



Initiative for Responsible
Mining Assurance

Excerpt from the DRAFT Standard for Responsible Mining and Mineral Processing 2.0

Chapter 1.3 – Human Rights Due Diligence

Context & Disclaimer on IRMA DRAFT Standard 2.0

IRMA DRAFT Standard for Responsible Mining and Minerals Processing 2.0 is being released for public consultation, inviting the world to join in a conversation around expectations that drive value for greater environmental and social responsibility in mining and mineral processing.

This draft document invites a global conversation to improve and update the 2018 IRMA Standard for Responsible Mining Version 1.0. It is not a finished document, nor seeking final review, but rather is structured to invite a full range of questions, comments and recommendations to improve the IRMA Standard.

This IRMA DRAFT Standard for Responsible Mining and Minerals Processing (v.2.0) has been prepared and updated by the IRMA Secretariat based on learnings from the implementation of the Standard (v.1.0), experience from the first mines independently audited, evolving expectations for best practices in mining to reduce harm, comments and recommendations received from stakeholders and Indigenous rights holders, and the input of subject-specific expert Working Groups convened by IRMA in 2022.

IRMA's Standard has a global reputation for comprehensive in-depth coverage addressing the range of impacts, as well as opportunities for improved benefit sharing, associated with industrial scale mining. This consultation draft proposes a number of new requirements; some may wonder whether IRMA's Standard already includes too many requirements. The proposed additions are suggested for a range of reasons (explained in the text following), including improving auditability by separating multiple expectations that were previously bundled into a single requirement, addressing issues that previously weren't sufficiently covered (e.g. gender, greenhouse gas emissions), and providing more opportunities for mining companies to receive recognition for efforts to improve social and environmental protection.

Please note, expert Working Groups were created to catalyze suggestions for solutions on issues we knew most needed attention in this update process. They were not tasked to come to consensus nor make formal recommendations. Their expertise has made this consultation document wiser and more focused, but work still lies ahead to resolve challenging issues. We encourage all readers to share perspectives to improve how the IRMA system can serve as a tool to promote greater environmental and social responsibility, and create value for improved practices, where mining and minerals processing happens.

The DRAFT Standard 2.0 is thus shared in its current form to begin to catalyze global conversation and stakeholder input. It does not represent content that has been endorsed by IRMA's multistakeholder Board of Directors. IRMA's Board leaders seek the wisdom and guidance of all readers to answer the questions in this document and inform this opportunity to improve the IRMA Standard for Responsible Mining.

IRMA is dedicated to a participatory process including public consultation with a wide range of affected people globally and seeks feedback, comments, questions, and recommendations for improvement of this Standard. IRMA believes that diverse participation and input is a crucial and determining factor in the effectiveness of a Standard that is used to improve environmental and social performance in a sector. To this end, every submission received will be reviewed and considered.

The DRAFT Standard 2.0 is based on content already in practice in the IRMA Standard for Responsible Mining Version 1.0 (2018) for mines in production, combined with the content drafted in the IRMA Standard for Responsible Mineral Development and Exploration (the 'IRMA-Ready' Standard – Draft v1.0 December 2021) and in the IRMA Standard for Responsible Minerals Processing (Draft v1.0 June 2021).

Chapter Structure

BACKGROUND

Each chapter has a short introduction to the issue covered in the chapter, which may include an explanation of why the issue is important, a description of key issues of concern, and the identification of key aspects of recognized or emerging best practice that the standard aims to reflect.

OBJECTIVES/INTENT STATEMENT

A description of the key objectives that the chapter is intended to contribute to or meet.

SCOPE OF APPLICATION

A description of the conditions under which the chapter may or may not be relevant for particular mines or mineral processing sites. If the entity can provide evidence that a chapter is not relevant, that chapter will not need to be included in the scope of the IRMA assessment. A requirement is 'not relevant' if the issue to which a requirement relates is not applicable at the site. For example, requirements related to the use of cyanide would not be relevant at a site at which cyanide is never used.

TERMS USED IN THIS CHAPTER

This is a list of the terms used in the chapter ■ Each term is separated with ■

Terms listed here are identified in the chapter with a dashed underline. And they are defined in the [Glossary of Terms](#) at the end of the chapter.

Chapter Requirements

X.X.X. These are criteria headings

X.X.X.X. And these are the requirements that must be met for an IRMA assessment to be issued and subsequently maintained by a site. Most criteria have more than one requirement. All requirements must be met in order to comply fully with the criterion.

- a. Some requirements consist of hierarchical elements:
 - i. At more than one level.
 - ii. Operations may be required to meet all elements in a list, or one or more of the elements of such a list, as specified.

NOTES

Any additional notes related to the chapter and its requirements are explained here.

GLOSSARY OF TERMS USED IN THIS CHAPTER

Terms used in the chapter are defined here.

ANNEXES AND TABLES

Annexes or Tables are found here.

IRMA Critical Requirements

The 2018 IRMA Standard for Responsible Mining v. 1.0 includes a set of requirements identified as being critical requirements. Operations being audited in the IRMA system must at least substantially meet these critical requirements in order to be recognized as achieving the achievement level of IRMA 50 and higher, and any critical requirements not fully met would need to have a corrective action plan in place describing how the requirement will be fully met within specified time frames.

