

24 Human Rights

24.1 Introduction

This chapter assesses the impact of Project activities, and specifically those related to the Simandou Mine, on Human Rights, including risks that Human Rights will be infringed by the Project and that opportunities will arise to strengthen Human Rights as a result of the Project.

The scope of the assessment has been defined by reference to the Guide to Human Rights Impact Assessment and Management (HRIAM)⁽¹⁾ and to the ILO core Labour Conventions (on child labour, forced labour, discrimination and freedom of association and the right to collective bargaining). This identifies thirty five Human Rights which may require consideration. These are listed in Table 24.1. These rights refer to the basic rights and freedoms that all people are entitled, as defined by the International Bill of Human Rights, which consist of the following documents:

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

Of the 35 rights defined in the HRIAM, a sub-set have formed the focus of the assessment taking cognisance of the fact that some Human Rights related risks and opportunities may not be under the influence and / or control of the Project. For this reason the chapter focuses specifically on those rights that have the potential to be affected by Project activities and over which the Project can have either full or partial control, or over which it can exert influence sufficient to affect the risk or opportunity. These are the eighteen rights highlighted in Table 24.1.

There are significant overlaps between the risks and opportunities related to these Human Rights and impacts considered elsewhere in the SEIA. For this reason the assessment has drawn extensively upon issues addressed in other chapters. However, potential risks and opportunities relating to Human Rights have not necessarily been presented elsewhere in the report in 'rights' language. This chapter thus summarises the findings from other sections of the SEIA and presents their implications in terms of their potential to infringe or protect the Human Rights of those affected. Furthermore, a small number of potential risks and opportunities which have not been explicitly addressed elsewhere (eg associated with the right to effective remedies) are included in this chapter. The structure of the chapter varies from the other assessment chapters, as the assessment of risks and opportunities is discussed together with proposals for mitigation, for each right in turn.

The remainder of the chapter is structured as follows:

- Section 24.2 provides a description of the approach used for the assessment including definition of the study area, a review of the Guinean law, international standards and Rio Tinto's commitments to protecting and respecting Human Rights, and a brief description of the approach;
- Section 24.3 presents a description of the current Human Rights context;
- Section 24.4 identifies risks and opportunities related to rights associated with the Project and identifies the mitigation and enhancement measures either currently in place or to be developed to manage these; and
- Section 24.5 summarises the findings of the assessment.

(1) Guide to Human Rights Human resources Assessment and Management (HRIAM) developed by the International Finance Corporation (IFC) and International Business Leaders Forum (2010).

Table 24.1 Scope of Human Rights Assessment

<ol style="list-style-type: none">1. <u>Right to life</u>2. <u>Right to liberty and security</u>3. <u>Right not to be subjected to slavery, servitude, forced labour</u>4. <u>Right not to be subjected to torture, cruel, inhuman and / or degrading treatment or punishment</u>5. Right to recognition as a person before the law6. <u>Right to equality before the law, equal protection of the law, non-discrimination</u>7. Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred8. <u>Right to access effective remedies</u>9. Right to a fair trial10. Right to be free from retroactive criminal law11. Right to privacy12. <u>Right to freedom of movement</u>13. Right to seek asylum from prosecution in other countries14. Right to have a nationality15. <u>Rights of protection for the child</u>16. Right to marry and form a family17. <u>Right to own property</u> ⁽¹⁾18. Right to freedom of thought, conscience and religion19. <u>Right to freedom of opinion, information and expression</u>20. <u>Right to freedom of assembly</u>21. <u>Right to freedom of association</u>22. Right to participate in public life23. <u>Right to social security, including social insurance</u>24. <u>Right to work</u>25. <u>Right to enjoy just and favourable conditions of work (including rest and leisure)</u>26. <u>Right to form trade unions and join the trade unions, and the right to strike</u>27. <u>Right to an adequate standard of living (housing, food, water & sanitation)</u>28. <u>Right to health</u>29. Right to education30. Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors ⁽²⁾31. <u>Right to self-determination</u>32. Right of detained persons to humane treatment33. Right not to be subjected to imprisonment for inability to fulfil a contract34. Right of aliens to due process when facing expulsion35. Rights of minorities ⁽³⁾

Source: Guide to Human Rights Impact Assessment and Management (HRIAM), International Finance Corporation and International Business Leaders Forum (IBLF), 2010.

24.2 Approach

24.2.1 Study Area

Due to the global nature of Human Rights issues, the Project area of influence is defined as including:

- the local study area as defined in Chapter 15: Socio-Economic and Community Baseline and illustrated in Figure 15.1 and include the communities in the vicinity of the Project that could be influenced by its construction operation and closure;

(1) This right is considered together with the right to freedom of movement as the Project risks and mitigation measures are linked

(2) This right has not been included, because the Project is not anticipated to infringe on it. The right to equality before the law, equal protection of the law, and non-discrimination (Right #6) covers issues surrounding discrimination on the grounds of religious beliefs.

(3) This Right has not been included because the issues it addresses surrounding discrimination are covered by Right #6.

- Guinea, ie the country as a whole, where terms of employment and procurement, this refers to permanent residents of Guinea located in the twenty four remaining Prefectures of Guinea, including Conakry;
- the wider region and specifically countries involved in the Economic Community of West African States (ECOWAS) Protocols on Free Movement ⁽¹⁾ from which in-migration may be expected; and
- countries outside the region where, for example, Human Rights issues may arise within contractor organisations and supply chains.

It should be noted that the Human Rights discussed here are only considered within the Project's area of influence. It is beyond the scope of the Project to address, for example, protection of the rights of the child in general. The Project can undertake to protect these rights only as far as they apply to the Project, eg by prohibiting child labour on the Project (see Chapter 22: Labour and Working Conditions).

24.2.2 Legal and Other Requirements

Guinea has committed itself to protecting Human Rights both through legislation as well as through regional and international conventions or standards which the country has adopted. These commitments are summarised below.

Guinean Legislation, Guidance and Standards

International and regional Human Rights commitments:

- Guinea is a signatory to the United Nations' Universal Declaration of Human Rights (December 1948);
- Guinea has been a member country of the International Labour Organisation since 1959 and has ratified all eight ILO core labour Conventions - child labour, forced labour, discrimination and freedom of association and the right to collective bargaining;
- Guinea is a signatory of other relevant international treaties such as the Convention on the Rights of the Child or the International Covenant on Economic, Social and Cultural Rights; and the UN Convention on the Elimination of All Forms of Discrimination against Women; and
- Guinea has signed up to the ECOWAS Treaty on free movement of peoples (Treaty of Lagos May 1975 and reaffirmed July 1993).

The protection of Human Rights is recognised within the Guinean Constitution which was adopted in 2010 by Presidential Decree.

Recognised rights are as follows.

- **The right to take part in government:** Commits to working towards to the greater representation of women in the workplace and the political sphere.
- **The right to an education:** The Constitution provides that education is free and compulsory for all children between the ages of 7 and 13.
- **The right to marriage and family:** Guinea recognises and protects the right to marry and raise a family (Constitution of Guinea 2010, Article 18).
- **The right to a fair trial:** All are entitled to a fair trial, in which the right to defence is guaranteed (The Constitution of Guinea 2010, Article 9).
- **The right to land ownership:** as defined in the 1992 Domain and Land Tenure Code (*Ordinance 0/92/019, Code Foncier et Domaniale – CFD*) focuses primarily on securing land tenure and use rights in urban parts of the

(1) An agreement which allows for the free movement of people between ECOWAS member states.

country.

- **The right to strike:** Article 20 of the Constitution states that workers have the right to strike provided that their representative unions have issued their employers with a ten day notice.

The following rights are protected through additional Guinean legislation as listed below.

- **The right to a childhood:** The Child Code adopted in 2008 protects children against the worst forms of child labour including sexual exploitation, forced labour and trafficking.
- **The right to work in a just and favourable environment:** the 1988 Labour Code (*Arrêté No. 003/PRG/SGG/88*) on employment and labour rights provides a legal framework for employment contracts, working conditions, the representation of workers and social dialogue, discipline and dismissal and the protection of workers' health.
- **The right to social security:** 1994 Social Security Code (L/94/006/CTRN) governs the collection and distribution of the national social security funds for labour-related health and occupational insurance.

Rio Tinto supports and respects Human Rights consistent with the United Nations Universal Declaration of Human Rights and actively seeks to ensure it is not complicit in Human Rights abuses committed by others. It also supports a number of international commitments and is dedicated to complying with these. Rio Tinto's Human Rights commitments are summarised below.

Rio Tinto Standards and International Conventions and Guidance

Rio Tinto's global code of business conduct *The way we work* (See Annex 1D: "*The way we work*" – Rio Tinto's Global Code of Business Conduct): contains the commitment to support and respect Human Rights consistent with the Universal Declaration of Human Rights and to seek to ensure that the company is not complicit in Human Rights abuses committed by others.

Rio Tinto Human Rights Policy sets out the following policies.

- We support human rights consistent with the Universal Declaration of Human Rights and Rio Tinto respects those rights in conducting the Group's operations throughout the world.
- We seek to ensure that Rio Tinto's presence fosters sound relationships and avoids civil conflict wherever we are. Rio Tinto respects and supports the dignity, well being and human rights of Group employees, our families and the communities in which we live, as well as others affected by the Group's operations.
- Our Human Rights Framework, which is in line with our commitments under the OECD Guidelines for Multinational Enterprises and reflects the UN Guiding Principles on Business and Human Rights, has its foundations in human rights due diligence, carried out as part of our corporate processes.
- Where human rights are threatened, we seek to have international standards upheld and to avoid any involvement in human rights abuses, including through misuse of our equipment and facilities.
- Through appropriate contractual arrangements and procurement principles, we expect that our consultants, agents, contractors and suppliers will be made aware of and comply with *The way we work* in all their dealings with or on behalf of the Group. In our dealings with joint venture partners and non-controlled companies in which we participate, we will make every effort to ensure that the standards of conduct in *The way we work* are respected at all times.
- The Group's security procedures draw on and are consistent with our commitment to, and active participation in, the Voluntary Principles on Security and Human Rights. These procedures include guidelines and restrictions on the use of force, and are reinforced by security and human rights risk assessments for high risk sites, incident reporting, and training for Group employees and contract security personnel. We also actively encourage human rights training for public security where we identify a gap, and help to facilitate this training in certain circumstances.

