

Human rights guidance

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Guidance for managers on implementing the human rights policy in *The way we work*

Rio Tinto

Rio Tinto is a world leader in finding, mining and processing the earth's mineral resources. The Group's worldwide operations supply essential minerals and metals that help to meet global needs and contribute to improvements in living standards. Rio Tinto encourages strong local identities and has a devolved management philosophy, entrusting responsibility with accountability to the workplace.

In order to deliver superior returns to shareholders over time, Rio Tinto takes a long term and responsible approach to the Group's business. We concentrate on the development of first class orebodies into large, long life and efficient operations, capable of sustaining competitive advantage through business cycles.

Major products include aluminium, copper, diamonds, energy products (coal and uranium), gold, industrial minerals (borax, titanium dioxide, salt, talc and zircon), and iron ore. The Group's activities span the world but are strongly represented in Australia and North America with significant businesses in South America, Asia, Europe and southern Africa.

Wherever Rio Tinto operates, health and safety is our first priority. We seek to contribute to sustainable development. We work as closely as possible with our host countries and communities, respecting laws and customs. We minimise adverse effects and strive to improve every aspect of our performance. We employ local people at all levels and ensure fair and equitable transfer of benefits and enhancement of opportunities.

Our success as a business depends not only on our skills and the quality and diversity of the Group's assets, but also on our shared commitment to be a dependable global partner and good local neighbour.

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Executive summary

As part of Rio Tinto's commitment to the highest standards of social responsibility, this document has been produced as a guide to operations in implementing the Rio Tinto Group's human rights policy, and to show how it can be applied in complex local situations. In many areas, the guidance codifies existing standards. It has been written in consultation with managers across the Group. Our work with communities and employees already contributes to human rights. We also comply as a matter of course with laws of the countries in which we operate. But in some areas, we must continue to raise our standards. The main points are as follows.

1 Communities

Our communities policy is based on mutual respect and hence respect for the rights of all people, including indigenous groups, living near our operations. Acknowledgement of human rights forms a central part of our work on community relations. In particular we:

- 1.1 create awareness among employees of the perspectives of local people.
- 1.2 consult regularly with local communities in a sensitive and open process.
- 1.3 strive to achieve the free and informed consent of indigenous people to proceed with developments.

2 Employees

Operations have codes of conduct for their employees, setting clear rules on a number of issues, including discrimination and sexual harassment (2.2). These codes should be communicated to all staff, and backed by a complaints procedure. Complaints should be dealt with fairly and impartially.

Employees must be made aware of the *Speak-OUT* programme (2.1).

We should endeavour to ensure that our suppliers, contractors and other business partners are aware of our employment standards, including our prohibition on child labour, and in cases of doubt we need to monitor their practices (2.7).

3 Security

3.1 We should have in place procedures for our security personnel, based on human rights principles and including guidelines and restrictions on the use of force. These procedures should be reinforced by training. For security contractors, these should be made an explicit condition of business with Rio Tinto.

3.2 A concern for human rights should also influence the way in which we relate to police and military forces. Where the rights of employees or local communities are threatened, we should seek to persuade state forces to uphold international standards, seeking to ensure that Rio Tinto equipment is

not used to violate rights, and pressing for investigation of credible allegations.

4 Difficult issues

In some countries we may have limited ability to influence the behaviour of governments or other third parties. Nonetheless we should do everything in our ability to improve the situation particularly in the vicinity of our operations. Depending on the circumstances, a number of options may be open to us, including privately encouraging other organisations to use their influence (4.2), and supporting initiatives to raise awareness of human rights (4.3).

When we consider new projects in regions where allegations of abuses are rife, we need to undertake an analysis of the human rights situation (4.5).

Group management systems

Human rights issues are being incorporated within the Group's management systems. This means:

- The Internal Control Questionnaire, which managing directors complete each year, contains basic questions on human rights risks.
- Operations will be asked how they have implemented this guidance as part of their updates of their Five Year Community Plans (see checklist on page 16), and will be expected to include information on

recent or emerging human rights issues in their six monthly HSE&C reports.

- The Group reports externally on performance in the corporate *Social and environment review*, and expects businesses to do the same in their local reports. We are also developing external verification and indicators of our performance.

Background

What are human rights?

The key internationally agreed definition of human rights is contained in the *Universal Declaration of Human Rights (UDHR)*, proclaimed in 1948 by the United Nations General Assembly. Human rights are universal values. All member countries of the UN – developed and developing – have endorsed the *UDHR*, a document based on wide-ranging consultation across different cultures.