The 2023 updates to the 2018 Standard may edit some critical requirements in the process of revising and therefore there will be a further review specific to the language and implications of critical requirements that follows the overall Standard review.

Associated Documents

This document is an extract of the full DRAFT IRMA FOR RESPONSIBLE MINING AND MINERAL PROCESSING (Version 2.0) – DRAFT VERSION 1.0, released in October 2023 for a public-comment period. The English-language full version should be taken as the definitive version. IRMA reserves the right to publish corrigenda on its web page, and readers of this document should consult the corresponding web page for corrections or clarifications.

Readers should note that in addition to the DRAFT Standard, there are additional policies and guidance materials maintained in other IRMA documents, such as IRMA’s Principles of Engagement and Membership Principles, IRMA Guidance Documents for the Standard or specific chapters in the Standard, IRMA Claims and Communications Policy and other resources. These can be found on the IRMA website in the Resources section. Learn more at responsiblemining.net

Comment on the IRMA Standard

Comments on the IRMA Standard and system are always welcome.

They may be emailed to IRMA at: comments@responsiblemining.net

Additional information about IRMA is available on our website: responsiblemining.net

Chapter 1.3

Human Rights Due Diligence

NOTES ON THIS CHAPTER: There are only a few proposed changes to this chapter. There have been some structural changes to try to make the requirements and expectations clearer.

Proposed additions and changes:

- We added a requirement for management plan, to be more consistent with other IRMA chapters (1.3.2.1)
- We added a requirement to evaluate the effectiveness of mitigation/management actions (1.3.4.2)
- We deleted one requirement that was informative, rather than an actual expectation.

Glossary:

- We are proposing new/revised definitions for several glossary terms. The 'Terms Used In This Chapter' box shows which terms are new, and the proposed definitions can be found in the glossary at the end of the chapter requirements. The full glossary is at the end of the document. Feedback on definitions is welcome.

BACKGROUND

In 1948, the United Nations General Assembly adopted the *Universal Declaration of Human Rights*, which, for the first time in history, enumerated the fundamental civil, political, economic, social, and cultural rights that all human beings should enjoy. Since that time, a series of core international human rights conventions and treaties, along with other instruments, have established the international legal framework for individual and collective human rights.¹ For example, United Nations instruments have elaborated on the rights of Indigenous Peoples, women, national or ethnic, religious, and linguistic minorities, children, people with disabilities, and migrant workers and their families.²

In 2011, the UN *Guiding Principles on Business and Human Rights* (the 'Guiding Principles'), which were unanimously endorsed by the United Nations Human Rights Council, clarified the corporate responsibility to respect human rights, stating that all corporations "should avoid infringing on the human rights of others."³ Other frameworks have similarly emerged that outline specific due diligence under particular circumstances. For example, the *OECD Due Diligence Guidance for Mineral Supply Chains in Conflict-Affected and High-Risk Areas*⁴ provides specific guidance for entities on what due diligence is required in such areas to address risks to human rights and other risks when operating in those areas (see IRMA Chapter 3.4).

TERMS USED IN THIS CHAPTER

Actual Human Rights Impact ■ Adverse Human Rights Impact ■ Business Relationships ■ Collaboration ■ Competent Professionals ■ Confidential Business Information ■ Consultation ■ Corporate Owner ■ Credible Method **NEW** ■ Entity **NEW** ■ Exploration **NEW** ■ Grievance ■ Grievance Mechanism ■ Human Rights Defenders ■ Human Rights Risks ■ Indigenous Peoples ■ Leverage ■ Project **NEW** ■ Mineral Processing **NEW** ■ Mining **NEW** ■ Mining-Related Activities ■ Mitigation ■ Operation **NEW** ■ Potential Human Rights Impact ■ Project **NEW** ■ Remediation/Remedy ■ Rights-Compatible ■ Rights Holder ■ Salient Human Rights ■ Serious Human Rights Abuses ■ Site **NEW** ■ Stakeholders ■ Vulnerable Group ■

These terms appear in the text with a dashed underline. For definitions see the Glossary of Terms at the end of this chapter.

¹ For more information, see the United Nations website: "What are human rights." <https://www.ohchr.org/en/what-are-human-rights>

² The Office of the High Commissioner for Human Rights (OHCHR) lists a number of United Nations human rights instruments that enumerate the rights of people belonging to particular groups or populations. See: OHCHR. 2012. The Corporate Responsibility to Respect – An Interpretive Guide. p. 38. www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf

³ See: Ruggie, J. 2011. Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. March 21, 2011. A/HRC/17/31. www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf

⁴ OECD. 2016. OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. (3rd Ed.) <https://mneguidelines.oecd.org/mining.htm>

OBJECTIVES/INTENT OF THIS CHAPTER

To respect human rights, and identify, prevent, mitigate, and remedy infringements of human rights.

SCOPE OF APPLICATION

RELEVANCE: This chapter is applicable to all exploration, mining and mineral processing projects and operations.