- We respect the diversity of indigenous peoples, acknowledging the unique and important interests that they have in the land, waters and environment as well as their history, culture and traditional ways.
- Wherever we operate, we engage with communities and seek to understand the social, cultural, environmental and economic implications of our activities, so that we can respond to concerns and work to optimise benefits and reduce negative impacts, both for the local community and for the overall economy. We believe that this contribution to development, together with our community engagement programmes (which may include enterprise development, training, employment, community-based health and social and cultural heritage initiatives), can further contribute to the realisation of human rights.

Rio Tinto Human Rights Guidance (October 2003) presents detailed guidance on the practical management of Human Rights within the daily operating context.

Rio Tinto's Communities Standard defines the framework of mandatory requirements for all Rio Tinto businesses, as well as a series of supporting tools which provide guidance and structure on the implementation of the Standard.

In implementing these policies and standards Rio Tinto is subject to the local laws of the many countries in which it operates. It builds on compliance with local laws and where its policy and procedures are more stringent, it operates to these standards. An online web based ethics and compliance training system is used to provide training on Human Rights to all staff at general manager level and above. Every year, all Rio Tinto's businesses complete a comprehensive Internal Controls Questionnaire (ICQ) to demonstrate their compliance in the area of Human Rights.

Rio Tinto has also adopted the following international voluntary commitments, agreements and conventions which contain elements relevant to the protection of Human Rights:

- Extractive Industries Transparency Initiative;
- Global Sullivan Principles of Social Responsibility;
- International Chamber of Commerce Charter for Sustainable Development;
- International Council on Mining and Metals Sustainable Development Framework;
- International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work;
- International Labour Organisation Convention 169: Concerning Indigenous and Tribal Peoples in Independent Countries;
- Kimberley Process;
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions;
- OECD Guidelines for Multinational Enterprises;
- Transparency International – Business Principles for Countering Bribery;
- United Nations Global Compact;
- Voluntary Principles on Security and Human Rights;
- World Economic Forum – Global Corporate Citizenship Initiative CEO Statement;
- World Economic Forum – Partnering Against Corruption Initiative (PACI); and
- Principles for Countering Bribery.

In the Guinean context, Rio Tinto Simfer has also agreed Internal Rules (*Règlement intérieur 2011-10-16*) with its employees and with the Directorate General of Labour, under the Collective Convention for Activities in Mines, Quarries and Mining Industries (*La Convention Collective de la Branche d'Activités Mines, Carrières et Industries Minières*), governing the terms under which the company will employ workers (see Annex 22A: Labour and Working Conditions - *Règlement Intérieur*).

24.2.3 Prediction and Evaluation of Risks

As noted in Section 24.1 the approach has been developed with reference to the Guide to Human Rights Impact Assessment and Management (HRIAM)⁽¹⁾. The identification of Human Rights related risks and opportunities draws from the assessments of impacts in other chapters to identify situations where rights may be infringed (eg the effects of physical displacement of people from their homes on the right to an adequate standard of living including housing) and opportunities through which the Project can strengthen

(1) Guide to Human Rights Human resources Assessment and Management (HRIAM) developed by the International Finance Corporation (IFC) and International Business Leaders Forum (2010).

Human Rights (such as strengthening the capacities of union representatives to act on behalf of those whom they represent). Where there is a risk of infringement, mitigation measures to manage these risks are identified and where there is an opportunity to strengthen a right, enhancement measures are presented. As noted in the introduction the identification of risks and opportunities and the proposals for mitigation are discussed for each of the rights identified as relevant to the Project in turn, in Section 24.4. It should be noted that the assessment does not seek to evaluate or grade the significance of risks and opportunities as this is already done in the preceding assessment chapters.

The assessment has taken particular account of the vulnerability of potentially affected people, individuals, groups, households, communities *etc* in the Project area of influence, who are affected by the threat of poverty and conditions leading to social exclusion. Vulnerability can also be affected by level of access to certain resources such as livelihoods, natural resources, services and infrastructure, and to participation in decision making. In the Project area of influence women generally are considered to be a vulnerable group, and in particular those solely in charge of households (*ie* without the support of male relatives), those living with HIV/AIDS, and those engaged in commercial sex work. Children are also considered to be a vulnerable group. These aspects have been given special consideration in identifying and assessing risks and developing mitigation measures.

24.3 Baseline - Human Rights Context

Due to the integrated approach applied to the SEIA, the examination of Human Rights draws on much of the data presented in other SEIA chapters. To that end, this chapter seeks to summarise and refer to but not wholly replicate the baseline presented elsewhere.

As stated above, Guinea has committed to the protection of the Human Rights of its citizens in both its constitution and the numerous Human Rights conventions and standards to which it is a signatory, including the United Nations Declaration of Human Rights. However, as is the case in many developing economies, several of these commitments are challenging to achieve due to a national context characterised by poverty. Nearly half of all Guineans (49%) live below the poverty line, which is 387 692 GNF (US\$ 196) per person per year ⁽¹⁾. There are associated high levels of illiteracy, and low levels of employment. Across the study area, the level and quality of social infrastructure and services vary. However, in general, these are inadequate to meet the needs of the population. In particular the local study area is characterised by:

- lack of access to potable water and use of unsanitary water for domestic purposes;
- isolation resulting from inadequate road infrastructure;
- lack of means of communication (information technology such as telephone, television, newspapers and the internet);
- lack of electricity;
- high rates of illiteracy among the population;
- high levels of poverty in the area;
- food scarcity;
- poor quality and under resourced education infrastructure; and
- remote and under equipped health centres and hospitals.

As mentioned earlier, women are considered to be a vulnerable group due to widespread societal discrimination against women. Women do not inherit or own land and play a limited role in politics and decision making at community and national levels ⁽²⁾. Although it has been illegal in Guinea since 1999, female circumcision is still practiced, affecting an estimated 99% of women between the ages of 15 and 49 years ⁽³⁾. Guinean women play important roles in the informal sector of the country's economy, but lack support in these roles, leading to a negative risk to their well-being.

Children may also be considered to be a vulnerable group in certain circumstances. According to the Danish Institute for Human Rights ⁽²⁾, child labour is reported to be high, with children making up approximately 20% of the total working population, and 26% of agricultural workers. It is estimated that half of all children below

(1) IMF, Guinea: Poverty Reduction Strategy Paper (January 2008)

(2) The Danish Institute of Human Rights, Guinea Country Briefing (December 2010)

(3) World Bank 2004

the age of 15 work. Due to lack of money, qualified human resources and social factors, Guinea does not as yet have a working child protection system to address these challenges.

Employment in Guinea is primarily created in informal sectors (most commonly agriculture, livestock, fishing, forestry, wholesale and retail trade, passenger transport and construction), with up to 80% of the population involved in the informal economy. Working conditions in these sectors are poor and labour rights are not well enforced.

Under Transparency International's Corruption Perceptions Index for 2010, Guinea ranks 164th out of 178 countries, indicating significant levels of corruption ⁽¹⁾. Corruption, should it occur, has the potential to entrench poverty and thus present risks to a wide range of other Human Rights. It is alleged that elements of Guinea's security forces have been involved in Human Rights abuses, corruption and criminality ⁽²⁾.

24.4 Assessment of Risks to Human Rights

24.4.1 Overview

This section presents the potential risk / opportunity of the Project infringing or protecting each of the rights identified in Section 24.1. The scope of each right is described as it applies to the Project as well as the ways in which companies typically infringe or protect the right, before assessing how the Simandou Project specifically may infringe or protect the right. The latter assessment draws on the assessments of human impacts presented in other chapters of the report. The measures the Project proposes to take to enhance, manage or mitigate Human Rights related risks and opportunities are described.

24.4.2 Right to Life

24.4.2.1 Risk / Opportunity Assessment

The right to life entails the right not to be deprived of life arbitrarily or unlawfully, and the right to have one's life protected. The right not to have one's life taken away by arbitrary killing is a fundamental right and includes a duty on government to investigate such killings and punish offenders.

The right to life requires positive actions to implement the right. It has been interpreted broadly to include the right of access to the basic necessities enabling survival (eg food, water, essential medicines) and provision of reasonable protection from threats to one's life. Such threats may arise outside the context of violence, for example in the context of work safety. Companies' actions may directly impact the right to have one's life protected if they adopt inadequate standards of health and safety resulting in harm to workers or others.

In the context of the Simandou Mine, the right to life may be violated through poor health and safety practices, particularly during construction when there will be a large number of contractors on-site, but also during operation and potentially after closure when the closed mine could present risks to the safety of the public if they enter the area of the old workings. The right to life may also be adversely affected by the increase in risk of accidents in the roads, in particular during construction. This is considered to be a particular risk for young people and is discussed in Section 24.4.9.3 in relation to the rights of the child (risks of accidents on the Simandou Railway are discussed in Volume II of the SEIA).

24.4.2.2 Mitigation / Enhancement Measures

The Project has established policy objectives relevant to this right as part of the Simandou Principles (see Chapter 26: Managing Social and Environmental Impacts) including the objective of having an injury and illness free workplace, pursuing a goal of zero harm, and implementing HIV and health programmes for the workforce and affected communities.