The concept of human rights has a long history. Human rights principles are found, for example, in the English *Bill of Rights* (1689), the American *Bill of Rights* (1789) and the French *Declaration of the Rights of Man* (1789). They are found also as fundamental aspirations in civilisations from many continents. Popular awareness of human rights issues is now growing throughout the world, including in developing countries, as information is spread through the media and the internet.

Implementation of human rights principles at a local level is not necessarily a clear or simple issue. There may be disagreements between local people, each claiming the right to a particular resource or holding incompatible views about development. Rights may conflict with each other (extremists, for example, may abuse the right to free speech to incite persecution of minorities). But this is not an argument

against human rights, rather for understanding and judiciously balancing competing demands.

Many people associate human rights only with torture of political prisoners or other abuses of power by governments. But human rights, as defined in the *UDHR*, also include economic, social and cultural rights, such as the right to work, to education, to respect for culture, and to a decent standard of living.

As well as the *UDHR*, the key instruments of international human rights law are the *International Covenant on Civil and Political Rights (ICCPR)*, the *International Covenant on Economic, Social and Cultural Rights*, and the core labour standards of the *International Labour Organisation (ILO)*.

International human rights law is a dynamic and growing area. There are also regional agreements such as the *African Charter on Human and People's Rights*, the *American Convention on Human Rights* and the *European Convention on Human Rights*. Whilst implementation of such agreements is imperfect, governments are increasingly incorporating them into domestic law.

See the appendix for a text of the *UDHR*. The declaration, and links to other treaties also can be found on the Human Rights website on the Group intranet.

Why do we need guidance? Aren't we already protecting human rights?

It is true that we are already taking steps to protect human rights, even though we may not describe what we do in those terms. Our work with communities contributes to human rights, as do the economic benefits which we bring (*UDHR* article 25: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family...”). Wherever we operate, we comply with national laws, many of which are based on human rights principles.

So what are the reasons for this guidance?

- Compliance with national laws sometimes is not sufficient to meet the high standards to which we aspire. The Group environment policy is a good illustration of this principle: our environmental standards go beyond the regulations of some countries in which we operate.
- We want to continuously improve our performance on human rights. The reasons for this are partly ethical, and partly because we want to develop good relationships with communities. We need also to ensure that implementation of our policy is consistent across the Group. A company's global reputation can be undermined by allegations of abuses at a single operation.
- Rio Tinto has publicly supported the UN Secretary General's *Global Compact*.

As part of the *Global Compact*, the Secretary General asked world business to “support and respect the protection of international human rights within their sphere of influence” and to “make sure their own corporations are not complicit in human rights abuses”.

- Implementing our policy raises some difficult questions. What is the legitimate role of a private company in opposing rights abuses by others? Where does the responsibility of companies end and that of governments begin? This guidance provides a framework for answering these questions.

Case studies illustrating how operations are currently tackling human rights issues and which are aimed at spreading good practice across the Group can be found on the Human Rights website on the Group intranet.

Shouldn't we be careful not to overstep the legitimate role of business?

Rio Tinto certainly cannot be held responsible for upholding every human right of every citizen. As *The way we work* says, “We seek dialogue with others aimed at a practical common effort to promote respect for human rights consistent with the role of business”.

The key is the degree of influence we have in any given situation.

For example, we have control over how our employees are treated, and also how

local communities are treated by us and our contractors. We also have some influence over the behaviour of our joint venture partners and other parties with which we have a contractual relationship (including our suppliers and – at some operations – local state security forces).

All this suggests that if we focus on what we can strongly influence, our responsibility to protect human rights can be defined so that it is manageable – and legitimate in the eyes of the outside world. Indeed, the first three items of the guidance relate to three local issues: communities, employees, and security.

But what happens when we have less control – for example, when rights abuses are taking place in areas far from our mines but in the same country, or when parties are continuing to commit abuses locally in spite of our concerted effort to stop them? In these situations our ability to influence events may be small, but there may be things we can do. The fourth item of guidance makes suggestions for this complex area.

Guidance

1 Communities

This section focuses in particular on indigenous peoples and minorities living near operations. Although this is only one aspect of community relations, it is important for the Group's performance and reputation on human rights.

