



Human Rights Watch and its Activities in Support of the Voluntary Principles on Security and Human Rights Annual Member Update Report 2021

A. Commitment to the Voluntary Principles on Security and Human Rights

Human Rights Watch is a founding member of the Voluntary Principles on Security and Human Rights (VPSHR), and participated in the negotiation and development of the principles in 1999. In November 2012, when the Voluntary Principles (VP) transitioned to a new governance structure, we became a member of the Voluntary Principles Association, which oversees the financial and administrative needs of the Voluntary Principles Initiative (VPI), the structure that promotes implementation of the principles by companies, governments and nongovernmental organizations. Since then, we have met with companies, governments, and multilateral agencies to promote and deepen implementation of the Voluntary Principles. More details of our work can be found below. All of our public reports and statements related to business and human rights can be found on our website at:

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

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. In January 2021, as a member of the Voluntary Principles Initiative's NGO Pillar, Human Rights Watch completed its verification presentation, alongside PAX and IMPACT.

C. Promotion of the Voluntary Principles

Mandatory Human Rights Due Diligence

Human Rights Watch is supporting the development of mandatory human rights due diligence legislation in several countries and regions. Over the past year, we continued advocacy efforts on a new [due diligence law](#) in Germany, including press releases that [outlined](#) the measures by which the proposed law ought to have been strengthened and [commended](#) the passage of the law while still emphasizing its weaknesses that need to be addressed. Human Rights Watch played an active role in advocating the German government and members of parliament in the buildup to and passage of the law.

Human Rights Watch also continued work related to the European Union’s proposed mandatory human rights due diligence law, [calling](#) for an expansion in scope of the companies covered by the legislation and the inclusion of responsible purchasing and responsible disengagement requirements, as well as mechanisms allowing for companies to be held liable in court.¹ Human Rights Watch also [advocated](#) for EU battery supply chain regulations to cover a more expansive list of raw materials.²

Guinea

Over the past four years, Human Rights Watch has conducted research on Guinea’s mining and hydropower sector, including recommending in a [2018 report](#) that Guinea adopt and implement the Voluntary Principles. In our January 2020 submission on Guinea to the Committee on Economic, Social and Cultural Rights, Human Rights Watch also recommended that the Committee call upon the government of Guinea to adopt and fully implement the standards of the Voluntary Principles.³

In 2021, Human Rights Watch published a [report](#) describing the global impact of aluminum production, including a detailed case study from Guinea, and pushing for car companies to source aluminum more responsibly and increase pressure on their suppliers to respect human rights. Prior to and following publication of the report, we have engaged with car companies sourcing aluminum from Guinea, which we encouraged to map their supply chains, evaluate the human rights risks associated with bauxite mining, and communicate to mining

¹ “EU: Disappointing Draft on Corporate Due Diligence,” Human Rights Watch press release, February 28, 2022, <https://www.hrw.org/news/2022/02/28/eu-disappointing-draft-corporate-due-diligence>

² “European Union: Rules for Batteries Should Cover Bauxite, Copper, Iron,” Human Rights Watch news release, April 28, 2022, <https://www.hrw.org/news/2022/04/28/european-union-rules-batteries-should-cover-bauxite-copper-iron#>

³ Human Rights Watch Submission to the Committee on Economic, Social, and Cultural Rights on Guinea, 67th Session, January 14, 2020, <https://www.hrw.org/news/2020/01/14/submission-committee-economic-social-and-cultural-rights-guinea>.

companies active in Guinea the need for respect for strong human rights, environmental and social standards. Our engagement with Guinea’s mining industry is ongoing.

Myanmar

In response to the February 1, 2021 military coup and ensuing atrocities, Human Rights Watch initiated a campaign calling on governments, including the United States and European Union member states, to impose targeted economic sanctions on the Myanmar junta’s oil and gas revenue streams.⁴

Human Rights Watch documented how natural gas projects in Myanmar generate over US\$1 billion in foreign revenue for the junta annually, its single largest source of foreign currency revenue.⁵ The money is transmitted in US dollars to the Myanmar Oil and Gas Enterprise (MOGE) and other military-controlled bank accounts in foreign countries in the form of fees, taxes, royalties, and revenues from the export of natural gas. We also conducted research on the growing partnership between Thailand’s PTT and military-linked companies, through which PTT pays over half a billion US dollars to junta-controlled enterprises.⁶

Human Rights Watch engaged the investors of energy companies, including TotalEnergies, PTT and its subsidiary PTTEP, Chevron, and POSCO, which are involved in business operations in Myanmar that benefit the junta. In written communications and meetings, we urged investors to use their influence as major shareholders to call on the oil companies’ leadership to support measures that would stop payments that are enabling the junta’s ongoing human rights violations, in line with the United Nations Guiding Principles on Business and Human Rights.⁷

In January 2022, TotalEnergies and Chevron announced plans to leave Myanmar, although natural gas revenue to the junta will continue when PTT takes over the operations. Human

⁴ “Myanmar: Sanction Generals and Military-Owned Companies,” Human Rights Watch news release, February 18, 2021, <https://www.hrw.org/news/2021/02/18/myanmar-sanction-generals-and-military-owned-companies>.

⁵ “Myanmar: Chevron, Total Suspend Some Payments to Junta,” Human Rights Watch news release, May 28, 2021, <https://www.hrw.org/news/2021/05/28/myanmar-chevron-total-suspend-some-payments-junta>.

⁶ “Myanmar: Thai State-Owned Company Funds Junta,” Human Rights Watch news release, May 25, 2021, <https://www.hrw.org/news/2021/05/25/myanmar-thai-state-owned-company-funds-junta>.

