Human Rights Screening Checklist (Example)

For each human right, the assessor should identify whether a potential impact has the potential to occur in the project’s area of influence (AOI). At this stage (screening), the evaluation should be conservative; in other words, if a determination is unclear and further information is required, the assessor should answer “yes” for the purposes of screening. For any human rights that are “screened in”, the assessor should also note the potential sources of human rights violation(s) in relation to the proposed project or activity.

| No. | Human Rights  | Description | Screened In (y/n) | Possible Human Rights Impacts for Screened-in Rights |
| --- | --- | --- | --- | --- |
| *e.g.* | *This column identifies the range of human rights that will need to be considered during the screening process, along with its reference standard(s).*  | *This column provides context and examples to assist the screening exercise. These examples are not exhaustive.*  | *Assessor to screen in (yes) or out (no)* | *For all “yes” responses: Assessor to identify/describe possible human rights risks based on understanding of the local human rights context.* |
| 1 | **Right to life** UDHR 3; ICCPR 6 | Are there threats, circumstances and/or practices that could endanger lives, including violence based on gender, sexual identity or the presence of human trafficking in various forms? Sources of potential risks could include: * Security and community / workforce interaction
* Occupational and/or community health impacts associated with site activities
* Government security / police force approach to workforce / affected community protests
 |  |  |
| 2 | **Right to liberty and security (including freedom from arbitrary arrest, detention or exile)** UDHR 3 and 9; ICCPR 9 | Could peoples’ safety and freedom be at risk, including arbitrary arrest or detainment or other infringements that are outside (or push the boundaries) of the law? Sources of potential risks could include: * Security and community / workforce interaction
* Government security / police force approach to workforce / affected community protests
 |  |  |
| 3 | **Right not to be subjected to slavery, servitude or forced labour** UDHR 4; ICCPR 8; ILO No.29; ILO No.105 | Is forced or compulsory labour a concern, including circumstances where personal identity documentation (e.g. passports) are withheld? In some cases, inadequate enforcement of labour laws may be a contributing factor. Sources of potential risks could include: * Labour and working conditions of employed workforce
* Labour and working conditions of contractors and sub-contractors
* Labour and working conditions in the supply chain
* The presence of vulnerable workers (e.g. contract-workers, migrant workers)
* A lack of employments contracts, or contracts in languages not understood by workers
* The usage of recruitment agencies
 |  |  |
| 4 | **Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment** UDHR 5; ICCPR 7 | Are there circumstances or practices that could support or lead to cruel or degrading treatment of workers or others? Sources of potential risks could include: * Security interactions with community or workforce
* Security response measures relying on detention in prisons
* Cruel or inhumane treatment of workers by supervisors or fellow employees
* The presence of vulnerable workers (e.g. contract-workers, migrant workers) that may accept mistreatment due to precarious employment conditions, and/or may not understand their rights
 |  |  |
| 5 | **Right to recognition as a person before the law**UDHR 6; ICCPR 16 | Are there situations where some groups are not equally recognized as people under the law? Factors influencing this right could include differences based gender, ethnicity, cultural or religious affiliation, migrant status, disability, poverty or other characteristics.Sources of potential risks could include: * Approach to recruitment processes for the operation/ project or by contractors
* Approach to management and resolution of issues in the workplace (direct employees or contractors)
* Approach to land-take and/or related negotiations
* Participation of vulnerable groups in impact assessment / compensation processes
 |  |  |
| 6 | **Right to equality before the law, equal protection of the law, non-discrimination**UDHR 7; ICCPR 26; ILO No.111 | Does the Project have the possibility of exacerbating tensions and situations whereby certain individuals would not be guaranteed the right to non-discrimination and equality and equal protection of the law, either formally or informally, and within the workplace? Sources of potential risks could include: * Approach to management and resolution of issues in the workplace (direct employees or contractors)
* Approach to recruitment and hiring as well as promotions (direct employees or contractors)
* Approach to retrenchment and dismissal that may disproportionately affect one group