International principles in this area include *ICCPR* article 27: "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." Also *UDHR* article 17.2: "No one shall be arbitrarily deprived of his property." The guidance below reinforces Rio Tinto's existing policies and procedures in this area. These include:

- The communities policy in *The way we work*, which is backed up by the system of five year community plans. All operations are required to produce these plans. Future updates of these plans, plans for new operations, and six monthly HSE&C reports, need to incorporate information on human rights (see checklist page 16).
- The land access policy in *The way we work*.
- The internal guidance note circulated throughout the Group on the implications of ILO Convention 169 (www.unhchr.ch/html/menu3/b/62.htm) on indigenous and tribal peoples (a copy of

the guidance is available from External Affairs London).

- Community standards are being developed against which the five year community plans should be prepared (when finalised a copy will be available from External Affairs London).

1.1 Understanding the perspectives of local people

An important aspect of community relations is the need to understand the impact that operations can have – and it is often unintended consequences that cause problems for local people, including minorities or indigenous people. Industrial development can accelerate the process of social change in ways that can profoundly alter their lives. Although local people will often wish to enjoy the benefits of industrialisation they usually wish to do so within a social framework and rhythm of life that is traditional. Change is seldom without a price. For example, the introduction of wage labour can negatively alter the status of older people who have no way to make money.

We should create awareness among our employees of attitudes, beliefs and values which need to be protected. It is important that as many employees as possible become familiar with the baseline study in their operation's five year plan. They should draw attention to any gaps or inadequacies, and share insights that the document gives with their co-workers.

Cross-cultural awareness training is increasingly employed across the Group as a way of helping both local people and employees to understand their responsibilities as neighbours and co-workers. Such experiences are essential if local people are to have equal opportunity status (see section 2.2), and if cultural endowment is to be seen as an advantage rather than a constraint.

1.2 Consultation

Regular consultation with local people is key to implementing the communities policy. Local people also need a clear channel of communication with managers if they have complaints about an operation. Complaints need to be recorded, and dealt with promptly and thoroughly. Interactions with local people must be beyond reproach as suspicions of malpractice or corruption can easily undermine trust.

We need in particular to ensure a fair and open process of consultation with minority and indigenous peoples. This means understanding and respecting the manner in which they make decisions affecting their rights, including traditional methods for exercising choice.

1.3 Respecting indigenous peoples' rights

Employees may have beliefs associated with birth, death or marriage that require absence or unusual working hours. There may be cultural property – or sites of religious significance to local people – that

need to be surveyed or to have special arrangements for protection. In many cases, indigenous knowledge is not something to be shared but something that needs to be recorded and preserved in a private manner.

Special arrangements may need to be made to accommodate traditional systems of land tenure. We should strive to achieve the free and informed consent of indigenous peoples to proceed with developments.

The land access policy in *The way we work* states: “Claims to land can be based on traditional tenure as well as statutory law. Local and national land use policies may also differ. Our objective is to bridge significant gaps between legislated and customary arrangements through the fullest possible understanding of the issues involved.” Also, “Ongoing consultation with local people, public authorities and others affected may sometimes result in our not exploring land or developing operations, even if legally permitted to do so.”

2 Employees

The employment policy in *The way we work* already covers some of the main human rights principles in this area. This section provides further guidance based on this policy, and also covers additional topics such as child labour and monitoring of contractors. See the case studies for examples of practical action.

Key human rights principles in this area are contained in the *UDHR*, and also in the *ILO Declaration on Fundamental Principles and Rights at Work*. This declaration forms a part of the UN Secretary General's *Global Compact*, which Rio Tinto has publicly supported. The Declaration sets out principles on freedom of association, the right to collective bargaining, and also elimination of forced labour, child labour, and discrimination.

(www.ilo.org/public/english/standards/decl/declaration/text/tindex.htm).

2.1 Codes of conduct and complaints

Operations need to have their own written codes of conduct, incorporating all the principles below. These codes need to be translated into relevant local languages and communicated effectively to all employees. The codes should also be reinforced by a complaints procedure – known in some operations as a fair treatment system – to ensure that complaints are dealt with fairly and impartially. Employees need to be made aware of the existence of this procedure. Even with a complaints procedure in place, employees can be reluctant to speak about severe breaches of policy for fear of recrimination. To redress this, we have an additional independent and confidential means of communication and feedback for ideas or concerns about any aspect of Rio Tinto or about the behaviour of individuals, without fear of recrimination, through the Group's *Speak-OUT* system.

Speak-OUT has now been introduced throughout all Group businesses.

