



## Human Rights Watch and its Activities in Support of the Voluntary Principles 2019 Update Report

### A. Commitment to the Voluntary Principles

Human Rights Watch is a founding member of the Voluntary Principles (VPs) and began its participation when negotiations started in 1999. In November 2012, Human Rights Watch became a member of the Voluntary Principles Association when it transitioned into a new governance structure.

### B. Procedures

Human Rights Watch engages with the Voluntary Principles in three main ways: we document and monitor issues relevant to the VPs; we emphasize the VPs' importance in advocacy meetings with both governments and multilateral organizations; and we promote the VPs through our regular and ongoing engagement with companies.

### C. Promotion of the Voluntary Principles

#### Guinea

For the past two years Human Rights Watch has repeatedly called upon the government of Guinea to adopt and implement the Voluntary Principles as we engage in research and advocacy in the country. In our January 2020 submission to the United Nations Committee on Economic, Social and Cultural Rights on Guinea, Human Rights Watch recommended that the Committee call upon the government of Guinea to adopt and fully implement the standards of the Voluntary Principles.<sup>1</sup>

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<sup>1</sup> Human Rights Watch Submission to the Committee on Economic, Social and Cultural Rights on Guinea, 67<sup>th</sup> Session, January 14, 2020, <https://www.hrw.org/news/2020/01/14/submission-committee-economic-social-and-cultural-rights-guinea>.

Human Rights Watch also continues to engage in Guinea’s bauxite sector, which it examined in detail in an October 2018 report, “‘What Do We Get Out of It?’: The Human Rights Impact of Bauxite Mining in Guinea.”<sup>2</sup> Human Rights Watch conducted additional field research in March 2019 in the Boké region, where much of Guinea’s bauxite boom is located, and continues to scrutinize the efforts of Guinea’s largest mining companies to improve their environmental and social practices. Our 2018 report provides part of the factual foundation for a March 2019 complaint to the International Finance Corporation’s (IFC) Compliance Advisor Ombudsman over a loan made to la Compagnie des Bauxites de Guinée (CBG), co-owned by the Guinean government and multinationals Alcoa and Rio Tinto. The report also details clashes between local anti-mining protesters and armed security forces, and includes a key recommendation advocating for the government of Guinea and mining companies to adopt the Voluntary Principles.

## South Africa

Human Rights Watch in April 2019 published a joint report with the [Centre for Environmental Rights](#), [groundWork](#) and [Earthjustice](#) entitled “‘We Know Our Lives Are In Danger’: Environment of Fear in South Africa’s Mining-Affected Communities.” The report examines the threats that environment defenders face in South Africa when advocating for protection from the serious social, health, and environmental harms that can result from mining activities.<sup>3</sup> The report documents attacks and other forms of intimidation against activists in KwaZulu-Natal, Limpopo, Northwest, and Eastern Cape provinces between 2013 and 2018.

The report finds that many activists have experienced threats, threatening phone calls, physical attacks, or damage to their property that they believe were acts of retaliation for their activism. Municipalities also often impose burdens on organizers of anti-mining protests that have no legal basis and make protests difficult and sometimes impossible. Activists in mining-affected communities also face police misconduct, including arbitrary arrest and excessive use of force, which is part of a larger pattern in South Africa. The report also finds that mining companies in South Africa have been using legal tactics, including both strategic

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<sup>2</sup> Human Rights Watch, “‘What Do We Get Out of It?’: The Human Rights Impact of Bauxite Mining in Guinea (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/10/04/what-do-we-get-out-it/human-rights-impact-bauxite-mining-guinea>.

<sup>3</sup> Human Rights Watch, “‘We Know Our Lives are in Danger’: Environment of Fear in South Africa’s Mining-Affected Communities (New York: Human Rights Watch, 2019), <https://www.hrw.org/report/2019/04/16/we-know-our-lives-are-danger/environment-fear-south-africas-mining-affected>.

litigation and social media campaigns, to harass activists and organizations who are challenging them.

Human Rights Watch and our partners discussed the findings of the report with the South African government and several mining companies and the South African Minerals Council, which represents 78 mining companies operating in South Africa. A key recommendation of the report is that all mining companies operating in South Africa should join the Voluntary Principles.

## **Myanmar**

Human Rights Watch in January 2020 attended the Steering Committee meeting for the Myanmar Voluntary Principles In-Country Working Group, held at the Myanmar Centre for Responsible Business (MCRB) in Yangon and co-chaired by Switzerland and TOTAL. Human Rights Watch was the sole representative from the NGO Pillar. Also in attendance were representatives from the US, Swiss, and Australian embassies; representatives from TOTAL, Woodside Energy, Chevron, and PANAUST; and members of the MCRB Secretariat. The Steering Committee primarily discussed how the VPs in Myanmar could engage with the question of private security companies. During the meeting, Human Rights Watch brought attention to extractives-related cases in Mon State and Mandalay, where local residents had reportedly been beaten by police.

At MCRB's suggestion, the Steering Committee agreed to investigate funding and possibilities to commission a short study of the private security landscape in Myanmar, both at the national and subnational level. The study would include human rights issues and regulation, as well as relations with government public security. To help facilitate the study, Human Rights Watch and TOTAL volunteered to suggest a Myanmar-based consultant with experience in security, due diligence, and related issues.