In order to mitigate potential risks to the right to life, the Project will:

(1) Transparency International, Corruption Perception Index (2011)

(2) The Danish Institute of Human Rights, Guinea Country Briefing (December 2010)

- enforce rigorous occupational and public health and safety standards;
- educate employees in the highest health and safety standards and ensure that all educational awareness campaigns are conducted in the local language and are easy to understand;
- require all business partners (including contractors, sub-contractors and, to the extent relevant, suppliers) to adhere to Rio's HSEC-MS and all operational controls developed as part of the management system.
- provide awareness, counselling and testing (ACT) for all Project personnel, including voluntary testing for sexually transmitted infections and HIV/AIDS in pre-employment and on-going health screening. (Workers will not be denied employment or discriminated against in any way based on their HIV status.);
- undertake information, education and communication campaigns around safe sexual practices and transmission of sexually transmitted infections and HIV/AIDS as well as condom distribution (including female condoms) at stopping locations on key transport routes targeting commercial sex workers and truck drivers;
- conduct information, education and communication campaigns among Project personnel on relevant communicable and non-communicable diseases, covering transmission, prevention, symptoms and when to seek medical care;
- develop sustainable agricultural, fishing, and livestock-breeding programmes, as identified through needs-based assessments and community consultation, that aim to diversify and increase production in the Project area through best practice techniques; and
- work with Project affected communities to support them in securing safe and sustainable water supplies.

24.4.3 Right to Liberty and Security

24.4.3.1 Risk / Opportunity Assessment

The right to liberty and security recognises the right to security of people, whether in or out of detention, prohibits unlawful or arbitrary detention of any kind and includes freedom from arbitrary arrest or exile.

Security of the person encompasses protection from physical attack, threat of physical attack, or other severe instance of harassment. In this respect, the right to security of the person covers less severe forms of ill-treatment than those prohibited under the right to life and the right to the freedom from torture, cruel, inhuman and/or degrading treatment or punishment

The right to liberty and security may be relevant to the Project if it is considered to be complicit in instances of severe harassment by employees, contracted security personnel or other persons.

24.4.3.2 Mitigation / Enhancement Measures

In order to mitigate against these potential risks, the Project will:

- enforce the Rio Tinto's Human Rights policy, which includes guidelines and restrictions on the use of force, and is reinforced by security and human rights risk assessments for high risk sites, incident reporting and training for Group employees and contract security personnel;
- require all business partners (including contractors, sub-contractors and, to the extent relevant, suppliers) to adhere to Rio's HSEC-MS and all operational controls developed as part of the management system. ensure security arrangements comply with the Voluntary Principles on Security and Human Rights for the extractive sectors, Rio Tinto Standards and the Project workforce Code of Conduct;

- strengthen the promotion and communication of human resources policies, in particular regarding discrimination on grounds of gender or ethnicity, sexual harassment and freedom of association; and
- establish and operate a Grievance Procedure designed to receive and respond to all concerns of internal and external stakeholders. This will resolve concerns promptly, using an understandable and transparent process that is culturally appropriate and readily accessible. Grievances will be addressed with no cost to the party that raised the concern and without retribution. The mechanism will also not impede access to other judicial or administrative remedies available to affected parties (see Annex 1G: Simandou Project Grievance Procedure).

24.4.4 Right not to be Subjected to Slavery, Servitude or Forced Labour

24.4.4.1 Risk / Opportunity Assessment

The Bill of Human Rights provides for the right to freedom from servitude, including other forms of dominance which might arise for example in the context of the trafficking of workers (including sex workers). Forced or compulsory labour is also prohibited, and is defined by ILO as ‘all work or service which is exacted from any person under menace of any penalty and for which the said person has not offered himself voluntarily’.

Major construction projects resourced using large pools of foreign workers raise the possibility that recruitment practices could include use of international labour brokers and workers may be affected by practices such as extortionate presentation fees, passport retention and intimidation.

Forced labour is not considered to be an issue for direct employees of the Project in general as Rio Tinto’s global code of business conduct prohibits the use of forced labour. However the use of international construction contractors could lead to a risk of foreign or local workers being employed under conditions which amount to involuntary or forced labour. Conditions amounting to forced labour could also arise in the local and international supply chain. Workers potentially at risk will typically be migrants and workers outside the formal economy and are therefore considered to be a vulnerable group.

24.4.4.2 Mitigation / Enhancement Measures

In order to mitigate these potential risks the Project will:

- develop due diligence procedures to assess and monitor the recruitment practices of contractors;
- consider human resources, labour rights and labour relations issues in pre-qualification of contractors and suppliers, taking into account the size and nature of the companies likely to apply for pre-qualification; and
- monitor labour and working conditions, with specific attention to contractors using large numbers of migrant workers.

24.4.5 Right not to be Subjected to Torture, Cruel, Inhuman and / or Degrading Treatment or Punishment

24.4.5.1 Risk / Opportunity Assessment

This right has a special status in international Human Rights law and is subject to no restrictions or provisos in any circumstances. Torture is the most serious of the prohibited acts of ill treatment. It involves a very high degree of pain and suffering and is intentionally inflicted for a particular purpose (eg extracting a confession). Cruel and / or inhuman treatment also entails severe suffering of the victim, through a lesser scale than “torture”, while degrading treatment is characterised by extreme humiliation of the victim.

The right to freedom from inhuman or degrading treatment may be relevant to companies where staff members are subjected to severe harassment or dangerous working conditions that cause serious mental

distress and anguish; if companies' products are misused to commit acts of torture; or if the actions of business partners with whom companies have a business relationship are oppressive. Such relationships might be joint commercial ventures or the engagement of State security forces to protect company installations. In addition to freedom from torture, cruel, inhuman and / or degrading treatment or punishment, this right also protects people from being subjected to medical or scientific experimentation without their consent.

In the context of the Project, this right is at greatest risk of violation from potential negative interactions between the community and any security forces used, especially if community protests occur. As already discussed in Section 24.4.3, the use of inappropriate force by security personnel in the event of an incident could compromise the safety and security of individuals from local communities. In the event of a major incident or threat to the Project, Government authorities may also become involved in any response. Any excessive force that may be used by government security personnel could result in a threat to the safety and security of community members and could lead to injuries or fatalities as well as a reputational risk to the Project.

24.4.5.2 Mitigation / Enhancement Measures

To reduce the risk of risks to the community associated with security personnel on the Simandou Project, a number of measures will be adopted as discussed in Section 24.4.3. The Project will ensure that:

- security arrangements comply with the Voluntary Principles on Security and Human Rights for the extractive sectors. Rio Tinto Standards and the Project workforce Code of Conduct;
- security personnel are screened prior to employment by means of detailed interviews and vetted in line with the 'International Code of Conduct for Private Security Service Providers' to avoid hiring those who have previously been involved in abuse or violation of human rights;
- all security personnel receive training on Project expectations for procedures for security behaviour and practices on induction and annually;
- security personnel are unarmed;
- provide awareness training for emergency response procedures and the business resilience and recovery programme;
- security arrangements are communicated to relevant stakeholders including workers and communities, without compromising the security of the Project; and
- community grievances in relation to the conduct of security personnel or activities are addressed in accordance with the Project's established Grievance Procedure (see Annex 1G: Simandou Project Grievance Procedure).

24.4.6 Right to Equality before the Law, Equal Protection of the Law and Non-Discrimination

24.4.6.1 Risk / Opportunity Assessment

This right guarantees equality before the law, and the equal protection of the law without discrimination. Individuals should be protected from discrimination on different grounds including race, colour, sex, language, religion, political or other opinion, national or social origin, property, and birth or other status. The latter ground is open ended and has been interpreted to include health status (eg HIV/AIDS), disability, marital status, age and sexual orientation. Discrimination means any distinction, exclusion or preference made on one or more of the grounds listed above, that has the effect of reducing or removing altogether equality of opportunity or treatment for the victim.

Companies' activities can have an impact on the right of non-discrimination of the workforce and business partners, for example when discriminating during recruitment, pay or training of workers or selection of supplies. Discrimination can also take place when employees are disciplined without fair procedures.

The Guinean Labour Code includes few protections against discrimination and is generally not in line with international standards on the prohibition of employment discrimination ⁽¹⁾. Notable potential grounds for discrimination covered by international standards and not currently included in Guinean law are sexual orientation, disability, HIV/AIDS status, age, social origin and minority status. Societal discrimination against women is also prevalent in Guinea.

In a country made up of several ethnic groups, including Soussou, Peuls and Malinke who form the majority of the population, and also smaller ethnic groups, in particular in the *Guinée Forestière* region, ethnic identification is strong and societal ethnic discrimination by members of all major ethnic groups in private sector hiring patterns is widespread.

In accordance with the Rio Tinto Global Code of Business Conduct, Rio Tinto prohibits discrimination on the basis of race, gender, national origin, religion, age, sexual orientation, politics, or any other personal characteristic protected by law. In addition, the code prohibits workplace sexual harassment, promotes diversity and is committed to gender equality and to implementing an equitable and transparent remuneration system. In Rio Tinto company internal rules, racial comments are classified as a serious offence that trigger suspension and sexual harassment is classified as a very serious offence that triggers an immediate investigation and may result in dismissal.

However, in a national context where gender and ethnic discrimination is widespread and where the legislative framework is insufficient there is a risk that workers, women and workers from ethnic minorities in particular will not benefit from adequate protection against discrimination. The risk of protection against discrimination is likely to be higher amongst contractor workers, who may not have the policies and procedures in place to ensure that this right is consistently protected.

Contractors working on the Project may also infringe on the right to non-discrimination through their recruitment practices which may, for example, exclude women or demonstrate preference for one ethnic group over another. Furthermore in the absence of specific controls, the Project's own employees may discriminate against one another on gender or ethnic ground.

Against these risks the Project also has an opportunity to enhance the right to equality and non-discrimination by equal treatment amongst its own workers, contractors and suppliers. This will have the benefit of creating a culture in its area of influence which recognises and encourages this approach.

24.4.6.2 *Mitigation / Enhancement Measures*

In order to mitigate the risk of adverse effects and enhance the opportunity to improve practice, the Project will:

- strengthen the promotion and communication of human resources policies, in particular regarding discrimination on grounds of gender or ethnicity, sexual harassment and freedom of association;
- ensure grievance mechanism has personnel trained to receive complaints from women regarding sexual harassment;
- ensure policies and procedures on non-discrimination and equal opportunity cover aspects of recruitment, termination, working conditions and terms of employment;
- work with the EPCM and contractors to ensure development of appropriate policies and procedures and in particular covering working conditions, non-discrimination and grievances; and

(1) CEACR (2008). Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Guinea.

