Tool Child Rights and Mining Toolkit

Stakeholder Engagement

As noted in the UNICEF Extractive Pilot report, "Most mining companies recognize children as vulnerable stakeholders and some have overt policy commitments for managing impacts on these stakeholders. But there is very little institutional knowledge on how to define vulnerability for children living in close proximity to industrial mining." ¹⁰

Stakeholder Engagement

Tool 2 describes stakeholder engagement on child right issues specific to the mining sector due to its social and environmental impacts, both positive and negative, on the lives of children and young people. It outlines how mining companies can conduct meaningful and effective stakeholder engagement on children's rights at the corporate and operational levels, and aims to.

- Provide companies with an understanding of the advantages of adding a child rights lens to their existing stakeholder engagement process.
- Offer examples of the circumstances and contexts in which consultation on child rights issues can be particularly important.
- Equip companies with simple tools to develop stakeholder engagement activities on child rights issues, including through direct engagement with children.

The tool should be read together with UNICEF's *Engaging Stakeholders on Children's Rights*, which provides detailed information on managing direct engagement with children ethically and with appropriate safeguards in place.

Mining companies using Tool 2 are assumed to be familiar with the general principles and activities involved in stakeholder engagement. This includes awareness of the importance of engaging with groups that may be more vulnerable to operational impacts due to their position in society and demographic characteristics, for example, women, the elderly, children and youth, ethnic and cultural minorities and indigenous peoples. To ensure that the issues and concerns of those who will be most affected by mining operations are identified and addressed, these vulnerable populations should be considered throughout a project's life cycle.

Resources for stakeholder engagement

Engaging Stakeholders on Children's Rights: A tool for companies, UNICEF, available at <www.unicef.org/csr/568.htm>

A Strategic Approach to Early Stakeholder Engagement: A good practice handbook for junior companies in the extractive industries, IFC, open PDF from https://commdev.org/userfiles/FINAL_IFC_131208_ESSE%20Handbook_web%201013.pdf

OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector, Organisation for Economic Co-operation and Development, available at http://mneguidelines.oecd.org/stakeholder-engagement-extractive-industries.htm Socio-Economic Assessment Toolbox (SEAT), Anglo American, open PDF from www.angloamerican.com/~/media/Files/A/Anglo-American-Plc/docs/seat-toolbox-v3.pdf

2.1 Why is it important to apply a child rights lens to stakeholder engagement?

Stakeholder engagement can be defined as "an ongoing process of interaction and dialogue between a company and its potentially affected stakeholders that enables the company to hear, understand and respond to their interests and concerns, including through collaborative approaches." ¹¹

Even robust stakeholder engagement that includes vulnerable groups such as women and indigenous populations can exclude considerations for child rights issues. This may be due to assumptions that children's views are adequately represented by other stakeholders, such as community elders. However, there are a number of reasons why children's perceptions and needs may not be understood or expressed accurately by adults.

Office of the High Commissioner for Human Rights, The Corporate Responsibility to Respect Human Rights: An interpretative guide, United Nations, New York and Geneva, 2012, p. 8; available at www.ohchr.org/EN/Issues/Business/Pages/Tools.aspx.

Applying a child rights lens to stakeholder engagement can improve the quality of stakeholder engagement activities, and enhance the effectiveness of related management systems. It is also important for a company to apply a child rights lens to stakeholder engagement because:

- Children are the future representatives of their communities, and therefore engaging them increases the likelihood of a durable social licence.
- Engagement helps inform corporate activities, such as impact management, that will
 affect the lives of children now and in the future. Children should be able to participate
 and express their opinions on activities that affect them.
- Obtaining children's perspectives through the stakeholder engagement process can provide additional information to mining companies on significant issues that may have been missed by other stakeholders and provide insights into the social factors that impact vulnerable groups (e.g., motivations/needs of children and young people to engage in seasonal artisanal mining). In an example from Malawi, a mining company's engagement with child rights stakeholders revealed that the presence of wealth in the area of operations attracted criminal gangs, who were hiring local children to syphon fuel from company trucks.¹²

