
Tool **1** Child Rights and
Mining Toolkit

Impact Assessment

Current industry standards, practices and performance reveal that children's vulnerabilities and the specific impacts they experience as a result of mining activities are regularly overlooked by companies in their environmental, social and human rights due diligence practices, including the associated impact assessments.



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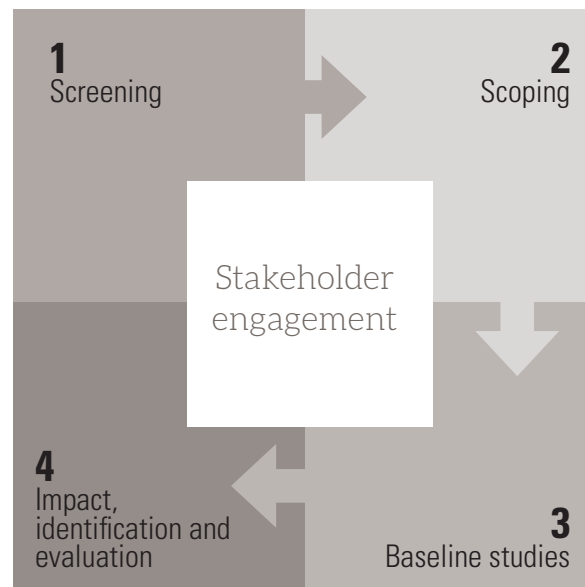
Introduction Tool 1 highlights the basic elements that mining companies can use to more accurately assess their impacts on children, and offers key actions and indicators to consider when integrating child rights into impact assessment. These overarching recommendations can be applied to due diligence and management for the specific areas covered in the Toolkit – from stakeholder engagement to social investment – according to guidance in the respective tools.

1.1 The unique vulnerability of children

While children have the same fundamental human rights as adults, it is also recognized that they have particular needs and vulnerabilities, and therefore specific rights as set out in the Convention on the Rights of the Child.

Children’s distinctive vulnerabilities in the context of mining operations are described extensively in *Children’s Rights and the Mining Sector: UNICEF Extractive Pilot*, and the matrix in Annex A of this Toolkit provides a list of common child vulnerabilities throughout their life cycle. The *Child Rights Self-Assessment* tool can help mining companies determine the issues and areas in which children should be explicitly considered, according to the specific context of their operations.

The figure below illustrates the typical steps for conducting an impact assessment – screening, scoping, baseline studies, and impact identification and evaluation. Stakeholder engagement, as described in Tool 2, will be an important part of all impact assessments, to be applied in each step as appropriate.



The next sections in Tool 1 follow these steps, providing a short description of the process, a view of each step through a ‘child rights lens’, and practical considerations that suggest options to improve the quality of the company’s assessment of its potential risks and actual impacts on child rights. More detailed suggestions for assessments related to due diligence and management systems are offered in the relevant tools for each area.

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1.2 Screening⁵

Screening can be described as the formal process of determining whether or not an impact assessment is required for a project, and is typically carried out during the early stages of planning. The first step is to determine the context factors that apply to the project. This includes assessing strengths and weaknesses of the country of operation's legislation on such issues as child labour, forced labour, status of land tenure for women, and the stringency and implementation of its laws and regulations in protecting child rights.

It is also recommended that the company identify whether mining operations currently have significant impacts on child rights, or whether this has been an issue in the past. This information can be gathered from the company's previous operations in the area, projects conducted by other companies in the same area, or issues that have been documented as prevalent in the project area itself – for example in relation to previous conflicts, poverty levels or widespread human rights violations.

A quick analysis can be carried out with UNICEF's *Child Rights Self-Assessment*. Based on the project context, the company can use the tool to decide whether children's rights will be integrated into ongoing impact assessments and/or in other internal due diligence processes and management systems. A stand-alone child rights impact assessment is unlikely to be required.

During the screening phase, stakeholder analysis should be used to identify all potential stakeholders, particularly the most vulnerable. This step is crucial for ensuring that all impacts will be properly considered. For example, particular groups that may need assistance to participate in baseline data collection include children living or working on the streets, orphans and child-headed households. Attention to stakeholders' differing needs, interests, values and aspirations will assist the company in predicting its potential impacts.

1.3 Scoping

'Scoping' has been defined as "the process of identifying the main issues of concern as well as determining the interested and affected parties."⁶ As outlined by IPIECA and the Danish Institute for Human Rights, the scoping phase sets the boundaries for impact assessments "by defining the schedule, depth, breadth and thematic focus," and documents this information within the terms of reference for the consultants/specialists who will be involved in conducting the assessment.⁷

In regard to child rights, this implies analysing whether children are a stakeholder group likely to be significantly affected by the project and whether further project data are needed for filling in baseline information gaps. If the scope of impact assessment activities is limited to the legal requirements for permits, the company can miss opportunities to identify potential impacts on child rights.

