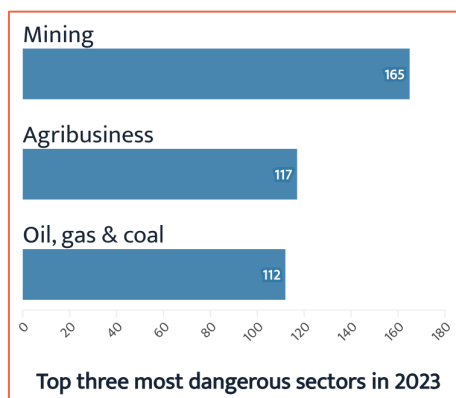


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# Protecting Human Rights Defenders In the IRMA System

## Background

Since the Business and Human Rights Resource Center began tracking attacks against human rights defenders in 2015, the sector connected with the largest number of attacks has been the mining industry. This remains the case today<sup>1</sup>:



Widely-recognized as being the most robust and rigorous system for assessing responsible mining practices,<sup>2</sup> the Initiative for Responsible Mining Assurance (IRMA) seeks to fundamentally improve the way mining is done and address the root causes which put defenders at risk.

IRMA's standard focuses specifically on protecting defenders through its requirements on human rights due diligence and managing risks in conflict-affected and high-risk areas. More broadly, the entire standard seeks to improve practices in the mining industry, ranging from preventing corruption, to protecting Indigenous Peoples' rights and ensuring sound environmental stewardship. All of these, and a range of

other topics, directly relate to the rights these important actors are seeking to defend.

While IRMA conducts audits of mine sites, it is far more than a standard and assurance system. IRMA is based on a vision that stakeholders can work together to improve an industry upon which we all rely. It was built on the belief that every individual impacted by mining should have a say in how responsible mining is defined and measured.

IRMA was co-created by six diverse sectors, ensuring communities—which includes rights defenders and rights holders—workers, and NGOs are given an equal voice alongside mining companies, consumer-facing brands, and finance professionals.

## Current approach

- Human rights defenders are defined in the IRMA Standard as: "Any person or group of people working to promote human rights and contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds, i.e., not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector, and individuals working within their local communities."
- Human rights defenders are recognized as a key stakeholder group, with unique expertise and who are likely to face unique barriers to meaningful participation, especially in conflict and high-risk areas.
- Specific emphasis is placed on protecting workers from non-retaliation for efforts to organize, collectively bargain, and report security and safety incidents.<sup>3</sup>
- Within the assurance process, mines are contractually required to not retaliate or threaten retribution for workers, contractors, or other stakeholders (including rights-holders, community leaders) who participate in interviews, nor coerce, coach, or incentivize them to provide responses to audit questions.
- All allegations of reprisals against workers, contractors, or anyone who participates in an IRMA audit will be investigated by an ad hoc committee of the IRMA Board.
- If the mine or its agents or employees have been found to have engaged in any reprisals against any workers, contractors, community members or other stakeholders for having participated in the audit process, IRMA can terminate the agreement (or can recommend corrective actions).

<sup>1</sup> <https://www.business-humanrights.org/en/from-us/briefings/hrds-2023/people-power-under-pressure-human-rights-defenders-business-in-2023/>

<sup>2</sup> <https://responsiblemining.net/about/recognition/>

<sup>3</sup> See requirement 3.2.2.1, which references ILO172, OH&S in mines

## Proposed updates for Version 2.0 of the IRMA Standard

The following changes under consideration by the IRMA Board of Directors:

- **Introducing a new requirement that sites have a formal policy on zero-tolerance for retaliation.**  
Require sites to have a formal policy in place that commits the site to respect the rights and protections<sup>[ii]</sup> accorded to human rights, land, environmental, and labor Rights Defenders (hereafter referred to as “rights defenders”) in its area of influence. The policy should: (a) be approved at the most senior level of company and be publicly accessible; (b) recognize the positive role that rights defenders play, and includes a zero-tolerance approach for threats, attacks and reprisals against them; and (c) set clear expectations for how personnel, contractors, suppliers, customers, direct and indirect business partners and other relevant parties linked to the project/operation shall respect the rights and protections accorded to rights defenders.
- **Adding clarity and consistency** in language on human rights defenders, specifically in the Chapters on human rights due diligence (1.3); conflict and high-risk areas (3.4); and security arrangements (3.5)
- **Adding clarity regarding non-retaliation for workers** seeking to organize for worker rights and for reporting operational health and safety concerns, and for those reporting security related incidents.
- **Introducing a new requirement for sites to have a formal whistleblower mechanism.**
- **Expanding whistleblower protections**, specifically to cover non-retaliation for whistleblowers and employees and contractors who raise concerns about suspected corruption or unacceptable behavior associated with the project/operation or who refuse to pay bribes even if such refusal results in the loss of business (1.5.3.2).
- **Introducing new requirements specifically for non-retaliation related to work stoppages (3.2.3.7) and reporting of work-related risks and incidents (3.2.3.8).**