisanal mining.

Impact area 1:

Conflict

Direct impacts on children

- Recruitment by armed groups
- Separation from families
- Death / injury
- Loss of access to school

Impacts on parents and others, with a resulting impact on children

- Family displaced

According to the European Commission, “Children are among the most vulnerable victims of conflict. Conflict affects children in multiple ways: boys and girls can be recruited by armed groups, separated from their families and forcibly displaced, and they can get injured and even killed. Also, often children cannot go to school during and in the immediate aftermath of conflicts.”⁴ In addition, child-headed households are more common in conflict and post-conflict areas.

Mining activity can lead to conflict by exacerbating existing tensions over access to economic opportunities and natural resources, particularly land and water. The Business & Human Rights Resource Centre, for example, notes that diamonds are fuelling conflict in Angola, the Central African Republic and Zimbabwe.⁵

Mining activity can also escalate conflict through displacement, perceptions of inadequate or unequal compensation, migration, procurement and recruitment, and company conduct if not managed well. Because the number of local residents employed at a mining site are often low, competition over jobs has the potential to spark intra-community conflict. Such conflict can have indirect impacts on the child, both through social stigma and if the conflict causes injuries that keep a parent from providing for the child.

⁴ Humanitarian Aid and Civil Protection, 'Children in Conflict: ECHO Factsheet', European Commission, Brussels, 2014, p. 1; open PDF at http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/children_conflict_en.pdf.

⁵ Business & Human Rights Resource Centre, 'Business & Human Rights in Africa: Time for a responsibility revolution – A regional overview', September 2014, p. 9; available at <http://business-humanrights.org/en/africa-overview>.

Impact area 2:

Land access, use and acquisition

Direct impacts on children

- Loss of home, which can lead to psychological impacts, possible lack of compensation for child-headed households, and loss of access to family
- Loss of subsistence / livelihoods, leading to financial insecurity and possibly malnutrition
- Loss of child livelihoods and inheritance
- Loss of social infrastructure and access to education

Impacts on parents and others, with a resulting impact on children

- Loss of land, land title and livelihoods, causing financial and food insecurity for the family
- Disintegration of the family unit
- Disproportionate impact on women

Construction and land use / acquisition is vital for mining activity, as it is for all industrial development. If not managed well, however, it can create significant socio-economic impacts to which children may be most vulnerable. At the exploration phase, this could include temporary land acquisition for drilling, leading to the loss of agricultural crops. At the construction phase, it could include permanent land acquisition, leading to the loss of livelihoods and homes, and reduced access to social infrastructure such as health-care facilities and schools.

Mining is often seen as a development that is in the best interest of the whole country. If particular communities are unwilling to sell their homes or land to allow for such development, governments are able to invoke the power of eminent domain, otherwise known as 'compulsory purchase'. The severity of the resulting impacts depends on the ability and willingness of companies to adhere to international best practices for involuntary land acquisition, for example, in following IFC Performance Standard 5 on Land Acquisition on Involuntary Resettlement.

Loss of the home: Land acquisition can affect community members whose homes are located either within the mine's footprint or buffer zone. Not only could this lead to the loss of a child's home, displacement and relocation can cause fundamental changes in changes in family structures and social dynamics, and may make it harder for the family to support itself.

Children who head households (and their dependants) are extremely vulnerable to the risk of physical displacement, particularly because they are not considered to be 'legal wards' and are not entitled to separate compensation.⁶ There is a significant risk that children in charge of households will be vulnerable to competing interests within the family or broader community.

Land is often passed from generation to generation. However, members of a displaced or resettled community may have had no formal or customary land title recognized under law, and may find themselves permanently displaced. This could interrupt inheritance patterns for children, as compensation for the loss of land is often provided to a single generation, and cash compensation is highly unlikely to be passed to future generations.

⁶ World Bank, *Involuntary Resettlement Sourcebook: Planning and implementation in development projects*, Washington, D.C., 2004, p. 83; open PDF at http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2004/10/04/000012009_20041004165645/Rendered/PDF/301180v110PAPE1ettlement0sourcebook.pdf.

Disruption of subsistence farming and livelihoods: Temporary or permanent loss of land can lead to the loss of access to subsistence or household farming, livelihoods and income streams for communities and families, and cause temporary or longer-term food insecurity. This is of particular concern for very young children who are at risk of malnutrition, particularly if they are unable to access food rich in the vitamins and minerals that are vital for immunity to infectious disease.

In developing countries, children are often engaged in some form of subsistence livelihoods that contribute to food security for the whole family; this could include pastoralism, fishing, foraging and gathering. The loss of a child's contribution through these sources could lead to alternative, and in the worst case, more dangerous forms of livelihoods such as artisanal mining or prostitution.

Under international best practice, replacement land should be of the same size, quality and yield as the land that has been appropriated. In cases where such land is not available, impacted stakeholders are often offered cash compensation supported by alternative livelihood programmes. Cash compensation, however, may not be invested in long-term financial security – leading to increased financial and social insecurity of the whole family unit, particularly the most vulnerable, including children. The loss of income will reduce the ability for families to pay for services such as school fees, inhibiting access to education for children.

Changes in livelihoods can have a significant impact on family cohesion. If access to agricultural land is lost, men may seek work in urban areas, leaving their families to generate income but possibly leading to separation or divorce.

Women may be disproportionately affected by land acquisition due to local laws/customs that do not acknowledge the right to own or register land, assets or enterprises. When customs do recognize this right, women's position in society may be undermined when customary use is replaced by a legal property title. Women who are widowed or divorced, for example, may lose their independent status as head of the family when they live with fathers or other extended family members⁷.

⁷ Ibid., pp. 48, 78.

Impact area 3:

In-migration

Direct impacts on children

- Separation of children from parents
- Pressure on basic infrastructure, inhibiting access to services such as health care and education
- Increased sexual exploitation and child pregnancy, spread of communicable diseases, and drug and alcohol abuse

Impacts on parents and others, with a resulting impact on children

- Inflation increasing the cost of living
- Increase in labour supply against demand
- Increase in single-parent, female-headed households

In-migration includes those who are looking for work or come to work with contractors and others providing services to the mining industry, as well as those who are directly employed by a mining corporation. The in-migration of labourers can significantly change the demographics within a local area. The sudden and potentially dramatic increase in population will increase pressure on basic services and social infrastructure such as housing, schools, water and sanitation, and health clinics, making it harder for children to access these services.

Labourers may bring their families with them or leave them behind, and the impacts of in-migration will be felt in the labour-sending areas as well as within the host communities. Children from labour-sending areas face prolonged or in some cases permanent parental absences as their father, mother or other caregivers migrate in search of work. Other possible impacts on children are detailed below.

Economic impacts: In-migration increases demand for goods and services, often resulting in inflation, which can render an area increasingly unaffordable for many of its citizens, leading to increases in poverty. The increased cost of food that results from inflation is often exacerbated by land access impacts on productivity and supply. The cost of housing may also increase forcing many families to leave the area completely.

In-migration, particularly during construction, will increase the size of the available workforce in the area and increase competition for employment. This could also jeopardize the financial security of some families and make it harder to meet children's basic needs.

Sexual exploitation: In-migration increases the exposure of children to the risk of sexual exploitation and violence and the rate of child pregnancy. The sexual exploitation of children can continue throughout the lifespan of the project, and may be compounded if the mining company transports materials by truck, leading to an increase in children being exploited in prostitution along transport routes as well as at the mine sites. Although mining companies do not directly cause this, it is possible that employees of the mining companies may support this practice. Sexual exploitation of children can expose children to the risks of contracting sexually transmitted diseases, including AIDS.

Rapid increases in population, the resulting overcrowding of housing, and overstretched sanitation and health-care facilities combined with an increase in sexual activity can dramatically increase the spread of communicable disease, while access to treatment is reduced, with particularly negative impacts on children's health.

Collapse of social norms: Another consequence of in-migration is the potential increase in social pathologies such as alcoholism, drug use and crime. If family members become addicted to drugs or alcohol they will be less able to care for their children, while increasing the possibility of their children becoming addicts. These pathologies can lead to an increase in delinquency, violence and, in extreme cases, homicides.

The prevalence of these social pathologies may decrease at the end of the construction phase. However, their negative legacy remains in some cases, such as women and girls who continue to work as sex workers after construction has finished.

In-migration can also lead to an increase in consensual relationships between community women and male migrant labourers. Once the construction phase is over, however, many workers will leave for the next project, resulting in an increase in single-parent, female headed households.