⁷ Letter from Human Rights Watch to Institutional Shareholders Re: Energy Companies in Myanmar and Abuses by the Military Junta, November 19, 2021, <https://www.hrw.org/news/2021/11/19/letter-human-rights-watch-institutional-shareholders>.

Rights Watch engaged the two companies to discuss their exits and urge that they withdraw by means which avoid benefitting the junta.⁸

In February 2022, the EU imposed new sanctions on Myanmar, including on MOGE, which partners with international energy companies in the oil and gas sector. Human Rights Watch called for the measures to be effectively enforced and urged the US, UK, Japan, Thailand, and other governments to follow suit and collectively adopt a common position on blocking payments to the junta and state-owned enterprises from foreign-financed oil and gas projects.⁹

South Africa

In April 2019, Human Rights Watch published a joint report with the Centre for Environmental Rights, groundWork and Earthjustice, titled *“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.¹⁰ 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 found that many activists experienced threats, physical attacks, or damage to their property that they believed were acts of retaliation for their activism, while others received threatening phone calls from unidentified numbers. Municipalities also often imposed burdens with no legal basis on organizers of antimining protests and made 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 some mining companies in South Africa have been using legal tactics, including both strategic litigation and social media campaigns, to harass activists and organizations who challenge them.

⁸ “Myanmar: Urgent Action Needed to Block Foreign Revenue,” Human Rights Watch news release, January 25, 2022, <https://www.hrw.org/news/2022/01/25/myanmar-urgent-action-needed-block-foreign-revenue>.

⁹ “Myanmar: EU Needs to Enforce New Sanctions on Junta,” Human Rights Watch news release, February 24, 2022, <https://www.hrw.org/news/2022/02/24/myanmar-eu-needs-enforce-new-sanctions-junta>.

¹⁰ 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>.

Following the report's publication in 2019, Human Rights Watch and its partners discussed the findings 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 adopt and implement the Voluntary Principles on Security and Human Rights. This recommendation was echoed in a letter from Human Rights Watch to President Cyril Ramaphosa.¹¹

In 2020, Human Rights Watch continued to monitor the situation for human rights defenders in South African mining communities such as those featured in the 2019 report, including by calling for justice after environmental activist Mama Fikile Ntshangase was gunned down in her home in October 2020.¹² Most recently, Human Rights Watch called upon the South African government to implement recommendations made by Mary Lawlor, the USpecial Rapporteur on the situation of human rights defenders, in order to hold to account those responsible for killing environment defenders such as Ntshangase.¹³

Venezuela

In February 2020, Human Rights Watch published findings that revealed horrific abuses by armed groups that exercise control over Venezuela's illegal gold mines, including gangs called "syndicates" and armed groups from Colombia. These groups seem to operate largely with government acquiescence, and in some cases government involvement.¹⁴ According to the interviews Human Rights Watch conducted in October and November 2019, Venezuelans working in the gold mines face abuses such as amputations, dismemberment, and beatings. The mines have maintained their operations even during Covid-19 and abuses continue.

Human Rights Watch was unable to find any public information for our February 2020 report regarding investigations into the criminal responsibility of government officials or Venezuelan security forces implicated in abuses at the gold mines and did not receive a government response to an information request.

¹¹ "Human Rights Watch letter to President Matamela Cyril Ramaphosa," September 23, 2019, <https://www.hrw.org/news/2019/09/23/human-rights-watch-letter-president-matamela-cyril-ramaphosa>.

¹² Katharina Rall (Human Rights Watch), "Environmentalists Under Threat in South Africa," *BusinessDay*, November 4, 2020, <https://www.hrw.org/news/2020/11/04/environmentalists-under-threat-south-africa>.

¹³ Katharina Rall (Human Rights Watch) and Billy Mqondo, "UN Spotlight on Killing of South African Environmental Defender," *BusinessDay*, March 15, 2021, <https://www.hrw.org/news/2021/03/15/un-spotlight-killing-south-african-environmental-defender>.

¹⁴ "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>.

Mining in Venezuela's southern states has led to [deforestation and polluted waters](#). People use mercury in artisanal mining, leading to an increase in [mercury poisoning](#). Miners, some as young as 10 years old, endure harsh working conditions, including working 12-hour shifts without protective gear. Mining has impacted [Indigenous communities](#), including by forcing displacement.

According to assessments by international and local groups, consistent with accounts 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, laundered into the national gold of transit countries, like Colombia, Dominican Republic, Brazil, Suriname, Guyana, and Panama, and then reportedly sold to companies in the United States, Canada, the EU, and other countries. Some of these countries 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 UN Guiding Principles and the Voluntary Principles.

Zambia

Human Rights Watch conducted advocacy for remediation of the former Kabwe lead and zinc mine, an extremely toxic legacy affecting the health rights of around 200,000 people, and particularly harming children. Together with Zambian nongovernmental organization partners, we [publicized](#) the letter of UN Special Rapporteurs on the same topic, published a news [article](#), and reached out to the newly elected government with letters and meetings in the second half of 2021. At the UN, we made a [submission](#) to the Committee on the Rights of the Child and participated in the pre-session on Zambia.

Jewelry Sourcing

During 2021, Human Rights Watch conducted advocacy on the human rights responsibilities of jewelry companies, following up on its November 2021 report, *Sparkling Jewels, Opaque Supply Chains*. In particular, Human Rights Watch spoke about the issue at a [side event](#) at the OECD Forum on Responsible Mineral Supply Chains, and at events by the Responsible Jewellery Council and the [Chicago Responsible Jewelry Conference](#). Human Rights Watch also released a set of [questions](#) that jewelry companies can use to understand their sourcing

practices, and an [article](#) on the limits of voluntary certification. Human Rights Watch engaged in dialogue with jewelry companies and made submissions to two industry schemes who were reviewing their voluntary industry standards, the Responsible Jewellery Council and the London Bullion Market Association.