

Ida Margarita Hyllested  
Child Rights and Business Specialist  
United Nations Children's Fund (UNICEF)

Dear RMI Team

UNICEF welcomes the opportunity to submit the following comments as part of the public consultation on the draft methodology of the Responsible Mining Index and would like to congratulate the Responsible Mining Foundation on this initiative.

UNICEF research on [children's rights and mining](#) has found that while many mining companies recognize children as vulnerable stakeholders, there is very little understanding of how to define vulnerability for children living in close proximity to industrial mining. The same research has found that children are more vulnerable to the impacts of mining than adults, particularly from birth through age 5, when they experience formative physical development. Children under the age of 18 make up 47 percent of the population in the world's least developed countries where mining companies often have their operations.

The following outlines the different areas where considerations of children can be integrated into the RMI building on UNICEF's research on child rights and mining and the UNICEF ['Child Rights and Mining Toolkit. Best practices for addressing children's issues in large-scale mining'](#) (2017). Many thanks for considering our input and comments.

#### **Box 1 Key referenced materials**

Please consider including reference to the [Children's Rights and Business Principles](#) (2012) which explore the implications of the UN Guiding Principles on Business and Human Rights for the rights of children.

#### **D. Community Wellbeing**

It's great to see youth specifically highlighted as a rights holder group in the indicators and descriptions for D.1, D.2, D.7. However, we strongly recommend that the Index refers specifically to children as youth lacks a clear definition whereas children is universally defined as everyone under the age of 18.

#### **D.2 Economic and Social Viability**

Current industry standards, practices and performance reveal that children's vulnerabilities -and associated specific impacts - are regularly being overlooked by mining companies in their environmental, social, and human rights due diligence practices. These vulnerabilities and associated particular impacts can relate to specific issues (such as land, environment, in-migration, security etc.) faced by mining operations and also to particular contexts of operations (fragile states, post-conflict environments, developing countries), both of which must then be taken into account by mining companies when defining appropriate due diligence, either for assessing risks and impacts or for managing them.

It would be good to see the section elaborate on the different processes involved in the impact assessment methodology with specific reference to impacts on child rights.

Stakeholder analysis: The stakeholder analysis should adequately identify and enable the participation of all the potential stakeholders, particularly the most vulnerable, and therefore requires considering

which individual children or groups of children may require extra attention and assistance to participate in baseline data collection, including groups and individuals that are unlikely to be well represented through formal structures, such as street children, orphans or child-headed households. This step is crucial for ensuring that all impacts on people will be properly considered. This may require a particular attention to the differing needs, interests, values and aspirations of above mentioned subgroups (e.g. street children and child-headed households).

Baseline: Ensure children's representativeness and participation in baseline studies:

- All data collected should be disaggregated by age and gender, enabling an estimate of the number of children to be affected by the project, and an analysis of their particular vulnerabilities.
- Ensure that children and the youth are directly engaged in community profiling and baseline surveys, or at least correctly represented. Knowing the number of children and youth directly engaged in baseline surveys.
- Identify key informants, special interest groups, and community and households representatives, and assess whether they appropriately represent the best interests of the children

Impact identification and Impact Evaluation:

- A predefined set of criteria is typically used to assess the significance of an impact: It is therefore important to apply a child rights' lens in the definition of these criteria for correctly taking into consideration the sensitivity and the vulnerability of children and youth directly or indirectly affected.
- In order to determine the vulnerability and resilience of affected children, and to understand the significance of the impacts, companies can use the Child rights' vulnerability matrix (See Annex II in [Children Rights and the Mining Sector Report](#)).

#### **D4. Gender equity**

Consider adding 'and girls' to the indicator

We would suggest specific reference to child sexual exploitation as part of the list of potential risks to women related to mining. UNICEF research finds that especially in-migration related to mining projects increases the exposure of children to the risk of sexual exploitation and violence and the rate of child pregnancy.

#### **D.9 Human Rights**

Consider highlighting child rights specifically in the description on how mining companies may affect human rights or alternatively include a definition of vulnerable group using the one in Principle 3 of the UN Guiding Principles on Business and Human Rights: groups that face specific challenges and potential marginalization such as indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families.

#### **D.10 Security**

Please consider highlighting that children are a specifically vulnerable group in the context of security arrangements; children's rights can be infringed or abused in a variety of ways in relation to security management in the mining industry. Main interactions between security services and children happen in cases of protesting, trespassing, theft, vandalism, artisanal mining, sexual exploitation or violence. However, these interactions can also lead to constructive community relations.

In 2016, a multi-stakeholder working group of companies and governments, as well as civil society organizations and expert consultants, came together to create the Child Rights and Security Checklist, complementary to the framework of the Voluntary Principles on Security and Human Rights. The Checklist is designed to help governments fulfil their obligation to protect human rights, help business organizations fulfil their responsibilities to respect human rights, and help reduce security-related human rights abuses of children and young people around the world. UNICEF would be happy to share the Checklist with you as a reference document for this indicator.

#### **F. Environmental responsibility**

Please consider including reference to the vulnerabilities of children to the environmental impacts of mining activity. Research indicates that children are more vulnerable to the localised environmental impacts than adults— particularly to water, air and soil pollution – due to their progressive and incomplete physical development; the fact that they spend more time playing than adults and hand-to-mouth behaviour that makes children more likely to ingest pollutants; and their varying stages of mental development, for example, inability to read hazard and warning signs.