- keep under review the need to monitor wages received by female and male workers.

The Project will require that contractors apply human resources policies and procedures which are legally compliant with Guinean requirements (which enshrine the right to freedom from discrimination) and which are aligned with the requirements of its own employment policies as defined in Rio Tinto's Global Code of Business Conduct and the IFC Performance Standard 2 on Labour and Working Conditions (see Chapter 22: Labour and Working Conditions).

24.4.7 Right to Access Effective Remedies

24.4.7.1 Risk / Opportunity Assessment

Article 8 of the UDHR provides for everyone to have the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the constitution or by law. Companies have an opportunity to support this right by developing and maintaining grievance mechanisms that provide access to effective remedies for victims.

Even with the best policies and practices, there is always a risk that the Project may cause or contribute to a negative impact on workers' rights that are not foreseen or cannot be prevented. Workers whose rights are negatively impacted by Project operations need access to remedies in the event that this occurs. In this context, the lack of a formal grievance mechanism and procedures would have a negative impact on workers who will not be able to access an adequate grievance mechanism. In addition, in the absence of specific requirement on contractors to implement grievance mechanisms, it is unlikely that any grievance mechanisms will be accessible to their workers.

24.4.7.2 Mitigation / Enhancement Measures

To mitigate against the possibility of no access to effective remedies, the Project will:

- ensure that grievance and conflict resolution mechanism are available to all workers living in camp accommodation;
- establish and operate a Grievance Procedure designed to receive and respond to all concerns of internal and external stakeholders. This will resolve concerns promptly, using an understandable and transparent process that is culturally appropriate and readily accessible. Grievances will be addressed with no cost to the party that raised the concern and without retribution. The mechanism will also not impede access to other judicial or administrative remedies available to affected parties; and
- through consultation with (and with the approval of) local authorities, establish minimum representation targets for women in all committees and monitor this target.

For construction contract workers the Project will require contractors to set up their own grievance procedures or ensure that the Project grievance procedure is available to workers employed by contractors.

24.4.8 Right to Freedom of Movement and Right to Own Property

24.4.8.1 Risk / Opportunity Assessment

The Bill of Human Rights allows for the right to freedom of movement, which has four parts. It allows people who are lawfully in a country to move freely throughout the country, to choose where to live within the country, and to leave the country. These three parts of the right may be limited by restrictions on movement that are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others. The right to freedom of movement also gives people the right not to be arbitrarily prevented from entering their own country.

A company's activities may present risks to these rights if, for example, a community has to be relocated because of company operations, which restricts the freedom of those people to choose where they live. Development related relocation should be undertaken only if absolutely necessary and so long as it is not conducted arbitrarily or in an unreasonable manner. To this end, freedom of movement must be recognised and considered as part of any discussions concerning relocation. Resettlement should be lawfully achieved after consultation with, notice and compensation for, and consent from, those affected. Bonded labour, in situations where a worker's passport or travel documents are withheld also breaches the right to freedom of movement (see also section 24.4.4).

The right to property ensures that everyone is entitled to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property. A company may affect this right when they acquire land, and embark on relocation / resettlement programmes. Resettlement should be lawfully achieved after consultation with, notice and compensation for, and consent from, those affected.

The Project has been designed so as to minimise any need for resettlement and direct displacement of people from their homes is not envisaged as a result of mine development (see Chapter 19: Land Use and Land-Based Livelihoods). Housing demands directly related to the Project's permanent workforce and arising indirectly as a result of an in-migration of people are, however, likely to involve increased competition for housing land particularly in Beyla, Moribadou and Nionsomoridou presenting risks to the rights of choice over where to live for local residents. There is also a possibility that environmental and other impacts could be sufficiently adverse to require consideration of relocation of some households from their homes (see Chapter 19: Land Use and Land-Based Livelihoods).

Patterns of land use and tenure will be affected by the occupation of land for the Project, provision of replacement land and other forms of compensation, and monetisation and changes in value of land. In a country where women are not allowed to own land, the reduction in the land available for distribution and the higher cost of land could reduce the incentive for husbands and male relatives to grant women rights to land.

The influx of people and economic investment associated with the Simandou Project has already resulted in an increase in statutory land ownership in the area surrounding the mine and this is expected to continue. This shift is most dominant in the urban centres and is evident in the larger more established rural villages that are facing high demand for land. For land owners, the process and costs of registering title are significant, reducing the number of people who pursue this option. There may be particular issues for women as although Guinean national legislation promotes equality and allows for land ownership by women, women do not traditionally inherit or own land.

24.4.8.2 *Mitigation / Enhancement Measures*

It is anticipated that, with full implementation of the Project Framework for Land Acquisition, Resettlement and Compensation (the PARC Framework - see Chapter 19: Land Use and Land-Based Livelihoods) and effective cooperation with government on planning for economic development and in-migration, risks of infringement to the right of freedom of movement and to own property associated with displacement are expected to be effectively reduced.

Specifically:

- during the final Detailed Design, the Project will continue to avoid physical and economic displacement and disruption of access wherever possible. Where it cannot be avoided, the Project will minimise physical and economic displacement by exploring alternative designs and layouts for Project facilities; and
- in the case of households and communities that will experience physical or economic displacement or loss of access to livelihood resources as a result of the Project, the Project will plan and implement resettlement and compensation in accordance with the Resettlement and Compensation Action Plan Framework (PARC Framework). Through the PARC Framework and its implementation, the Project will aim to fully restore, and where possible improve, the livelihoods of affected households and

communities in accordance with the requirements of IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement (see Chapter 19: Land Use and Land-Based Livelihoods).

If people are relocated it is expected that they will gain some benefits from improving their position in relation to land tenure and obtaining better quality housing.

24.4.9 Rights of Protection for the Child

24.4.9.1 Introduction

The Bill of Human Rights recognised that children are in need of special protection as required by their status as minors. The duty to protect a child attaches to his or her family, community and the State.

A company's activities may have an impact on this right where they fail to observe the minimum age for employment. Children may not be engaged to do work that is hazardous, arduous, and for which they are underpaid, or to work for the same number of hours as adults. Child labourers are frequently denied the opportunity to undertake education as a result of going to work, and their mental and physical health can suffer due to poor working conditions, long hours of work, and ill-treatment by employers. The Project has a responsibility to protect against this eventuality and uphold the rights of protection for the child.

Other Project related impacts may also affect children as a vulnerable group. These include risk of accidents or injuries on the roads ⁽¹⁾, spread of communicable diseases and malaria, spread of HIV/AIDS, food and nutrition related issues, and issues relating to health infrastructure and services. These are discussed below. The risks linked to malaria and communicable diseases are further discussed in Section 24.4.16: Right to Health.

24.4.9.2 Child Labour

Risk / Opportunity Assessment

Levels of child labour are high in Guinea and there is no inspection system in place targeted at detection of child labour. Child labour occurs most frequently in the informal sectors of subsistence farming, small trade, and small scale mining where children are employed to extract, transport and clean the minerals ⁽²⁾. The International Trade Union Confederation notes that children in mines are exposed to extreme working conditions and dangers ⁽³⁾.

Generally, child labour is not considered to be an issue for direct employees of the Project as Rio Tinto's Global Code of Business Conduct prohibits the use of child labour. Despite the absence of specific policies or procedures on risk assessment in place at Rio Tinto, Rio Tinto recruitment procedures require that copies of workers' identity cards are reviewed and kept. Rio Tinto and its contractors report that, in their knowledge, they currently engage no minors. However, it is possible that children and young persons under the age of 16 (minimum working age in Guinea) may be economically involved at some stage of the Project, in particular during construction which will require the use of large pool of unskilled workers. In the absence of effective risk assessment procedures for contractors a negative impact on young persons under the age of 16 could arise if they are employed, or for children under 18 if they have to work in conditions which are inappropriate for their age. In addition, due the prevalence of child labour in agriculture, there is a risk that children will be engaged in the production or supply of food to the Project in particular. This would have a negative impact on their right not to work and on their right to education and their enjoyment of childhood.

Mitigation / Enhancement Measures

In order to mitigate against the risk of child labour, the Project will:

(1) Risks from rail operations are addressed in Volume II of the SEIA report dealing with the Simandou Railway.

(2) U.S. Department of Labor's 2010 Findings on the Worst Forms of Child Labor - available at www.dol.gov/ilab/programs/ocft/PDF/2010TDA.pdf

(3) ITUC (2011). Internationally Recognised Core Labour Standards in Mauritania and Guinea: Report for the WTO General Council Review of the Trade Policies of Mauritania and Guinea. Available at http://www.ituc-csi.org/IMG/pdf/Guinea_Mauritania_final.pdf.

- develop procedures monitoring of the health, safety, working conditions and hours of work for children between 16 (minimum age for employment in Guinea) and 18 years of age;
- develop a mechanism to monitor the supply chain for child labour on an on-going basis; and
- prepare and implement urgent remedies if child labour is found in the supply chain.

24.4.9.3 Safety and Security on the Roads

Risk / Opportunity Assessment

According to the World Health Organisation (WHO), accidents close to roads and involving vehicles are a significant issue in Guinea ⁽¹⁾. The age groups most affected are those between 15-44 years and children. Road traffic accidents are the most common form of accidental injury. To date, the improvement in roads as a result of the Project has already allowed vehicles to travel at higher speeds, and this will continue into construction and operation. The Project may increase the risk of road traffic accidents involving injuries and fatalities to other road users and pedestrians, in particular during construction when there will be high levels of road traffic making deliveries of construction materials to work sites and carrying other goods and personnel, and then at a continuing lower level during operations as deliveries and personnel travel to and from Project sites.

Improvements in the local economy and increases in income will also allow more people to buy vehicles, notably motorcycles, resulting in heavier traffic and increased likelihood of accidents.