Not all projects will have specific impacts on children. The initial scoping analysis should include an assessment of all issues and impacts – economic, social, environmental, health – that could be of particular concern for child rights. Some examples are offered in Table 1.

⁵ Adapted from: IPIECA and Danish Institute for Human Rights, *Integrating Human Rights into Environmental, Social and Health Impact Assessments: A practical guide for the oil and gas industry*, IPIECA and DIHR, London and Copenhagen, 2013, p. 12.

⁶ Vanclay, Frank, et al., *Social Impact Assessment: Guidance for assessing and managing the social impacts of projects*, International Association for Impact Assessment, Fargo, North Dakota, April 2015, p. 41.

⁷ IPIECA and Danish Institute for Human Rights, *Integrating Human Rights into Environmental, Social and Health Impact Assessments: A practical guide for the oil and gas industry*, IPIECA and DIHR, London and Copenhagen, 2013, p. 13.

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Table 1. Potential areas of concern and child rights impacts

Potential impacts on income, health and livelihoods

- Land use, with possible effects on households' incomes, livelihoods and food security.
- In-migration trends, with possible effects on incomes (increase in labour supply against demand), security and sexual exploitation.
- Employment, with a risk of use of child labour or inappropriate conditions for young workers.
- Water quality (loss of water sources, impacts on food security):
 - acidification of water bodies by mining and beneficiation processes;
 - release of heavy metals with the potential for biomagnification in local food chains.
- Water quantity (loss of clean water for consumption and bathing – health impacts; reduced time for education, reduced food security).
- Depressed water table through groundwater abstraction.
- Air quality (health impacts, crop losses – impacts of income and food security):
 - significant dust generation;
 - gaseous emissions;
 - metal particulates and aerosols.
- Land surface impacts (loss of vegetation and biodiversity, loss of income/food security; increase in diseases – increased morbidity and mortality).
- Disturbed surfaces with the potential for water ponding and providing habitat for disease-carrying insects.
- Unstable surfaces; pit highwalls, subsiding ground – potentially dangerous conditions.
- Clashes between security forces and communities due to conflict over land use and access; artisanal miners working on company property, etc.

Potential impacts on access to services

- Land use, with possible effects on quality or quantity of social infrastructure and access to key social services.
- In-migration trends, with possible effects on access to basic services such as health and education.
- Increased burden on limited health-care services.

Potential impacts on social cohesion

- Land use, with possible effects on family unit, childcare arrangements and inter-household relations, and transfers.
- In-migration trends, with possible effects on family unit/cohesion (more single-parent households) and inter-household relations, and transfers.
- Employment, with possible effects on parents' ability to care for their children or young peoples' motivation to complete their education.
- Security, with a risk of crime or violence increase (affecting children's mobility and opportunities to play), or risks of sexual exploitation or drug or human trafficking increase.
- Out-migration due to lack of water.
- Increased poverty.
- Loss of amenities (schools, etc.).

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The company may find it useful to collaborate with local governments to access precise data (see Box 1) and to mobilize external expertise during the scoping phase, which can be achieved through partnerships with non-governmental organizations (NGOs) whose work focuses on children. If professional consultants are hired to conduct follow-up impact assessments, be sure to integrate child rights considerations in the terms of reference, as highlighted during screening and scoping.

Box 1.
Collaborating with
local governments
during an impact
assessment process

Mining companies can benefit from engaging with local governments at the scoping and baseline phases of an impact assessment and in this way limit the cost of data collection and reach a better comprehension of key weaknesses with regard to the protection of child rights. Engaging with local governments at this stage of mining operations would include:

- Collaborate with local governments to access as much anonymous data as possible on children (age-disaggregated census, total number, school attendance, etc.) and their actual protection by public bodies so as to contribute to the impact assessment process and planning when it comes to child rights.
- If a lack of data on children and basic protection of child rights is identified, collaborate, technically or financially, with local governments or relevant ministry departments on the sub-national level to conduct, when possible, additional studies in order to fill the gaps.
- Support local governments in sharing data and information gathered during the impact assessment about the project and potential issues around children's rights.
- Maintain ongoing communication with local governments throughout the permitting process and aim to identify, via experts with knowledge of the decentralization framework and local government responsibilities, key weaknesses regarding protection of child rights by local governments (*for further and more specific guidance on engagement with local governments, see Tool 3. Resettlement and Tool 10. Community Social Investment*).

Other important factors for scoping include building on inclusive stakeholder engagement (see Tool 2) – which is the foundation of scoping – and ensuring that references to ‘vulnerable stakeholders’ are interpreted to include children in all assessments. In household surveys, for example, cover the following groups:

- Children living outside households, such as in residential care institutions, children's homes or orphanages;
- Children living with peers rather than under adult care, such as those who are living or working on the streets; and
- Children heading their households.