2.2 Discrimination and harassment

The way we work states: “Rio Tinto employs on the basis of job requirements and does not discriminate on grounds of age, ethnic or social origin, gender, sexual orientation, politics or religion. We may make exceptions to favour local employment where local laws provide.”

Fulfilling this commitment means operations need to set out clear rules on recruitment – and, in certain circumstances, to establish employment targets.

The way we work also states that “We guard against harassment in the workplace and neither abuse nor misuse our positions or facilities for personal purposes”. Protecting employees against sexual harassment is an important part of this. Employees need to be made aware of what is acceptable and unacceptable behaviour.

2.3 Conditions of work and wages

The way we work states: “Being trained to work and then working in safe, healthy and environmentally responsible ways comes first and foremost.” Protecting employees and excellence in managing health and safety are essential to the Group's long term success. We need to go beyond compliance with health and safety laws and regulations within the country in which we operate (see also the environment and

the occupational health policies in *The way we work* and Group core occupational health standards and Group safety standards and targets).

The employment policy also states that “The Group implements equitable and transparent remuneration and incentive systems”. Rio Tinto wants to attract and retain good recruits and maintain a stable workforce.

To achieve this, we ensure that employees are fairly remunerated, and that wages are regularly reviewed in a fair process.

2.4 Education, training and development

The way we work states that “We improve our skills and competencies by regular performance reviews, recognising potential, undertaking education, training and coaching as appropriate, and offering professional development opportunities within the Group.” Employees need to understand the business context of their particular role – how they create value for the operation. They need also to derive job satisfaction from working for Rio Tinto. Hence operations are encouraged to provide assistance for training which helps the business and also is relevant to an employee’s present job and future career.

2.5 Union membership

Rio Tinto recognises that it is the choice of each employee as to whether or not they

wish to join a trade union, and we respect those choices. We are comfortable with collective bargaining arrangements, individual arrangements or a mixture of these. Employees doing the same work to the same standards of flexibility and productivity will receive comparative remuneration and employment conditions, whether employed under individual or collective agreements.

This approach reflects principles on both collective bargaining and freedom of association in the *ILO Declaration on Fundamental Principles and Rights at Work*.

2.6 Child labour and forced or bonded labour

The way we work states “The Group does not employ forced, bonded or child labour.” Operations generally apply a minimum age requirement of 18, except in the case of apprentices or trainees under regulated government training schemes.

2.7 Suppliers, contractors and other business partners

Operations are justified in insisting that business partners respect the rights of their employees too. We need to make our contractors, suppliers and others with whom we have a substantial involvement strongly aware of the standards – as set out in this section – which we expect from them. In cases of doubt, we need to monitor their employment practices through surveys and site visits.

In the case of child labour, operations may opt for a strategy of constructive engagement with offending suppliers, rather than simply terminating contracts with them. In developing countries, children laid off from jobs can end up in worse situations.

3 Security

Protecting employees and assets from theft and violence is a vital task. But it also creates the potential for human rights abuses. Many controversies have been fuelled by complaints – fair or unfair – about security personnel.

This section of the guidance draws from *Voluntary Principles on Security and Human Rights*, (www.state.gov/www/global/human_rights/001220_fsdl_principles.html) a document formulated as part of a dialogue between the governments of the United States and the United Kingdom, a number of companies, including Rio Tinto, and a number of non-government organisations. This section is in two parts. Part 3.1 covers security personnel employed by, or contracted by, operations or their subsidiaries (ie, where we have control). Part 3.2 covers security issues where we do not have direct control.

3.1 Directly employed security personnel and security contractors

The way we work states “The Group’s procedures for using security personnel

are based on human rights principles and include guidelines and restrictions on the use of force. These procedures are reinforced by training and applied to contract security personnel as well as to Group employees.” Also, where human rights are threatened “we seek to have international standards upheld and to avoid situations that could be interpreted as condoning human rights abuses.”

To uphold human rights standards, we need to ensure the following:

- **Hiring**

Security guards should be screened carefully. No one who has been credibly implicated in rights abuses or who has a criminal record should be hired.

- **Daily conduct**

In the day-to-day conduct of their activities, security personnel should respect people’s rights, including the rights of those suspected of illegal activity. Among other things, this means avoiding: discrimination on the basis of race, religion, gender, language, or colour; arbitrary interference with any person’s privacy; and any inhuman or degrading treatment.