Scenario

This type of information enables thorough research on impacts affecting disadvantaged groups, including children living or working on the street, orphans and child labourers. It can also be useful in identifying effective mitigation strategies, as illustrated by the following scenario:

An exploration company wanted to locate a camp on a pathway leading to a water source. Through engagement with women and girls, the company found that blocking the pathway meant that girls would have to walk a considerable distance to collect water. They would also be exposed to a population of strangers, in an isolated and unfamiliar landscape, thus placing them at higher risk of sexual exploitation. Moving the position of the camp and fencing it to restrict access would lead to a relatively shorter journey to fetch water – with the associated benefits of reducing the time girls had to spend on this task, and lowering the risk of exposure to communicable diseases and sexually transmitted infections.

Box 3.

Building on local customs to engage youth in Côte d'Ivoire

Engaging the local community was critical for a Canadian gold mining company to maintain its social licence to operate in Côte d'Ivoire. Since children and young people represent a large percentage of the population, they were considered to be a key stakeholder group by the company, which could not assume that acceptance of mining operations by the adults automatically translated into support from young people.

In accordance with local customs, the village chief and his associates represented the most prevalent voices in community meetings, making it a challenge for the company to obtain youth input into policies and processes that affected them. Previous consultations had demonstrated that youth's perspectives were not being heard. For example, the company built a community centre based on the consultation, yet children and young people were not using it because they would have preferred a health centre.

To ensure that youth voices were part of community outreach, the company developed a non-traditional form of engagement building on the strengths of local customs, for example, incorporating singing and dancing. On-the-ground staff received training in basic participatory research methods.

United Nations Children's Fund, Engaging Stakeholders on Children's Rights: A tool for companies, UNICEF, New York, September 2014, p. 15

Box 3. (continued)

The company established a peer education programme to spread awareness on key health messages, as well as obtain input on the impacts of its operations. Peer educators, chosen by and for their communities, participated in training on health education to reach out to young people in their villages. Youth were also encouraged to share their perspectives on how mining construction impacted their lives and community.

All feedback was recorded in 'compressed meeting minutes,' a type of documentation adapted from traditional practices to efficiently record relevant data. The data were then organized and used to guide the work of the community relations team, the company's employee recruitment strategy, and the implementation of community development programmes. Youth continue to be engaged separately during community development needs assessments, a step that precedes any decision to build or repair community infrastructure such as boreholes, clinics, pharmacies and schools.

Source: United Nations Children's Fund, Engaging Stakeholders on Children's Rights: A tool for companies, UNICEF, New York, September 2014, p. 20.

2.2 When should mining companies engage directly with children?

Stakeholder engagement on children's rights is not always necessary but may prove to be useful for companies with issues particularly impacting children's rights given the size, nature or context of their operation. Applying the *Child Rights Self-Assessment tool* will inform companies on these levels. Specific processes where engagement with children and/or child rights stakeholders can be valuable include:

- Determining more accurately the effects of environmental degradation and pollution such as radioactive contamination due to uranium extraction, and the use and disposal of mercury and cyanide in gold processing on children's health and well-being, as well as the contamination of ecosystems and resulting impacts on livelihoods and services (see Tool 5. Environment and Tool 7. Health and Safety).
- Understanding and managing the effects of economic displacement, loss of farmland and the physical relocation of households to make way for mining projects. Engagement on child rights may provide information on a wide range of essential socio-economic criteria such as access to social services, contributions of children to households' formal and informal income-earning activities, and the number of households headed by single females and/or young people who may not be recognized as land owners by national laws (see Tool 3. Resettlement).
- Managing the influx of workers and other migrants to mining areas. A focus on children's rights and perceptions can bring significant insights on the composition of migrant populations and on potential impacts on key social services (see Tool 4. In-migration).
- Managing company security services, relations with government forces, and their
 interactions with community members affected by the mining project. Engagement
 on child rights can mitigate risks more effectively, given the particular status of and
 sensitive dynamics around children's interactions with security (see Tool. 6 Security).
- Helping the mining company target socio-economic community investments to enhance child rights in a viable way, for example, ensuring sustainability of the investments after closure (see Tool 10. Social Investment).