The new railway, and especially the crossing of the railway line, will also create risks of injury or fatality for the local population, and particularly for children and these are addressed in Volume II of the SEIA Report dealing with the Simandou Railway.

Mitigation / Enhancement Measures

In order to mitigate the risk of road accidents during both construction and operation, the Project will:

- require Project drivers to be trained in defensive driving and provided regular refresher courses;
- in partnership with local authorities and the police, educate communities on road traffic laws and road safety; and
- propose road bypasses where there is a significant risk to public safety from road accidents.

Measures related to rail safety are addressed in Volume II: Rail.

24.4.9.4 Spread of HIV/AIDS

Risk / Opportunity Assessment

Up to an estimated 8 000 children aged 0-14 were living with HIV in Guinea (2007 figures), with up to 39 000 children estimated to have lost one or both parents to AIDS ⁽²⁾. Child morbidity and mortality as well as lower levels of educational attainment for children who may need to leave school early in order to care for a sick parent or siblings, and / or take on economic responsibilities for the household all affect the rights of children.

The baseline health survey for the mine indicates that there is a lack of consistent knowledge around transmission and prevention of HIV/AIDS as well as high levels of stigma around Sexually Transmitted

(1) WHO - Country Health Profile (2006). Available at <http://www.afro.who.int/en/guinea/country-health-profile.html> - last accessed 11.10.11

(2) WHO, UNAIDS, UNICEF – Epidemiological Fact Sheet on HIV and AIDS: Guinea 2008 update. Available at http://apps.who.int/globalatlas/predefinedReports/EFS2008/full/EFS2008_GN.pdf - last accessed 09.03.12.

Infections (STIs) and the use of condoms. There is a low uptake of testing for STIs, particularly in women, contributing to mother to child transmission. Women and young girls are vulnerable to HIV/AIDS due to their limited ability to negotiate safe sex practices for cultural and religious reasons and the well described higher risk that women have in contracting HIV and STIs through high risk sexual contact, compared to men.

The survey indicated that HIV/AIDS is prevalent in communities located in the local area around the mine.

As the Project progresses into pre-development, construction and into operations it may continue to influence the risk for STIs and HIV in the local study area and along transport corridors as a result of:

- increase in casual and / or transactional sex due to increased availability of disposable income and demand for this from a largely male workforce working away from home; and
- in-migration, possibly resulting in the influx of populations with higher prevalence of HIV, mixing with the local communities.

Mitigation / Enhancement Measures

A number of mitigation measures against the spread of HIV/AIDS have been developed and are discussed further in Section 24.4.16 on Health, below. Of particular relevance to children is support to women's empowerment and education programmes which will also reach young girls vulnerable to prostitution. The aim of these programmes will be to support women's empowerment and education programmes to promote women's rights and safe sexual practices (including the use of condoms and female condoms) and support development of alternative livelihoods to minimise the risk of commercial sex transactions.

24.4.9.5 Soil, Water and Waste-Related Diseases

Risk / Opportunity Assessment

Water, safety and general hygiene was raised as a significant stakeholder concern and local development priority. All of the samples taken during the baseline health survey for the mine showed the presence of coliform bacteria in water sources; and 76% the presence of E.coli at the point of use. Intestinal infections were widespread with hookworm having the highest overall prevalence at 51%, with 93% of children infected in Foma.

Mitigation / Enhancement Measures

The Project may influence soil, water and waste related diseases in a number of direct and indirect ways, and as such has developed a number of measures to mitigate against these human resources. Since none of these is targeted specifically at children, they are discussed further in Section 24.4.16: Right to Health below.

24.4.9.6 Food and Nutrition-Related Issues

Risk / Opportunity Assessment

Malnutrition is a significant challenge and longitudinal surveys (studies which observe the same individuals over time) have revealed that children's nutritional status has not improved since the first survey in 1999, and in fact that stunting (an indicator for chronic malnutrition) had deteriorated from 26% in 1999 to 35% in 2005 with rural areas worse affected. Anaemia is a major concern and in 2005 47% of children had moderate anaemia, 23% had mild anaemia, and 7% were severely anaemic. Anaemia was highest in children living in the poorest households. These findings are supported by the baseline health survey for the mine, which showed that 53% of children were stunted which is higher than the regional average of 44% and that 20% had gone to bed the previous night without a proper meal.

Mitigation / Enhancement Measures

The Project may influence nutritional indicators for children both positively and negatively. Positive effects would result from employment and economic activity leading to improved incomes and access to food. Negative effects could be caused by increased pressure in food supplies and land for food production resulting from in-migration. Various measures will be taken to reduce adverse effects and these are discussed in Section 24.4.15.

24.4.9.7 Health Infrastructure and Services

Risk / Opportunity Assessment

The public health services in the local study area, and indeed throughout the broader region, are limited both in terms of capacity and availability. This limited capacity relates to both personnel and consumables, despite the fact that they comply with the national requirements. This affects the health-seeking behaviour, diagnostic accuracy and availability of treatment of a number of diseases that are common in the study area. Facilities are generally understaffed, lack basic equipment, have no electricity or running water and drugs are often out of stock. In a study completed in 2007 / 2008 it was estimated that only 32% of children under the age of one year in the N'Zérékoré region had received their required vaccinations.

The Project will need a significant number of medical staff to support the clinical care and the occupational health requirements of the Project. Skilled medical staff are in short supply in Guinea and if they leave the public sector to work at the Project due to higher wages this may have a detrimental effect on access to health care for local people both within the region but also potentially across Guinea as a whole. In-migration may also limit access to health care by placing an extra burden on already limited resources. There is minimal institutional capacity to support this potential growth either from a planning, budget or a delivery perspective.

Reduced access to health care services coupled with the lack of a functioning Health Information Management System would affect the health of the Project affected communities for the duration of the Project, as delayed access to health care is associated with worse health outcomes. Children would be vulnerable to this if maternity and paediatric services were affected. Against this the Project will offer opportunities for improved health care through support to local infrastructure and services and improved economic status for local people through employment and other development.

Mitigation / Enhancement Measures

A number of mitigation measures have been identified to reduce the risk of the Project negatively affecting health infrastructure. Of these, the following are directly targeted at children:

- supporting antenatal care and delivery care programmes to reduce the risk of maternal and infant morbidity; and
- supporting government-led vaccination programmes including transport, storage and handling of vaccines to prevent degradation.

24.4.10 Right to Freedom of Association

24.4.10.1 Risk / Opportunity Assessment

The right to freedom of association refers to the right to form or join all types of association such as political parties, religious societies, sporting and other recreational clubs, non-governmental organisations and trade unions.

Companies are most likely to affect this right insofar as it relates to trade unions and other employee representative bodies. Companies respect the right when they respect the right of workers to form trade unions or, when operating in countries where trade union activity is unlawful, they recognise legitimate

employee associations with whom the company can enter into dialogue about workplace issues. Companies should also ensure that their activities do not undermine other legitimate organisations, such as political parties.

Breaches of freedom of association are among the principal issues arising in relation to labour standards for large infrastructure and mining projects in Guinea. These include inadequate anti-discrimination protections in law for non-official trade unionists and political interference in the exercise of the right to strike.

Infringement of the freedom of association is not considered to be an issue for direct employees of the Project in general as, in accordance with Rio Tinto's Global Code of Business Conduct, Rio Tinto is committed to respect freedom of association and the right to collective bargaining. In 2010 union representation (*bureau syndical*) was set up in Conakry and Canga. Trade union elections were held in March 2010 and a total of 19 trade union representatives (and 19 substitutes) were elected. Since then, Rio Tinto has endorsed the mining collective bargaining agreement which, as a consequence, is now applicable to all its operations in Guinea (further details are provided in Chapter 22: Labour and Working Conditions)

The rapidly expanding workforce could however lead to challenges for the human resources team in implementing and communicating human resources policies and procedures to all directly employed workers. This could have a potentially negative effect on workers who may not be aware of or enjoy the full benefits of the rights those policies and procedures aim to guarantee. In relation to contractors, it is possible that human resources practices of contractors may not meet the standard adopted by Rio Tinto, or expected by IFC Performance Standard 2, including the freedom to form trade unions or other workplace related organisations.

24.4.10.2 Mitigation / Enhancement Measures

To mitigate against the possibility of restrictions on freedom of association, the Project will promote and communicate its human resources policies regarding freedom of association to Project workers. This will include training workers on their rights and benefits as part of induction sessions given to all new starters including specific activities for those with poor literacy.

The Project will require its contractors to apply human resources policies and procedures which are legally compliant with Guinean requirements (which enshrine freedom of association) and which are aligned with the requirements of its own employment policies.

24.4.11 Right to Social Security; Including Social Insurance

24.4.11.1 Risk / Opportunity Assessment

The right to social security encompasses the right to access and maintain benefits without discrimination. Governments are obliged to make available a system of social security. Such systems may involve contributory or insurance based schemes, which normally entail compulsory contributions from the beneficiary and the beneficiary's employer (and sometimes the State), as well as universal or targeted schemes funded out of the public purpose. The right is essential in combating poverty, given its redistributive character; its realisation can, for example, have a significant effect on the enjoyment of other related rights, such as the right to an adequate standard of living and the right to health.

The role of companies in relation to the right to social security will vary depending on the national context. Generally, companies have a basic duty to ensure that legally mandated contributions to the system, in addition to those deducted from employee salaries and wages, are paid promptly to ensure that the government's ability to deliver social security payments or services is not undermined. Increasingly, employment laws also create obligations on companies to provide income and benefits on maternity, injury etc. If companies operate private social security schemes, they have the responsibility to do so in a non-discriminatory manner and they should not impose unreasonable eligibility conditions. Finally, if a company denied its workers their contractually agreed employment injury benefits, its actions would infringe workers' rights under Article 9 of the ICESCR.

