



**Social and Environmental Impact Assessment (SEIA) Addendum for GAC's Bauxite Export Project, Guinea**

**Human rights risk assessment**

**Guinea Alumina Corporation S.A. (GAC)**

October 2015

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**Guinea Alumina Corporation S.A. (GAC)**

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On behalf of ERM France SAS

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# 1 HUMAN RIGHTS RISK ASSESSMENT

## 1.1 INTRODUCTION

In today's more socially connected and transparent world, companies are increasingly expected to demonstrate that, in their business dealings, they safeguard the human rights of those who may be affected by their Project and through their supply and value chains. Corporate responsibility to respect human rights is the second pillar of the United Nations (UN) Guiding Principles on Business and Human Rights <sup>(1)</sup>.

Whilst many of the tenets of human rights are enshrined in national law, international human rights treaties such as the '1948 Universal Declaration of Human Rights' (subsequently codified into international law) do not impose direct legal obligations on business enterprises as it is the duty of the state to translate this into national legislation. However, in some countries where such laws are not thoroughly enforced by the State, companies find that it is their responsibility to mitigate threats to human rights in their businesses.

The benefits of doing so include improved risk management, improved relationships, maintaining a positive reputation and in turn attracting business partners and a quality workforce. It is increasingly acknowledged that risks to human rights are often closely linked to risks to business.

To ensure that a business properly mitigates its risks of affecting human rights, it is necessary to look at potential impacts through a human rights framework to assess whether additional mitigation is required. This is the aim of this Chapter.

## 1.2 APPROACH

The full range of human rights, as defined by the UN Guiding Principles, was assessed to map Project activities and identify salient potential human rights issues. This was done through determination of:

- likelihood of impact to a right, based on existing sensitivities in the baseline environment, and potential sources of risk associated with Project activities; and
- the ability of the Project to address such risk.

This analysis was used to inform appropriate mitigation measures and help prioritize actions.

(1) United Nations Guiding Principles on Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework, 2011. Available on [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

Baseline information for each right is based on information collected as part of the Social and Environmental Impact Assessment (SEIA), supplemented with additional desk-based research.

The mapping is presented in the *Table 1.2* human rights mapping.

### **1.3 COMPANY CONTEXT**

#### **1.3.1 Policy commitments to Human Rights**

GAC demonstrates its governance and respect for human rights through its policy commitments and embedding a culture of respect throughout its workforce.

The Company embeds a commitment to respecting human rights at all levels of its workforce through its policy of zero harm to communities and workers and the 'Company Code of Conduct. This code of conduct states that "*When working for GAC, you are expected to be aware of our commitment to equality in employment and upholding human rights and abide by these commitments in your work*". The code covers human rights and fair dealings in employment, equal opportunity, and employee development and promotion. Code of Conduct training is given to all new joiners within their first days of starting. Annually group refresher sessions are held for all staff and contractors.

In addition, the Company has practices that safeguard against retaliation and discrimination and offers employees Business Conduct Advisory services through a dedicated Department.

Existing Grievance Mechanisms and the Health and Safety Charter also address human rights concerns in the business.

### **1.4 OVERVIEW OF THE GUINEAN HUMAN RIGHTS CONTEXT**

To ensure that human rights are respected and upheld in society and business, they must be supported by a strong judiciary and legal system. In Guinea, this is not yet effectively implemented, due to some lack of capacity of government and security forces, an insufficiently developed legislative framework, and weakness and lack of independence in the judiciary.

There are numerous recent documented incidents of excessive use of force by security forces. This includes frequent interference with the rights of peaceful assembly and freedom of association (the most well-known instance being the violence exerted on 28th September 2009 against civil participants to a democratic rally, by the military), arbitrary imprisonment, and reports of violence against detainees.

Gender -based violence is also a common theme in the human rights landscape of Guinea. Forced marriage of girls, albeit much less frequent than before, is a known societal issue <sup>(1)</sup> Rape is reported to have been used by security forces and civilians in the context of ‘retaliatory’ attacks perpetrated in response to political events.

Respect for human rights also needs to be underpinned by an active civil society. Guinea has a number of civil society organizations and a National Council for Civil Society Organizations (CNOSGC) however, the Civil Society Index (CSI) Analytical Country Report from Guinea <sup>(2)</sup> suggests that Guinean citizens have a fairly weak level of engagement and participation in civil society actions. The CSI index also suggests that the Guinean state does not create a favorable environment for the development of civil society and there is reluctance by the authorities to address human rights issues. This combined with a the lack of knowledge of and education on human rights principles and mechanisms means engaging on human rights issues remains a challenge for civil society organizations.

#### **1.4.1** *Legislative framework*

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

Guinea is party to the main international human rights treaties <sup>(3)</sup>. However, it has not ratified the First and Second Optional Protocols to the International Covenant on Civil and Political Rights, and has not consistently complied with the reporting obligations. Moreover, Guinea has not received a visit by any special-procedure mandate holders of the Human Rights Council or issued a standing invitation. On 4 May 2010, Guinea was examined by the United National Officer of the High Commissioner for Human Rights (OHCHR) under the universal periodic review. A number of recommendations were formulated, stressing:

- the importance of ratifying international human rights instruments to which Guinea was not yet party;
- establishing an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(1)Immigration and Refugee Board of Canada, Guinea: Prevalence of forced marriage; legislation affecting forced marriages; state protection; ability of women to refuse a forced marriage (2009-Sept. 2012), 9 October 2012, GIN104197.FE, available at: <http://www.refworld.org/docid/50aa23a52.html> [accessed 9 July 2015]

(2) The Civil Society Index (CSI) is a reporting framework supported by the National Council for Civil Society Organisations in Guinea (CNOSGC), in partnership with the United Nations Development Programme (UNDP) and CIVICUS.

(3)These include the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, ILO core labour Conventions - child labour, forced labour, discrimination and freedom of association and the right to collective bargaining. the ECOWAS Treaty on free movement of peoples (Treaty of Lagos May 1975 and reaffirmed July 1993).

- promoting human rights education for the security forces; and
- developing strategies to address human rights violations stemming from its political and social instability; and working in close cooperation with the Office of the High Commissioner for Human Rights (OHCHR). Steps are being taken towards this and an OHCHR Office has now been established in Guinea.

## 1.5 *HUMAN RIGHTS CONTEXT IN THE PROJECT AREA*

Community engagement discussions during baseline data collection revealed that local communities did not express any particular concern over their human rights in the Project area. It was reported however that local inter-community conflicts have potential to turn violent at times, largely around land claim issues and between farmers and herdsman.

Specific vulnerabilities in the Project area include:

- limited access to healthcare infrastructure;
- low health and safety awareness of communities;
- social stratification and complex ethnic land ownership patterns, which can fuel conflict situations and prevent equal access to resources; and
- low standard of living and reliance on a subsistence economy.

Specific sensitivities include:

- natural resources use, related to livelihood sustainability and water availability;
- existing intercommunity and ethnic tensions and conflict; and
- increasing movement of migrant labor into the area.

## 1.6 *OVERVIEW OF SALIENT HUMAN RIGHTS ISSUES*

### 1.6.1 *Land acquisition and resettlement (and management of impacts to natural resource based livelihoods)*

The right to an adequate standard of living, particularly in relation to food security due to land take, freedom of movement, and self-determination could be potentially affected through resettlement activities and any conflict generated by Project land acquisition in a context of scarce available replacement land and a complex ethnic land ownership patterns.

The Project does however have the potential to improve the quality of life for those employed directly or indirectly through the Project, as the additional income will offer the opportunity to improve both the quality and quantity of housing, health, education and food. However, employment is likely to be short term for the type of unskilled positions most likely to be filled by those

from the affected communities. Support for the right to an adequate standard of living may come through diversification of the local economy and growth of the construction and related service industries; however standard of living for affected communities may also be negatively affected if food prices are hit by project related inflation.

A number of factors could also impact the right to an adequate quality of life, such as if those physically and economically displaced during land acquisition are not adequately compensated or they are resettled in comparably less favorable conditions, in terms of access to livelihoods, access to basic infrastructures (water, healthcare, education) and the living environment. Access to food could be threatened if physical access to crop lands, springs and watercourses and/or markets is disturbed or hampered by the construction of infrastructure, tracks and/or closing of the access roads used by the local communities that existed before the Project.

The right to freedom of movement could also be affected by the land acquisition process and the presence of Project infrastructure and exclusion zones intercepting traditional rights of way or fishing, especially during construction activities. This would primarily affect nomadic herdsman and fishers around the Port Area. Fishers would need to be consulted prior to any dredging activities taking place to ensure that they were able to temporarily continue their livelihood activities away from the channel to negate any impacts to their standard of living or right to life from potential collisions related to dredging activities. Villages and islands to the south of Kamsar could have their movements hampered during the construction of the conveyor and rail spur at the Salamaya port.