Stakeholder Engagement

For additional information on this process, see Table 2 in UNICEF's tool for business Engaging Stakeholders on Children's Rights, which maps the levels from 'no engagement' to 'collaboration with key stakeholders'. As companies face a higher level of risk or opportunity to impact children's rights, they can move towards greater intensity of engagement and a higher level of commitment. For each level of engagement, the table explains when this would be relevant, describes the actions companies could take, and lists examples of activities.

Mining companies will find it necessary to directly consult with children only in limited circumstances. Triangulation with other sources of information from child rights advocates or adult key informants – such as police, company personnel, community leaders and health workers – can often yield sufficient information.

However, children can offer unique perspectives and opinions about their experiences and, in certain scenarios, only children have the knowledge or facts that derive from their direct experiences. Depending on the issue and need for engagement, business assessments and decisions that are informed by children's opinions can be more relevant, more effective and more sustainable. Table 2 lists potential circumstances when such engagement will be necessary.

Table 2. Sample circumstances and reasons for direct engagement with children

When	Why
Children can provide information that cannot be accessed through other child rights stakeholders.	 To understand how vulnerable children are affected by socio-economic changes in the mining areas, e.g., increased criminal activity To further understand issues that are sensitive or have been omitted by other stakeholders, such as child abuse and exploitation To understand children's concerns in areas where they are not typically able to express their opinion due to cultural norms
Children's direct voices will provide additional information to the input of child rights advocates or other key informants.	 To understand the life of significantly disadvantaged groups – such as children living on the street, orphans or child labourers, who are often invisible – and how mining operations have impacted their rights To understand how conflict, discrimination and/or power dynamics may negatively affect children
The mining operation may cause irreversible social or environmental impacts on children.	 To tailor management plans such as resettlement and mining closures in a way that takes into account the most vulnerable, e.g., households headed by women or children
Adults' comments about children need to be validated.	 To respect children's and/or child rights stakeholders' freedom to give or withhold consent, particularly when mining operations will potentially take place in and around indigenous communities To monitor and evaluate the benefits of child-focused initiatives

2.3 How can companies engage effectively with stakeholders on child rights?

In order to apply a child rights lens to a stakeholder engagement plan, mining companies will need to define the geographical characteristics of the project area, the scope of the issues and the stakeholders to be engaged, along with conflicts or power dynamics among them. When determining the appropriate approach for engagement, it is important to assess the type of information children, young people and/or child rights stakeholders will need to know regarding their potential involvement and how this information should be communicated.

United Nations Children's Fund, Engaging Stakeholders on Children's Rights: A tool for companies, UNICEF, Geneva, September 2014, pp. 10–11; available at <www.unicef.org/csr/568.htm>.

There are a variety of approaches that a mining company can use to engage child rights stakeholders. For example, Table 2B.3 in Anglo American's *Socio-Economic Assessment Toolbox* presents a matrix of engagement techniques – personal interviews, complaints and grievance mechanisms, workshops, focus groups/forums, public 'town hall' meetings, open days/open house meetings, comments/response sheets, surveys, participatory tools, and advisory committees/stakeholder panels – with guidance on the most appropriate use of each technique.¹⁴

Direct consultation with children always requires engagement with other child rights stakeholders and experts who have an understanding of the issues, because the process can do more harm than good if not carried out appropriately and ethically. Therefore, the first step of engaging with children is to identify facilitators who have the training and background to apply child protection standards during direct consultations.

Companies should consider working with child rights advocates who can provide information in assessing the situation of children's rights in a particular context. They can also engage with individuals who do not necessarily hold expertise on child rights, but are in close contact with or live in the vicinity of affected children. Examples of child rights stakeholder groups include those listed in Table 3.

