

Research Insight

July 22, 2020

Human rights defenders: are mining companies playing their part?

The number of threats towards and killings of human rights and land defenders is growing, particularly in relation to mining operations and extractives projects. Joint efforts are needed from all stakeholders to address the issue, as governments, the private sector and society in general have a shared responsibility. But large-scale mining companies can play a more compelling part. The latest [RMI Report 2020](#) reveals that most companies fail to demonstrate even a commitment to respect the internationally accepted rights and protections accorded to human rights defenders.

Human rights defenders play a vitally important role in standing up against human rights abuses that can be associated with the presence of mining operations – abuses that range from forced evictions to arbitrary arrest and detention, and from toxic waste spills to violations of Indigenous Peoples’ rights.¹

Since 2002, when Global Witness started tracking the killings of defenders, mining has always been the most dangerous sector for land and environmental defenders – 43 of the 168 killings documented for 2018.² A concerning trend confirmed in Front Line Defenders’ Global Analysis annual reports.³

The Covid-19 pandemic has exacerbated the risks faced by defenders, as pointed out by the recently appointed UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor.⁴ In many countries, confinement and emergency measures have been accompanied by increased surveillance, harassment, threats or arrests of defenders.⁵

All mining companies, whether or not their operations have been associated with attacks on defenders, suffer the reputational impacts they generate and can face years’ long negative perceptions and prejudicial responses from local stakeholders, investors and financiers.

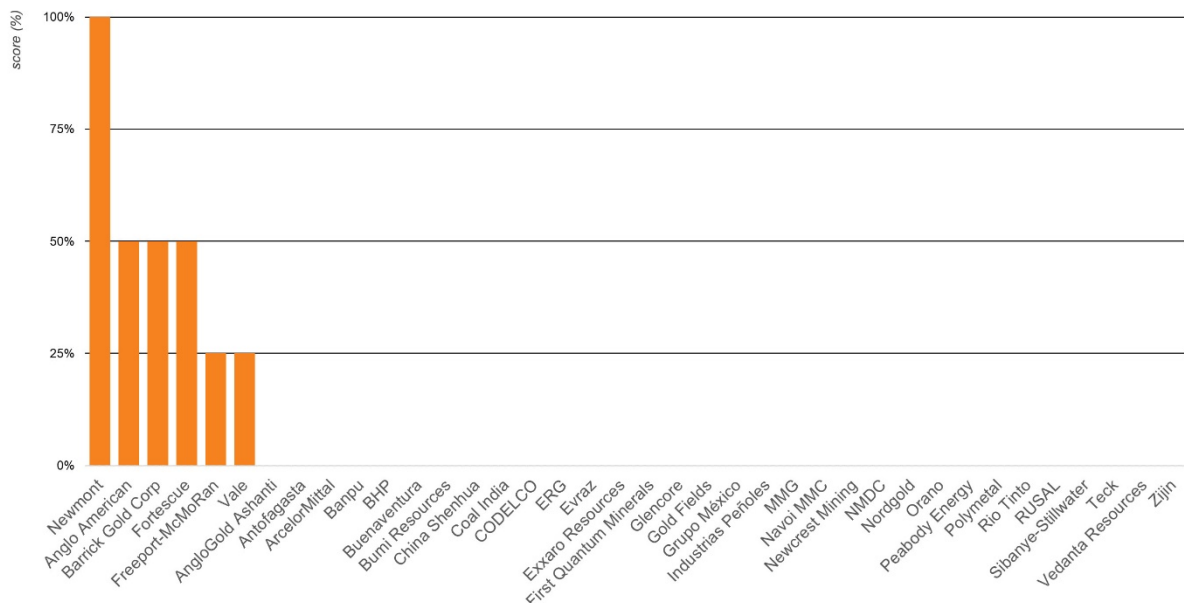
At the recent launch of the “UN Guiding Principles 10+: Next decade of Business and Human Rights”, Joan Carling, Co-convenor of the Indigenous Peoples Major Group for Sustainable Development & member of the Responsible Mining Foundation’s Advisory Council, shared her analysis: “If we are to change this reality on the ground through the implementation of the UN Guiding Principles on Business and Human Rights, the bad legacy

of business operations in indigenous territories need to stop. [...] Enough of harassment and extrajudicial killings of land and environmental defenders.”⁶

As a practical step to support the global effort to protect defenders, mining companies can at least formalise their commitment to respect the rights and protections accorded to human rights defenders. Having such a commitment in place and endorsed at Board- or senior-management-level would be in line with the UN Declaration on Human Rights Defenders⁷, regional mechanisms put in place by the [Organization of American States \(OAS\)](#), the [African Union \(AU\)](#), the [Association of Southeast Asian Nations \(ASEAN\)](#), the [European Union \(EU\)](#), with guidelines from the [Organization for Security and Co-operation in Europe \(OSCE\)](#) and with the [2019 Swiss Guidelines on human rights defenders](#), among others.