Impact area 4:

Environment

Direct impacts on children

- Children are particularly vulnerable to the impact of exposure to harmful chemicals
- Water shortages can affect health and development, and can affect access to education when the time needed to reach drinking-water supplies is increased
- Air pollution increases respiratory problems

Impacts on parents and others, with a resulting impact on children

- Loss of livelihoods as a result of environmental pollution

Localized environmental impacts of mining can include dust, erosion, adverse effects on ecology and biodiversity, and the contamination of soil, ground and surface water by chemicals from the mining process, including cyanide, arsenic, sulphuric acid, mercury and heavy metals.

These localized environmental impacts have the potential to cause a variety of diseases in children including respiratory, skin and eye diseases. Children are more vulnerable to the localized environmental impacts of mining activity than adults – particularly water, air and soil pollution – due to their progressive and incomplete physical development; the fact that they spend more time playing than adults and hand-to-mouth behaviour that makes children more likely to ingest pollutants; and their varying stages of mental development, for example, inability to read hazard and warning signs.

Some types of mining and mining processes, for example, cooling and lubricating cutting equipment, necessitate large amounts of water. This could deprive communities of access to safe drinking water, impacting children's health and development. Shortages may necessitate longer walks to water sources, often undertaken by children and women. If women need to walk further to access drinking water, accompanying children may miss a greater proportion of the school day, and children who are tasked with fetching water may lose time for their education.

Air pollution includes dust caused by increased traffic, particularly during the dry season. This can cause and exacerbate respiratory conditions in children and those caring for children. In addition, environmental contamination of land close to the mine site could inhibit crops, negatively impacting subsistence farming and leading to loss of livelihoods – both of which can increase malnutrition.

Impact area 5:

Employment

Direct impacts on children

- Use of child labour in construction
- Inappropriate working conditions for young workers
- Job opportunities dissuade the youth from completing their education

Impacts on parents and others, with a resulting impact on the child

- Parents' working conditions inhibit their ability to care for their children physically, financially or socially
- Intra-employee conflict
- Staff behaviour in the community

Because large-scale mining operations do not directly hire children, the greatest risk of child labour in the sector is within the supply chain. This risk is heightened during construction, when a company maintains relationships with a large number of contractors and suppliers.

The required temporary labour force is often much larger than that employed during operations, and companies will frequently use contractors and labour brokers to meet these requirements. This heightens the risk of child labour and companies need to remain vigilant during this phase. The use of child labour in this way is not documented to any great degree, but it does indicate that a company should implement appropriate oversight regarding third-party contracts.

In some cases, spouses and children accompany men who have migrated into the area seeking work. As a result, children might play or work on construction sites, posing significant health risks to the child. Regarding direct employment, potential impacts include the following.

Youth workers. To alleviate unemployment among young people, some mining companies are required to take apprentices under domestic law; in this case, it is important that companies ensure that working conditions are appropriate to youth's particular needs. Also, the increased availability of job opportunities or apprenticeship schemes could mean that young workers no longer attend school or college.

Workers who are parents or caregivers: Because the mining sector is traditionally male-dominated, discrimination against women could be more pervasive in this sector than in some others. During both recruitment and employment, women may be discriminated against as a result of pregnancy or the fact that they have reached childbearing age.

Women who are pregnant or breastfeeding may be exposed to materials and activities that are hazardous to their reproductive health or that of their child. In extreme situations, for both women and men, dangerous working conditions may lead to injury or death, and employment benefits may not be available to single-parent families.

The terms of employment may require long hours, possibly more than 60 hours a week, leaving parents little time with their children. On the arrival of a newborn or adopted infant, women may not be given the minimum 14 weeks maternity leave advised by International Labour Organization Convention 183. Difficulties for children will be compounded when a company does not provide its employees with a living wage in the area of operation, and housing provided for employees and their families does not meet adequate standards.

Impact area 6:

Safety and security

Direct impacts on children

- Injury or death from clashes with public and private security
- Use of security personnel with history of child abuse
- Injury and poor treatment during arrest and detention by private and public security
- Injury from trespassing onto the mine site
- Loss of life or injury in transport accidents

Impacts on parents and others, with a resulting impact on children

- Injury or death from clashes with public and private security
- Loss of livelihood from accidents involving livestock
- Arrest and detention of parents as a result of trespassing
- Loss of life or injury in transport accidents

Transport-related accidents: As traffic increases on the roads, particularly during construction, there is an increased likelihood that children will be injured or killed in accidents. This impact is in part a result of an inability to read warning signs, but it is also a product of poor internal company awareness raising on speed restrictions and community safety.

If the mine builds a train line to transport goods to and from the mine site, this increases the risk of children being hit by a passing train. Though fencing the train line could inhibit the community's freedom of movement, the absence of such a fence can increase the number of children and animals affected.

Use of private and public security. Adverse impacts on children could occur through the recruitment and use of both public and private security guards. Mining companies usually hire private security companies to guard their perimeter and facilities, but they often also sign memoranda of understanding with public security forces such as the police or army to respond in emergency situations.

Lack of or insufficient screening of security guards could create a risk that personnel may be recruited with a history of child abuse or violence against children. In some cases, association with public security forces creates significantly greater risk for international companies than association with private security forces.

Some companies have experienced children trespassing onto mining sites to steal material for extraction of minerals. Most mining companies have policies that guide the procedures for private security forces in regard to detaining children and prohibit the use of violence against children. These policies should also carefully consider whether and how children should be transferred to public authorities for arrest, particularly in contexts that may lead to their mistreatment in government detention facilities

Impact area 7:

Artisanal mining

Direct impacts on children

- Use of forced child labour in ASM sites
- Health and safety risks
- Increase in sexual exploitation and violence
- Increase in communicable disease
- Loss of access to education
- Recruitment into armed militias controlling ASM sites
- Loss of livelihoods as a result of land use for large-scale mining

Impacts on parents and others, with a resulting impact on children

- Health and safety risks
- Increase in communicable disease

Although the pilot project focused on large-scale mining, artisanal and small-scale mining, or ASM, often occurs in close proximity to large-scale mining – including in abandoned mining areas, tailings dams, and downstream areas that are still owned by large-scale mines but not operational.⁸ As a result, there are critical points of intersection.

ASM activities involve the use of basic methods and processes to extract minerals on a small but in many cases formalized scale. This form of subsistence mining provides a direct or indirect livelihood for approximately 100 million people in the developing world.⁹ Worldwide, 1 million children aged 5–17 are estimated to be engaged in ASM and quarrying activities, working in dangerous conditions, with no access to basic necessities, schools or health clinics.¹⁰

ASM poses critical risks to children, including:

- Potential use of forced child labour, or loss of education when children need to contribute to the family income. This is particularly true when children are supporting widowed mothers.
- Significant health and safety risks, including increases in communicable disease.
- Increased risk of sexual exploitation and violence towards children, including forced marriage, rape and prostitution.
- Links to armed militant groups, particularly in conflict zones, increasing the risk that children are recruited into militias.

Industrial mining competes with and in many cases gains access to land that the community depends on for artisanal mining. The resulting changes in social conditions can include conflict between ASM, host communities and large-scale mining companies¹¹. In some cases, artisanal miners trespass onto large-scale sites to steal unprocessed ore. There have also been cases when large-scale companies purchase minerals from ASM sites.

8 Communities and Small-Scale Mining, IFC CommDev, and International Council on Mining and Metals, *Working Together: How large-scale mining can engage with artisanal and small scale miners*, 2009, p. 7; available at www.icmm.com/page/84136/our-work/projects/articles/artisanal-and-small-scale-mining.

9 Ibid., p. 1.

10 International Labour Organization, 'The Burden of Gold: Child labour in small-scale mines and quarries', *World of Work*, no. 54, August 2005, pp. 16–20; available at http://ilo.org/global/publications/magazines-and-journals/world-of-work-magazine/articles/WCMS_081364/lang--en/index.htm.

11 Communities and Small-Scale Mining, IFC CommDev and International Council on Mining and Metals, *Working Together*, 2009, p. 2.

3. COMPANIES' CURRENT MANAGEMENT OF ADVERSE IMPACTS

International best practices on social due diligence

To understand how companies are managing their impacts on children, it is important to first understand how the management of impacts on children is articulated within international best practice standards. Although children are articulated as vulnerable stakeholders within best practice social risk management and the United Nations Guiding Principles, the emphasis within the IFC Performance Standards on Environmental and Social Sustainability is on managing child labour risks.

Greater emphasis is now needed to identify the full range of children's vulnerabilities and what this vulnerability means in light of the mining industry's impacts. Companies in the mining sector almost uniformly agree that children are vulnerable stakeholders within the community. But they also work on the premise that children are embedded within the family and the household, rather than a distinct stakeholder group.

The IFC Performance Standards have become the de facto best practice standard for the management of environmental and social risk in the mining sector. Compliance is required for IFC clients seeking project funding, and even many companies that do not receive IFC financing adhere to the standards and use them to benchmark progress.