The Project's human resources policies and procedures have been designed to ensure that appropriate benefits are provided in accordance with legislation and company policy. There is nonetheless a very small risk that the right to social security and social insurance could be affected amongst direct staff due largely to occasional clerical errors. At present, five to seven complaints about wages are received every month and addressed in the month thereafter. They mostly arise from late presentation of timesheets, last minute changes in holiday plans, and data entry mistakes (see Chapter 22: Labour and Working Conditions). The risk is greater amongst contractor organisations which may not have the human resources controls in place to ensure that workers receive the benefits for which they are legally eligible.

24.4.11.2 Mitigation / Enhancement Measures

In order to mitigate this risk the Project will:

- ensure timely payment of wages and benefits and provide payslips to all workers and ensure contractors ensure the same.

24.4.12 Right to Work

24.4.12.1 Risk / Opportunity Assessment

The right to work recognises the right of everyone to the opportunity to make their living by work which they freely choose or accept. Work must be 'decent work' which respects a person's Human Rights including workers' rights regarding conditions of remuneration and work safety (see in Chapter 22: Labour and Working Conditions). The expectation, according to the Bill of Human Rights, is that all governments will aim to achieve full employment of the population of working age, although the right to work does not guarantee that everyone will have the job they want, or even a job. Private sector companies provide one of the vehicles through which the right to work is enabled

A company that has significant activities regarding the provision of employment, in areas where a government lacks the capacity to fulfil its commitments, may be expected by stakeholders to play a part in helping to secure fulfilment of the right to work. Companies of all sizes and in all locations may infringe workers' rights to work if they arbitrarily or unfairly dismiss workers.

As a large employer locally and nationally, the Project will substantially and positively improve the ability of the Guinean government to enhance the right to work through the following.

- The number of jobs that will be created by the Project: at peak construction an estimated 15 700 workers are expected to be employed, of whom about 2 500 are expected to work at the mine. More than 90% will be contractor employees. By the time the Project reaches full operation in 2020 about 2 050 will be employed in mine operations. Although about half of the construction jobs are expected to be filled by foreign nationals, there is a commitment to hire Guineans and local community members wherever possible and the majority of the operational workforce are intended to be local by 2020; and
- The extensive goods and services which the Project will require from local suppliers, during both construction and operation.

24.4.12.2 Mitigation / Enhancement Measures

Through the implementation of the measures to enable local employment set out in Chapter 17: Employment and Economic Development, the Project will substantially and positively contribute to the ability of the Guinean government to enhance the right to work. The measures that will be taken to maximise the opportunities for local people include:

- providing training to unskilled personnel from the local community in safety, basic hand tools, basic power tools, basic rigging and material handling;

- aiming to maximise local procurement through its 'Guinea Buy Local Programme' (GBLP) in partnership with the IFC and other relevant organisations where available and appropriate (eg donors, civil society and NGOs) during the Project lifecycle;
- training Guineans to take up wage employment through on-the-job training, literacy programmes and scholarship programmes;
- having procedures in place to protect the rights of those employed; and
- building the skills of and employing women (historically the group which has had the least access to wage-employment) and youth.

24.4.13 Right to Enjoy Just and Favourable Conditions of Work (Including Rest and Leisure)

24.4.13.1 Risk / Opportunity Assessment

Articles 23 and 24 of the UDHR and Article 7 of the ICESCR provide for the right to enjoy just and favourable working conditions, including the right to rest and leisure time. This also includes the right to fair wages and equal remuneration for work of equal value, and for women to be guaranteed conditions of work not inferior to those enjoyed by men. Remuneration must also be enough to provide workers with a decent living for themselves and their families, and wages should be paid regularly and in full, without unauthorised deductions or restrictions.

Companies can have a significant effect on the right to enjoy just and favourable conditions of work in their capacity as employers.

This issue is pertinent for the Project because by the time it reaches full capacity in 2020, about 2 500 workers are expected to be employed at the mine. In addition of the order 2 000 workers will be involved in construction of the mine between 2012 and 2016 of whom about 90% will be employed by contractors. The use of contractors is very common in infrastructure construction, and research suggests that the use of contractors can lead to a deterioration of terms of employment and can have a profound effect on safety and health at the workplace.

Legislation in Guinea, with respect to hours of work, overtime and paid leave is generally compatible with international standards, and these provisions are supported by the collective bargaining agreement and Rio Tinto internal rules. However, there is no minimum wage in Guinea ⁽¹⁾ and wage levels remain among the key issues on the trade union agenda ⁽²⁾. Rio Tinto negotiated an agreement with workers' representatives on job classification and wages in December 2010, and has also developed a wage structure for daily workers. The Rio Tinto Global Code of Business Conduct prohibits discrimination on the basis of race, gender, national origin, religion, age, sexual orientation, politics, or any other personal characteristic protected by law.

A number of factors are likely to induce the risk of workers' rights to enjoy just and favourable conditions of work being negatively affected:

- the work schedule with strict deadlines for Project completion, in particular during the construction phase, is likely to lead to the requirements for working significant extra hours;
- although wages for directly employed permanent and fixed term workers at Rio Tinto have been negotiated with union representatives, there is a risk that the Project could have adversely affect unskilled daily workers who may not receive adequate wages, and other workers who may not benefit from adequate overtime payments because of the potential difficulties in getting supervisors' sign-off for hours worked beyond the limit of the law;

(1) The labour code allows the government to set a minimum hourly wage, but as at 2009 the government did not exercise this provision nor did it promote a standard wage. Source: US Department of State 2008 Human Rights Report: Guinea.

(2) Interviews in-country – USTG

- in a national context where gender and ethnic discrimination is prevalent and where the legislative framework is insufficient, there is a risk that women and workers from ethnic minorities in particular might not benefit from adequate protection against discrimination; and
- during the construction phase of each Project component, the widespread use of contractors and the mobilisation of significant number of unskilled workers recruited on a short term basis are likely to create a risk of breaches of a range of labour standards by contractors including hours, wages, health and safety and freedom of association.

24.4.13.2 *Mitigation / Enhancement Measures*

Measures to mitigate these risks are identified in detailed in Chapter 22: Labour and Working Conditions, and include:

- employing an appropriate number of workers to avoid undue pressure on hours worked by employees;
- asserting rules around working hours and exercise control of overtime, and any payment of overtime premiums, to ensure that the limits set in the law and company policy are understood and respected;
- reviewing daily worker rates to ensure that it allows workers to both meet basic needs (housing, energy, nutrition, clothing, health care, education, potable water, childcare and transportation) and providing some discretionary income; and
- strengthening the promotion and communication of human resources policies, in particular regarding discrimination on grounds of gender or ethnicity, sexual harassment and freedom of association.

For construction contract workers, the Project will:

- ensure contractors have adequate policies and procedures on working hours and the use of overtime.

24.4.14 Right to Form and Join Trade Unions, and the Right to Strike

24.4.14.1 *Risk / Opportunity Assessment*

The Bill of Human Rights provides for the right to form trade unions and join trade unions, and the right to strike. The core ILO Conventions governing freedom of association, the right to organise and collective bargaining, complement the interpretation of this right. These Conventions dictate that workers should not be discriminated against because of trade union membership.

Companies may affect these rights if they prevent union membership and activity amongst employees or are in any way complicit in actions that restrict employees' rights to participate in union activity.

Although some areas for union consultation are spelled out in Guinean law, the scope of issues that can be discussed or negotiated with union representatives is not clearly defined in the law or in the sectoral collective bargaining agreement. Regular meetings between human resources and union representatives have sometimes been difficult to organise because of logistical problems and if this continues union representatives, and the members they represent, will not receive the information needed for meaningful negotiations in a timely manner.

Should contractors have a negative attitude towards trade union representation within their company their workers will not be able to benefit from freedom of association and right to collective bargaining. This is especially the case in view of the weak enforcement mechanisms in Guinea in the field of labour rights, meaning that workers have little to no means to secure their rights.

Against these risks of adverse effects the Project offers the opportunity to benefit this right by creating a culture of positive attitude to union representation amongst its workforce, contractors and suppliers.

The role of trades unions in the Project is also discussed in Section 24.4.10.

24.4.14.2 Mitigation / Enhancement Measures

To mitigate the risk of restricting these rights, to create an environment favourable to the development of healthy worker / management relationships, and to strengthen the capacities of union representatives to act on behalf of those who they represent, the Project will:

- continue to promote an open dialogue with trade union representatives;
- continue to take measures to support trade union representatives' understanding of their role and to develop their capacities in the field of labour rights and negotiation;
- formalise further the procedures around communication and exchange of information with union representatives to ensure that information needed for meaningful discussion or negotiation is received in a timely fashion; and
- develop a framework to determine areas for consultation with trade union representatives.

For contracted workers, the Project will:

- ensure that contractors have designed adequate policies on trade unions; and
- work with the Engineering, Procurement and Construction Management contractor, trade unions, contractors and relevant public officials to discuss employment issues related to the contracted construction workforce.

24.4.15 Right to an Adequate Standard of Living (Housing, Food, Water & Sanitation)

24.4.15.1 Risk / Opportunity Assessment

The Bill of Human Rights includes the right to an adequate standard of living, interpreted as including adequate food, clothing, housing and continuous improvement of living conditions, as well as access to sufficient water and sanitation.

The Project has the potential to improve the standard of living of those employed by the Project and its contractors and suppliers who will be able to afford better housing, for example, and to reduce the quality of living of others, for example those affected by involuntary resettlement or living in villages significantly affected by in-migration who could experience competition for resources and infrastructure.

Support for the right to an adequate standard of living will result primarily from employment provided by the Project and through diversification of the local economy and growth of the construction and related service industries. The access to income available to those employed through the Project or its local supply chain, offer the opportunity to improve both the quality and quantity of housing and food, for example.