Note that the requirements outlined below are only applicable to the activities and business relationships that relate to the specific project/operation that is being audited, not all of an entity's activities and business relationships. (See note at the end of the chapter)

NOTE ON SCOPE OF APPLICATION: This proposed version of the IRMA Standard is meant to apply to exploration, mining, and mineral processing projects and operations (see definitions of project and operation), but not all requirements will be relevant in all cases. We have provided some high-level information below, but the IRMA Secretariat will produce a detailed Scope of Application for each chapter that will indicate relevancy on a requirement-by-requirement basis (and will provide some normative language where the expectations may slightly differ for proposed projects versus operations, or for mining versus mineral processing, etc.).

CRITICAL REQUIREMENTS IN THIS CHAPTER

The entity has a policy in place that acknowledges its responsibility to respect all internationally recognized human rights (1.3.1.1) and a process to assess potential and actual human rights impacts from mining-related activities and business relationships (to be determined). The entity is taking steps to mitigate human rights risks and remediate any known impacts on human rights caused by the project/operation (1.3.3.2).

NOTE ON CRITICAL REQUIREMENTS: The 2018 IRMA Standard v.1.0 includes a set of requirements identified as being critical requirements. Projects/operations being audited in the IRMA system must at least substantially meet these critical requirements in order to be recognized at the achievement level of IRMA 50 and higher, and any critical requirements not fully met need to have a corrective action plan in place describing how the requirement will be fully met within specified time frames.

INPUT WELCOME: The 2023 updates to the 2018 Standard have led to new content, as well as edits of some critical requirements in the process of revision, and therefore there will be a further review specific to the language and implications of critical requirements prior to the release of a final v.2.0 of the IRMA Standard. During this consultation period we would welcome your input on any of the existing critical requirements, as well as suggestions for those you think should be deemed critical. As always, a rationale for any suggested changes or additions would be appreciated.

We are seeking input on one of the critical requirements. See [CONSULTATION QUESTION 1.3-1](#), below.

Human Rights Due Diligence Requirements

1.3.1. Policy Commitment

1.3.1.1. (Critical Requirement)

A human rights policy (or equivalent) is in place that an acknowledgement of the entity's responsibility to respect all internationally recognized human rights.⁵ The policy:

- a. Is approved at the most senior level of the entity;
- b. Is informed by relevant internal and/or external expertise;
- c. Stipulates the entity's human rights expectations of personnel, business partners, and other parties directly linked to the project/operation; and
- d. Is publicly available and communicated internally and externally to all personnel, business partners, and other relevant parties and stakeholders.

NOTE FOR 1.3.1.1: This requirement combines 1.3.1.1 and 1.3.1.2 from the 2018 Mining Standard. Both included elements of a policy, and in other chapters these elements are combined into a single requirement. 1.3.1.1 was a critical requirement, and so we are keeping 1.3.1.1 as a critical requirement (for more on critical requirements see the note that accompanies 'Critical Requirements In This Chapter,' above).

We have also removed the element that stated that the policy would be reflected in the project/operation's policies and procedures. The rest of the chapter serves to integrate human rights responsibility expectations at the site level, and so this element is redundant.

1.3.2. Assessment of Human Rights Risks and Impacts

NOTE FOR 1.3.2: Two requirements have been changed in this section. Requirement 1.3.2.5 from the 2018 Mining Standard has been deleted. It required an entity to "demonstrate that steps have been taken to effectively integrate assessment findings at the mine site operational level." This is now redundant, because there are now explicit requirements asking for a management plan (1.3.3.1), and the plan is subject to monitoring and evaluation for effectiveness (1.3.4.1 and 1.3.4.2.).

Also, the original requirement 1.3.2.1 from the 2018 Mining Standard contained information that duplicated expectations in other requirements (i.e., to identify assess human rights issues), and also contained an expectation for updating the assessment. The requirement to update is now 1.3.2.4, and the original 1.3.2.1 has been deleted to avoid duplication.

CONSULTATION QUESTION 1.3-1: The original requirement 1.3.2.1 was a critical requirement. See the [Note on Critical Requirements](#), above, for context on critical requirements. Because it contained expectations to identify, assess and update human rights assessments, it is not clear which of the following requirements should be the replacement critical requirement.

There are three options under consideration as a replacement critical requirement: 1) The integrity/robustness of the assessment process (new 1.3.2.1, below), the content of the assessment (new 1.3.2.2, below), or the updating of the assessment (new 1.3.3.3, below). Do you have an opinion on which of those three requirements should be the critical requirement? Any rationale to support your choice would be appreciated.

1.3.2.1. The entity identifies and assesses potential human rights impacts (hereafter referred to as human rights 'risks') and actual human rights impacts from mining-related activities and business relationships. The assessment, which is scaled to the size of the entity and severity of human rights risks and impacts:

⁵ IRMA recognizes that for some entities, a policy commitment may be made at the corporate level. In these cases, entities do not need to have developed their own policies, but they will be expected to demonstrate that they are operating in compliance with their corporate owner's policy (e.g., site-level management understand the policy, and have integrated it into the mine's procedures and dealings with business partners, contractors, etc.).

- a. Documents and follow a credible methodology;⁶
- b. Is carried out by competent professionals;
- c. Draws on internal and/or external human rights expertise; and
- d. Is informed by consultations with potentially affected rights holders, including different genders, ages, ethnicities, and any potentially vulnerable groups,⁷ and other relevant stakeholders.