In 2016 and 2017, Human Rights Watch was an active participant in debates on re-engagement and investment in Myanmar's extractives sector and highlighted the deeply concerning role of security forces in providing security for business projects. Human Rights Watch urged foreign governments and international financial institutions to press companies to comply with key human rights standards, including those elaborated in the VPs. In 2016, we urged the US government to require US companies investing in Myanmar's extractives

sector to report on whether they are members of the VPs and if not, whether they had implemented the principles, procedures, and guidance tools developed for the VPs.

## **Venezuela**

In February 2020, Human Rights Watch documented abuse by the armed groups exercising control over Venezuela’s illegal gold mines, some of which seem to operate with government acquiescence.<sup>4</sup> According to interviews that Human Rights Watch conducted in October and November 2019, Venezuelans working in the gold mines face abuses such as amputations, dismemberment, beatings, and disappearances from Venezuelan groups called “syndicates” and Colombian armed groups operating in the region.

Human Rights Watch has requested information from Venezuela’s authorities on the status of prosecutions against those responsible for abuses committed by armed groups in Bolívar state – including prosecutions against government officials and members of Venezuelan security forces complicit in abuses – but has yet to receive a response. Outside of this correspondence, Human Rights Watch was unable to find any public information regarding investigations into the criminal responsibility of government officials or Venezuelan security forces implicated in abuses at the gold mines.

According to assessments by international and local groups, consistent with testimony gathered by Human Rights Watch, the vast majority of gold mined in Venezuela is produced illegally. Much of this gold is smuggled through Venezuela’s borders, reportedly reaching countries such as Turkey, the United Arab Emirates, the United States, and Switzerland – the latter two of which are part of the Voluntary Principles. Human Rights Watch was unable to identify whether any of the gold mined under abusive circumstances in Venezuela was sold to specific companies or is otherwise involved in the supply chains of any specific companies. Nevertheless, given the evidence of abuse in Bolívar’s gold mines, Human Rights Watch advises companies to undertake human rights due diligence consistent with the United Nations Guiding Principles and the VPs.

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<sup>4</sup> “Violent Abuse in Venezuela’s Gold Mines,” Human Rights Watch news release, February 4, 2020, <https://www.hrw.org/news/2020/02/04/venezuela-violent-abuses-illegal-gold-mines>.

## **Zimbabwe**

*No significant update since the 2018 report*

Human Rights Watch has been investigating abuse by private security companies in Zimbabwe's Marange diamond fields for several years. Reports we received in 2018 alleged that security employees set dogs on miners and harassed them in other ways.<sup>5</sup> Guards from the private security companies operating in the Marange diamond fields receive no human rights training and the diamond mining companies themselves do not specifically look at human rights standards when proceeding with projects in the Marange fields. Our advocacy encouraging companies operating in those fields to, at minimum, adopt the Voluntary Principles and follow other internationally recognized security standards, is ongoing.

## **Jewelry Sourcing**

*No significant update since the 2018 report*

In February 2018, Human Rights Watch released a report, "The Hidden Cost of Jewelry," which focuses broadly on the jewelry industry and abuse in source mines. A section of the report highlights corruption in the Zimbabwean diamond mining sector, noting that "Zimbabwean army brigades were sent to the diamond mines to ensure access to mining revenue by senior members of the ruling party and the army itself between 2008 and 2014." The report also discusses shortcomings of broad mechanisms such as the Kimberley Process Certification Scheme, to which Zimbabwe is a party, including the fact that it relies on an "indefensibly narrow 'conflict diamond' definition" that does not take into account abuses perpetrated by state actors or private security firms such as by those in the Marange diamond fields.

"The Hidden Cost of Jewelry" details abuse by various actors in the diamond and gold mining industries in several different countries, including discussion of past abuse by security forces.<sup>6</sup> This report also brings attention to allegations of torture, murder, and rape committed by soldiers and private security guards in Angola and Papua New Guinea, previously documented by Human Rights Watch and other organizations.

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<sup>5</sup> Juliane Kippenberg and Farai Muguwu, "Diamond Trade Still Fuels Human Suffering," *Le Temps*, May 10, 2018, <https://www.hrw.org/news/2018/05/10/diamond-trade-still-fuels-human-suffering>

<sup>6</sup> Human Rights Watch, *The Hidden Cost of Jewelry: Human Rights in Supply Chains and the Responsibility of Jewelry Companies* (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/02/08/hidden-cost-jewelry/human-rights-supply-chains-and-responsibility-jewelry#>

In addition to documenting security sector abuse on the ground in mining communities and advocating for mining companies to adopt the Voluntary Principles, Human Rights Watch continues to engage in consistent efforts to advocate for more responsible sourcing practices by jewelry companies, as reflected by the recommendations.

#### **D. International Code of Conduct for Private Security Providers**

*No significant update since the 2018 report*

In 2013 Human Rights Watch served as a member of the Temporary Steering Committee for the International Code of Conduct for Private Security Providers through the launch of the International Code of Conduct Association in September 2013. Over the past two years, in close collaboration with the International Corporate Accountability Roundtable, Human Rights Watch continued to participate as a member of civil society pillar of the International Code of Conduct Association and engaged in work complementary to the standards set out in the VPs.

#### **E. Lessons and Issues**

Human Rights Watch has contributed to the implementation of the Voluntary Principles through its research and advocacy with governments, companies, and multilateral institutions. We believe that the Voluntary Principles are an important human rights standard, but that their critical test will be their implementation by companies, the development and implementation of country plans, and the creation of a sustainable governance structure.

Over the last year, we have met with companies, governments, and multilateral agencies to promote and deepen implementation of the Voluntary Principles. All of our public reports and statements can be found on our website at:

<http://www.hrw.org/en/category/topic/business/>.