### **1.6.2 *Influx and cumulative impact management***

Influx has been an ongoing issue to the Project area since 2004 with some settlements experiencing growth rates of around 20% per annum. New settlements have sprung up along the main highways, which also points to immigration as the reason.

Other projects are due to be developed close to the concession area (please refer to the cumulative impact assessment) and will potentially use resources shared by this Project. The most important of these is likely to be water, as although the Project usage is fairly low if looked at in isolation, the cumulative impacts of a number of projects using what is already a scarce resource is likely to be significant, especially during the dry season when river levels drop. To address this, a reservoir will be used to store water during the rainy season and water from the dam at the head of the river will generate a continuous water flow downstream during the dry season, which will also be able to be utilized by other water users. Cumulative impacts may also be felt in areas such as increased air quality impacts, noise and visual impacts, and increased traffic, which all affect the right to an adequate quality of life and the right to health.

The right to health and education is also likely to be impacted due to influx as there is high sensitivity in the Project area due to already weak and poorly funded local services, in particular inadequate health systems where any additional pressure from the Project workforce or due to Project induced in-migration would potentially cause further deterioration in the health status of the affected communities.

There will be increasing land acquisition of community owned and managed land due to the cumulative impacts of developing mining concessions in the area. This coupled with the likely in-migration that mining developments often attract and their accompanying demands for land, will fragment land areas accessible by local communities and reduce their ability to collectively manage local natural resources. High levels of in-migration can also weaken traditional governance structures and traditional value systems which potentially could affect the right to take part in cultural life.

### **1.6.3**      *Community health and safety*

This right to health is closely related to the right to an adequate standard of living. Specific attention needs to be paid to the protection of this right when dealing with vulnerable people (women, children, disabled people, etc.) as they are at higher risk of impacts to health, especially as access to health services is a vulnerability in the Project area.

During Project construction potential accidents may have consequences on the right to health and right to life in both the mine area (MA) (construction of the crushing plant, rail spur or bauxite offloading and storage areas) and the port area (PA) (construction of the conveyor, rail spur at the entrance to the port terminal, ore port facilities and dredging activities in the channel). Traffic accidents involving Project vehicles could also impact right to life and health. Both onsite workers and neighboring communities could be affected by such potential accidents.

The right to life could also be threatened through Project related-impacts on the access to healthcare services. Potential job opportunities offered during the construction phase could lead to an inflow of non-local people to the MA and PA, exercising their right to freedom of movement but potentially resulting in increasing pressure on already inadequate healthcare facilities, and only better-off households may have access to private services.

Finally, the inflow of many non-local people could trigger the emergence of new diseases as:

- hygiene and sanitation may deteriorate (due to pressure on water resources and hygiene infrastructures),
- population movements and concentration in some areas may lead to the development of high-risk behaviors and facilitate the transmission of communicable diseases (STDs, acute respiratory syndromes, TB, Cholera,

Malaria) that may be fatal. The existence of the reservoir could also contribute to an increase in water-borne diseases.

#### **1.6.4 Security**

The right to liberty and security is defined as the prohibition of illegal or arbitrary arrests and imprisonments of any kind. The respect of this right could be threatened by the potential abusive use of force by the private security companies hired by the Project and the public security forces, in case of social tensions leading to conflict.

Kamsar is more exposed to the potential infringement of right to liberty and security; it is a fairly developed urban area, where police forces are already brought in more regularly to deal with conflict. The population has already been affected by the impacts caused by CBG and is likely to be less tolerant to additional impacts than communities in the mine area. This could create a more volatile situation where security forces may be ill-equipped to deal with without recourse to overly aggressive tactics.

During the construction phase, social tensions and conflicts could arise from the following sources:

- Local residents may resent non-local people securing jobs with the Project when they are the ones bearing the impacts of the Project and if they do not see themselves as benefitting from it. There are high expectations of employment and some individuals, villages or districts may feel resentful if they do not secure employment on the Project.
- Communities may provoke conflict with the authorities if they feel there is a lack of transparency managing the funds dedicated to local development initiatives.
- Tensions may be caused by the land take required to build Project facilities, especially where it causes land or resource scarcity.
- Conflicts may be triggered by differences in resource provision for resettled villages and host villages.

In the context of the Project location, the right to security is at greatest risk of violation from potential negative interactions between the community and security forces.

#### **1.6.5 Labor and working conditions (including occupational health and safety)**

There are a number of rights that potentially could be affected through the employment and working process such rights to non-discrimination, rights to enjoy just and favorable conditions of work, right to form or join a trade union, right to an adequate standard of life. GAC has codes of conduct that largely address these rights, however it is important to monitor compliance through its subcontractors and suppliers.

The right to form and join trade unions, right to strike and freedom of association and assembly are areas of risk in Guinea though GAC supports these rights. The Guinean Constitution also recognizes the workers' right to strike (article 44), however as discussed in earlier sections, Guinea has a track record of security forces using excessive force against civilians and there is a possibility that, if security forces are used to quell any Company-related worker demonstrations, lethal force is used.

Workers right protection may be insufficient in Guinea due to weak State governance and insufficient judicial system independence. However, those who feel that the Project has impacted their human rights (such as their freedom of speech, freedom of assembly and association and rights to equal protection of the law without discrimination) can seek redress in the Labour Courts. If redress is not forthcoming on more specific human rights issues they may need to rely more heavily on the Company to address any perceived rights infringements.

As soon as Project construction begins, the right to life could be impacted due to increased risk of traffic accidents. There is already a large amount of domestic and heavy traffic on the roads to be used by Project vehicles and a record of poor safety behaviors by local drivers. Project construction traffic is unlikely to increase the impacts significantly but operating in a situation with an existing poor health and safety environment makes poor outcomes more of a risk. In addition, as the haul roads intersect routes used by local people to access markets, health facilities or for other purposes, there will be ongoing risks to the right to life of pedestrians who continue to cross the haul roads and may not be easily seen by truck drivers.

The right to life could also be threatened by unforeseen events (such as a fire or heavy machinery accident). Use of local unskilled workforce and local subcontractors in the Project area who are poorly sensitized to health and safety risks exacerbate the significance of this risk. The right to health may also be affected for those living in close proximity to the rail line that have long term exposure to noise emissions, potentially leading to a deterioration in their health.

During the operating phase, potential fatal accidents that may jeopardize the right to life of people working for the Project would mainly derive from operations in the mine area (blasting, handling of bauxite, etc.). The Project will need to manage other risks to health and safety, both in the mine area (MA) and the port area (PA), such as handling of hazardous substances, of heavy loads, works at height, accidents associated with the movements of heavy vehicles operated by the Project.

#### **1.6.6 *Forced labor and human trafficking***

Major construction projects resourced using a high proportion of foreign workers raise the possibility that recruitment practices could include use of

international labor brokers and workers may be affected by practices such as presentation fees, passport retention and intimidation.

Although forced labor is not considered to be an issue for direct employees of the Project, the use of international or local construction contractors could lead to a risk of foreign or local workers being employed under conditions which amount to involuntary or forced labor. Local workers potentially at risk will typically be migrants and workers outside the formal economy; this includes those coming from poor rural communities, who would be most vulnerable to this kind of treatment due to a fear of losing their jobs and unawareness of their rights. The risk is likely to be the greatest during the construction phase.

In a recent US department human rights report <sup>(1)</sup>, Guinea was seen as a “..source [and] transit” point for trafficking men, women and children, predominantly Guinean citizens. They are trafficked through ports and overland and predominantly end up in artisanal gold mining in Mali, Senegal and possibly other West African countries. Reports<sup>2</sup> indicated that children are sent to the coastal region of Boke for forced labour on farms or to Senegal. Women and girls are particularly at risk to forced labor, domestic servitude and sex trafficking in Guinea and throughout the region. The US report states that the Government of Guinea does not fully comply with the minimum standards of trafficking however it is making an effort to do so. In the reporting period (2014), 6 trafficking cases were brought to court with one conviction, compared to the previous reporting period where 5 cases were brought before the court and no convictions were achieved. The US report found however that the government “..did not provide adequate resources or training to law enforcement and judiciary personnel....and did not take any tangible action to prevent trafficking during the reporting period”(p192).

There could be a risk that trafficking will take place through the Port and that GAC should consider cooperating with the Port Operator, Security forces and other Port users such as CBG, Rusal and AMC to ensure their ships are not used for this illegal trade.

#### **1.6.7 Stakeholder engagement and access to remedy**

The need for proper engagement with stakeholders in the Project area cuts across rights such as, the right to freedom of thought, conscience and religion, rights to freedom of opinion and expression and the rights to non-discrimination and the rights of minorities. Potentially affected communities have a right to be consulted about activities that will impact their rights and to be offered a system of redress and remedy in the case of a grievance. These rights are addressed through the Project Stakeholder Engagement Plan (SEP) and through the SEPs to be developed for the RAP. As part of the RAP process, resettlement committees will be established in each affected

(1)US Department of State Trafficking in Persons Report, Country Reports, Guinea 2014, p191

<sup>2</sup> US Department of State Trafficking in Persons Report, Country Reports, Guinea 2014, paragraph 1, p192

community, as well as committees for each associated groups such as host communities and farmers with a resettlement oversight committee at prefectural level. Quarterly plenary sessions will allow all affected people to be involved in the process and to raise any concerns.