NOTE FOR 1.3.2.1: REVISED. This was 1.3.2.1 and 1.3.2.2 in the 2018 Mining Standard. 1.3.2.1 was a critical requirement, and so we have kept that delineation (for more on critical requirements see the note that accompanies 'Critical Requirements In This Chapter,' above).

We separated language referring to including views of human rights experts from the consultations with stakeholders. These are now (c) and (d). Also added a specific reference to human rights defenders.

And we removed a requirement for periodic updating (that is now requirement 1.3.2.4).

1.3.2.2. The assessment includes, at minimum:

- a. An explanation of the assessment methodology;
- b. An analysis of the current human rights context in the country and project/operation area;
- c. An overview of relevant human rights laws and norms;
- d. An identification of rights holders;
- e. A comprehensive list of the human rights risks related to the entity's mining-related activities and business relationships, and an evaluation of the potential severity of impacts and probability of occurrence for each identified risk;
- f. Identification of any human rights impacts that have already occurred in relation to the project/operation;
- g. An analysis of the potential differential risks to and impacts on rights holder groups (including but not limited to human rights defenders, people of different genders, ages, ethnicities, and any potentially vulnerable groups⁸), and a disaggregation of results by rights holder group; and
- h. Recommended actions or measures that can be taken by the entity to prevent, mitigate, and remediate identified risks and impacts, giving priority to the most salient human rights issues.

NOTE FOR 1.3.2.2: REVISED. This was requirement 1.3.2.4 in the 2018 Mining Standard. We added (d), the identification of rights holders, as this is necessary in order to be able to determine risks to them. We separated out former sub-requirement (e) into (e) and (f) for clarity. Also added a specific reference to human rights defenders in (g), as those individuals, if present, often face risks and must be included in the analysis.

1.3.2.3. Stakeholders and rights holders who participate in the assessment process have the opportunity to review draft key issues and findings that are relevant to them and are consulted to provide feedback on those findings.

⁶ A "credible" assessment process/methodology would typically include: scoping or identification of the salient human rights, stakeholder consultations; data collection; assessment of the severity of human rights risks and impacts; development of prevention/mitigation measures; and monitoring and evaluation of the effectiveness of implemented measures. This process should be ongoing/updated, as mentioned in 1.3.2.4. For more information see: <https://www.humanrights.dk/projects/human-rights-impact-assessment>

⁷ What may constitute a 'vulnerable group' requiring additional focus depends on the context and the matter at hand. Entities should draw on stakeholder mapping, stakeholder interviews, project documentation, as well as site observations to determine whether all relevant stakeholders have been identified and included. For this requirement, particular attention should be paid to those who may be most vulnerable to the human rights risks identified throughout this chapter and the IRMA standard; for example, women, children, minorities, those living in a state of poverty, and those with higher levels of exposure to certain identified risk factors. Additional guidance will be provided in the IRMA Guidance Document.

⁸ What stakeholders are important to include here will depend on the context and the matter at hand. Entities should draw on stakeholder mapping, stakeholder interviews, project documentation, as well as site observations to determine whether all relevant stakeholders have been identified and considered. For this requirement in particular, special attention should be paid to demographics such as women, children, the elderly, people with disabilities, socially or geographically marginalized groups, groups occupying different places on the socio-economic spectrum, different ethnicities, etc. Additional guidance will be provided in the IRMA Guidance Document.

1.3.2.4. Assessments are updated throughout the project/operation's life cycle when there are proposed changes to mining-related activities, or changes in business relationships or in the operational, environmental, or social context that may create new human rights risks or change the nature or degree of an existing impact.

NOTE FOR 1.3.2.4: REVISED. This was part of 1.3.2.1 in the 2018 Mining Standard. We are proposing to separate it out for consistency with other IRMA chapters.

1.3.3. Management of Human Rights Risks and Impacts

1.3.3.1. A human rights management plan (or equivalent) is developed and implemented to prevent, mitigate, and remediate the most salient human rights risks and impacts identified in the human rights assessment (and/or from other sources of information).⁹ The management plan:

- a. Is developed by competent professionals;
- b. Outlines the agreed specific actions to minimize, mitigate, or compensate for potential and actual adverse human rights impacts;
- c. Includes performance criteria and indicators (including gender- and/or rights-holder-disaggregated indicators where appropriate),¹⁰ linked to adequate baseline data, to enable monitoring and evaluation of the effectiveness of actions over time;
- d. Assigns implementation of actions, or oversight of implementation, to responsible staff;¹¹
- e. Includes an implementation schedule; and
- f. Includes estimates of human resources and budget required and a financing plan to ensure that funding is available for the effective implementation of the plan.

NOTE FOR 1.3.3.1: NEW. We are proposing to add this requirement as the 2018 Mining Standard did not have an explicit requirement for a human rights impacts management plan. A requirement for a management plan is consistent with other IRMA chapters, as are the elements describing what needs to be in the plan.

1.3.3.2. (Critical Requirement)

Based on the outcome of the human rights assessment (and/or other sources of information),¹² the following specific actions are included in the management plan and are implemented to prevent, mitigate, and remediate salient human rights risks and impacts:

- a. Where salient risks to human rights have been identified:
 - i. And the entity determines that the risk to human rights is related solely to its own actions, it prioritizes preventing impacts from occurring, and if this is not possible, designs strategies to mitigate the human rights risks. Mitigation measures are developed in consultation with potentially affected rights holders;
 - ii. And the entity determines that it is one of two or more entities that bears some responsibility for creating the risk to human rights, it develops actions to prevent or mitigate its contribution, and uses its leverage to influence other contributing parties to prevent or mitigate their contributions to the human rights risks; and/or
 - iii. If the entity determines that it is at risk of being linked to adverse human rights impacts through its business relationships, it uses its leverage to influence responsible parties to prevent or mitigate their risks to human rights from their activities.