Performance Standard 1, on assessment and management of environmental and social risks and impacts, includes the following:

Business should respect human rights, which means to avoid infringing on the human rights of others and address adverse human rights impacts business may cause or contribute to. Each of the Performance Standards has elements related to human rights dimensions that a project may face in the course of its operations. Due diligence against these Performance Standards will enable the client to address many relevant human rights issues in its project.¹²

However, throughout the Performance Standards and supplementary guidance notes, the majority of references made to the child are in the context of child labour.

Guidance for assessing and managing human rights impacts

The United Nations Guiding Principles, unanimously endorsed by the Human Rights Council in 2011, created clear delineation between the state duty to protect human rights and the corporate responsibility to respect human rights. Commentary in the Guiding Principles notes: "While processes for assessing human rights impacts can be incorporated within other processes such as risk assessments or environmental and social impact assessments, they should include all internationally recognized human rights as a reference point, since enterprises may potentially impact virtually any of these rights."¹³

The Guiding Principles outline how companies can meet their responsibility to respect human rights through policy commitments, due diligence processes to identify, prevent, mitigate and account for how they address company impacts on human rights, and remediation processes to any adverse human rights impacts they cause or to which they contribute.¹⁴

¹² International Finance Corporation, 'Performance Standards on Environmental and Social Sustainability', IFC, 1 January 2012, p. 1; open PDF at www.ifc.org/wps/wcm/connect/115482804a0255db96fbffd1a5d13d27/PS_English_2012_Full-Documents.pdf?MOD=AJPERES.

¹³ United Nations Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, United Nations, New York and Geneva, 2011, p. 21; available at www.unglobalcompact.org/issues/human_rights/The_UN_SRSRSG_and_the_UN_Global_Compact.html.

¹⁴ Ibid., p. 16.

In regard to children's rights, broad considerations for business can be found in General Comment No. 16, released by the Committee on the Rights of the Child in 2013. Although the scope of this comment focuses on government responsibilities, it recognizes that:

Duties and responsibilities to respect the rights of children extend in practice beyond the State and State-controlled services and institutions and apply to private actors and business enterprises. Therefore, all businesses must meet their responsibilities regarding children's rights and States must ensure they do so. In addition, business enterprises should not undermine the States' ability to meet their obligations towards children under the Convention. ... The Committee acknowledges that voluntary actions of corporate responsibility by business enterprises, such as social investments, advocacy and public policy engagement, voluntary codes of conduct, philanthropy and other collective actions, can advance children's rights. States should encourage such voluntary actions and initiatives as a means to create a business culture which respects and supports children's rights.¹⁵

For the mining sector, international best practice guidance on managing human rights impacts includes:

- ICMM – Human Rights in the Mining & Metals Industry: Overview, management approach and issues, available at www.icmm.com/page/14809/human-rights-in-the-mining-and-metals-industry-overview-management-approach-and-issues and Integrating Human Rights Due Diligence into Corporate Risk Management Processes, available at www.icmm.com/page/75929/integrating-human-rights-due-diligence-into-corporate-risk-management-processes
- IFC – Guide to Human Rights Impact Assessment and Management, an interactive online platform that can be accessed at www.ifc.org/wps/wcm/connect/Topics_Ext_Content/IFC_External_Corporate_Site/Guide+to+Human+Rights+Impact+Assessment+and+Management/Guide+to+HRIAM/
- Danish Institute for Human Rights – Business and Human Rights, <http://humanrights.dk/business-human-rights>
- Organisation for Economic Co-operation and Development – Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, open PDF at www.oecd.org/daf/inv/corporateresponsibility/36885821.pdf
- Voluntary Principles on Security and Human Rights, www.voluntaryprinciples.org

Most of these resources identify children as vulnerable stakeholders, and many of them include provisions for managing specific impacts on children, including the use of child labour, loss of access to school, and increases in sexual exploitation. However, no specific guidance or publication is available that focuses solely on the management of impacts on children's rights in the mining sector.

UNICEF has published cross-sectoral tools on integrating children's rights into social due diligence, including: *Children Are Everyone's Business Workbook 2.0*, *Children's Rights in Policies and Codes of Conduct*, *Children's Rights in Impact Assessments*, *Children's Rights in Sustainability Reporting*, *Children's Rights in Remediation and Engaging Stakeholders on Children's Rights*.¹⁶

¹⁵ Committee on the Rights of the Child, 'General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights', United Nations, 17 April 2013, pp. 4–5; open PDF at www.refworld.org/docid/51ef9cd24.html.

¹⁶ The UNICEF tools for companies are available at www.unicef.org/csr/88.htm.

Policy commitment

Using publicly available information, the pilot project analysed the frequency and nature of references to children in stand-alone human rights policies for companies operating in the mining sector. This was complemented by a review of other social or sustainability policies and codes, including codes of conduct and business principles.

The research showed that the industry is moving towards taking on a human rights approach prompted by the UN Guiding Principles. In the past, sustainability policies and codes of conduct have not routinely identified children as a separate stakeholder group, with the exception of commitments to abolish child labour. In more recent practice, where companies have a specific human rights policy in place, children are generally subsumed in commitments made to 'vulnerable stakeholders'; however, children are rarely actually listed as one of these stakeholders.

The study did not find examples of specific and stand-alone children's rights policies that go beyond a strict focus on child labour. In this regard, children are being defined by the impact that child labour could have on them – rather than an understanding that they are innately more vulnerable to the impacts of mining than other stakeholders. The indications are that the industry does not recognize the need for separate child rights policies. When companies have a human rights policy in place children are normally subsumed in articulated commitments to 'vulnerable stakeholders'. Ensuring that children are included in the company's definition of 'vulnerable' is therefore an important opportunity and crucial in ensuring that a company actively commits to identifying and managing its impacts on children.

Impact assessments

Mining companies usually undertake some type of social and/or human rights impact assessment to identify and manage operational impacts on affected stakeholders. Assessments can take the form of a one-time analysis undertaken at the start of a new project in line with requirements for obtaining permits. There may also be ongoing social and human rights impact assessments undertaken every two to three years, allowing a company to understand the fluctuating impacts of operations on a community.

Social baseline/community profiling: Most assessments start with social baseline surveys, which profile the socio-economic conditions of an area and identify all potentially impacted stakeholders. Indicators included for children usually focus on education and health.

Although the emerging discourse on human rights impact assessment demands impact analysis to be conducted against international human rights conventions, community baselines and profiling are generally not conducted using the same framework.

Current approaches to impact assessment are seen as fit for purpose by the industry for identifying all material risks facing all stakeholders, including children. However, there are gaps in baseline data collection and impact identification, which mean that not all impacts on children are being properly identified. Frequent data gaps in the level of detail around key stakeholders, including the child, have been found in relation to:

- Children's and young peoples' participation in livelihood-generating activities.
- Quality of education and health care, rather than just numbers of schools and health centres.
- Levels of child abuse, child poverty and child protection, with disaggregated data on the child, not just the household – particularly regarding the extent to which the family is upholding its responsibilities to the child.
- Societal discrimination facing representatives of the child, including women, and their ability to participate in community decision-making processes.
- Information on child-headed households, children who are living and working on the street, and orphans – which are of particular concern for mining companies operating in conflict zones.
- Assessment of birth registration and the proportion of local population not registered.

Data collected as part of the baseline analysis are not routinely disaggregated by age and therefore do not always provide a complete and accurate demographic analysis. The extremely isolated locations of some mining operations mean that companies and external consultancies developing baseline surveys often face a critical lack of data at the local level. A lack of birth registration, for example, will significantly inhibit access to data. In many cases, primary data collection will need to be undertaken to address this.

In the pilot project analysis of assessment processes, it was found that mining companies usually contract third-party consultancies to conduct their social, environmental and human rights impact assessments. These processes typically tie in with broader stakeholder engagement and include a section on stakeholder analysis. This commonly identifies vulnerable stakeholders, including children, women and the elderly located within the project area of impact.

However, research and interviews indicate that children tend not to be viewed as a separate stakeholder group during impact assessment. This is because many companies see children as an embedded stakeholder group within a family or community structure.

Companies recognize that parents are responsible for children until they reach the age of majority and are therefore seen as instrumental in acting as a buffer to the impacts of mining – and in articulating on their behalf the impacts children face. Additionally, children are not usually named as stakeholders in host government regulations on environmental and social impact assessments in the extractive sector.

The pilot analysis finds that companies believe the community, household, family and/or parents are responsible for representing the best interests of the child during negotiations with the company, and so they do not often make efforts to bring young children into the engagement process. This assumption is based on the belief that all members of a household have equal access to community decision-making structures and consultation opportunities with the company. In reality consultation is taking place between the company and traditional authorities. As such, actors who represent the best interests of the child may not be included in such consultations.