A number of factors could increase the negative risk to an adequate quality of life, including:

- an influx of job and opportunity seekers (see Chapter 17: In-Migration), could place significant pressure on existing, and generally inadequate, infrastructure including roads, healthcare facilities, schools, water, power, sewerage and waste facilities;
- project induced inflation could affect local prices and exacerbation of economic vulnerability (see Chapter 17: Employment and Economic Development); local prices for land, housing, construction materials, food, fuel and transport are all likely to experience inflation as a result of the Project;

- displacement of land-based livelihoods, notably agriculture and subsistence farming, gathering and hunting activities from occupation of land by the Project (see Chapter 19 Land Use and Land-Based Livelihoods); there is heavy local reliance on land-based livelihoods and limited alternatives to subsistence; loss of or reduced productivity of agricultural land could also decrease food security;
- demand for water from the Project and from induced development caused by in-migration could affect availability of water;
- prostitution of young women could increase with influx of workers and job seekers;
- juvenile delinquency and criminality (related to drugs and alcohol consumption) could increase;
- culture and traditions could be negatively affected by the presence of the Project; and
- clearance of vegetation, and associated movement of fauna away from cleared areas, occupation of land and the pressures of an increased local population as a result of in-migration could reduce access to and increase competition for natural resources (plants and animals) used as food, fuel, medicines and building materials.

24.4.15.2 *Mitigation / Enhancement Measures*

Measures to mitigate these risks are detailed in Chapter 19: Land Use and Land-Based Livelihoods and include:

- compensation for loss of livelihoods through the PARC Framework;
- maintenance of water resources and supplies;
- local employment and procurement;
- measures to manage pressures for exploitation of natural resources;
- monitoring of inflation;
- implementation of housing and infrastructure programmes;
- provision of support for regional and local development planning to manage pressure on infrastructure; and
- development of an In-Migration Plan to manage the movement of people.

24.4.16 **Right to Health**

24.4.16.1 *Introduction*

The Bill of Human Rights recognises the highest attainable standard of physical and mental health. States must take measures to prevent, treat and control diseases, reduce infant mortality and provide for the healthy development of children, improve all aspects of industrial and environmental hygiene, and to create conditions that will ensure universal access to appropriate medical services and medical attention in the event of sickness. People must have access to the underlying building blocks of good health, such as adequate nutrition, housing, safe and potable water, adequate sanitation, medical supplies, healthy working conditions and a healthy environment.

Companies are expected to ensure that their operations and products do not infringe the right to health of people, such as workers, consumers and local communities. Special consideration should be given to vulnerable sectors of society.

Furthermore, companies are expected to ensure compliance with national legislation, including occupational and public health and safety regulations, and consumer and environmental legislation, and with international standards where domestic laws are weak or poorly enforced. Even though informal workers are often not covered by domestic legislation, companies should take steps protect persons within their supply chains from occupational health and safety risks.

The Project has the potential to negatively affect the health of the local community and its own and contractor workforce in a number of ways. These are discussed in Chapter 21: Community Health, Safety and Security and are summarised below. It also has the opportunity to enhance health by improving living standards and access to healthcare through direct, indirect and induced employment and economic activities.

24.4.16.2 Malaria and Communicable Diseases

Risk / Opportunity Assessment

Malaria is endemic in Guinea and is one of the leading causes of death in the country ⁽¹⁾. The most common parasite in Guinea is *Plasmodium falciparum* (the species that causes the most significant health effect including renal failure, cerebral malaria and severe anaemia). Other communicable diseases that contribute to years of life lost include diarrhoeal diseases; measles, respiratory infections and tuberculosis (TB) ⁽¹⁾.

The Project has the potential to increase the already high burden of diseases associated with malaria, in particular by modifying the environment, thereby creating breeding grounds for mosquitos leading to increased vector densities and therefore transmission. The highly endemic nature of the disease means that the Project is unlikely to significantly add to the already high disease burden of the community during the wet season, but may lead to an increased burden during the dry season when the case load is lower.

The presence of an external construction workforce coupled with in-migration into the area results in an increased risk of transmission of TB and other communicable diseases through interactions between foreign and local workers, or between foreign workers and the local communities. This risk is exacerbated if the external workforce or in-migrants' home countries have higher rates of these diseases or these individuals have been exposed to higher rates as a result of previous work or travel. The Project's external workforce may also play a role in the introduction of new communicable diseases not previously present.

Mitigation Measures

The Project will undertake a number of actions to mitigate against malaria and communicable diseases, including:

- developing information, education and communication campaigns in conjunction with relevant partners (eg health authorities, NGOs, development agencies), around diseases and health practices;
- monitoring the emergence of major pandemics through WHO alerts;
- implement measures to reduce the presence of standing water onsite through environmental controls and source reduction to avoid creation of new breeding grounds;
- undertaking local actions on prevention, diagnosis and treatment of malaria;
- monitoring key health indicators longitudinally;
- supporting community health awareness raising campaigns;
- maintaining workers' living conditions in line with international standards;
- developing and implementing a risk-based assessment and procedures to identify working condition-specific vaccination and prophylaxis needs for Project personnel. All Project personnel will be vaccinated against yellow fever; and

(1) WHO– Country Health Profile (2006). Available at <http://www.afro.who.int/en/guinea/country-health-profile.html> - last accessed 11.10.11.

- establishing outbreak response plans for personnel covering vector borne diseases in collaboration with the local health authorities.

The mitigation measures relating to malaria are further discussed in Chapter 21: Community Health, Safety and Security and will have a major benefit for communities, by reducing the transmission of malaria as well as increasing awareness, improving diagnosis and treatment.

24.4.16.3 Spread of HIV/AIDS

Risk / Opportunity Assessment

As discussed in Section 24.4.9, STIs and HIV/AIDS are a major concern in the mine study area and there is a lack of institutional capacity for the prevention and treatment of HIV/AIDS and STIs. Activities by the Project to date have already affected transmission patterns of STIs and HIV due to the influx of people who may have higher rates of STIs and HIV, changes in the social fabric of the area and increasing access to the area. As the Project progresses into construction and operations it may continue to influence the risk for STIs and HIV in the broader study area and along transport corridors.

Mitigation / Enhancement Measures

A number of mitigation measures against the spread of HIV/AIDS have been developed, including:

- ensuring that all Project personnel are trained in the Workforce Code of Conduct and disease awareness and are given specific HIV and sexually transmitted infections prevention training;
- providing awareness, counselling and testing (ACT) for all Project personnel, including voluntary testing for sexually transmitted infections and HIV/AIDS in pre-employment and on-going health screening. (Workers will not be denied employment or discriminated against in any way based on their HIV status.);
- supporting women's empowerment and education programmes to promote women's rights and safe sexual practices (including the use of condoms and female condoms) and support development of alternative livelihoods to minimise the risk of commercial sex transactions;
- undertaking information, education and communication campaigns around safe sexual practices and transmission of sexually transmitted infections and HIV/AIDS as well as distributing condom (including female condoms) at stopping locations on key transport routes targeting commercial sex workers and truck drivers.

24.4.16.4 Soil, Water and Waste-related Diseases

Risk / Opportunity Assessment

Water, safety and general hygiene was raised as a significant concern and local development priority during stakeholder engagement. Access to improved water and sanitation services is restricted with unimproved sources providing drinking water supply to many small local communities.

In the local study area, the Project may influence water and waste related diseases in a number of direct and indirect ways including:

- reduction in community water supplies through diversion of surface watercourses;
- increase in suspended sediments in surface waters;
- risks of contamination with hydrocarbons and chemicals during construction and operations;
- pollution of surface water from the discharge of sewage and other effluents;
- in-migration into the area resulting in increased stress on water sources as well as increasing discharges and decreasing quality and restrictions on access; and
- contamination of surface water as a result of unplanned developments.

The improvement of infrastructure will also provide benefits in affected communities.

Mitigation / Enhancement Measures

A number of mitigation measures have been identified to help reduce the risk of increasing water and wastewater related diseases. These include:

- implementing the Simandou Mine Water Management System and monitoring local water sources;
- undertaking in-migration planning to mitigate the adverse impacts of influx on water supply;
- ensuring proper disposal of human waste and other effluents generated by the Project;
- conducting information, communication, and education campaigns in the workforce on hygiene and sanitation; and
- developing a programme in consultation with local communities to improve access to good quality potable water and determine preferred water infrastructure (eg, construction of local wells, water treatment facilities).

24.4.16.5 Food and Nutrition-related Issues

Risk / Opportunity Assessment

Chronic malnutrition and anaemia are a concern in the study area but are not generally related to food security concerns or famine but to causes such as poor crop yields, lack of access to markets to buy and sell produce and poor feeding practices. The Project may influence nutritional indicators in the study area through the following factors:

- physical and economic displacement may reduce the access to land for growing crops;
- in-migration and associated development will place pressure on availability of land for cultivation and grazing reducing food security for residents and in-migrants;
- changes in water flows and high levels of erosion may reduce agricultural yields;
- food price inflation may lead to inability to buy food;
- food shortages may occur as the youth abandon farming for alternative livelihood sources resulting a lack of labour and loss of skills; and
- movement away from subsistence agriculture to a market economy may result in movement to a more westernised diet and lack of physical activity with associated risks of obesity and increases in non-communicable diseases.

Against these factors improved incomes will contribute to enhancing the nutritional status of people benefiting from employment and other economic development.

Mitigation / Enhancement Measures

Mitigation measures identified to reduce risks to local nutrition include:

- monitoring the nutritional status of local communities and local food prices; and
- supporting programmes that promote local farming practices to increase yields through improved farming techniques.

24.4.16.6 Health Infrastructure and Services

Risk / Opportunity Assessment

Based on the Ministry of Health standards regarding health infrastructure there are an adequate number of health facilities in Nionsomoridou sub-prefecture. This has been achieved, in part, due to the Project supporting the refurbishment of the health centre in Nionsomoridou and the upgrading of the health post in Moribadou.

Despite compliance with the national standard communities are still underserved with regards to access to health care and facilities based on the findings of the baseline health survey. Therefore, health services are limited, affecting the health seeking behaviour, diagnostic accuracy and availability of treatment of a number of common diseases. The facilities are understaffed, lack basic equipment, have no electricity or running water and drugs are often out of stock. Patients are often required to procure their own supplies before being treated. The scope of services offered at these facilities is limited and there is often the need to refer patients at significant cost and time delays. The health information systems in the prefecture and specifically the local health services are also limited.