⁹ Other sources of information may include data from monitoring and evaluation, discussions with or grievances filed by stakeholders or workers, internal reviews of particular issues that relate to human rights, etc.

¹⁰ Other disaggregation may be by age, vulnerability status, proximity to the operation, etc.

¹¹ If work is carried out by third party contractors, then there needs to be a staff employee responsible for overseeing the quality of work, timelines, etc.

¹² Other sources of information may include data from monitoring and evaluation, discussions with or grievances filed by stakeholders or workers, internal reviews of particular issues that relate to human rights, etc.

- b. Where actual human rights impacts have been identified:
- i. And the entity determines that it has caused the impact, it ceases or changes the activity responsible for the impact and in a timely manner and develops mitigation strategies and remediation in collaboration with affected rights holders. If mutually acceptable remedies cannot be found through dialogue, the entity attempts to reach agreement through an independent, third-party mediator or another means mutually acceptable to affected rights holders; and/or
 - ii. And the entity determines that it has contributed to an actual human rights impact, it ceases or changes any of its activities that are contributing to the impact, mitigates and remediates impacts to the extent of its contribution, and uses its leverage to influence other contributing parties to cease or change their activities, and mitigate and remediate the remaining impact; and/or
 - iii. And the entity determines that it is linked to an actual human rights impact through a business relationship, it uses its leverage to prevent or mitigate the impact from continuing or recurring; and
 - iv. Where they exist, the entity cooperates with other legitimate processes such as judicial or state-based investigations or proceedings related to human rights impacts that the entity caused, contributed to, or was directly linked to through its business relationships.

NOTE FOR 1.3.3.2: REVISED. This combines requirements 1.3.3.2 and 1.3.3.3 from the 2018 Mining Standard. The requirement still outlines the different expected actions to be taken based on whether or not it is a human rights risk or actual impact, and whether or not the entity caused the risk/impact, etc. But we have tried to make it clearer that if risks or impacts come to light (either through the risk assessment or some other source, such as a grievance being filed) that the specified actions need to be incorporated into the management plan, and implemented.

In the 2018 Mining Standard, requirement 1.3.3.3, which outlined the response to human rights impacts (i.e., information in 1.3.3.2.b, above) was a critical requirement. We have now combined that requirement with the response to human rights risks. We are designating this entire requirement as critical (for more on critical requirements see the note that accompanies ‘Critical Requirements In This Chapter,’ above).

1.3.3.3. Stakeholders have access to and are informed about a rights-compatible grievance mechanism and/or other mechanisms through which they can raise concerns and seek recourse for grievances related to human rights.¹³

NOTE FOR 1.3.3.3: This was 1.3.3.1 in the 2018 Mining Standard.

CONSULTATION QUESTION 1.4-2 (repeated from Chapter 1.4 – ‘Complaints and Grievance Mechanism and Access to Remedy’)

Background: Chapter 1.4 - ‘Complaints and Grievance Mechanism and Access to Remedy’ includes a range of requirements surrounding the existence of an accessible and effective operational-level grievance mechanism. It is not possible to score well on Chapter 1.4 if the mechanism does not have certain quality-related characteristics. Other chapters (i.e., human rights, gender, resettlement, security, ASM) also have requirements relating to the existence of a grievance mechanism;¹⁴ however, the requirements in each of those chapters ask only that a mechanism is in place that allows grievances to be filed and addressed, but they do not speak to the overall quality of that mechanism. This is an approach proposed by IRMA to avoid too much repetition across chapters. However, this creates a situation in which an entity could theoretically

¹³ The operational-level grievance mechanism developed as per IRMA Chapter 1.4 (Complaints and Grievance Mechanism and Access to Remedy) may be used as the mechanism to receive all types of complaints, including those related to human rights, or a separate mechanism may be created to handle only human rights complaints and grievances. If a separate mechanism is developed, it shall be done in a manner that is consistent with Chapter 1.4. Also, there may be other mechanisms that are not operated by the company through which stakeholders or rights holders can seek recourse (e.g., administrative, judicial and non-judicial remedies), and these options should be mentioned to stakeholders who lodge human rights related grievances with the company.

‘Rights-compatible’ means ensuring that outcomes and remedies accord with internationally recognized human rights.

¹⁴ See: Chapter 1.3, requirement 1.3.3.3; proposed Chapter 1.X, requirement 1.X.3.2; Chapter 2.4, requirement 2.4.3.3; Chapter 3.5, requirement 3.5.6.3; and Chapter 3.6, requirement 3.6.2.1.d.

score 'fully meets' on the grievance-related requirement in an individual chapter (which in most cases only asks that stakeholders have "access to" a grievance mechanism), even if the grievance mechanism as a whole is not an effective one (as reflected in the overall score for Chapter 1.4).