Table 3. Examples of child rights stakeholders

Stakeholder groups	Examples
Youth organizations	Children's clubs and child-led clubs (organizations that are run for or by children/young people) organized through schools, community centres, NGOs, government, places of worship, etc.
Civil society and international organizations	NGOs, community-based organizations or multilateral organizations that have a direct focus on children and youth (e.g., UNICEF, Save the Children, Plan International) or that have a direct interest in mining, the environment, water, security, etc.
Academic experts	Individuals with professional or academic expertise on child rights or who have conducted research on child development issues in the region, country or area where the mining company operates
Parents/caregivers	Guardians, who can provide insights about children's welfare, their activities or use of resources (e.g., company donations or government services)
Government	National or local committees or ministries for children (e.g., ministry of education), children's ombudsperson and children's commissioners; national human rights commissions may also work on child rights issues in the absence of a children's ombudsperson
Businesses/suppliers	Other mining or extractive companies operating in the same geographical area or present in the same value chain, which can provide insights on child rights issues and how they are addressing their impacts, either on an individual or collaborative basis
Labour organizations	Trade unions, labour unions or other labour organizations that can provide insight on working conditions of workers with families or of young workers
Professionals in contact with children and/or community leaders	Teachers, doctors, health workers, lawyers, child protection and/or social workers, village or community leaders, and religious leaders who may have knowledge about the welfare of children (e.g., illness due to water pollution in the village)
Company personnel	Company staff (e.g., community liaison officers, security personnel), who may be able to share insights about the behaviour or activities of children in the local community
Children	Groups of children (e.g., young workers, community members, children of employees) that may be positively or negatively impacted by business

Anglo American, 'Table 2B.3 Matrix of Engagement Techniques', Socio-Economic Assessment Toolbox (SEAT), Version 3, Anglo American Services UK Ltd., London, 2012, pp. 53–57; open PDF from <www.angloamerican.com/~/media/Files/A/Anglo-American-Plc/docs/seat-toolbox-v3.pdf>.

Engagement on children's rights should be both comprehensive and sincere, clearly identifying the company's motivation and specific issues for engagement, and setting out a vision that defines both the business objectives and the benefits for children.

Before consulting with children, pinpoint the topics for consultation, rather than expecting children to provide input on broad focus areas for sustainability or human rights strategy. The following questions can be considered internally to prepare for a consultation:

- Will engagement with children be useful to the company?
- Does the company have a genuine motivation to engage, for example, to understand
 its impacts and apply this knowledge to its sustainability strategy, and the intention to
 act upon outcomes of the consultation?
- What are the specific issues on which the company will consult children?
- Will the engagement with children be well informed and ethical, treating children with respect and without discrimination?
- Will it ensure that their engagement is voluntary at all stages, and that the children
 and their parents and/or guardians are fully aware of the purpose of the engagement?
 Will they be informed on how the findings will be used, giving due weight to their
 contributions?
- Does the company have the capacity and time to effectively engage with children and work with the relevant organizations to carry out meaningful consultations?
- Will there be a return to the stakeholder for engaging in terms of company action on an issue or improved outcomes for children?

Table 4 provides examples of objectives related to situations where engagement on children's rights can be particularly appropriate, and lists questions that mining companies can apply in order to understand and better manage their impacts on children.

Stakeholder Engagement

Table 4. Examples of potential issues on child rights and related questions

Impact assessment		
Objectives	Sample questions	
Assessing and evaluating social impacts of the mining operations on children and young people living within the local community Understanding the context in which the mining company operates and highlight potential child rights risks Mapping stakeholders and their positions, interests and needs Understanding community trends and how they have impacted children and their rights, e.g., past resettlements, conflicts, epidemics, poverty levels	 For children and young people: Where do you live/who lives with you in your household? How long have you and your family lived in the town, village and/or area? Do you have access to water and electricity? Does your family own or use the land around your home? For what purpose? Has this changed recently? For child rights advocates and/or representatives: What is the percentage of children of migrant origin, indigenous children and/or children belonging to minority groups, based on nationality, ethnicity, region or language? What are the social effects on children and young people in the local community due to a recent epidemic, conflict, government policy and/or private investments? Are there any known obstacles to engaging women and children in consultations? For national and/or local authorities: How are child rights issues handled by local authorities? What is the availability and capacity of social services provision in the local areas? Wha are the challenges services are facing? To what extent are vulnerable groups, particularly women, children/young people, able to access the justice system and obtain remedy? 	
Resettlement		
 Objectives	Sample questions	
Assessing the number of female-headed households or households headed by children and/or young people, whose right to own property is often not covered by national legislation Understanding the application of legal and customary land tenure with regard to children and young people, especially girls	For children and young people: - Where do you live? Who takes care of the house or other properties, e.g., a farmstead? - Has your family always lived there? Is the land handed down from parents to children? - Have you visited the new area where are you going to move? Do you like it? Why or why not? - Do you know other people close to you, e.g., friends For child rights advocates and/or representatives:	
to children and young people, especially	 What are the challenges for land ownership faced by female-headed households and/or households headed by children and young people? What may be the impacts to the traditional way of life if the community is resettled 	