CASE STUDY: BARRICK GOLD – INTEGRATING A CHILDREN’S RIGHTS LENS INTO HUMAN RIGHTS IMPACT ASSESSMENT

As part of its participation in the pilot process, Barrick Gold allowed twentyfifty to review its human rights impact assessment protocol and integrate children’s rights indicators where relevant. This protocol was then tested in June 2014. In conjunction with the child-sensitive impact assessment, twentyfifty provided Barrick Gold with a child vulnerability matrix (*see Annex II*) to support the company’s identification of impacts on children as distinct from impacts on adults.

Feedback from Barrick indicated that the child vulnerability matrix was useful in assessing the relationship between an impact on the human rights of adults and the potential severity of the consequence on children.

The company also noted that increased questioning in the community about children’s rights led to identification of impacts that were not related to the mine. These demonstrated to Barrick areas where it had the potential to have a positive impact on children – for example, through liaison with local and national government and through partnership brokering, particularly around the elimination of child labour in illegal mining and the increase in transparency in government efforts to protect children’s rights.

Having piloted the adapted human rights impact assessment protocol, Barrick has permanently adopted the revisions in conjunction with the child vulnerability matrix for all future human rights impact assessments. It is also considering increasing the level of detail in complaints received by the grievance mechanism to better understand potential impacts of the grievances on children within affected households.

Stakeholder engagement

Under the Convention on the Rights of the Child, all children have the right to express their opinions freely and to have their opinion taken into account in any matter or procedure affecting them (article 12), to obtain information and make ideas or information known (article 13) and to meet with others, joining or forming associations (article 15). The Convention also establishes that, “all actions concerning the child shall take account of his or her best interests.”¹⁷ Although the government is also charged with this obligation, it is primarily the responsibility of parents or legal guardians to ensure that the best interests of the child are being met.

Corporate engagement with youth is generally limited to occasional focus groups, informal consultation or information sharing within local schools. Mining companies do not engage directly with children or young people on a regular basis.

The IFC envisions stakeholder engagement as “a broader, more inclusive, and continuous process between a company and those potentially impacted that encompasses a range of activities and approaches, and spans the entire life of a project.”¹⁸ In the mining sector, however, the lack of consultation over issues that affect them directly may be constraining children’s ability to exercise their rights.

Direct engagement with children is not just about soliciting information on their needs and opinions. It is also an opportunity to build relationships, with an understanding that children represent the future community from which the company will need to solicit its social licence to operate, as well as its future workforce.

Both substantive impacts of mining activity and corporate procedures can make it harder for parents and the community to ensure that children’s rights are upheld. Negotiation for land acquisition, for example, will typically be conducted with community decision makers such as traditional authorities, to the exclusion of others who could more fully represent the interests of the child. As a result, mitigation plans may not encompass the full range of impacts on children, and compensation terms can become focused on short-term cash and livelihood replacement, rather than longer-term sustainability of the community.

Women are often the best representatives of children’s interests. Embedded societal discrimination, however, keeps them from participating in formal community decision making. As described by the ICMM, “Typically, mining development has a gender bias whereby most of the benefits (employment, income, royalties and infrastructure projects) tend to accrue to men and the negative impacts (cultural disruption, social stress, environmental harm and domestic violence) affect women and children disproportionately.”¹⁹ By excluding women from formal negotiations, companies may be reducing the ability of parents and families to support children’s best interests.

17 United Nations Children’s Fund, United Nations Global Compact and Save the Children, ‘Summary of the Convention on the Rights of the Child’, 2013, <http://childrenandbusiness.org/?page_id=299>.

18 International Finance Corporation, *Stakeholder Engagement: A good practice handbook for companies doing business in emerging markets*, IFC, Washington, D.C., 2007, p. 2; open PDF at <www.ifc.org/wps/wcm/connect/938f1a0048855805beacfe6a6515bb18/IFC_StakeholderEngagement.pdf?MOD=AJPERES>.

19 International Council on Mining and Metals, *Community Development Toolkit*, ICMM, London, 2012, p. 21; open PDF at <www.icmm.com/document/4080>.

Integration and action

With the exception of child labour, children are not yet being explicitly referred to as key stakeholders in company policy commitments. Furthermore, because the identification of impacts on children is not explicitly disaggregated, it is hard to determine the extent to which the mitigation of child-related impacts is being integrated into company processes.

Currently, it is reasonable to assume that mining sector impacts on children's rights are not being effectively mitigated. Due to the assumption that families and the community are responsible for managing impacts on the child, this is not often seen as a high priority. However, the severity of impacts on children ought to be viewed within the broader progress a company is making towards sustainable development objectives, particularly because:

- Children are the future communities which will grant, or not, the company's social licence to operate.
- Children are the future labour pool from which a company will find employees.
- Children are the future leaders who will be setting the agenda for the next generation.

It is vital that the impacts of mining activity on children are viewed within this broader context and that the longer-term implications of managing impacts on children are taken into account when determining impact severity ratings – which then inform mitigation, integration and action.

CASE STUDY: ANGLO AMERICAN – BEST PRACTICE IMPACT ASSESSMENT TOOLS AND THE IDENTIFICATION OF CHILD-RELATED IMPACTS

As part of its participation in the pilot process, Anglo American allowed twentyfifty to review its social impact assessment as part of its pre-feasibility study for an extension of its Goiás II project in Brazil. Recommendations were provided on how to integrate a child rights lens into the study. These recommendations will be considered and integrated into the site's Social Management Plan as the project is approved and moves into construction.

Anglo American has robust processes for identifying and managing social impacts depending on the life cycle of the mine. For capital projects, each mine is required to undertake an integrated Environmental and Social Impact Assessment (ESIA) in accordance with the IFC Performance Standards. For operations, Anglo American has developed and implemented its own Socio-Economic Assessment Toolbox (SEAT),* which is designed to help managers identify and manage adverse impacts on host and associated communities, as well as enhancing the positive contribution of their operation.

The ESIA and SEAT requirements both stipulate that a range of vulnerabilities, including those relating to different age groups, are considered in the identification and management of social impacts. All Anglo American operations are required to carry out a SEAT assessment every three years. They are undertaken over a 4–6 month period by external consultants through focus groups, workshops and one-to-one conversations with stakeholders, including households. The SEAT process is regularly reviewed, and in its latest iteration has established clear linkages with the United Nations Guiding Principles. The SEAT Toolbox is used to understand the socio-economic profile of the communities in which Anglo American is operating, then to assess the potential impact of operational activity on that community. The tool offers guidance on how each site could enhance the positive contribution that operations can have on local communities, particularly by ensuring that these activities are designed to meet the needs of the most vulnerable.

The toolbox considers gender and age groups, including children and youth, in profiling the operation and the local area, assessing issues and impacts, social performance management (e.g., resettlement, contractor management) and socio-economic development (e.g., local procurement, health, education, low-cost housing). The findings from these assessments are then integrated into annual Social Management Plans and added to site-based risk registers that cover all types of sociopolitical, environmental, engineering and technical risk. Detailed management plans are developed for each risk identified and, where relevant, these management plans will explicitly address age groups, including children.

* Anglo American, SEAT Toolbox: Socio-Economic Assessment Toolbox Version 3, Anglo American Services UK Ltd., London, 2012; open PDF at <www.angloamerican.com/-/media/Files/A/Anglo-American-Plc/docs/seat-toolbox-v3.pdf>.

Tracking performance and reporting

Although companies invest extensively in their reporting on social investment projects, there is little experience gathered to date on tracking their performance regarding management of impacts on children or on external reporting of these impacts. It is evident that more needs to be done on integrating a children's rights perspective into impact assessment processes. Further, the findings of these processes need to be aligned with this perspective before progress can be made towards tracking performance or external reporting beyond social investment achievements.

Grievance mechanism

As for grievance mechanisms, mining companies do not usually disaggregate children as a separate stakeholder group during their design and implementation – taking the approach that impacts on children can be accessed through their parents and/or teachers. Rather than an explicit reference to children, grievance mechanisms are said to be designed to ensure participation and sensitivity to all vulnerable populations. At present, there is very little emphasis on the disaggregation of either stakeholders or cases brought to non-judicial grievance mechanisms to determine the specific impacts on children.

CASE STUDY: MMG, DEMOCRATIC REPUBLIC OF THE CONGO – INCLUSION OF CHILDREN INTO GRIEVANCE MECHANISMS

Since MMG has taken over the Kinsevere mine in Katanga, it has instituted a formal grievance mechanism, with a member of the company's community relations staff assigned responsibility for this mechanism.

Settlements within the mine's area of impact have village committees of 8–13 people, including parents and students. One of the duties of the committees is to collect and convey grievances from the community. These are communicated in person, written down and submitted to MMG, or communicated to the company via telephone.