Question: Should an entity's score on grievance-related requirements within individual non-grievance-specific chapters be restrained or linked to the overall score that the entity gets on the grievance chapter (Chapter 1.4) as a whole?

For example, if a site scores 80% on Chapter 1.4, the most the site could receive for a grievance requirement in the other chapters would be a 'substantially meets,' but if a site scores 100% on Chapter 1.4 then, assuming the mechanism can handle grievances specific to the other chapters, they could possibly get a 'fully meets' rating on those grievance requirements.

1.3.4. Monitoring and Evaluation

NOTE FOR 1.3.4: REVISED. We are proposing to change the name of this criterion from 'Monitoring' to 'Monitoring and Evaluation' to better reflect the content and that the purpose of 'monitoring' is to evaluate the findings and make changes accordingly.

1.3.4.1. The entity monitors whether the prevention, mitigation, and remediation strategies developed to address salient human rights risks and impacts and included in the management plan are being effectively implemented. The monitoring:

- a. Includes documentation of actual performance in relation to indicators (see 1.3.3.1.b); and
- b. Includes feedback from internal and external sources, including affected rights holders.

NOTE FOR 1.3.4.1: REVISED. This was requirement 1.3.4.1 in the 2018 Mining Standard. We are proposing to add that it is the management measures (prevention, mitigation, and remediation) that are to be monitored, rather than generically referring to 'effectively addressing' human rights risks/impacts. We also separated out sub-requirement (a) and (b) from the original (2018) requirement for clarity.

1.3.4.2. Annually or more frequently, the entity reviews monitoring results and any human-rights-related grievances, and evaluates the effectiveness of its prevention, mitigation, and remediation strategies. Based on the review, the management plan is updated, if necessary, to improve the effectiveness of its actions.

NOTE FOR 1.3.4.2: NEW. We are proposing to add this requirement as a complement to the NEW requirement for a human rights impact management plan (1.3.3.1), and for consistency with other IRMA chapters.

1.3.4.3. External monitoring of the entity's human rights due diligence occurs if its due diligence efforts repeatedly fail to prevent, mitigate, or remediate actual human rights impacts; or if its due diligence activities fail to prevent the entity from unknowingly or unintentionally causing, contributing to or being linked to any serious human rights abuse.¹⁵ Additionally:

- a. The entity funds the external monitoring; and
- b. The form of such monitoring, and selection of external monitors, is determined in collaboration with affected rights holders.

NOTE FOR 1.3.4.3: This was 1.3.4.2 in the 2018 Mining Standard.

¹⁵ This requirement does not apply if a company has knowingly or intentionally caused, contributed to or been linked to serious human rights abuses. (See Notes section at the end of Chapter 1.3 for more on serious human rights abuses).

1.3.5. Reporting

NOTE FOR 1.3.5: We have deleted a requirement (1.3.5.3) from the 2018 Mining Standard that related to the exclusion of confidential information because it was more informative than an actual requirement. Information from that requirement is now included as a footnote in both 1.3.5.1 and 1.3.5.2.

1.3.5.1. The entity periodically reports publicly on the effectiveness of its human-rights due diligence activities.¹⁶ At minimum, reporting includes the methods used to determine the salient human rights issues, a list of salient risks and impacts that were identified, and actions taken at the site-level to prevent, mitigate and/or remediate the human rights risks and impacts.

NOTE FOR 1.3.5.1: REVISED. This was 1.3.5.1 in the 2018 Mining Standard. That requirement specified that the entity's corporate owner could also do the reporting. We have moved that to a footnote and have clarified that if the reporting is done at the corporate level this requirement can only be fully met if all of the elements in 1.3.5.1, including the specific risks and impacts for the site under IRMA assessment, are reported.

1.3.5.2. If external monitoring is required per 1.3.4.3, the entity publishes a report on external monitoring findings and recommendations to improve its human rights due diligence,¹⁷ and the entity reports to relevant stakeholders and rights holders on its plans to improve its due diligence activities as a result of external monitoring recommendations.¹⁸

NOTE FOR 1.3.5.2: This was 1.3.5.2 in the 2018 Mining Standard.

NOTES

This chapter is based on the framework for corporate responsibility established in the UN *Guiding Principles on Business and Human Rights*, and includes best practice requirements to increase transparency regarding human rights impacts, and to increase the ability of rights holders to participate, in a meaningful way, in decisions that affect their lives.

This chapter does not specifically address cases where operating entities knowingly contribute to serious human rights abuses. As mentioned in the Preamble to this draft Standard, IRMA has a draft Policy on Association under review in 2023 that describes when particularly serious actions by any entity engaged in IRMA create a context where IRMA could refuse to associate or could set conditions for association with those entities. In addition, IRMA is also exploring ways that an entity engaged in the IRMA system and the people concerned with impacts (local community members, Indigenous rights holders, purchasing customers, investors, government and others) might use IRMA's system to support discussion on remedy of past harm.

In Chapter 1.3, criteria 1.3.4, the decision to initiate external monitoring may be made by an entity that recognizes (e.g., through its human rights due diligence processes, complaints filed through its operational-level grievance mechanism, observations made by a third party, or some other means) that it has repeatedly failed to prevent, mitigate or remediate human rights impacts, or that discovers its due diligence has failed to prevent it from causing, contributing to, or being linked to serious human rights abuses. External monitoring may also be suggested as a corrective action if an IRMA auditor discovers during an audit that the entity's due diligence has failed to prevent any of the situations listed above.