In the Project area, there is a strong traditional system built on mediation and dialogue which is effective at resolving low level conflict but it will not necessarily have the experience or legal recognition to resolve more serious issues to do with Project impacts around land or rights of way. Those seeking remedy will have to rely on the official court system which is weak, and poorly funded and local people are generally distrustful of its ability to deliver a satisfactory outcome. However the Project has a complaints policy and system already in place to address grievances and additional systems will be in place during the resettlement process, specifically designed to address any issues related to land acquisition and resettlement.

Land owners and communities must be offered use of systems of remedy and redress in case of a dispute that adequately addresses their concerns or grievances. As, in the local context, access to this right through the existing judiciary will be hard to achieve, the Company must ensure its grievance mechanism is fully functional, transparent and fair and is able to address grievances without recourse to the judiciary if at all possible. Particular attention and support must also be given to vulnerable groups who may find it more challenging to bring a grievance to the Company or local judiciary.

The greatest risk to the right to remedy is likely to be in relation to compensation offered to resettled communities if the nature of the compensation is not determined in collaboration with affected populations.

#### **1.6.8**      ***Water***

Access to clean or potable water is a component of the right to health, and the right to an adequate standard of living. The Project intends to abstract raw water from a variety of sources: water will be collected from flowing rivers during the rainy season, but at levels deemed to have negligible impacts on overall water availability as the water would otherwise potentially be lost to the Ocean if not extracted prior to the exit point. During the dry season, water from the reservoir will be utilized which when flowing downstream could also potentially benefit other users during a time when water is usually scarce.

Pollution of water sources by Project activities would also impact the right to health and life of the affected communities.

#### **1.6.9**      ***Cultural heritage***

Due to the complex nature of tangible and intangible cultural heritage in the concession area, it is likely that the Company's activities may impact negatively on the right if land used for Project or associated infrastructure has a traditional significance to the peoples that inhabit the area. Similarly, if the

concession license area awarded to the company is given by the 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.

**Table 1.1 Summary of potential Human Rights issues and mitigation measures**

No.	Potential sources of Risk	Rights at Risk	Existing Mitigation	Additional Management Measures
<b>1</b>	<b>Land Acquisition and Resettlement</b>			
	<ul style="list-style-type: none"> <li>Land acquisition for mine and infrastructure development</li> </ul>	<ul style="list-style-type: none"> <li>Right to Self-Determination</li> </ul>	<ul style="list-style-type: none"> <li>RAP in line with all the requirements of IFC PS 5</li> <li>Minimize resettlement and use of land in residential areas.</li> <li>Build the Kamsar facilities limiting impacts on displacement of people and goods.</li> <li>Ensure that rights of way are preserved as much as possible and where blocking a right of way is unavoidable, provide alternative avenues to enable people to access their chosen destination (i.e. school, cultural heritage site, markets, fields, fishing grounds).</li> <li>Support for agricultural improvement programs.</li> <li>Implement economic diversification projects and alternative income generating activities (especially for women as a vulnerable group).</li> <li>Financial compensation for interruption of activities during displacement according to IFC PS 5 requirements</li> <li>Compensation for economic displacement (agricultural land, herders)</li> <li>Secure land rights of displaced persons in new place of residence, preferably to a greater level than they previously enjoyed</li> <li>Grievance mechanism</li> <li>Construct adequate services, especially access to water/infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Ensure process of Informed Consultation and Participation in development of the international standard RAP in line with that outlined in Performance Standard 1, and ensuring women’s and other vulnerable group’s (including the Bagah ethnic group) participation in decision making.</li> <li>Consider the value of developing a longer term land use strategy/plan as part of the RAP process to meet objectives determined through a longer term multi-stakeholder ‘shared value’ model which would also need to consider broader land and resource management in the context of multiple projects. This should include, ensuring that formal land title is given allowing future recourse to the legal system for resettled households and therefore a greater security of land tenure than they previously enjoyed.</li> </ul>
	<ul style="list-style-type: none"> <li>Restricting access at certain places e.g. Port area for fishers and in villages where nomadic herdsman cross large areas which may be subject to exclusion zones during construction and operations</li> </ul>	<ul style="list-style-type: none"> <li>Freedom of movement</li> </ul>		
	<ul style="list-style-type: none"> <li>Displacement by the Project could significantly affect the standard of living of those directly impacted by displacing livelihoods and residences</li> </ul>	<ul style="list-style-type: none"> <li>Right to adequate standard of living</li> </ul>		
<b>2</b>	<b>Influx and Cumulative Impact Management</b>			
	<ul style="list-style-type: none"> <li>Cumulative impacts and in-migration reducing the ability of local communities to participate in decision-making about</li> </ul>	<ul style="list-style-type: none"> <li>Right to Self-Determination</li> </ul>	<ul style="list-style-type: none"> <li>Cumulative impact assessment/identification of potential for land and other resource conflict.</li> </ul>	<ul style="list-style-type: none"> <li>Develop and implement multi-stakeholder approach to addressing land use planning.</li> </ul>

No.	Potential sources of Risk	Rights at Risk	Existing Mitigation	Additional Management Measures
	management of local natural resources in particular land management.		<ul style="list-style-type: none"> <li>In-migration risk assessment and management plan.</li> <li>Minimize recruitment that encourages migrant labor and recruit from local communities as far as possible.</li> <li>Collaboration with local authorities to manage impacts from in-migration</li> <li>Implementation of projects supported by GAC and identified by local authorities</li> <li>Grievance mechanism.</li> <li>Visual impact controls such as height of the plants, discreet lighting at night.</li> </ul>	<ul style="list-style-type: none"> <li>Consider 'shared value' approach through which to discuss and agree management of multiple issues including land, water and delivery of benefits.</li> <li>Strengthen the ability of traditional authorities to participate in decisions related to land management.</li> </ul>
	<ul style="list-style-type: none"> <li>Cumulative impacts of land acquisition for mining concessions and influx land demands could fragment the land that is accessible by local communities, however, allowing in migration preserves the right to freedom of movement to migrant labourers.</li> </ul>	<ul style="list-style-type: none"> <li>Right to freedom of movement</li> </ul>		
	<ul style="list-style-type: none"> <li>Pressure on infrastructure (e.g. health, education) and reduced standard of living because of in-migration and multiple developments.</li> </ul>	<ul style="list-style-type: none"> <li>Right to adequate standard of living</li> <li>Right to health</li> <li>Right to education</li> </ul>		
	<ul style="list-style-type: none"> <li>Reduced standard of living or perceived (or real) inequality in delivery of benefits leading to conflict. [also see Security]</li> </ul>	<ul style="list-style-type: none"> <li>Right to security of person</li> </ul>		
	<ul style="list-style-type: none"> <li>Potential damage or restricted access to sites of cultural importance or intangible heritage (primarily cemeteries, mosques and genie residences) due to in-migration and cumulative impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Right to cultural life</li> </ul>		
<b>3</b>	<b>Community Health and Safety</b>			
	<ul style="list-style-type: none"> <li>Community road and rail safety during construction and operations and potential for unsafe conditions around construction and operating mine and logistics sites.</li> </ul>	<ul style="list-style-type: none"> <li>Right to Life</li> </ul>	<ul style="list-style-type: none"> <li>Community H&amp;S training &amp; Community emergency response planning.</li> <li>Public awareness raising campaigns around health and safety.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure incident reporting records community as well as workforce injuries.</li> </ul>
	<ul style="list-style-type: none"> <li>Increased rail traffic could reduce or prevent communities from crossing the lines.</li> </ul>	<ul style="list-style-type: none"> <li>Right to freedom of movement</li> </ul>	<ul style="list-style-type: none"> <li>Water management plan.</li> <li>Construction/renovation of wells and pumps to improved access to water (in the port area)</li> </ul>	<ul style="list-style-type: none"> <li>Where blocking a right of way is unavoidable, provide alternative avenues to enable people to access their chosen destination (i.e. school, cultural heritage site, markets, fields, fishing grounds)</li> </ul>
	<ul style="list-style-type: none"> <li>Pollution of water resources or conflict for water resources [see water issues below]</li> </ul>	<ul style="list-style-type: none"> <li>Right to health</li> </ul>	<ul style="list-style-type: none"> <li>Waste management plan.</li> <li>Dust management plan.</li> </ul>	
	<ul style="list-style-type: none"> <li>Spread of communicable diseases including STIs</li> </ul>	<ul style="list-style-type: none"> <li>Right to health</li> </ul>	<ul style="list-style-type: none"> <li>Blasting restrictions / Noise abatement strategies.</li> <li>Air quality management plan.</li> <li>Air quality and grievance monitoring.</li> </ul>	