Children are not represented explicitly in this process but are reached, and their grievances recorded, through their parents and schools.

4. POSITIVE IMPACTS OF THE MINING SECTOR ON CHILDREN'S RIGHTS

In terms of its direct effects on people and the environment, the extractive sector is sometimes portrayed as an unmitigated blight – a source of exploitation, environmental damage and human rights abuse. That assessment is misplaced. ... Transparency, effective regulation and good corporate governance can unlock the potential for extractive industries to operate as a force for social progress. – Africa Progress Panel²⁰

Mining companies can have significant positive impacts on children, and have the potential to operate as a force for social progress and the progressive realization of children's rights, particularly through:

- Transparent and full payment of mining revenues to the host government
- Socio-economic benefits, such as local employment and supplier development
- Corporate social and community investment.

It is vital for these activities to build on the community's assets and needs, and to be strategically aligned with the host government's national and sub-national development plans. In addition, sustainability should be designed into mining activities to ensure they have a positive impact on children long after the closure of a particular mine.

Details on these activities, their potential for sustainability – and the challenges that may be associated with fulfilling that potential – are described in the following sections.

Transparent and full payment of mining revenue to the government

Ensuring that a country is able to maximize the potential for its resource wealth to act as a catalyst for socio-economic development and the progressive realization of children's rights is vital. Mining companies can contribute to this by ensuring that they are making full and transparent revenue payments to the host government.

Types of revenue streams between a company and the host government include: taxes based on income / profit, payroll, property or sales/excises; royalties and fees for licensing, surface rental or land use; import / export and stamp duties; value-added taxes on goods and services; and surtaxes and user fees.

In some tax regimes, mining royalties are divided between the national and sub-national governments. In Ghana, for example, 80 per cent of royalties are paid into the Government's consolidated fund to support the national budget, with the remainder distributed at the sub-national level among various bodies, including local government authorities, traditional land-owning authorities and communities impacted by mining activity.²¹ Due to institutional weakness in some countries, however, these locally distributed resource revenues are not well managed.

Efforts are being made to ensure that revenue streams are transparent by holding both companies and governments publicly accountable. The Africa Progress Panel, for example, is investigating the links between corporate tax avoidance in Africa and how it deprives Africa of revenue that could be used to improve education and health.

²⁰ Africa Progress Panel, *Equity in Extractives: Stewarding Africa's natural resources for all – Africa Progress Report 2013*, APP, Geneva, 2013, p. 32; open PDF at <www.africaprogresspanel.org/wp-content/uploads/2013/08/2013_APR_Equity_in_Extractives_25062013_ENG_HR.pdf>.

²¹ Ashiadey, Franklin, 'Improving the Impact of Mining Royalties at the Local Level in Ghana', EITI, 18 September 2014, <<https://eiti.org/blog/improving-impact-mining-royalties-local-level-ghana>>.

The Extractive Industries Transparency Initiative (EITI) requires participating companies and governments to publicly disclose the revenue streams that they pay and receive, respectively, under the external oversight of civil society organizations. Mining companies demonstrate their support for the initiative through statements published on their company websites. Barrick Gold, for example, states:

Barrick supports improved governance through the full publication and verification of government revenues generated by mining. As one of the first Canadian corporations to endorse the Extractives Industries Transparency Initiative (EITI), Barrick encourages other companies in our sector to become EITI signatories. We are members of the International Council on Mining & Metals (ICMM) who handles financial contributions to the EITI International Management on behalf of all their members. Barrick is also a member of Transparency International – Canada. We pay taxes and royalties and report this information in our Annual Financial Report. We do not receive financial assistance from governments.²²

All companies that participated in the mining pilot are listed as EITI supporters on its web page, <<https://eiti.org/supporters/companies>>.

Progress has also been made in the development of legislative requirements for transparency, such as Section 1504 of the Dodd-Frank Act, which requires companies listed on the United States stock exchanges to disclose all natural resource revenues paid to foreign governments. The United Kingdom is implementing the European Union Accounting Directive, which will require extractive companies to disclose payments made to host governments.²³

Challenges: Despite these efforts, international and national mining companies, as well as governments, are failing to fully comply with best practice standards on transparency. For example, according to the Business & Human Rights Resource Centre, “Guinea, which has long been plagued by deep poverty and violence despite extraordinary mineral wealth, was recently admitted to EITI; local NGOs [non-governmental organizations] campaigning for transparency welcomed this, but also underlined the need for still greater transparency in the mining sector.”²⁴

Mining companies say that they have very little leverage around how host governments spend mining revenues and no influence over child-sensitive budgeting. Some civil society advocates, however, argue that stronger socio-economic protections should be included during contract negotiation.

The United Nations ‘Principles for Responsible Contracts’ maintain that the “negotiation process between a host State and a business investor offers a unique opportunity to identify, avoid and mitigate human rights risks.”²⁵ Though this includes 10 principles for integrating the management of human rights risks in to contract negotiation, children are not mentioned. Feedback from the sector suggests that this process is very much in its infancy in all sectors, not just the mining sector.

Contractual arrangements such as stabilization clauses exist to protect investors from regulatory changes affecting the current and future commercial value of their investments. Since this type of clause can have adverse impacts on the state duty to protect and promote human rights, challenges do not only emanate from government unwillingness to discuss social issues, but also from investor pressure to be compensated for regulatory changes, including higher social and environmental standards.

22 Barrick, ‘Ethics Policy: Transparency’, 2015, <www.barrick.com/responsibility/ethics/default.aspx>.

23 See, for example: Department for Business Innovation & Skills, ‘UK Implementation of the EU Accounting Directive: Chapter 10 – Extractive industries reporting consultation’, March 2014; open PDF at <www.gov.uk/government/uploads/system/uploads/attachment_data/file/299454/bis-14-622-uk-implementation-of-the-eu-accounting-directive-chapter-10-extractive-industries-reporting-consultation.pdf>.

24 Business & Human Rights Resource Centre, ‘Business & Human Rights in Africa’, September 2014, p. 7.

25 Ruggie, John, ‘Principles for Responsible Contracts: Integrating the management of human rights risks into State-investor contract negotiations – Guidance for negotiators’ (Addendum), A/HRC/17/31/Add.3, United Nations General Assembly, New York, 25 May 2011, p. 2; open PDF at <www.ohchr.org/Documents/Issues/Business/A.HRC.17.31.Add.3.pdf>.

Socio-economic benefits

Average wages in mining are higher than in other sectors, which will improve employees' financial security and, depending on how parents invest this money, better ensure that children's basic needs are taken care of.

Contracts between mining companies and the government may include requirements for 'local content', which can be defined as the added value that corporate operations bring to a host nation through workforce development and investments in supplier development, such as procuring local services and supplies. Such requirements include transparent local employment policies, community training and skills development, accelerated staff progression within the company, and the building of education and training institutions to bolster the local education system.²⁶

This type of programme has the potential to benefit children through an increase in parents' employability, which could enhance the security of the child and increase their ability to access education and health services. Through apprenticeship schemes, young people may acquire educational benefits and enhance their eventual employability.

In addition, mining operations often have an impact around employment and supplier development that exceeds mandatory requirements. The socio-economic benefits for children may also derive from the development of restaurants, hotels and other economic ventures that is likely to occur along with large-scale infrastructure development.

Challenges: The contexts in which mining companies frequently operate can hamper sustainability in local content requirements. Local governments and civil society organizations that are crucial partners in collaboration to fulfil regulatory goals may not be functioning. Governments may set unrealistic local employment requirements for mining companies in isolated rural areas, where populations are small and the pool of potential employees is limited. And in areas of high unemployment, expectations for opportunities are often unrealistic, particularly among young people.

Local procurement can tangentially support alternative economies in communities and regions close to mining operations. If not well managed, this can prompt boom-and-bust economic cycles and dependency on the company, which could jeopardize community security after a mine closes.

Social investment

Social investment encompasses both mandatory and voluntary initiatives that companies undertake to benefit external stakeholders, including training programmes to build local skills, construction of social infrastructure such as schools and hospitals, and philanthropic foundations. Women and children are regularly a focus of social investment, particularly through education, health and livelihood development programmes.

Research and feedback from the industry strongly demonstrate that companies in the mining sector are moving towards more strategic engagement, based on community and national development objectives. In part, this is prompted by government initiative. The Centre for Social Responsibility in Mining, for example, describes the following trends:

Governments around the world are using a variety of mechanisms to influence and control corporate social investment in the sector. These range from including conditions in investment agreements, through to legislated requirements for social investment plans to be approved for individual projects, to more ad hoc, negotiated, arrangements. ...