- **Use of force and arms**

Security personnel should use force only when strictly necessary and it should always be proportional to lawful objectives. If such procedures are not

already in existence, managers should develop written rules on carrying and using arms, and publish sanctions – including summary dismissal – for any unlawful use of force. Firearms should be used only in extreme circumstances, such as to prevent a grave threat to life. It is the Group’s policy never to employ or to come to any arrangement with security forces for offensive operations.

• **Use of facilities and equipment**

We must ensure that our equipment and facilities are not misused in violation of human rights.

• **Consultation and complaints**

Security problems can create distrust between operations and local communities. This can be avoided by discussing security as part of regular consultations with local people, and by making security procedures publicly available. Any complaints that security personnel have abused people’s rights must be referred to managers and dealt with impartially, thoroughly, and confidentially. All complaints must be recorded. If complainants feel they have not had an adequate response, they should be referred to independent authorities.

Training of security personnel should be used to reinforce these principles. In particular, personnel may need training in the use of non-violent techniques.

All these principles apply equally to security contractors, and should be made an explicit condition of business with Rio Tinto.

These principles are based on relevant clauses in the *UDHR*, the *UN Code of Conduct for Law Enforcement Officials*, and the *UN Basic Principles on the Use of Force and Firearms*. For further information, please consult a simply written pocket book published by the UN called *International Human Rights Standards for Law Enforcement* (see intranet).

3.2 Security issues where we do not have direct control

This applies to:

- security guards or contractors employed by associate companies (ie where Rio Tinto does not have operating responsibility);
- government security forces – either police or army – working in the vicinity of operations; and
- government security forces – either police or army – protecting Rio Tinto employees or assets, or with any other formal link with the Group (for example, using equipment loaned by operations or salaries partly paid by operations).

Although we may not have direct control in these situations, we should endeavour to protect the rights of employees and local people. *The way we work* states that “We seek dialogue with others aimed at a practical common effort to promote respect for human rights consistent with the role of business.”

We inform business partners, such as associate companies or joint ventures where we do not have operating responsibility, as well as principal contractors, suppliers and others with whom we have a substantial involvement about Rio Tinto policies and we “work with them where appropriate to support their adoption of policies consistent with our own”.

Hence operations are justified in expecting that all security forces in the area meet the principles outlined in section 3.1 above, and also any other human rights principles relevant to policing (such as on arrest, detention, and crowd control) as set out in the UN pocket book. We should endeavour to persuade our partners in the government, the police, or private companies to:

- include these human rights principles in any contracts they sign with us;
- make public the relevant parts of the contracts so as to win the trust of the local community; and
- screen local security personnel for rights abuses.

We should also:

- take steps, whether through public or private representations, to ensure that any financing, training, or equipment provided by Rio Tinto is not used to violate human rights; and
- make clear that Rio Tinto strongly disapproves of human rights violations of employees or local people, and press for

investigation and prosecution if credible allegations arise.

What happens if these tactics do not work? What happens if local security forces continue to violate human rights in spite of regular representations by managers? This is clearly one of those “difficult issues”, the subject of the final guidance note.

4 Difficult issues

This section deals with the most difficult human rights situations for operations: that is, when abuses are occurring but we have limited ability to prevent them. It covers the following situations:

- local organisations with some formal link to Rio Tinto – such as soldiers guarding Rio Tinto assets – are committing abuses in spite of concerted attempts by managers to dissuade them;
- local organisations with no formal link to Rio Tinto are committing abuses (for example, politicians rigging the results of local elections, or arbitrary decisions by the local courts); or
- widespread abuses are taking place elsewhere in the country.

The best tactics for operations in such situations will depend on a variety of factors, including the extent to which employees and the local community are affected, and the scale of the abuses. It may be that there is nothing further that an operation can do. Managers should be careful not to adopt a highly political

role. As *The way we work* states, “We seek dialogue with others aimed at a practical common effort to promote respect for human rights consistent with the role of business.”

Nonetheless there are tactics which, in certain circumstances, are legitimate:

4.1 Finding different ways to express concern

If initial representations achieve little, human rights can be raised at private meetings with higher ranking officials, politicians, or ministers. Diplomatic suggestions may achieve better results than overt criticism. Managers could:

- refer to Rio Tinto’s human rights policy and explain the need to uphold the Group’s reputation;
- appeal to the government’s self-interest in making conditions easier for responsible foreign investors, and refer to international human rights standards – such as the *UDHR* – which the government itself has endorsed; and
- if appropriate, acknowledge the government’s positive efforts on human rights, before suggesting improvements.