¹⁶ Public reporting referred to in 1.3.5.1 may exclude information that is politically sensitive, is confidential business information, or that may compromise safety or place any individual at risk of further victimization.

If the entity's corporate owner is responsible for human rights reporting, this requirement can only be fully met if the corporate owner reports on all of the elements in 1.3.5.1, including issues specific to the site undergoing the IRMA assessment.

¹⁷ Public reporting referred to in 1.3.5.2 may exclude information that is politically sensitive, is confidential business information, or that may compromise safety or place any individual at risk of further victimization.

¹⁸ This requirement is only relevant if external monitoring was required as per 1.3.4.3.

CROSS REFERENCES TO OTHER CHAPTERS

This table will be added when the new content for all chapters is finalized and approved.

GLOSSARY OF TERMS USED IN THIS CHAPTER

PROPOSED NEW DEFINITIONS

Credible Method/Methodology

A method/methodology that is widely recognized, accepted, and used by experts and practitioners in a particular field of study.

Entity

A company, corporation, partnership, individual, or other type of organization that is effectively in control of managing an exploration, mining or mineral processing project or operation.

Exploration

A process or range of activities undertaken to find commercially viable concentrations of minerals to mine and to define the available mineral reserve and resource. May occur concurrent with and on the same site as existing mining operations.

Mineral Processing

Activities undertaken to separate valuable and non-valuable minerals and convert the former into an intermediate or final form required by downstream users. In IRMA this includes all forms of physical, chemical, biological and other processes used in the separation and purification of the minerals.

Mining

Activities undertaken to extract minerals, metals and other geologic materials from the earth. Includes extraction of minerals in solid (e.g., rock or ore) and liquid (e.g., brine or solution) forms.

Operation

The set of activities being undertaken for the purpose of extracting and/or processing mineral resources, including the running and management of facilities and infrastructure required to support the activities, and the ongoing legal, environmental, social and governance activities necessary to maintain the business endeavor.

Project

The development phases before a mining or mineral processing operation can begin (e.g., exploration, pre-feasibility, feasibility, conceptual design, planning, permitting). Includes all desk-top and field-based activities, including exploration activities, needed to inform and develop a project proposal, support the environmental and social impact assessment of a proposal, generate information necessary to fulfill regulatory and permitting requirements, engage with stakeholders and rights holders, and maintain the entity's business endeavor.

Site

An area that is owned, leased, or otherwise controlled by the entity and where mining-related activities are proposed or are taking place.

EXISTING DEFINITIONS

Actual Human Rights Impact

An adverse impact that has already occurred or is occurring.

Adverse Human Rights Impact

When an action removes or reduces the ability of an individual to enjoy his or her human rights.

Business Relationships

Relationships a business enterprise has with business partners, entities in a value chain, and any other non-state or state entity directly linked to its business operations, products, or services. They include indirect business relationships in its value chain, beyond the first tier, and minority as well as majority shareholding positions in joint ventures.

Collaboration

The process of shared decision-making in which all stakeholders constructively explore their differences and develop a joint strategy for action. It is based on the premise that, through dialogue, the provision of appropriate information, collectively defined goals, and the willingness and commitment to find a solution acceptable to all parties, it is possible to overcome the initially limited perspectives of what is achievable and to reach a decision which best meets the interests of the various stakeholders. At this level, responsibility for decision-making is shared between stakeholders.

Competent Professionals

In-house staff or external consultants with relevant education, knowledge, proven experience, and necessary skills and training to carry out the required work. Competent professionals would be expected to follow scientifically robust methodologies that would withstand scrutiny by other professionals. Other equivalent terms used may include: competent person, qualified person, qualified professional.

REVISED Deleted reference to Chapter 4.1.

Confidential Business Information

Material that contains trade secrets or commercial or financial information that has been claimed as confidential by its source. The information must be secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to people within the circles that normally deal with the kind of information in question; it must have commercial value because it is secret; and it must have been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.

Consultation

An exchange of information between an entity and its stakeholders that provides an opportunity for stakeholders to raise concerns and comment on the impacts and merits of a proposal or activity before a decision is made. In principle the entity should take into account the concerns and views expressed by stakeholders in the final decision.

Corporate Owner(s)

The corporation(s) or other business institution(s) including any private or state-run enterprises that have complete or partial financial interest in or ownership of a project/operation.

REVISED Changed wording from mining project to project/operation.

Grievance

A perceived injustice evoking an individual's or a group's sense of entitlement, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness of aggrieved communities. For the purposes of the IRMA Standard, the words grievances and complaints will be used interchangeably.

REVISED. Added that IRMA Standard uses grievances and complaints interchangeably.

Grievance Mechanism

Any routinized, state-based or non-state-based, judicial or non-judicial process through which project- or operation-related complaints or grievances, including business-related human rights abuses, stakeholder complaints, and/or labor grievances, can be raised and remedy can be sought. An operational- or project-level grievance mechanism is a formalized means through which individuals or groups can raise concerns about the impact of a specific project/operation on them—and can seek remedy.