In some jurisdictions, governments are empowering local level actors to negotiate directly with companies over their social commitments. This has mostly been linked to the formal recognition of Indigenous rights, but some countries have adopted, or are considering adopting, a more general requirement for companies to enter into community agreements.²⁷

26 IPIECA, 'Local Content Strategy: A guidance document for the oil and gas industry', London, 2011, p. 1; available at <www.ipieca.org/publication/local-content-strategy-guidance-document-oil-and-gas-industry>.

27 McNab, Karen, et al., 'Beyond Voluntarism: The changing role of the corporate social investment in the extractive resources sector', Centre for Social Responsibility in Mining, Sustainable Minerals Institute, University of Queensland, Australia, August 2013, p. 4; available at <www.csr.uq.edu.au/publications/beyond-voluntarism-the-changing-role-of-corporate-social-investment-in-the-extractive-resources-sector>.

Voluntary spending on social investment projects often happens over and above mandated requirements. In addition, social investment projects are increasingly being carried out in partnership with other entities. To ensure the sustainability of investment past a project's closure, mining companies are working with local and national governments, international organizations and non-governmental organizations.

It has also been recognized that communities need to have a more participatory role in the design of social investment projects. There is a greater focus on understanding the objectives and assets of the community and to build upon them, thus increasing success and sustainability.

Challenges: While much has been done by the mining companies to innovate and address the strategic nature of social investment in the mining sector, there continues to be a need to ensure investments are sustainable and informed by the broader development agenda in the country. Social investment in the mining sector, as within the extractive sector more broadly, has traditionally been seen as an ad hoc activity undertaken by companies to secure goodwill or their social licence to operate in local communities – rather than sustainable and strategically aligned opportunities to leverage community assets and objectives. When these investments do not align with national efforts to promote and protect children's rights, their positive impacts on children are limited.

CASE STUDY: CERREJÓN COAL, COLOMBIA – INCREASING ACCESS TO BIRTH REGISTRATION IN REMOTE LOCATIONS

Cerrejón's area of impact covers a significant part of the department of La Guajira. Cerrejón's infrastructure includes the mine itself and a railway that extends 150 kilometres to the port of Puerto Bolivar, one of the largest coal terminals in the world.

Communities live throughout the area of impact, often in remote and inaccessible locations. Because of the integrated nature of its operations, Cerrejón's social investment programmes have the potential to address social and environmental challenges associated with the remote nature of many communities located within the company's area of impact.

One of these challenges is birth registration. Often, a lack of knowledge and access inhibit families from registering their children when they are born. Rather, families wait until their children are 5 years old to ensure they are able to go to school. However, the gap between birth and registration often means children miss out on critical postnatal medical care, including vaccinations. Registration is required for entry into the health, education and subsidies systems.

To address this, Cerrejón supports the National Registry, particularly in the Municipality of Uribia. The support involves registration campaigns in the communities within Cerrejón's area of impact, where many communities do not have access to this service.

Cerrejón also works with the local and national government to support health-care initiatives in La Guajira, including mobile health-care units and clinics that can reach families in remote areas. As a result, birth registration has significantly increased, as has the health status of children.

5. NEXT STEPS

This report serves as a frame of reference for articulating the direct and indirect impacts of the mining industry on children's rights. It also outlines some of the critical gaps in many standard approaches to social and human rights due diligence, which mean that specific impacts on children might not be identified. UNICEF will thus use this report as a basis for awareness raising initiatives and advocacy efforts targeted at the mining industry and governments at the global, regional and national level.

UNICEF will also use the findings of this report to work with the mining industry to develop guidance and tools for the mining industry on how to integrate children's rights into corporate policies and risk management processes. The guidance will support companies in identifying and addressing the vulnerability of children living close to industrial mining, and will become an important tool for engaging governments in a policy dialogue on integrating child rights considerations into national strategies, policies and regulations related to the extractive sector.

As a next step, UNICEF will take the draft guidance and tools through a multi-stakeholder process to establish its robustness prior to publishing it. The process will involve engaging with relevant global industry stakeholders such as the International Council of Metal and Mining and the International Finance Corporation. The engagement process will raise awareness of the wide range of impact of mining on children beyond child labour, and will support the integration of children's rights into human rights due diligence by developing specific recommendations on identifying and managing mining-related impacts on children. Such recommendations may take the form of field practice guidance for the mining sector on respecting and supporting children's rights, including through the explicit integration of children's rights into relevant performance standards and indicators used by the industry.

In the years to come, UNICEF will use the report and the sector guidance to inform the engagement with relevant stakeholders at all levels, including with companies, host and government donors and civil society organizations, as well as in multi stakeholder initiatives and regional and global fora. UNICEF will continue to raise awareness of children and youth as key stakeholders of business and promote the integration of a children's rights perspective into relevant social and human rights due diligence processes in the mining sector.



ANNEX I.

The Children’s Rights and Business Principles: Relevance to the mining sector

The Children’s Rights and Business Principles cover all types of business, and the relevance and applicability of each Principle will vary across sectors. The following table provides an overview of the Principles as they relate to the mining sector.

All businesses should ...	Relevance to the mining sector
Principle 1. Meet their responsibility to respect children’s rights and commit to supporting the human rights of children	<p>All companies, regardless of the sector, have a responsibility to respect human rights, including the rights of children. Mining activity can have adverse impacts on children that fall under the provisions of Principle 1.</p> <p>Among the positive impacts, children are often the beneficiaries mining companies intend to reach through community social investment projects. Some of these projects, including those that go beyond what is mandatory, can support children’s rights.</p>
Principle 2. Contribute to the elimination of child labour, including in all business activities and business relationships	<p>Large-scale industrial mines do not generally employ children. However, it is possible for large-scale mining to be linked to the use of child labour through the supply chain, particularly during construction, and through links to artisanal mining that uses child labour.</p>
Principle 3. Provide decent work for young workers, parents and caregivers	<p>Mining creates both temporary and, to a lesser degree, permanent employment opportunities for local populations through jobs in construction, with contractors or within the supply chain, and through direct work with the mine.</p> <p>Although wages are usually higher than the living wage, employment in mining can impact families in labour sending areas due to ‘fly in-fly out’ shift rotations and long periods of parents’ absence from their children.</p>
Principle 4. Ensure the protection of children in all business activities and facilities	<p>In-migration of workers seeking employment at the mine increases the potential exposure/vulnerability of children in surrounding communities to sexual exploitation.</p> <p>Increases in road and rail transport could increase the number of child injuries and deaths.</p>
Principle 5. Ensure that products and services are safe, and seek to support children’s rights through them	Not applicable
Principle 6. Use marketing and advertising that respect and support children’s rights	Not applicable

All businesses should ...	Relevance to the mining sector
<p>Principle 7. Respect and support children’s rights in relation to the environment and to land acquisition and use</p>	<p>Mining usually requires significant land use/acquisition, with potential impacts that include loss of homes, family livelihoods and access to social infrastructure, e.g., schools or health facilities. By limiting land available for growing food, it may also lead to increased malnutrition.</p> <p>Mining can have significant environmental impacts through water, air and soil pollution. Children are more vulnerable to these due to their size, level of development and behaviour patterns, e.g., hand-to-mouth behaviours.</p>
<p>Principle 8. Respect and support children’s rights in security arrangements</p>	<p>Mines typically use private and, in some cases, public security forces. Without proper training and supervision of the personnel, security arrangements may increase children’s exposure to violence and risks of arrest and detention.</p>
<p>Principle 9. Help protect children affected by emergencies</p>	<p>Mining operations are often located in conflict or post conflict areas, where mining-related land use/acquisition has the potential to increase inter- and intra-community conflict over natural resources, thus increasing children’s exposure to violence.</p> <p>Mining companies can take positive action by having contingency plans for on-site accidents, as well as for natural disasters. Such plans could include the specific needs/ vulnerabilities of children.</p>
<p>Principle 10. Reinforce community and government efforts to protect and fulfil children’s rights</p>	<p>Mining companies create significant revenue for the host government, which enables governments to invest in initiatives to support children, e.g., through education.</p> <p>It is, therefore, essential that mining companies pay taxes in full and comply with transparency in revenue payments.</p> <p>In addition, mining companies can support community and government efforts to promote child well-being through voluntary social investment programmes.</p>

ANNEX II.