No.	Potential sources of Risk	Rights at Risk	Existing Mitigation	Additional Management Measures
			<ul style="list-style-type: none"> <li>• Discreet lighting of facility.</li> <li>• Limit height of plants.</li> <li>• Traffic Management plan.</li> <li>• Road traffic code.</li> <li>• Trip management plan.</li> <li>• Speed restrictions.</li> <li>• Driver training.</li> <li>• Transport and train locomotive maintenance to reduce emissions and ensure safety.</li> <li>• Speed limits in built up areas and restrictions on number of trains at night.</li> <li>• Railway track crossing points, including for users of Salamaya port.</li> <li>• Public health campaigns (incl. around risky behaviors).</li> <li>• Worker protection system.</li> <li>• Support development of healthcare infrastructures using own funds</li> </ul>	
4	<b>Security</b>			
	<ul style="list-style-type: none"> <li>• Increasing resource or other local conflicts through displacement from land and other natural resources or perceived inequality in delivery of benefits or experience of negative impacts.</li> <li>• In-migration could also contribute to increased tension and conflict.</li> <li>• Inappropriate security response breaking up peaceful demonstrations (as they have done in the recent past).</li> </ul>	<ul style="list-style-type: none"> <li>• Rights to liberty and security of the person</li> <li>• Rights to liberty and security of the person</li> <li>• Right to freedom of assembly</li> <li>• Right to life</li> </ul>	<ul style="list-style-type: none"> <li>• Use of private un-armed security forces (except where by law State forces must be used for the transportation of explosives).</li> <li>• Security Code of Conduct based on the Voluntary Principles of Security and Human Rights and training to prevent use of inappropriate or excessive force in a conflict situation and avoid use of firearms to the extent possible.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure selection of security providers aligns with the Voluntary Principles on Security and Human Rights.</li> <li>• Development of crisis scenarios and security responses e.g. community or workforce protests. Appropriate responses (including use of force and avoiding detention) and behaviors to be discussed and agreed with all parties involved in security response including government forces.</li> <li>• Identify potential issues that could create or exacerbate community conflict and ensure adequate mitigation measures are in place and / or that Project understands its role in these conflicts.</li> <li>• Ensure that crisis management plans and security response plans include</li> </ul>

No.	Potential sources of Risk	Rights at Risk	Existing Mitigation	Additional Management Measures
				scenarios associated with increased inter-community conflict so that security providers are aware and trained in how to respond.
<b>5</b>	<b>Labour and Working Conditions and Health and Safety</b>			
	<ul style="list-style-type: none"> <li>Failure to protect the workforce from harassment or intimidation at work, workplace bullying.</li> </ul>	<ul style="list-style-type: none"> <li>Right not to be subjected to torture, cruel, inhuman and/or degrading treatment of punishment</li> </ul>	<ul style="list-style-type: none"> <li>Worker protection system for occupational diseases.</li> <li>Occupational risk identification.</li> <li>Worker competency assessment.</li> <li>H&amp;S training.</li> <li>Worker medical screening and healthcare adjustment plan</li> <li>Health training for workers.</li> <li>H&amp;S measures at work/ PPE relevant to each activity.</li> <li>GAC Code of Conduct.</li> <li>Grievance mechanism.</li> <li>GAC Internal Disciplinary Process (Compliant with Guinea Labor Code)</li> <li>Protection of employee data (addressed in GAC Code of conduct 2013).</li> <li>Code of Conduct and Recruitment policy forbids discrimination on the basis of marital or reproductive status.</li> <li>Third party contractor clauses, compliance audits.</li> <li>Anti-discrimination language in the code of conduct and recruitment policy 2013.</li> <li>GAC Code of Conduct respects the rights of minority ethnic or religious groups.</li> <li>Engagement of different religious groups during ESHIA engagement.</li> <li>GAC Code of Conduct demands any evidence of forced labor is reported.</li> <li>Recruitment/induction process includes checks for worker status (check on child and</li> </ul>	<ul style="list-style-type: none"> <li>Ensure roll out of code of conduct to all contractors.</li> <li>Clauses in third party contracts forbidding forced labor, regular audits to ensure compliance.</li> <li>Policy commitment to avoid child labor which is also rolled out to contractors and supply chain.</li> <li>No worker loans and no withholding workers identity papers</li> <li>Ensure that company and contractors provide reasonable facilities and time for different religious groups to practice their faiths, notwithstanding health and safety requirements.</li> <li>Adequate monitoring processes to assure contractor and supplier performance with support to contractors and suppliers to improve performance where an issue is identified.</li> <li>Training on the purpose and value of non-discrimination to staff and contractors.</li> <li>Ensuring contractors are committed to the same health and safety standards as GAC and that adequate time for training is scheduled pre-commencement of construction and on an on-going basis as necessary to ensure Health and Safety Management System is understood an</li> </ul>
	<ul style="list-style-type: none"> <li>Use of forced or child labor in the supply chain (especially unskilled construction workers)</li> </ul>	<ul style="list-style-type: none"> <li>Right not to be subjected to slavery, servitude or forced labor</li> <li>Rights of protection for the child</li> <li>Right to education</li> </ul>		
	<ul style="list-style-type: none"> <li>Company or contractors or company agents putting workers in a position of debt bondage through loans or withholding workers identity papers.</li> </ul>	<ul style="list-style-type: none"> <li>Right not to be subjected to slavery, servitude or forced labor</li> </ul>		
	<ul style="list-style-type: none"> <li>Lack of facilities and allowance for workers to take reasonable time off to observe religious holidays and wear clothes or symbols to represent their faith (if it doesn't create a H&amp;S issue)</li> </ul>	<ul style="list-style-type: none"> <li>Rights to freedom of thought, conscience and religion</li> </ul>		
	<ul style="list-style-type: none"> <li>Prevention of workers from joining trade unions</li> </ul>	<ul style="list-style-type: none"> <li>Right to freedom of association</li> </ul>		
	<ul style="list-style-type: none"> <li>There is potential to discriminate against women and other vulnerable group in the recruitment, remuneration, promotion process and / or resolution of grievances.</li> </ul>	<ul style="list-style-type: none"> <li>Right to non-discrimination</li> <li>Rights of minorities</li> </ul>		

No.	Potential sources of Risk	Rights at Risk	Existing Mitigation	Additional Management Measures
	<ul style="list-style-type: none"> <li>Restrictions on formation of trade unions among employees or contract workers or refusal to recognize legitimate workers associations.</li> <li>Workers living in the 'bachelor' workforce camps in the MA working shifts that are not given sufficient time off to visit families.</li> <li>Workforce accommodation</li> <li>Spread of local communicable diseases through workforce – community interaction.</li> <li>Health and safety risks especially during construction due to the nature of the work (including working at heights, hot work, use of heavy machinery, dredging activities in the channel, unforeseen events, accidents such as fires, heavy vehicle traffic on the roads etc.).</li> </ul>	<ul style="list-style-type: none"> <li>Rights to enjoy just and favorable conditions of work</li> <li>Right to form or join a trade union</li> <li>Right to strike</li> <li>Right to family life</li> <li>Right to adequate standard of living</li> <li>Right to health</li> <li>Right to Life</li> </ul>	<ul style="list-style-type: none"> <li>forced labor).</li> <li>Policy commitment to avoid child labor</li> <li>Camps built and operated to international standards.</li> <li>Education development plan in collaboration with local authorities</li> <li>Building of secondary education facilities</li> <li>Study bursary program for the poorest households</li> </ul>	<ul style="list-style-type: none"> <li>implemented.</li> </ul>
<b>6</b>	<b>Trafficking</b>			
	<ul style="list-style-type: none"> <li>Use of the Port area and rail exposing the Company to the risk of involvement or facilitation of human trafficking</li> </ul>	<ul style="list-style-type: none"> <li>Right not to be subjected to slavery, servitude or forced labor</li> </ul>	<ul style="list-style-type: none"> <li>Recruitment/induction process includes checks for worker status (check on child and forced labor).</li> </ul>	<ul style="list-style-type: none"> <li>Work with Government and other operators in the area to better understand the potential for trafficking issues. If necessary develop a plan to respond.</li> </ul>
<b>7</b>	<b>Presence</b>			
	<ul style="list-style-type: none"> <li>Supporting a government that consistently documented cases of torture and degrading forms of punishment used by Guinean security forces, particularly against political detainees.</li> <li>Supporting a government with a poor record on transparency</li> </ul>	<ul style="list-style-type: none"> <li>Right not to be subjected to torture, cruel, inhuman and/or degrading treatment of punishment</li> </ul>	<ul style="list-style-type: none"> <li>GAC Code of Conduct.</li> </ul>	<ul style="list-style-type: none"> <li>Promote value of transparency and dialogue with affected people to government</li> <li>Avoid dependency on government to resolve conflicts or grievances with affected people (without restricting access to judicial mechanisms)</li> </ul>