REVISED. Changed wording from mining project to project- or operation-related, and added operation-level grievance mechanism to this definition., and added operation-level grievance mechanism to this definition.

Human Rights Defenders

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 Risks

Human rights risks are understood to be a business enterprise's potential adverse human rights impacts. (May also be referred to as potential human rights impacts).

Indigenous Peoples

An official definition of 'Indigenous' has not been adopted by the UN system due to the diversity of the world's Indigenous Peoples. Instead, a modern and inclusive understanding of 'Indigenous' includes peoples who: identify themselves and are recognized and accepted by their community as Indigenous; demonstrate historical continuity with pre-colonial and/or pre-settler societies; have strong links to territories and surrounding natural resources; have distinct social, economic ,or political systems; maintain distinct languages, cultures, and beliefs; form non-dominant groups of society; and resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities. In some regions, there may be a preference to use other terms such as tribes, first peoples/nations, aboriginals, Adivasi, and Janajati. All such terms fall within this modern understanding of 'Indigenous'.

REVISED. Removed the term “ethnic groups” as this is broadly applicable to other populations that are not considered Indigenous Peoples and could make it challenging to audit.

Leverage

Leverage is an advantage that gives power to influence. In the context of Chapter 1.3, it refers to the ability to effect change in the wrongful practices of the party that is causing or contributing to an adverse human rights impact.

Mining-Related Activities

Any activities carried out during any phase of the mineral development life cycle for the purpose of locating, extracting and/or producing mineral or metal products. Includes physical activities (e.g., land disturbance and clearing, road building, sampling, drilling, airborne surveys, field studies, construction, ore removal, brine extraction, beneficiation, mineral or brine processing, transport of materials and wastes, waste management, monitoring, reclamation, etc.) and non-physical activities (e.g., project or operational planning, permitting, stakeholder engagement, etc.).

REVISED. Added reference to mineral development life cycle, project/operation, brine.

Mitigation (including in relation to human rights impacts)

Actions taken to reduce the likelihood of the occurrence of a certain adverse impact. The mitigation of adverse human rights impacts refers to actions taken to reduce their extent, with any residual impact then requiring remediation.

Potential Human Rights Impact

An adverse impact on human rights that may occur but has not yet done so. (May also be referred to as human rights risk).

Remediation/Remedy (including in relation to human rights impacts)

Remediation and remedy refer to both the processes of providing remedy for an adverse (human rights) impact and the substantive outcomes that can counteract, or make good, the adverse impact. These outcomes may take a range of forms, such as apologies, restitution, rehabilitation, financial or non-financial compensation, and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of further harm through, for example, injunctions or guarantees of non-repetition.

Rights-Compatible

In reference to grievance mechanism, means ensuring that outcomes and remedies accord with internationally recognized human rights.

Rights Holder

Rights holders are individuals or social groups that have particular entitlements in relation to specific duty bearers (e.g., state or non-state actors that have a particular obligation or responsibility to respect, promote and realize human rights, and abstain from human rights violations). In general terms, all human beings are rights-holders under the Universal Declaration of Human Rights. In particular contexts, there are often specific social groups whose human rights are not fully realized, respected, or protected.

Salient Human Rights

Those human rights that are at risk of the most severe adverse impacts through an entity's activities or business relationships. They therefore vary from company to company.

Serious Human Rights Abuses

Includes: i) any forms of torture, cruel, inhuman and degrading treatment; ii) any forms of forced or compulsory labor, which means work or service which is exacted from any person under the menace of penalty and for which said person has not offered himself voluntarily; iii) the worst forms of child labor (as per ILO Convention 182); iv) other gross human rights violations and abuses such as widespread sexual violence; v) war crimes or other serious violations of international humanitarian law, crimes against humanity, or genocide.

Stakeholders

Individuals or groups who are directly or indirectly affected by a project/operation, such as rights holders, as well as those who may have interests in a project/operation and/or the ability to influence its outcome, either positively or negatively.

REVISED Changed wording from persons to individuals, and from project to project/operation.

Vulnerable Group

A group whose resource endowment is inadequate to provide sufficient income from any available source, or that has some specific characteristics that make it more susceptible to health impacts or lack of economic opportunities due to social biases or cultural norms (e.g., may include households headed by women or children, people with disabilities, the extremely poor, the elderly, at-risk children and youth, ex-combatants, internally displaced people and returning refugees, HIV/AIDS-affected individuals and households, religious and ethnic minorities, migrant workers, and groups that suffer social and economic discrimination, including Indigenous Peoples, minorities, lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ+) and gender-diverse individuals, and in some societies, women).

Sources: Adapted from IFC. 2002. Handbook for Preparing a Resettlement Action Plan, FAO, and World Bank: “Vulnerable Groups.”

REVISED Proposing to add reference to LGBTQ+ and gender-diverse individuals in the list of examples.

CONSULTATION QUESTION 1.X-2 (From proposed Chapter 1.X on Gender Equality and Protection): References to women and gender-diverse individuals as potentially “vulnerable” or as “vulnerable groups” may sound disempowering and/or otherwise not aligned with the objectives of this chapter to advance gender equality. Are there other widely recognized terms or phrases we could use that recognize the potential susceptibility of women and gender-diverse individuals to adverse impacts such as health impacts or lack of economic opportunities due to social biases or cultural norms?