The child vulnerability matrix

Age period	Category	Main vulnerabilities
In utero	Health	Dependency on vitamins and minerals often found in food; malnutrition and poor maternal health could affect brain and physical development
	Health	Vulnerability to water shortages; dehydration could pose significant threat to fetal/maternal health and development
	Health	Underdeveloped nervous system makes baby particularly susceptible to certain environmental toxins, e.g., dust, chemical exposure, water pollution affecting development
	Health	Permeable blood brain barrier rendering the brain more vulnerable to drugs and toxins
	Health	Developing gastrointestinal system leads to increased concentrations of environmental toxins due to lower capacity for elimination
Infancy: 0–2	Health	Dependency on breast milk or formula milk from 0 to 6 months (average)
	Health	Dependency on vitamins and minerals found in food; malnutrition could affect brain and physical development
	Health	Vulnerability to disease (including water-borne disease) requiring access to adequate health care
	Health	Vulnerability to water shortages; dehydration could pose significant threat to health and development of the child
	Health	Underdeveloped nervous system makes baby particularly susceptible to certain environmental toxins, e.g., dust, chemical exposure, water pollution affecting development
	Health	Permeable blood brain barrier rendering the brain more vulnerable to drugs and toxins
	Health	Developing gastrointestinal system leads to increased concentrations of environmental toxins due to lower capacity for elimination
	Health	Greatest vulnerability to disease (including water-borne disease); access to adequate health care most critical at this age
	Health	Girls at risk of FGM
	Health	Hand-to-mouth behaviour increases oral intake of potentially dangerous substances
	Health	Lack of knowledge renders children unable to read warning signs, increasing risk of accidents posed by chemical exposure and railways and increased traffic flows
	Emotional development	Need for stimulation to aid mental development and vulnerability to absentee parents
	Health	Need for loving care, and the opportunity to form an attachment to main carers essential for physical, emotional, social and cognitive development
	Social	Children with disabilities at greatest risk of exclusion
Safety	Wilful behaviour and increased likelihood that children will fail to follow instructions	
Safety	Unable to defend themselves and therefore vulnerable to physical violence and abuse	
Safety	Early stages of learning and development including inability to read warning signs increasing road and traffic accidents	
Safety	Growing vulnerability to violent abuse (including sexual violence and exploitation)	
Education	Inadequate access to quality education	

Middle childhood: 6–11	Health	Dependency on vitamins and minerals found in food; malnutrition could affect brain and physical development
	Health	Vulnerability to disease (including water-borne disease) requiring access to adequate health care
	Health	Growing vulnerability to substance abuse, e.g., drugs and alcohol
	Health	Significant vulnerability to disease (including water-borne disease), access to adequate health care
	Health	Vulnerability to water shortages; dehydration could pose significant threat to health and development of the child
	Health	Girls at risk of FGM
	Health	Puberty and therefore able to get pregnant
	Emotional development	Need for stimulation to aid mental development and vulnerability to absentee parents
	Social	Children with disabilities at greatest risk of exclusion
	Labour	Vulnerability to child labour
	Safety	Vulnerability to violent abuse (including sexual violence and exploitation), increased recovery time from physical attack and growing exposure to trafficking
	Safety	Vulnerability to accidents, e.g., inability to read warning signs on the mine site
	Education	Inadequate access to quality education
	Education	Risk of child labour endangering health and education
Early adolescence	Health	Dependency on vitamins and minerals found in food; malnutrition could affect brain and physical development
	Health	Risky sexual activity, substance abuse, access to maternal and reproductive health, and care services affecting young women and the next generation
	Health	Girls at risk of FGM
	Health	Puberty and therefore able to get pregnant
	Emotional development	Need for stimulation to aid mental development and vulnerability to absentee parents
	Social	Assume responsibilities for family by being made head of the household without access to legal protections/land rights (e.g., denied access to compensation negotiations)
	Social	Exclusion from most consultative/political processes
	Social	Ability to socialize with peers; risk of developing social bonds with older youth who draw them into dangerous or criminal activity; absence of supportive adult guidance
	Social	Children with disabilities at greatest risk of exclusion
	Safety	Vulnerability to violent abuse (including sexual violence/exploitation) and exposure to trafficking
	Safety	Vulnerability to child labour
	Education	Inadequate access to quality education (including education on risky behaviour, e.g., sexual experimentation and drug abuse)
	Education	Risk of child labour endangering health and education

Age period	Category	Main vulnerabilities
Late adolescence and youth	Health	Dependency on vitamins and minerals found in food; malnutrition could affect brain and physical development
	Health	Risky sexual activity, substance abuse, access to maternal and reproductive health, and care services affecting young women and the next generation
	Health	Girls at risk of FGM
	Health	Early pregnancy
	Emotional development	Need for stimulation to aid mental development and vulnerability to absentee parents
	Social	Access to housing; financial ability to make transition to adulthood (for example, through marriage or forming independent household)
	Social	Assume responsibilities for family by being made head of the household without access to legal protections/land rights (e.g., denied access to compensation negotiations)
	Social	Exclusion from most consultative/political processes
	Social	Ability to socialize with peers; risk of developing social bonds with older youth who draw them into dangerous or criminal activity; absence of supportive adult guidance
	Social	Children with disabilities at greatest risk of exclusion
	Social	Opportunities for voice and to exercise citizenship rights and responsibilities; access to justice
	Safety	Vulnerability to violent abuse (including sexual violence/exploitation) and exposure to trafficking
	Safety	Vulnerability to child labour
	Education	Inadequate access to quality education (including education on risky behaviour, e.g., sexual experimentation and drug abuse)
Education	Risk of child labour endangering health and education	
Labour	Transition to work – high youth employment rates and poor working conditions (e.g., youth forced to work overtime, night shifts, in hazardous conditions)	
General	Social	Exclusion from access to inheritance
	Social	Girls potentially particularly vulnerable to sexual exploitation/lack of access to education
	Social	Exclusion from access to natural resources in the future (intergenerational justice)

Source:

This matrix builds on and has been further developed from the age-related vulnerabilities table in the UNICEF—World Bank Guidance Note 'Integrating a Child Focus into Poverty and Social Impact Analysis (PSIA)' September 2011, page 7; available at www.childimpact.unicef-irc.org/documents/view/id/130/lang/en.

ANNEX III. The children's rights impact matrix

Impact of mining	Impact on children	Rights impacted	Reference to the Children's Rights and Business Principles
1. Conflict	Activity that impacts children directly		Principle 9. Help protect children affected by emergencies
	Recruitment by armed groups	"CRC a. 38 States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child	
	Separation from families	ICCPR a. 23 Right to protection of the family and the right to marry CRC a. 9 States Parties shall ensure that a child shall not be separated from his or her parents against their will CRC a. 18 Both parents have common responsibilities for the upbringing and development of the child / State assistance CRC a. 20 A child deprived of his / her family environment, etc., shall be entitled to special protection by the state	
	Death or injury	CRC a. 6 Right to life, survival and development	
	Loss of access to school	ICESCR a. 13 Right to education CRC a. 28 and 29 Rights of the child to education, including primary education compulsory and available free to all	
	Activity that impacts a child's parents et al., resulting impact on the child		
	Family and community displaced	ICCPR a. 23 Right to protection of the family and the right to marry CRC a. 9 States Parties shall ensure that a child shall not be separated from his or her parents against their will CRC a. 18 Both parents have common responsibilities for the upbringing and development of the child/State assistance CRC a. 20 A child deprived of his / her family environment, etc., shall be entitled to special protection by the state	

Impact of mining	Impact on children	Rights impacted	Reference to the Children's Rights and Business Principles
2. Land access	Activity that impacts children directly		Principle 7. Respect and support children's rights in relation to the environment and to land acquisition and use
	Loss of home	ICESCR a. 11 Right to an adequate standard of living CRC a. 27 Rights of every child to a standard of living adequate for the child's physical, mental, spiritual and social development	
	Denial of access to compensation of head of household	ICESCR a. 11 Right to an adequate standard of living CRC a. 27 Rights of every child to a standard of living adequate for the child's physical, mental, spiritual and social development	
	Psychological impacts of moving	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health	
	Loss of access to family	ICCPR a. 23 Right to protection of the family and the right to marry CRC a. 9 States Parties shall ensure that a child shall not be separated from his or her parents against their will CRC a. 18 Both parents have common responsibilities for the upbringing and development of the child/State assistance CRC a. 20 A child deprived of his/her family environment, etc., shall be entitled to special protection by the state	
	Loss of livelihood / means of subsistence leading to malnutrition and financial insecurity	ICESCR a. 11 Right to an adequate standard of living CRC a. 27 Rights of every child to a standard of living adequate for the child's physical, mental, spiritual and social development ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health	
	Loss of child's livelihood not included in compensation payments	CRC a. 34 States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse	
	Loss of inheritance	CRC a. 6 Right to life, survival and development	
	Loss of access to education	ICESCR a. 13 Right to education CRC a. 28 and 29 Rights of the child to education, including primary education compulsory and available free to all	
	Loss of access to social infrastructure including health centres	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health CRC a. 33 Protection from the illicit use of narcotic drugs	
	Activity that impacts a child's parents et al., resulting impact on the child		
	Loss of land, land title and livelihood, causing financial and food insecurity for the whole family	ICESCR a. 11 Right to an adequate standard of living CRC a. 27 Rights of every child to a standard of living adequate for the child's physical, mental, spiritual and social development	
	Disintegration of the family unit/divorce	ICCPR a. 23 Right to protection of the family and the right to marry CRC a. 9 States Parties shall ensure that a child shall not be separated from his or her parents against their will CRC a. 18 Both parents have common responsibilities for the upbringing and development of the child/State assistance CRC a. 20 A child deprived of his/her family environment, etc., shall be entitled to special protection by the state	
	Disproportionate impact on women	ICCPR a. 26 Right to equality before the law/rights of non-discrimination CRC a. 2 Right to non-discrimination	