No.	Potential sources of Risk	Rights at Risk	Existing Mitigation	Additional Management Measures
8	<b>Stakeholder Engagement and Access to Remedy</b>			
	<ul style="list-style-type: none"> <li>Lack of participation of all groups in engagement processes</li> </ul>	<ul style="list-style-type: none"> <li>Rights to freedom of thought, conscience and religion</li> </ul>	<ul style="list-style-type: none"> <li>Grievance mechanism.</li> <li>GAC Code of Conduct – anti discrimination.</li> <li>GAC Community Engagement processes</li> <li>Employee Representative Council</li> <li>RAP processes which involve women and other vulnerable groups in consultation and negotiation mechanisms (i.e. Resettlement committees have to have around 40% female participation; during every RAP survey process women are consulted via focus groups; development projects targeted at women (i.e. Credit Scheme in Kamsar)</li> <li>House titles to be in both husband’s and wife’s names.</li> </ul>	<ul style="list-style-type: none"> <li>If necessary build capacity of communities and vulnerable groups to effectively take part in engagement processes through third parties (e.g. NGOs).</li> </ul>
	<ul style="list-style-type: none"> <li>Lack of consideration of community and workforce views.</li> </ul>	<ul style="list-style-type: none"> <li>Rights to freedom of opinion and expression</li> </ul>		
	<ul style="list-style-type: none"> <li>Community and workforce with lack of capacity to raise issues and successfully take part in grievance resolution processes (judicial or non-judicial)</li> </ul>	<ul style="list-style-type: none"> <li>Rights to freedom of opinion and expression</li> </ul>		
	<ul style="list-style-type: none"> <li>Potential to discriminate against women the elderly and other vulnerable groups</li> </ul>	<ul style="list-style-type: none"> <li>Right to non-discrimination</li> <li>Rights of minorities</li> </ul>		
9	<b>Water</b>			
	<p>The Project will only use river water during high flow and then at minimal levels, water will be stored in a dam in the northern part of the concession area, which may be complemented with ground water wells. This could lead to:</p> <ul style="list-style-type: none"> <li>Direct conflict for water resources between communities and the Project.</li> <li>Pollution of water resources by Project activities.</li> <li>Cumulative impacts leading to increasing pressure on water resources and reduction of water quality.</li> </ul>	<ul style="list-style-type: none"> <li>Right to adequate standard of living</li> <li>Right to health</li> </ul>	<ul style="list-style-type: none"> <li>Mine water management plan.</li> <li>Construction/renovation of wells and pumps to improved access to water (in the port area).</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing monitoring of water availability for affected communities.</li> </ul>

No.	Potential sources of Risk	Rights at Risk	Existing Mitigation	Additional Management Measures
10	<b>Cultural Heritage</b>			
	Potential damage or restricted access to sites of cultural importance or intangible heritage (primarily cemeteries, mosques and genie residences) due to Project activities.	<ul style="list-style-type: none"> <li>• Right to cultural life</li> </ul>	<ul style="list-style-type: none"> <li>• Cultural heritage plan.</li> <li>• Chance finds procedure.</li> <li>• Cultural heritage management – including stakeholder engagement and consultation around cultural heritage responses and solutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Avoidance of the 89 listed non replicable sites of cultural heritage in the Mine Area (MA)</li> </ul>

**Table 1.2 Human Rights mapping**

Table 1.2 illustrates the mapping undertaken to identify the salient human rights issues.

Ref.	Right	Explanation	Baseline sensitivity and enjoyment of the right in the Project area	Potential sources of risks and impact (links to environmental, social and health impacts)	Potential risk of impact to right?	Ability to control (direct control, through contractors, responsibility of others)	Mitigation Measures in place	Additional measures necessary to avoid impacting right
1.	<i>Right of Self Determination</i>	The right of peoples rather than individuals, with particular reference to indigenous peoples rights to determine their political status and place in the international community, includes the right to pursue economic, social and cultural development.	Strong community ties exist in the Project area with social bonds reinforced through traditional leadership patterns. Land ownership is often conferred through traditional means rather than reliance on government systems, so this right is not well protected by the State but is largely protected through traditional systems.  It should be noted that the previous resettlement may have resulted in legacy issues (cf consultation reports presented in the SEP).	Land acquisition will be required at the Port and Mine areas. Building Project infrastructure (Railway spurs, port terminal, offshore loading infrastructure and supporting facilities) on land that has traditional significance to the people and is the basis for traditional livelihoods. Acquisition of land and displacement from livelihoods and natural resources could affect the capacity of impacted communities to decide on use of natural resources and direction of economic and social development.	Yes	<b>High</b> – following an international standard land acquisition and resettlement process will preserve peoples rights to a large degree.	RAP in line with all the requirements of IFC PS 5.	Ensure process of Informed Consultation and Participation in development of the RAP in line with that outlined in Performance Standard 1.  Consider the value of developing a RAP to meet objectives determined through a longer term multi-stakeholder ‘shared value’ model, which would also need to consider broader land and resource management in the context of multiple projects.
				Cumulative impacts and immigration may also further reduce the ability of local communities to participate in decision-making about management of local natural resources and ensure that development aligns with community development goals.	Yes	<b>Medium</b> – for cumulative impact management which is not directly within the control of the Project, although it has the opportunity to influence.	Cumulative Impact Assessment	Develop and implement multi-stakeholder approach to addressing land use planning
2.	<i>Right to Life</i>	Right not to be deprived of life arbitrarily or unlawfully, right to have one’s life protected.	Historical use of excessive force by Guinean security forces, so this right is not routinely protected by the State.	Use of force by security forces protecting company assets or personnel. This could pose a risk to either community or workforce rights holders.	Yes	<b>High</b> - for company employees and contractors  Low – with regard to State security forces.	Use of private security forces (except where by law State forces must be used for the transportation of explosives).  Security Code of Conduct and training to prevent use of inappropriate or excessive force in a conflict situation and avoid use of firearms to the extent possible.	Development of crisis scenarios and security responses e.g. community or workforce protest. Appropriate responses and behaviors to be discussed and agreed with all parties involved in security response including government forces.

Ref.	Right	Explanation	Baseline sensitivity and enjoyment of the right in the Project area	Potential sources of risks and impact (links to environmental, social and health impacts)	Potential risk of impact to right?	Ability to control (direct control, through contractors, responsibility of others)	Mitigation Measures in place	Additional measures necessary to avoid impacting right
			Weak health and safety culture so workers extremely sensitive to accidents in high risk construction working environments.	Health and safety risks especially during construction due to the nature of the work (including working at heights, hot work, use of heavy machinery, dredging activities in the channel, unforeseen events, accidents such as fires, heavy vehicle traffic on the roads etc).	Yes	<b>High</b> – as rights holders direct and contracted workforce.	Worker protection system for occupational diseases. Occupational risk identification. Worker competency assessment. H&S training. PPE relevant to each activity Contractor H&S audits.	Ensuring contractors are committed to the same health and safety standards as GAC and that adequate time for training is scheduled pre-commencement of construction and on a on-going basis as necessary to ensure Health and Safety Management System is understood and implemented.
			Communities are not sensitized to safe behaviors required during construction (i.e. in regard to heavy vehicle traffic, construction activity).	Community road and rail safety during construction and operations and potential for unsafe conditions around construction and operating mine and logistics sites. Health and safety of communities may also be impacted during blasting activities during Operation.	Yes	<b>Moderate</b> – company can minimize hazards and influence community behavior.	Community H&S training & Community emergency response planning.  Public awareness raising campaigns around health and safety.	Ensure incident reporting records community as well as workforce injuries.  Ensure emergency response plans consider response to community as well as workforce impacts.
3.	<i>Right not to be subjected to torture, cruel, inhuman and/or degrading treatment of punishment</i>	Self-explanatory.	There are documented cases of violence and arbitrary arrest by Guinean security forces, particularly against political detainees, so this right is not routinely protected.	Failure to protect the workforce from harassment or intimidation at work, workplace bullying.	Yes	<b>High</b> – from a Company perspective  <b>Low</b> - from a State perspective	GAC Code of Conduct.  Grievance mechanism. Disciplinary Procedure	Ensure roll out of code of conduct to all contractors. Refresh Code of Conduct training annually
				Operating in Guinea where the State does not protect these rights.	Yes	<b>Low</b> – Government treatment of citizens is unlikely to be an area the Project can influence, especially as does not have a direct impact.		Promote value of transparency and dialogue with affected people.  Avoid dependency on government to resolve conflicts or grievances with affected people (without restricting judicial mechanism)