The RMI Report 2020, an evidence-based assessment of 38 large-scale mining companies’ policies and practices on economic, environmental, social and governance (EESG) matters, covers human rights as a transversal issue that touches on many different aspects of company actions. But while almost all companies assessed in the RMI Report 2020 refer to some extent to human rights in their corporate policies, 85% (32 companies) have not made any form of commitment to specifically respect the rights of human rights defenders (see Figure 1).

Figure 1 Commitment to respect the rights of human rights defenders
(Results from RMI Report 2020 - D.01.4.a)



And of the six companies that have made some level of explicit commitment, only one company (Newmont) stands out as having made a formal commitment, endorsed by senior management, on this issue.

In its 2019 ‘Guide to Respecting Human Rights, Newmont publicly and formally acknowledged that “human rights defenders are a potentially vulnerable group and the company’s core value and responsibility supports its commitment to respect human rights defenders. The company states that “it does not condone any form of attack against human rights defenders or anyone who opposes its activities, and it expects its business partners to do the same.” This can be considered as leading practice, given the lack of any such commitment from the majority of the companies assessed.

Immediate steps for companies to take on human rights defenders

A mining company can take immediate and practical steps towards addressing the issue. These steps include, for example:

- Formalise its commitment to respect the rights and protections accorded to human rights defenders in its areas of operations.
- Assign senior management or board-level responsibilities and accountability for carrying out this commitment.
- Establish systems to ensure operations conduct regular human rights impact assessments, including potential direct and indirect impacts on human rights defenders, and act on the results of these assessments.
- Publicly report all abuses and violations of the rights of human rights defenders that happen on its mining permit areas and within its supply chain.

And as a proactive measure, mining companies can help tackle one of the root causes of risk, by guaranteeing that communities can make free and informed choices about whether and how their land and resources are used.

Getting this right requires articulate corporate leadership and operational evidence of respect for internationally agreed precepts to ensure the realisation of human rights for all, and legitimacy for mining operations.

¹ UN Human Rights Office of the High Commissioner, “Who is a defender”.

<https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>

² Except for 2017 where agribusiness took over. See annual reports available on Global Witness website

<https://www.globalwitness.org/en/campaigns/environmental-activists/>

³ Which recorded 304 killings of human rights defenders in 2019. See Front Line Defenders (2020), “Global Analysis 2019”. https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf

⁴ Mary Lawlor (2020), “Amid the coronavirus, human rights defenders need more protection”, Al Jazeera.

<https://www.aljazeera.com/indepth/opinion/coronavirus-human-rights-defenders-protection-200528114906737.html>

⁵ ISHR (2020), “Covid-19: State action must be human rights compliant and protect human rights defenders”.

<https://www.ishr.ch/news/covid-19-l-state-action-must-be-human-rights-compliant-and-protect-human-rights-defenders>

⁶ UN Human Rights Special Procedures (2020), ““Business and human rights – towards a decade of global implementation”. <https://youtu.be/2vWqc88Zlag>

⁷ United Nations General Assembly (1991), “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms”, in particular see articles 10, 11 and 18.

<https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

Responsible Mining Foundation

The Responsible Mining Foundation (RMF) is an independent research organisation that encourages continuous improvement in responsible mining across the industry by developing tools and frameworks, sharing public-interest data and enabling informed and constructive engagement between mining companies and other stakeholders.

As an independent foundation, RMF does not accept funding or other contributions from the minerals and metals industry. www.responsibleminingfoundation.org

Disclaimer

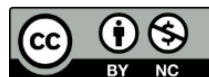
The findings, conclusions and interpretations within this article do not necessarily represent the views of funders, trustees, and employees of the Responsible Mining Foundation (RMF), and others who participated in consultations and as advisors to the article.

The RMI Report and other RMF research publications are intended to be for information purposes only and are not intended as promotional material in any respect. They are not intended to provide accounting, legal, tax or investment advice or recommendations, neither are they intended as an offer or solicitation for the purchase or sale of any financial instrument.

Although every effort has been made to verify the accuracy of translations, the English language version should be taken as the definitive version.

Copyright notice

All data and written content are licensed under the Creative Commons Attribution-Non-Commercial 4.0 International License (CC BY-NC 4.0).



Users are free to share and adapt the material but must give appropriate credit, provide a link to the license and indicate if changes were made. The licensed material may not be used for commercial purposes, or in a discriminating, degrading or distorting way. When cited, attribute to: «Responsible Mining Foundation (RMF) (2020), *'Human rights defenders: are mining companies playing their part?'*».

www.responsibleminingfoundation.org