The Project will need a significant number of medical staff to support the clinical care and the occupational health requirements of the Project. Skilled medical staff are in short supply in Guinea and if they leave the public sector to work at the Project due to higher wages this may have a detrimental effect on access to health care for local people both within the region but also potentially across Guinea as a whole. In-migration may also limit access to health care by placing an extra burden on already limited resources. There is minimal institutional capacity to support this potential growth either from a planning, budget or a delivery perspective.

Furthermore, it is likely that there is an expectation by local health authorities that the Project will plan, finance and even deliver health services to the local communities. These expectations coupled with the lack of institutional capacity and funding mean there is unlikely to be appropriate planning by the authorities to address the changes in demographics in the area. The presence of the Project may also deter other donor agencies from providing funding if there is a perception that the Project is already doing so.

Health inequalities may occur in the area as a result of Project supported health initiatives and due to the fact that employees and contractors, and their dependants, can access site based medical services which are better equipped and staffed than community based services.

The health management information system (HMIS) used by the local health care services is very limited. It relies on a manual system and coupled with a lack of human resources and diagnostics it cannot be used to accurately monitor health in the area. As such the Project will be unable to track the health impacts of the Project as well as the influence of any community health programmes that it supports.

The potential reduced access to health care services coupled with the lack of a functioning HMIS may negatively affect the health of Project-affected communities for the duration of the Project, as delayed access to health care is associated with worse health outcomes.

Mitigation / Enhancement Measures

To mitigate against the risk of poor health outcomes associated with reduced access to healthcare and an inadequate HMIS, the Project will:

- support key health infrastructure and services in partnership with the local authorities and the donor / NGO community, for example upgrading existing facilities;; and
- ensure that the Project health services can adequately cater for the needs of the workforce.

24.4.17 Right to Self-Determination

24.4.17.1 Risk / Opportunity Assessment

The right to self-determination allows peoples to determine their political status and their place in the international community. It includes the right of peoples to develop and progress in social, economic and cultural terms, to dispose of their land's natural resources and wealth, and not to be deprived of their own means of subsistence. It is a collective or group right.

The aspects of the right of self-determination that have particular relevance to companies are the rights to pursue economic, social and cultural development and to dispose of a land's natural wealth and resources.

A company's activities may impact negatively on the right if, for example, it is allowed to build a facility on land that has a traditional significance to the peoples that inhabit the area. Likewise, if a company is given a licence to extract natural resources from the land by a government without consultation with the people who inhabit the land, the company may find itself affecting the inhabitants' right to dispose of their natural wealth and resources or their means of subsistence.

24.4.17.2 Mitigation / Enhancement Measures

In order to mitigate this potential risk, the Project will:

- establish and keep up to date a Stakeholder Engagement Plan identifying how it will engage and consult with internal and external stakeholders to keep them informed about progress with the Project, understand and respond to their concerns and report to them on the Project's environmental and social performance.

24.5 Summary of Findings

A summary of the findings of the assessment is provided in Table 24.2. The measures proposed to mitigate risks are considered to counter the most significant risks of infringement of Human Rights and to enhance the opportunities for improvement in the Human Rights of people affected by the Project. The most significant benefits are to those people working directly for the Project who will gain from enhanced rights associated with their employment conditions; in particular for vulnerable groups who frequently suffer from discrimination. The actions the Project will take to ensure its contractors abide by the Project's policies should extend these benefits to a wider constituency of workers engaged by local and international contractors working on the Project. The Project will also work with its suppliers to help develop their practices in line with Guinean law and international standards.

The most significant risks to Human Rights that will remain are those associated with safety on roads and with risks of adverse health consequences related to the introduction of foreign workers employed by contractors and the pressures arising from opportunistic in-migrants. The Project proposes to take a range of measures to minimise these risks so that they are as low as reasonably practicable.

Table 24.2 Summary of Human Right Risks, Opportunities and Mitigation Measures

Human Right	Potential Risks and Opportunities	Project Measures
Right to Life	<ul style="list-style-type: none"> Use of practices that could lead to threats to life or impede the access to basic necessities enabling survival. 	<ul style="list-style-type: none"> Rigorous measures to protect the health and safety of workers and the public. Awareness and information programme on HIV/AIDS. Support to disease-prevention education and health projects.
Right to Liberty and Security	<ul style="list-style-type: none"> Use of practices that could lead to physical attacks, threats of physical attack or other severe instance of harassment. 	<ul style="list-style-type: none"> Clear policies on Project security. Communication on policies against harassment. Availability of effective grievance mechanism for direct and contractor employees.
Right not to be subjected to slavery, servitude, forced labour	<ul style="list-style-type: none"> Use of practices that could amount to involuntary or forced labour (eg extortionate presentation fees, passport retention etc) by international contractors and suppliers. 	<ul style="list-style-type: none"> Clear policies against forced labour for direct, contractor and supplier employees. Due diligence procedures to assess and monitor recruitment practices by contractors and suppliers. Communication on workers' rights.
Right not to be subjected to torture, cruel, inhuman and / or degrading treatment or punishment	<ul style="list-style-type: none"> Use of inappropriate force by security personnel presenting risks to safety and security in local communities 	<ul style="list-style-type: none"> Clear policies on Project security. Use of unarmed and trained guards. Communication on security arrangements to local community.
Right to equality before the law, equal protection of the law, non-discrimination	<ul style="list-style-type: none"> Opportunity to improve rights through establishing a non-discriminatory employment culture within and associated with the Project. Risk of discriminatory practices by contractors and suppliers particularly towards women and / or ethnic minorities. 	<ul style="list-style-type: none"> Clear policies on discrimination for direct, contractor and supplier employees. Availability of effective grievance mechanism for all workers. Communication and training on non-discrimination. Monitoring of wages between men and women.
Right to access effective remedies	<ul style="list-style-type: none"> Constraints on access to effective remedies, either by lack of formalisation or by the absence of remedies. 	<ul style="list-style-type: none"> Availability of effective grievance mechanism for direct and contractor employees.
Right to freedom of movement / Right to own property	<ul style="list-style-type: none"> Constraints on freedom of movement and rights to own property caused by occupation of land by Project and physical and economic displacement of people and land-based livelihoods. 	<ul style="list-style-type: none"> Design to avoid physical displacement as far as possible. Impacts of physical and economic displacement mitigated by PARC Framework (resettlement and compensation in accordance with international standards and Guinean law).

Human Right	Potential Risks and Opportunities	Project Measures
Right of protection for the child	<ul style="list-style-type: none"> • Risk of child labour in contractors and suppliers. • Risks of road accidents affecting children. • Increase in risks to health of children from communicable diseases, HIV/AIDS and increased pressure on health, maternity and paediatric services due to in-migration. • Opportunity for improvement of health conditions through IEC campaigns, vaccination, support to health infrastructure and services. 	<ul style="list-style-type: none"> • Clear policies on child labour for direct, contractor and supplier employees. • Support to health infrastructure and services. • Development of IEC campaigns on road safety. • Road safety measures (driver training, speed limits, bypasses, etc).
Right to freedom of association	<ul style="list-style-type: none"> • Risk of constraints on freedom of association within contractor and supplier organisations. 	<ul style="list-style-type: none"> • Clear policies on freedom of association for direct and contractor employees.
Right to social security, including social insurance	<ul style="list-style-type: none"> • Risk that late payment of wages and other benefits will hinder workers access to social security. 	<ul style="list-style-type: none"> • Clear policies on timely payment of wages and benefits for direct and contractor employees.
Right to work	<ul style="list-style-type: none"> • Opportunity to enhance the right to work through creating direct, indirect and induced employment opportunities. 	<ul style="list-style-type: none"> • Commitment from Rio Tinto to employ Guineans. • Commitment to build the skills of and employ women and youth. • Support from Rio Tinto to local businesses.
Right to enjoy just and favourable conditions of work (including rest and leisure)	<ul style="list-style-type: none"> • Opportunity to improve rights through establishing a fair employment culture within and associated with the Project. • Risk of unfair practices by contractors and suppliers. • Breach of labour standards by contractors. 	<ul style="list-style-type: none"> • Clear policies on employment conditions for direct and contractor employees. • Communication on non-discrimination.
Right to form trade unions and right to strike	<ul style="list-style-type: none"> • Opportunity to improve rights through establishing a culture of association and representation within and associated with the project. • Risk of constraints on union activity and representation by contractors and suppliers. 	<ul style="list-style-type: none"> • Creation of an environment favourable to the development of healthy worker / management relationships. • Strengthening of the capacities of union representatives to act on behalf of those who they represent.
Right to an adequate standard of living (housing, food, water & sanitation)	<ul style="list-style-type: none"> • Risks to the standard of living of local people from: influx of job and opportunity seekers placing pressure on resources (food, water, land) and infrastructure, Project-induced inflation, increase in prostitution and drug / alcohol consumption. • Opportunity for improved quality of life through employment and improved incomes. • Risk to quality of life through physical and economic displacement. 	<ul style="list-style-type: none"> • In-Migration planning to manage impacts of influx. • Monitoring inflation. • Improved health infrastructure and services and health campaigns. • Mitigation for displacement through PARC Framework to maintain or improve livelihoods.

Human Right	Potential Risks and Opportunities	Project Measures
Right to health	<ul style="list-style-type: none"> • Risk of increase in communicable diseases and HIV/AIDS, pressure on health infrastructures, impacts on local nutrition due to the constraints on land and water supply, and increase in food prices. • Opportunity for improved health through employment and economic development enhancing incomes, access to resources and quality of life. 	<ul style="list-style-type: none"> • Public and community health programmes including provision of infrastructure and services, health campaigns and education.
Right to Self-Determination	<ul style="list-style-type: none"> • Risk of building on a land that has a traditional significance to the peoples that inhabit the area. Risk of the absence of consultation affecting the inhabitants' right to dispose of their natural wealth and resources or their means of subsistence. 	<ul style="list-style-type: none"> • On-going community consultation with local communities. • Local perspectives taken into account the Project design. • Adequate compensation for losses.