Impact of mining	Impact on children	Rights impacted	Reference to the Children's Rights and Business Principles
3. In migration	Activity that impacts children directly		Principle 1. Meet responsibility to respect and support children's rights and commit to supporting the human rights of children
	Increased pressure on social infrastructure inhibiting access to basic services	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health CRC a. 33 Protection from the illicit use of narcotic drugs	
	Increased sexual exploitation	ICCPR a. 9 Right to liberty and security CRC a. 19 Protection from all forms of violence CRC a. 32 Freedom from economic exploitation and from performing any work that is likely to be hazardous CRC a. 34 Protection from sexual exploitation and sexual abuse CRC a. 36 Protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare	
	Increase in the spread of communicable diseases	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health CRC a. 33 Protection from the illicit use of narcotic drugs	
	Increased separation of children and parents	ICCPR a. 23 Right to protection of the family and the right to marry CRC a. 9 States Parties shall ensure that a child shall not be separated from his or her parents against their will CRC a. 18 Both parents have common responsibilities for the upbringing and development of the child/State assistance CRC a. 20 A child deprived of his/her family environment, etc., shall be entitled to special protection by the state	
	Increase in drug and alcohol abuse	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health CRC a. 33 Protection from the illicit use of narcotic drugs	
	Increase in early pregnancy	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health	
	Activity that impacts a child's parents et al., resulting impact on the child		
	Inflation increasing the cost of living	ICESCR a. 11 Right to an adequate standard of living CRC a. 27 Rights of every child to a standard of living adequate for the child's physical, mental, spiritual and social development	
	Increase of labour supply against demand	ICESCR a. 6 The right to work	
	Increase in single parent, female-headed households	ICESCR a. 11 Right to an adequate standard of living CRC a. 27 Rights of every child to a standard of living adequate for the child's physical, mental, spiritual and social development	

Impact of mining	Impact on children	Rights impacted	Reference to the Children's Rights and Business Principles
4. Environmental impacts	Activity that impacts children directly		Principle 7. Respect and support children's rights in relation to the environment and to land acquisition and use
	Children are particularly vulnerable to the impact of exposure to harmful chemicals	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health	
	Water shortages could affect health and development	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health	
	Loss of access to education as a result of longer walks to access clean drinking water	ICESCR a. 13 Right to education CRC a. 28 and 29 Rights of the child to education, including primary education compulsory and available free to all	
	Air pollution increasing respiratory problems	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health	
	Activity that impacts a child's parents et al., resulting impact on the child		
	Loss of livelihood as a result of environmental pollution	ICESCR a. 11 Right to an adequate standard of living CRC a. 27 Rights of every child to a standard of living adequate for the child's physical, mental, spiritual and social development	
5. Employment	Activity that impacts children directly		Principle 2. Contribute to the elimination of child labour, including in all business activities and business relationships
	Use of (forced) child labour during the construction phase through third parties	ICCPR a. 8 Right not to be subjected to slavery/servitude/forced or compulsory labour CRC a. 11 Kidnapping CRC a. 32 Freedom from economic exploitation and from performing any work that is likely to be hazardous CRC a. 35 Prevent the abduction of, the sale of or traffic in children CRC a. 36 Protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare ICESCR a. 13 Right to education CRC a. 28 and 29 Rights of the child to education, including primary education compulsory and available free to all	
	Inadequate working conditions for young workers, e.g., apprentices	ICESCR a. 7 Right to enjoyment of just and favourable conditions of work Relevance depends on extent to which mine site employs 'youth' CRC a. 36 Protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare	Principle 3. Provide decent work for young workers, parents and caregivers
	Job opportunities distract the youth from completing their education	ICESCR a. 13 Right to education CRC a. 28 and 29 Rights of the child to education, including primary education compulsory and available free to all	
	Activity that impacts a child's parents et al., resulting impact on the child		
	Working conditions of parents' jobs at the mine inhibit their ability to care for their children physically, financially and socially	ICCPR a. 6 The right to life ICESCR a. 6 The right to work ICESCR a. 7 Right to enjoyment of just and favourable conditions of work CRC a. 6 Right to life, survival and development	
	Intra-employee conflict	ICESCR a. 7 Right to enjoyment of just and favourable conditions of work ICCPR a. 9 Right to liberty and security	
Staff behaviour in the community	CRC a. 6 Right to life, survival and development		

Impact of mining	Impact on children	Rights impacted	Reference to the Children's Rights and Business Principles
6. Health, safety and security	Activity that impacts children directly		Principle 8. Respect and support children's rights in security arrangements
	Injury from clashes with public and private security	ICCPR a. 9 Right to liberty and security CRC a. 19 Protection from all forms of violence	
	Use of security personnel with history of child abuse	CRC a. 34 Protection from sexual exploitation and sexual abuse CRC a. 36 Protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare	
	Poor treatment during arrest and detention by private and public security	CRC a. 40 States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others	
	Injury from trespassing on the mine site	CRC a. 6 Right to life, survival and development	
	Loss of life or injury in transport accidents	CRC a. 6 Right to life, survival and development	
	Activity that impacts a child's parents et al., resulting impact on the child		Principle 1. Meet responsibility to respect and support children's rights and commit to supporting the human rights of children
	Loss of life or injury	ICCPR a. 6 The right to life ICCPR a. 9 Right to liberty and security	
	Loss of livelihood from accidents involving livestock	ICESCR a. 11 Right to an adequate standard of living CRC a. 27 Rights of every child to a standard of living adequate for the child's physical, mental, spiritual and social development	
	Poor treatment during arrest and detention by private and public security	ICCPR a. 9 Right to liberty and security CRC a. 19 Protection from all forms of violence	
	Loss of life or injury in transport accidents	ICCPR a. 6 The right to life ICCPR a. 9 Right to liberty and security	

7. Artisanal mining*

Impact of mining	Impact on children	Rights impacted	Reference to the Children's Rights and Business Principles
	Activity that impacts children directly		
	Use of forced child labour in artisanal mining sites	ICCPR a. 9 Right to liberty and security CRC a. 19 Protection from all forms of violence CRC a. 32 Freedom from economic exploitation and from performing any work that is likely to be hazardous CRC a. 34 Protection from sexual exploitation and sexual abuse CRC a. 36 Protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare ICESCR a. 13 Right to education CRC a. 28 and 29 Rights of the child to education, including primary education compulsory and available free to all	Principle 2. Contribute to the elimination of child labour, including in all business activities and business relationships
	Health and safety risks leading to injury or the loss of life	ICCPR a. 6 The right to life CRC a. 6 Right to life, survival and development	
	Increase in sexual exploitation and violence	ICCPR a. 9 Right to liberty and security CRC a. 19 Protection from all forms of violence CRC a. 32 Freedom from economic exploitation and from performing any work that is likely to be hazardous CRC a. 34 Protection from sexual exploitation and sexual abuse CRC a. 36 Protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare	Principle 1. Meet responsibility to respect and support children's rights and commit to supporting the human rights of children
	Increase in communicable diseases	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health	
	Loss of access to education	ICESCR a. 13 Right to education CRC a. 28 and 29 Rights of the child to education, including primary education compulsory and available free to all	
	Recruitment into armed militias controlling artisanal mining sites	CRC a. 38 States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child	Principle 9. Help protect children affected by emergencies
	Loss of child's livelihood as a result of land access for large-scale mining	ICESCR a. 11 Right to an adequate standard of living CRC a. 27 Rights of every child to a standard of living adequate for the child's physical, mental, spiritual and social development	Principle 7. Respect and support children's rights in relation to the environment and to land acquisition and use
	Activity that impacts a child's parents et al., resulting impact on the child		
	Health and safety risks	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health	Principle 1. Meet responsibility to respect and support children's rights and commit to supporting the human rights of children
	Increase in communicable diseases	ICESCR a. 12 Right to the enjoyment of the highest attainable standard of health CRC a. 24 Rights of the child to the highest attainable standard of health	

* These impacts need to be tested against the cause, contribute or be linked to criteria of the UNGPs. In other words, links between artisanal mining and large-scale mining need to be established before impacts can be attributed to the large-scale mine.

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children