When defining the ‘zone of impact’, include each major activity that is part of the overall project. This involves applying a child rights perspective to geographical factors, as well as factors associated with the mine life cycle (construction, operation, decommissioning), for example:

- Downstream and downwind neighbourhoods;
- Location of children's play areas;
- Access to services and facilities, such as health-care centres and routes travelled by children to get to school; and

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- People potentially affected by living along an impacted infrastructure such as railways and roads, including impacts on children living in communities along transportation routes, possibly hundreds of kilometres away from the mining site.

1.4 Baseline studies

As described by IPIECA and the Danish Institute for Human Rights, “Baseline studies involve characterization of the project’s environmental, social and health context and the associated foundational database, which provides the reference for identifying and assessing the nature of the potential impacts that may arise from the project activities.”⁸ Basic steps for integrating child rights into baseline studies include the following:

- Ensure children are represented and have appropriate opportunities to participate in baseline studies:
 - Disaggregate all collected data 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.
 - Identify key informants, special interest groups, and community and household representatives, and assess whether they can effectively represent the best interests of children (*see Tool 2. Stakeholder Engagement*).
 - Ensure that children and young people, or their appropriate representatives, are directly engaged in community mapping and baseline surveys, and tally the number of those who are involved.
- Ensure that the following groups of children are covered in baseline studies, and that a census is carried out for estimating their numbers. A particular assessment of their vulnerability and resilience to the impacts may need to be performed, identifying the level of protection children receive from their parents/caregivers to the extent that it can affect their vulnerability:
 - Children living outside households, e.g., in residential care institutions, children’s homes or orphanages;
 - Children living with peers rather than under adult care; and
 - Children heading their households.
- Be sure that data collection for the baseline study includes specific impacts on children related to the project (*see Table 1, above*).

Gathering baseline information as described in Tool 1 can be an important part of addressing any of the areas covered in the Toolkit. Companies’ internal due diligence assessments and management systems often require additional baseline studies for assessing particular impacts on child rights, with more indicators and research areas to be covered. Specific steps and indicators are provided in the relevant tools for each area. For steps and indicators that can be integrated into the development of environmental and health baselines, see Tool 5 and Annex C. Environmental impacts on children.

In this step, companies will aim to identify and assess the impacts associated with the economic, social, environmental and health contexts of the area in which a project is located. To identify the *significance* of these impacts, companies typically use to a predefined set of criteria. This includes evaluation of the magnitude, extent and duration of impacts, and indirect, long-term and cumulative consequences.⁹

⁸ IPIECA and Danish Institute for Human Rights, *Integrating Human Rights into Environmental, Social and Health Impact Assessments: A practical guide for the oil and gas industry*, IPIECA and DIHR, London and Copenhagen, 2013, p. 15.

⁹ Adapted from: IPIECA and Danish Institute for Human Rights, *Integrating Human Rights into Environmental, Social and Health Impact Assess-*

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1.5 Impact identification and evaluation

It is important to apply a child rights lens in the definition of these criteria, taking into consideration how children and youth might be both directly and indirectly affected, and how impacts on women can disproportionately impact children. To determine the vulnerability and resilience of potentially affected children, and to understand the significance of the impacts, companies can consistently denote women and children as vulnerable stakeholders, and use the Annex A. Child vulnerability matrix to enrich the details. For environmental and health impacts, see Tool 5 and Annex C. Environmental impacts on children. Box 2 illustrates how the vulnerability matrix can be used by mining companies in impact assessment processes.

Box 2. Barrick Gold: Integrating a child rights lens into human rights assessment

As part of its participation in the UNICEF Extractive Pilot, Barrick Gold reviewed its human rights impact assessment protocol in order to integrate child rights indicators where relevant. UNICEF's child vulnerability matrix (*see Annex A*) was a key tool to support the company in its identification of specific impacts on children, as distinctive from the impacts on adults.

After testing the protocol in 2014, the company's feedback indicated that:

- The vulnerabilities matrix was useful in assessing the relationship between an impact on the human rights of adults and the potential severity of the consequence on children.
- Increased questioning in the community about children's rights led to identification of impacts on children's rights that were not related to the mine. This revealed areas where Barrick saw the potential to advance, as well as respect, the rights of children – for example, through partnerships on the elimination of child labour in illegal mining, and liaisons with local and national government to increase transparency in government efforts to protect child rights.

After piloting the adapted human rights impact assessment protocol, Barrick permanently adopted the revisions related to child rights for all future human rights impact assessments. The company is also considering increasing the level of detail in complaints received by the grievance mechanism to better understand potential impacts on children within affected households.

Source: United Nations Children's Fund, Children's Rights and the Mining Sector: UNICEF Extractive Pilot, UNICEF, Geneva, March 2015, p. 20.

Potential impacts on children's rights include those that can negatively affect income and livelihoods, health, access to services and social cohesion. Further details on indicators and impact mitigation are offered in the related tools. In this process, it will often be useful to combine assessments of health, ecological, social, economic and technological factors in affected communities, for example, assessing the impacts of pollution on children's food security as well as on their health.

ments: A practical guide for the oil and gas industry, IPIECA and DIHR, London and Copenhagen, 2013, p. 16.