4.2 Privately encouraging other organisations to use their influence

Other organisations may be more influential, or at least less constrained in their ability to voice opinions to governments. Operations might hold discussions with:

- local non-government organisations with the capacity to undertake human rights investigations; and
- diplomatic posts (eg British, US or Australian embassies). British embassies have been issued with guidelines on human rights outlining how they can raise concerns with foreign governments.

4.3 Supporting initiatives to raise general awareness of human rights

The way we work states that “we look for opportunities to support positive efforts to promote broader understanding of human rights values, especially where they assist the Group’s local communities”. The case studies contain some examples of this. In principle – and taking account of local circumstances – operations could:

- sponsor local legal libraries and legal aid centres;
- sponsor the translation and local dissemination of a country’s international human rights obligations;
- support local human rights education programmes;
- provide assistance, such as equipment or training in management skills, to local human rights groups; and
- work with others to provide human rights training for the police of other organisations.

4.4 Withdrawal?

Some campaign groups demand that companies withdraw from countries where the situation appears irretrievable. In both

Angola and Burma, some companies have acceded to these demands. For Rio Tinto, however, the case for withdrawal is rarely clear cut once an investment has been made. Most of our investments are large and long term. Withdrawal would mean rupturing relationships with local communities, which would undermine our commitment to generate long term benefits for local people, and also would destroy many jobs. Moreover, withdrawal may not help prevent abuses. It may be better to stay – provided that we do everything within our legitimate power to improve the situation (see case studies on southern Africa).

4.5 Avoiding certain countries?

Another difficult question is whether we should invest in the first place, or explore, in countries where human rights abuses are rife. We may avoid such countries for other reasons. They are likely to be dangerous places to work, and may be economically unstable and hopelessly corrupt.

Nonetheless when a new investment project is planned in a region where there is a context of widespread human rights violations, we should conduct an analysis of the human rights situation in the local area. This analysis should be based on consultation with local people and well informed international groups. In this way, the Group at least will understand more about whether a decision to invest will exacerbate, or improve, the situation.

Checklist for managers

This checklist aims to help managers pinpoint any major gaps in implementation of the guidance above. It is not comprehensive, and more detailed questions will be asked when operations update their five year community plans.

Section 1: Communities

See update template for five year plans (on intranet). See Community standards when developed (available from External Affairs, London).

Section 2: Employees

- Does your operation have a clear written code of conduct covering discrimination and harassment and the other principles in section 2?
- Are all employees made fully aware of this code of conduct?
- Do they have access to a complaints procedure to ensure that any complaints are dealt with fairly and impartially?
- Has your operation made suppliers and other business partners aware of the employment standards – including no child labour – expected by Rio Tinto?
- In cases of doubt, does your operation monitor their employment practices?
- Are all employees aware of the *Speak-OUT* programme and are the programme details and local contact

number readily available and visible to employees?

Section 3: Security

- Are security personnel at your operation – both directly employed and contracted employees – screened for past convictions or rights abuses?
- Do the security procedures at your operation emphasise that personnel must respect the rights of local people?
- Do they include rules limiting the use of force and (if applicable) firearms?
- Are security personnel – both directly employed and contracted – fully trained in all these procedures?

If there is suspicion about the behaviour of the local police or army, does your operation:

- Make clear to these groups Rio Tinto's commitment to uphold the rights of local people and employees?
- Take positive steps to ensure that any financing, training or equipment provided by Rio Tinto is not used to violate human rights?
- Press for investigation and prosecution of suspected abuses?

Section 4: Difficult issues

If human rights abuses are rife, either locally or nationally, has your operation

done everything in its ability to improve the situation? In particular, have you considered:

- Finding different ways to express concern? (4.1)
- Privately encouraging other organisations to use their influence? (4.2)
- Supporting initiatives to raise general awareness of human rights? (4.3)

If your operation is considering a new project in a country where abuses are rife, has an analysis of the human rights situation been conducted – and has this been incorporated into the decision making process? (4.5)

Appendix

The Universal Declaration of Human Rights

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages.

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right

to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each state.
(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

(1) Everyone has the right to a nationality.
(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
(2) Marriage shall be entered into only with the free and valid consent of the intending spouses.
(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

(1) Everyone has the right to own property alone as well as in association with others.
(2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.
(2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
(2) Everyone has the right of equal access to public service in his country.
(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
(2) Everyone, without any discrimination, has the right to equal pay for equal work.
(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack

of livelihood in circumstances beyond his control.
(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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