Ref.	Right	Explanation	Baseline sensitivity and enjoyment of the right in the Project area	Potential sources of risks and impact (links to environmental, social and health impacts)	Potential risk of impact to right?	Ability to control (direct control, through contractors, responsibility of others)	Mitigation Measures in place	Additional measures necessary to avoid impacting right
4.	<i>Right not to be subjected to slavery, servitude or forced labor</i>	This right covers freedom from servitude including severe economic exploitation such as the trafficking of workers. Forced labor encompasses work extracted under menace of any penalty and for which the person has not voluntarily offered themselves.	There also documented cases of human trafficking through Ports in Guinea and incidents of child labor in some industry sectors (though not bauxite mining, although it is a known issue prevalent in gold and diamond mining). Women and girls have been subjected to forced labor, domestic servitude and sex trafficking in Guinea and throughout the region. Despite a 2004 anti-trafficking law, the government has demonstrated no efforts to identify victims of trafficking or offer support and does not comply with the minimum standards for the elimination of trafficking. Although there is a National Committee to fight against trafficking it has no budget to support its activities. (US Government Trafficking Report 2012)	Use of forced or child labor in the supply chain (especially unskilled construction workers)	Yes	<b>High</b> – with regard to avoiding forced labor in the workforce and supply chain.	GAC Code of conduct demands any evidence of forced labor is reported.  Contractor compliance audits	Clauses in third party contracts forbidding forced labor, regular audits to ensure compliance.  No worker loans and no withholding workers identity papers
				Use of the Port area and rail exposing the Company to the risk of involvement or facilitation of human trafficking	Yes	<b>Low</b> - with regard to trafficking - The Port area is also used by CBG, Rusal and AMC so efforts to ensure human trafficking does not occur on GAC transport will require coordinated efforts with other users.	Work with Government and other operators in the area to better understand the potential for trafficking issues. If necessary develop a plan to respond.	
5.	<i>Rights to liberty and security of the person</i>	Prohibition of unlawful or arbitrary detention, security from physical attacks, threats or other severe forms of harassment whether or not a person is detained.	The main threats to security in the Project area are at a local level and include tensions between Wossou and Soucka and their related villages. Reportedly, there have been incidents of livestock theft, land grabbing and religious tensions associated with the mosque. There have also been an increasing number of conflicts between herdsmen and farmers and conflicting claims regarding the founding of villages (history, status of its founder, etc.) in the eastern	Increasing resource or other local conflicts through displacement from land and other natural resources or perceived inequality in delivery of benefits or experience of negative impacts,  In-migration could also contribute to increased tension and conflict.	Yes	<b>Low</b> – the Project will not be the only factor contributing to this issue	Undertake cumulative impact assessment and determine potential for land and other resource conflict.  Undertake in-migration risk assessment and develop management plan.  Minimize recruitment that encourages migrant labor and recruit from local communities as far as possible  Local community survey baseline results are documented in a live database.	Identify potential issues that could create or exacerbate community conflict and ensure adequate mitigation measures are in place and / or that Project understands its role in these conflicts.  Ensure that crisis management plans and security response plans include scenarios associated with increased community conflict so that security providers are aware and trained in how to respond.

Ref.	Right	Explanation	Baseline sensitivity and enjoyment of the right in the Project area	Potential sources of risks and impact (links to environmental, social and health impacts)	Potential risk of impact to right?	Ability to control (direct control, through contractors, responsibility of others)	Mitigation Measures in place	Additional measures necessary to avoid impacting right
			portion of the mine area	Security response: risk of excessive use of force in the event of community unrest or protest due to conflict over Project activities or land acquisition.	Unlikely	<b>High</b> – for company employees and contractors  <b>Low</b> – with regard to behavior of government security. The Company has limited control over behaviors of State forces in the case of community conflict or protest over Project activities.		GAC support for those arrested for protesting against company activities.
6.	<i>Right of detained persons to humane treatment</i>	Detention authorities to take special measures for the protection of detainees.	This right cannot be automatically enjoyed in Guinea due to poor prison conditions and reported abuse against detainees routinely documented by human rights groups, NGOs and US state government bureau of democracy, human rights and labor.	Government security forces detain those that protest against the Project.	Unlikely	<b>Low</b> – the Project is limited in its influence of Government security providers especially outside the Project area		Development of crisis scenarios and security responses e.g. community or workforce protest. Appropriate responses and behaviors to be discussed and agreed with all parties involved in security response including government forces.
7.	<i>Right not to be subjected to imprisonment for inability to fulfil a contract</i>	When a person is incapable of meeting a contractual obligation.	Detail on this right was not able to be collected in the Project area.	If a small supplier is not able to meet their contractual obligation and the Company takes action against them	Unlikely	<b>High</b>		Company policy that protects this right.
8.	<i>Right to freedom of movement</i>	Individuals lawfully in a country have a right to move freely through it and choose where to live and to leave	People are able to move fairly freely in the Project area.  Land ownership is complex, an individual can hold the three types of rights (use, active control and induced control). Procedures are only partially formalized, a simple document signed in front of witnesses confirms the transaction was duly completed. This document has no legal value. What is sought is not necessarily the legal validity of the procedure but rather the local acknowledged transfer of full and permanent land rights.	The Project infrastructure and construction phase may restrict access at certain places such as in the Port area for fishers and in villages where nomadic herdsman cross large areas which may be subject to exclusion zones during construction and operations.  Increased rail traffic may reduce the opportunities for communities to cross the lines.	Yes	<b>Medium</b>	Minimize resettlement and use of land in residential areas. RAP to be undertaken in line with the requirements of IFC Performance Standard 5.  Build the Kamsar facilities limiting impacts on movement of people and goods.  Ensure that rights of way are preserved as much as possible and where blocking a right of way is unavoidable, provide alternative avenues to enable people to access their chosen destination (i.e. school, cultural heritage site, markets, fields, fishing grounds)	Ensure process of Informed Consultation and Participation in development of the RAP in line with that outlined in Performance Standard 1.  Consider the value of developing a RAP to meet objectives determined through a longer term multi-stakeholder 'shared value' model, which would also need to consider broader land and resource management in the context of multiple projects.

Ref.	Right	Explanation	Baseline sensitivity and enjoyment of the right in the Project area	Potential sources of risks and impact (links to environmental, social and health impacts)	Potential risk of impact to right?	Ability to control (direct control, through contractors, responsibility of others)	Mitigation Measures in place	Additional measures necessary to avoid impacting right
				Cumulative impacts could further fragment the land that is accessible by local communities.	Yes	<b>Medium</b> – as the Project will only be one of a number of activities contributing to cumulative impacts.	Cumulative Impact Assessment	Develop and implement multi-stakeholder approach to addressing land use planning
9.	<i>Right of aliens to due process when facing expulsion</i>	Foreigners who are legally present in a country are entitled to due process before being forced to leave.	Detail on this right was not able to be collected in the Project area but on a national scale the government continues to deport undocumented migrants without screening them to determine if they are victims of trafficking or referring them to assistance services. It rarely notifies embassies that their nationals have been detained.	Contractors may use migrant workers which could expose the Company to abuse of this right	Unlikely	<b>Low</b> – the approach to deportation will mostly be determined by the national legal framework	As part of recruitment and induction process company and its contractors will check status of workers – this will also help to avoid child and force labor.	Should this scenario arise company and contractors will provide support on a case by case basis to avoid discrimination or other impacts on rights.
10.	<i>Right to a fair trial</i>	Right to a public hearing before an impartial tribunal.	According to international NGO's and the UN this right is not always guaranteed in Guinea due to the weakness of the judicial system.	If the Company attempts to interfere with or influence the judicial process to secure a favorable outcome in the case of a complaint against it or takes up a case against those that protest.	Unlikely	<b>High</b>	GAC Code of Conduct	
11.	<i>Right to be free from retroactive criminal law</i>	The state cannot impose criminal penalties for an act that was not illegal when it was committed.	Detail on this right was not able to be collected in the Project area	If a political dissident complains at any point about the Company's operations and the state creates new punitive measures to prosecute them.	Unlikely	<b>Low</b> (due to the State being the primary actor)		Should this scenario arise GAC will act on a case by case basis to avoid impacting this right.
12.	<i>Right to recognition as a person before the law</i>	All individuals are entitled to legal personality or independent legal recognition.	Detail on this right was not able to be collected in the Project area, however there is potential that it is not well protected because of the potential for forced labor and issues associated with discrimination against women.	Resettlement processes which only recognize the rights of the man as head of the household and does not recognize the rights of the married woman.  Potential discrimination against vulnerable groups such as herders, former slaves, children and the elderly.	Yes	<b>High</b>	An international standard land acquisition process will be followed	
13.	<i>Right to privacy</i>	Individuals have a right to be protected from arbitrary, unreasonable or unlawful interference with their privacy or family home.	Detail on this right was not able to be collected in the Project area.	Failure to protect confidentiality of personal employee, community, customer or supplier data e.g. confidentiality of	Unlikely	<b>High</b> - with regard to privacy of employee and community information	Protection of employee data (addressed in GAC Code of conduct 2013)	Ensure confidentiality of community grievances