- What are the customary laws and national legislation regulating land tenure?
- How can the rights of individuals with unclear ownership of their land be protected by the national legislation? Are women allowed to own property?
- What kind of challenges are local authorities facing in accommodating the resettlement of vulnerable groups, such as children and young people? How do the authorities plan to overcome these challenges?

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Table 4. Examples of potential issues on child rights and related questions (continued)

In-migration		
Objectives	Sample questions	
Applying a child rights perspective to understanding and managing in-migration due to mining operations	For children and young people: - Do you know anyone whose family has moved here because of the mine site? - Has your family come to the area because of mining or other opportunities for work? Have you suffered any abuse, e.g., harassment and bullying, since you moved here? - What are the positive and negative aspects of moving to the mine area? Do you go to school and play with friends as easily as in your previous community?	
	 For child rights advocates and/or representatives: Has there been a change in behaviour of local children due to the influx of new people in the area? Has the in-migration of workers created cohesion and integration issues, especially among children and young people of different backgrounds? What are the issues faced by families in which one of the parents moves in search for work in or around the mine operation? Are migrant children and families able to access social services? Have migrant children been subjected to abuse and exploitation? For national and local authorities: What are the observed patterns of in-migration locally? Has there recently been in-migration to the local area? If so, what are the challenges to local service provision? Are there any regulations to manage in-migration, e.g., registering details of arriving migrants, and migrants' access to jobs, housing and other services? 	
Environment	Sample questions	
Assessing and evaluating environmental impacts of mining operations on children and young people living within the local community Assessing whether the level of pollution and nuisance (water, dust, noise, etc.) has a different and severe effect on the well-being of children and young people Understanding the links between environmental change caused by a mining project and health impacts on children	 For children and young people: Are you in good health? Have you been sick lately? From what? What is your diet? Do you feel that you lack any particular food/nutriment? Are your parents healthy? Have they been sick lately? From what? Was this related to their work? For child rights advocates and/or representatives: Have particular illnesses affected children since the start of the mining operations? Are there known issues related to nutrition in the area? For national and local authorities: What legislation regulates the environmental impacts of mining operations? How do these laws or regulations protect children's rights? 	
	 Are there legal thresholds for particular pollutants? Have these thresholds also been specifically defined for children? How are local authorities working with the mining company to manage environmental 	

Table 4. Examples of potential issues on child rights and related questions (continued)