Ref.	Right	Explanation	Baseline sensitivity and enjoyment of the right in the Project area	Potential sources of risks and impact (links to environmental, social and health impacts)	Potential risk of impact to right?	Ability to control (direct control, through contractors, responsibility of others)	Mitigation Measures in place	Additional measures necessary to avoid impacting right
				grievances.				
14.	<i>Rights to freedom of thought, conscience and religion</i>	Individuals have a right to choose, practice and observe their chosen religion.	Conflicts in the Project area have reportedly been linked to the local Mosque, although the root of these are not well understood, however, historically freedom of thought is not necessarily guaranteed in Guinea.	Lack of participation of all groups in engagement.  Lack of facilities and allowance for workers to take reasonable time off to observe religious holidays and wear clothes or symbols to represent their faith (if it doesn't create a H&S issue)	Yes	<b>High</b>	Ensure engagement of different religious groups during ESHIA engagement.	Ensure that company and contractors provide reasonable facilities and time for different religious groups to practice their faiths, notwithstanding health and safety requirements.
15.	<i>Rights to freedom of opinion and expression</i>	The right to hold opinions free from outside interference.	There is significant allegations of restriction on press freedom and excessive use of force against civilians in particular during political rallies (US State Department 2013 , Amnesty International 2013). However at a local level and in the Project area the Council of Elders are a respected body whose role is to facilitate the dialogue among stakeholders and provide a safe forum to air opinions.	Lack of consideration of community and workforce views.  Community and workforce with lack of capacity to raise issues and successfully take part in grievance resolution processes (judicial or non-judicial)	Yes	<b>High</b> – ensure mechanisms for communities and workforce to express opinion.	Stakeholder Engagement as part of ESHIA process. Employee Representative Council mechanism in place for GAC and applicable subcontractors	If necessary build capacity of communities to effectively take part in engagement processes through third parties (eg NGOs). Community grievance mechanism. Worker Grievance Mechanism.
				Inappropriate use of force in response to community or workforce protests.	Unlikely	<b>Medium</b> - with regard to Government response	Security force training.	Development of crisis scenarios and security responses e.g. community or workforce protest. Appropriate responses and behaviors to be discussed and agreed with all parties involved in security response including government forces.
16.	<i>Rights to freedom from war propaganda and freedom from incitement to racial, religious or national hatred</i>	Prohibition of certain speech that is not protected by the right to expression. Individuals are prohibited from advocating racial, religious or national hatred that amounts to incitement to discrimination, hostility or violence.	This right is not routinely protected in Guinea.	There is currently no ongoing conflict that Project staff were made aware of in the Project area.	Unlikely at the current time	N/A	N/A	N/A
17.	<i>Right to freedom of assembly</i>	The right to peacefully assemble for a specific purpose or where there is a public discussion or to engage in a demonstration.	Although the constitution provides for freedom of assembly, this right is not routinely protected in Guinea with public demonstrations often broken up with excessive force by the security forces and perpetrators of violence rarely brought to account.	Inappropriate security response breaking up peaceful demonstrations (as they have done in the recent past, using lethal force).	Yes	<b>Medium</b> - with regard to Government response	N/A	Development of crisis scenarios and security responses e.g. community or workforce protest. Appropriate responses and behaviors to be discussed and agreed with all parties involved in security response including government forces.

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18.	<i>Right to freedom of association</i>	The right to form or join all types of association, including trade union associations.	Although the right to join trade unions is enshrined in law and the constitution provides for freedom of association, the law at the same time places restriction on the free exercise of these rights, such as banning strikes in essential services, requiring 25 minimum to constitute a trade union and the security forces historically crack down on any large, public gatherings. (US State Department Country Report 2013)	Prevention of workers from joining trade unions	Yes	<b>High</b>	Enshrined in Law. GAC Worker Representative Council is in place.	Contractors also protect workers rights to join unions.
19.	<i>Rights of protection of the family and the right to marry</i>	The right to enter freely into marriage and start a family.	This right is traditionally respected at a Project level in Guinea and through community and traditional structures.	Company discriminates against women or men according to their marital or reproductive status.	Unlikely	<b>High</b>	Code of Conduct and Recruitment policy forbids discrimination on the basis of marital or reproductive status.	Monitoring
20.	<i>Rights of protection for the child</i>	Child must be protected from economic exploitation including child labor.	Guinea is a signatory to international conventions concerning this right but its implementation in practice has not been assessed.	Child labor in the Project workforce  Company suppliers using child labor in their workforce.	Yes	<b>High</b> for directly employed and contractors.  <b>Medium</b> for supply chain.	Third party contractor clauses, compliance audits .	Needs to be reflected in a company policy
21.	<i>Right to participate in public life</i>	People have a right to take part in public affairs, including the right to vote and be elected in free and fair elections.	Historically there has been a lack of free elections in Guinea. On 28th September 2013, government forces massacred and raped a large number of unarmed demonstrators calling for free and fair elections. Torture and arbitrary imprisonment of political opponents has been widespread.	Company influence in the election process.	Unlikely	<b>High</b>	N	Add a clause to the Code of Conduct to ensure this right and build into schedule.
22.	<i>Right to equality before the law, equal protection of the law and rights of non-discrimination</i>	Individuals have a right not to be discriminated against, on various grounds including race, ethnicity, sex, language, religion etc.	The weak judiciary system and ambiguous status of the law in the Project area (where public authority is only slightly dissociated from the traditional/customary authority) can lead to those with Project grievances not receiving sufficient protection under the law due to the complexity of	There is potential to discriminate against women and other vulnerable group in the recruitment, remuneration, promotion process and / or resolution of grievances and also through resettlement and implementation of other mitigation measures.	Yes	<b>High</b> – for implementation of community mitigation measures.  <b>Medium</b> - in labor and working conditions - where there is endemic discrimination it will take time change behavior.	Anti-discrimination language in the code of conduct and recruitment policy 2013.	Consideration of vulnerable groups and gender in assessment and mitigation measures.  Training on the purpose and value of non-discrimination to staff and contractors.

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			<p>legal/semi-legal entities.</p> <p>People would often rather turn to local representatives of the traditional/religious chieftainship and not involve the police or judicial system since these authorities are often in distant locations and associated costs are steep, so equal rights under the law are not guaranteed.</p> <p>There are still vulnerable groups such as those with former slave ancestors who tend to have more precarious land tenure systems and support networks.</p> <p>There are also reports of significant violence and discrimination against women and girls.</p>					
23.	<i>Rights of minorities</i>	Members of ethnic, religion or linguistic minorities are entitled to enjoy their own culture, practise their religion and speak their language.	There are five main ethnic groups in Guinea and within these groups there are numerous smaller ethnic groups. Rights of minorities are not well protected by the State historically.	<p>Potential discrimination during recruitment, remuneration, promotion and grievance resolution.</p> <p>Community and workforce with lack of capacity to raise issues and successfully take part in grievance resolution processes (judicial or non-judicial)</p> <p>Failure to protect the workforce from harassment or intimidation at work, workplace bullying.</p> <p>Lack of participation of all groups in engagement.</p>	Yes	<b>High</b>	<p>GAC Code of conduct respects the rights of minority ethnic or religious groups.</p> <p>Cultural heritage sites are protected where possible. Grievance mechanism. Ensure engagement of different religious groups during ESHIA engagement.</p> <p>GAC Recruitment procedure applies equally to subcontractors, and emphasizes the requirement to prefer Local employees if qualified to do a job.</p>	Ensure roll out of code of conduct to all contractors. Training on the purpose and value of non-discrimination to staff and contractors.
24.	<i>Rights to work</i>	Individuals are entitled to have the opportunity to choose 'decent' work that respects their human rights. This includes prohibition of arbitrary dismissal and the right to just and favorable conditions of work and to form and join trade unions.	This right is exercised on a case by case basis depending on the particular employers in the Project area.	Working conditions, discrimination, ability to join trade unions and treatment of employees.	Unlikely	<b>High</b>	GAC Code of Conduct and worker contracts.	Roll- out standards to contractors and supply chain

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25.	<i>Rights to enjoy just and favorable conditions of work</i>	Individuals have the right to fair remuneration that will enable them to have a decent living, this includes the right to safe and healthy conditions of work, equality of opportunity for promotion and a right to rest, leisure and holidays.	This right is exercised on a case by case basis depending on the particular employers in the Project area, but is rarely upheld in casual work contracts.	Worker contracts, working conditions.	Yes	<b>High</b>	GAC Code of Conduct and worker contracts.	Roll- out standards to contractors and supply chain Compliance monitoring (of subcontractors)
26.	<i>Right to form and join trade unions and the right to strike</i>	Individuals have the right to form or join a trade union, they must be permitted to function freely. Workers must have the right to strike in conformity with reasonable legal requirements.	Guinean legislation prohibits discrimination based on trade-union membership, but provides no means of protection to ensure it is duly enforced. Historically worker demonstrations have been forcibly disbanded by State security forces.	Restrictions on formation of trade unions among employees or contract workers or refusal to recognize legitimate workers associations.	Yes	<b>High</b>	Enshrined in law.  GAC Employee Representative Council is in place.	Development of crisis scenarios and security responses e.g. community or workforce protest.
27.	<i>Right to social security including social insurance</i>	This right obliges the State to create and maintain a system of social security that provides adequate benefits for issues such as injury or unemployment	It is not clear in the Project area whether social security adequately provides for vulnerable groups such as the disabled or unemployed. This right exists in Guinea but may not be universally protected.	If the Company denies workers their contractually agreed employment and / or injury benefits.	Unlikely	<b>High</b>	Enshrined in Law.  The Labor Code in its entirety is an implicit part of any labor contract.	
28.	<i>Right to a family life</i>	Protection should be given to families during their establishment and while they are responsible for the care and education of dependent children, this includes special protection for working mothers	This right is most likely to be exercised on a case by case basis depending on the particular employers in the Project area but is not guaranteed by law.	Workers living in the 'bachelor' workforce camps in the MA working shifts that are not given sufficient time off to visit families.	Yes	<b>High</b>	Local workers will not be accommodated in the camps – only expatriate workers.	Worker contracts to state mandated time off for those on shift work or living in worker camps.
29.	<i>Right to an adequate standard of living</i>	This right includes access to adequate housing, food, clothing and water and sanitation.	The standard of living is low in the Project area with many facing food insecurity at certain times of year.  Most people have basic traditional housing with no plumbing.  Access to water is a significant issue with only a	Permanent Operational Camps (i.e. for managerial staff at the Port facility) may not meet international standards for welfare.	Yes	<b>High</b>	Camps built and operated to international standards. Support for agricultural improvement programs. Implement economic diversification projects and alternative income generating activities (especially for women as a vulnerable group).	

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			small number of functioning water pumps in the Mine Area (MA).	Displacement by the Project could significantly affect the standard of living of those directly impacted by displacing livelihoods and residences.	Yes	<b>High</b>	International standard RAP Financial compensation for interruption of activities during displacement according to IFC PS 5 requirements Compensation for economic displacement (agricultural land, herders) Economic diversification programs Agricultural development programs Secure land rights of displaced persons in new place of residence Grievance mechanism Construct adequate services, especially access to water/infrastructure	Ensure process of Informed Consultation and Participation in development of the RAP in line with that outlined in Performance Standard 1.
				Disturbance from presence of the Project could also add to reducing standard of living particularly where there are cumulative impacts or impacts associated with in-migration.	Yes	<b>Medium</b>	Visual impact controls such as height of the plants, discreet lighting at night. Collaboration with local authorities to manage impacts from in-migration Implementation of projects supported by GAC and identified by local authorities Grievance mechanism	Develop multi-stakeholder approach to land use planning.  Consider 'shared value' approach through which to discuss multiple issues including land, water and delivery of benefits.
				Mining activities may pollute water supplies . The Project is not able to source water from the nearby river so they have authorization to build a dam in the northern part of the concession area, however the Project is still considering using ground water wells for its water needs. Both these methods could threaten the existing water supplies of communities which could impact livelihoods and health (see below).	Yes	<b>Medium</b>	Mine Water Management Plan	Ongoing consultation with communities and monitoring community water supplies
30.	<i>Right to health</i>	The right to have the highest attainable standard of care	Health status in the Project area and access to good quality health services is not high.	Impacts on water could have a direct impact on community health. Air and noise pollution	Yes	<b>Medium</b> – GAC is not the only stakeholder in managing water resources.	Water management plan Construction/renovation of wells and pumps to improved access to water	Ongoing consultation with communities and monitoring community

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			Public health stations in the mine area are few in number and limited in capacity, with a lack of medical equipment and medicines and access difficult from the villages located far from the main dirt roads, therefore this right is already not being met in the Project area. Even where they are more numerous such as in Kamsar, economic factors restrict access.	Dust emissions Visual effects			(in the port area) Waste management plan Construct improved water sources Dust management plan Blasting restrictions Noise abatement strategies Air quality management plan Air quality and grievance monitoring Discreet lighting of facility Limit height of plants	water supplies
			Communities sensitive to conflict due to Project presence (land acquisition, land access, Project compensation) which historically erupts over resource use.  Health is a key sensitivity due to poor health facilities in the Project area and risks of over use by Project staff to the detriment of local people.	Road and rail safety could put community health and safety at risk.	Yes	<b>Medium</b>	Traffic Management plan Road traffic code Trip management plan Speed restrictions Driver training Transport and train locomotive maintenance to reduce emissions and ensure safety Railway track crossing points, including for users of Salamaya port.	Ensure that rights of way are preserved as much as possible and where blocking a right of way is unavoidable, provide alternative avenues to enable people to access their chosen destination (i.e. school, cultural heritage site, markets, fields, fishing grounds)
			Stigma around HIV is also prevalent and may heighten risk of the spread of STIs.	Project workforce and Project induced migrants putting strain on an already struggling health system  There may be Project workforce impacts on access to healthcare services. Construction workers and migrants seeking work could result in increasing pressure on already struggling healthcare facilities.	Yes	<b>Medium</b>	Worker medical screening and healthcare adjustment plan Health training for workers Public health campaigns (incl. around risky behaviors) Worker protection system H&S measures at work Support development of healthcare infrastructures using own funds	Additional investment in local facilities may be necessary if workers use local services.
				Project induced in migration and cumulative impacts and population concentration could trigger conflict and the emergence of disease due to pressure on sanitation, spread of communicable diseases, water and hygiene infrastructure (see Chapter 6.2.2.8 and 6.2.3.8)	Yes	<b>Medium</b>	Cumulative impact assessment and in-migration / influx risk assessment. Public awareness campaigns	Consider 'shared value' approach through which to discuss multiple issues including land, water and delivery of benefits.

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				There could be impacts to the workforce from the spread of local communicable diseases through workforce – community interaction.	Yes	<b>Medium</b>	Worker medical screening and healthcare adjustment plan Health training for workers Public health campaigns (incl. around risky behaviors) Worker Code of Conduct	Raising workforce awareness of communicable diseases and STIs and how to avoid spread of disease.  Working with local partners to deliver community awareness raising around avoiding spread of communicable diseases.
31.	<b>Right to education</b>	All children have the right to free and compulsory primary education.	There are an inadequate number of Primary schools in the Project area according to the needs of the size of population and this coupled with difficulties in access mean that full attendance and therefore enjoyment of this right, is not guaranteed.  In migration also impacts sensitivity The village of Tinguilinta which was not part of the 1996 census, most probably because it was deemed too small and united to another village, is now the most populated in the area. It can easily be imagined that its average annual growth has boomed (potentially over 20%, which is the average rate observed near mining areas in Guinea) since 2004, notably when GAC arrived in the area.	Children in the supply chain	Yes	<b>Low</b> – the Project will not be the only factor contributing to this issue	Child labor prohibited in the GAC Code of Conduct, and in Labor Code	If identified support suppliers / contractors to address issues and avoid exacerbating vulnerability of child laborers and their households.
			Population growth in the MA may be partially attributed to a still high natural increase but it is mainly accounted for by a net increase in migrations, especially to roadside locations. That is why migration flows will be addressed at the level of the MA and based on the Road Area (RA)/Inland Area (IA) dichotomy.	Workforce or influx in-migration reducing access to schools for local communities	TBC	<b>Low</b>	Education development plan in collaboration with local authorities Building of secondary education facilities Study bursary program for the poorest households Cumulative impact assessment and influx risk assessment and management plan.	Consider 'shared value' approach through which to discuss multiple issues including land, water and delivery of benefits.

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			<p>All the heritage sites in the MA may be split in two categories: natural areas that communities believe to be genies' residences and cemeteries. The relationships cultivated by local populations with the supernatural entities that are genies (or fetishes and amulets including Quran verses) and ancestors are essential in communities' and individuals' lives.</p> <p>Traditional cultural systems are strong in the Project area and the right to take part in cultural activities are largely respected by the authorities.</p>	Potential damage or restricted access to sites of cultural importance or intangible heritage (primarily cemeteries, mosques and genie residences) due to construction activity or Project infrastructure and impacts from in-migration or cumulative impacts.	Yes	<p><b>Medium</b> - for Project impacts</p> <p><b>Low</b> -for in-migration and cumulative impacts</p>	Cultural heritage management plan – including stakeholder engagement and consultation around cultural heritage responses and solutions	Avoidance of the 89 listed non replicable sites of cultural heritage in the MA
32.	<i>Right to take part in cultural life, to benefit from scientific progress and to protection of the material and moral rights of authors and inventors</i>	Individuals have the right to take part in the cultural life of society, this extends to indigenous peoples rights to preserve, protect and develop traditional knowledge systems and cultural expressions.						