Security	Security	
Objectives	Sample questions	
Understanding the issues linked to children's rights in relation to conflict and the management of security in and/or around mining operations Avoiding and minimizing child rights abuses by members of private security forces contracted by the mining company and/or public forces (e.g., police, military)	 For children and young people: Are you aware of the security arrangements made by the mining company and what they imply to you in terms of restriction of access, potential hazards, etc.? Have you experienced any disputes or protests in relation to the mine or other factors? What was the nature of these protests, and where did they take place? Are you aware of existing grievance mechanisms enabling you to report a complaint or a request to the mining company? 	
	 For child rights advocates and/or representatives: Does the area have any current or previous disputes or disagreements and/or issues that influence children's rights? Who perpetrates security threats or crime, and for what reasons? What particular groups are involved in criminal activities, and who is most affected by crime? Has there been a history of abuse (e.g., harassment, sexual violence, coercion) against 	
	children and young people perpetrated by public and/or private security forces? For national and local authorities: To what extent is the local area considered to be safe? Who is most often affected by crime? What is the nature of the criminal activities and other security issues? Have public security forces been required to intervene in disputes or disagreements between the community and the mining company? What happened? Were children or young people involved and/or detained? To what extent are vulnerable groups, particularly women, children and young people, able to access the justice system and obtain remedy?	
Health and safety		
<i>Objectives</i>	Sample questions	
Understanding the negative health and safety impacts of mining operations on children Identifying how associated components of the mining project (roads, tailings, etc.) may pose threats to children's well-being and safety	For children and young people: - Do you live near the mine site? Do you go around or into the mine site often? - Do you feel safe? Are there any things, places or persons that make you feel unsafe? - What could the mining company could do to increase safety for children and young people in the community? For child rights advocates and/or representatives:	
	 Are there any health issues among children and young people that are of concern, e.g., injuries on roadways, in the home or workplace; burns or drowning; assaults; or sexually transmitted infections? Has the mining company engaged with children on the dangers relating to its operations, e.g., road safety? If so, how effective was the engagement? What type of engagement tools (e.g., storytelling, drama, drawing, photos) should the mining company use to communicate health and safety risks to local children and young people? 	
	 For national and local authorities: Has there been an increase of injuries/fatalities among children and young people since the start of the mining operations? What are the statistics? Has there been an increase in pregnancies and sexually transmitted infections among adolescents since the company started operating in the local area? What are the statistics? How has the company worked with local authorities to manage health and safety risks to 	

Table 4. Examples of potential issues on child rights and related questions (continued)

Objectives	Sample questions
 Identifying the social and economic risks, both internal and external, that may lead to sexual violence (abuse and exploitation) of children Managing the presence of prostitution, particularly that involving children, in the community where the mine operates Developing due diligence measures to ensure suppliers have identified the issues and have management plans in place to avoid sexual abuse and exploitation of children 	For children and young people: Direct engagement with children and young people on sexual abuse and exploitation requires particular sensitivities and expertise. Therefore, it should be conducted by professional facilitators who can develop questions with age-appropriate language and content. For child rights advocates and/or representatives: - Have there been reports of sexual violence against children in the area? Have they increased or decreased since the mining company started operating? - Is trafficking of children for prostitution an issue? - Has the company implemented effective measures to prevent its employees and suppliers from having inappropriate contact with children and young people? - What types of engagement tools (e.g., storytelling, drama, drawing, photos) should the mining company use to communicate the risks of sexual abuse and exploitation to local children and young people? - Has the mining company created mechanisms to safely report abuse? - Are survivors able to access the justice system and have confidence that they will be
	treated fairly? For national and local authorities: - What systems are in place to monitor sexual abuse and exploitation of children in the community? Have they been effective? - What is the current legislation, rate of prosecution and conviction for incidents of sexua violence against children? - Are there health services dedicated to prevention of and treatment for sexually transmitted infections, including HIV, and for AIDS? - What are your responsibilities in terms of prevention, protection and prosecution? What are your current means, actions and impacts to prevent sexual violence in the area and protect children from it? Are they in line with international best practices on confronting trafficking and child abuse?

Table 4. Examples of potential issues on child rights and related questions (continued)

Social investment		
Objectives	Sample questions	
 Informing the company on how to promote and protect children's rights through social investment Designing and implementing long-term development projects that will benefit the local population and improve their livelihoods Monitoring and evaluating the effectiveness, efficiency and sustainability of social investment initiatives 	For children and young people: - What do you do in your spare time? - What would you like to do when you finish school? - What are your aspirations for the future? For child rights advocates and/or representatives: - Which issues related to child rights should the mining company invest in? Why? - Is the company involved in long-term development projects that will benefit the local population and improve their livelihoods? - Have children and young people been involved in the design and development of projects? - What can the company do to ensure the sustainability of its social investment initiatives? - How can the company deliver the social investment initiatives in partnership with local stakeholders? Do they have particular needs in terms of capacity building on which the company could act?	
	For national and local authorities: - Has a national/local development plan that makes reference to the improvement of child rights and well-being been established? Is the company's social investment strategy in alignment with this plan?	
	Does the authority have the capacity for long-term management and monitoring of the social investment project?	