* Payment or promotion approaches that are influenced by criteria that is discriminatory
* Approaches to maternity leave and holiday provisions
 |  |  |
| 7 | **Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred** UDHR 7; ICCPR 20  | Unlikely to be relevant to a GRMF Project  |  |  |
| 8 | **Right to access to effective remedies** UDHR 8; ICCPR 2 | Does the Project have an effective and appropriate Grievance Mechanism in place as well as processes and a structure to enable effective access to remedy? Sources of potential risks could include: * A lack of an effective, trusted grievance mechanism and complaints handling system that is non-judicial (required at the Project/company level)
* Lack of community/stakeholder engagement by the Project in all phases
* No oversight or follow-up on grievances to allow for effective access to remedy
 |  |  |
| 9 | **Right to a fair trial** UDHR 10; ICCPR 14 | Unlikely to be relevant to a GRMF Project  |  |  |
| 10 | **Right to be free from retroactive criminal law** UDHR 12 ; ICCPR 15  | Unlikely to be relevant to a GRMF Project  |  |  |
| 11 | **Right to privacy** UDHR 12; ICCPR 17 | Do the Project activities have the potential to infringe on the right to privacy of direct employees/workers and/or contractors as well as the neighbouring communities? Sources of potential risks could include: * Processes around data privacy
* Processes for handling staff and community data/information, including contact information, identity data, and other personal details
 |  |  |
| 12 | **Right to freedom of movement and residence**UDHR 13; ICCPR 12 | Freedom of movement encompasses the right of individuals to travel from place to place a given country and also to leave the country and freely return to it. The right includes not only visiting places, but changing the place where the individual resides in or works at.Sources of potential risks could include: * Forced evictions of families and/or communities from the homes and/ or land which they occupy
* Involuntary resettlement due to Project activities
 |  |  |
| 13 | **Right to seek asylum from persecution in other countries** UDHR 14 | Unlikely to be relevant to a GRMF Project  |  |  |
| 14 | **Right to have a nationality** UDHR 15 | Unlikely to be relevant to a GRMF Project  |  |  |
| 15 | **Right to adequate standard of living**UDHR 25; ICCPR 24; ILO No.182 | Do the Project/related activities and its contractors/ suppliers infringe on the right to an adequate standard of living by direct employees and/or communities in the Project Area of Influence? Sources of potential risks could include: * Forced evictions, involuntary resettlement due to the Project activities
* Potential high influx of workers during certain Project phases can lead to increased prices in the community
* Environmental related issues (e.g. spills, soil and water contamination) posing hazards to local communities and threats to the key tenets of adequate standards of living (e.g. access to water, adequate nutrition)
* Government security / police force approach to workforce / affected community protests
* Standard of living / accommodations provided for workers (including contract workers)
 |  |  |
| 16 | **Right of protection for the child and mothers**UDHR 25; ICCPR 24; ILO No.182 | Can the Project and related activities infringe on the rights of a child?Sources of potential risks could include: * Child labour in sub-contractors/supply-chain
 |  |  |
| 17 | **Right to marry and form a family** UDHR 16; ICCPR 23; ICESCR 10 | Unlikely to be relevant to a GRMF Project  |  |  |
| 18 | **Right to own property** UDHR 17; ICESCR 15 | Do the Project and its related activities infringe on individual’s rights to own property Sources of potential risks could include: * Forced evictions, land-take and involuntary resettlement due to the Project activities
* A high influx of workers during certain Project phases can lead to increased housing prices
* Environmental related issues (e.g. spills, soil and water contamination) posing hazards to local communities
 |  |  |
| 19 | **Right to freedom of thought, conscience and religion**UDHR 18; ICCPR 18 | Is the Project workforce or sub-contractor’s/supplier workforce subject to restriction on these freedoms? Sources of potential risks could include: * Discrimination against religious or other minorities
* Cruel or inhumane treatment of workers by supervisors or fellow employees, harassment
* The presence of vulnerable workers (e.g. contract-workers, migrant workers) that may accept mistreatment due to precarious employment conditions
 |  |  |
| 20 | **Right to freedom of opinion, information and expression**UDHR 19; ICCPR 19 | Is the Project workforce or sub-contractor’s/supplier workforce subject to restriction on these freedoms? Are there restrictions on others’ opinions, information or expression related to the Project? Sources of potential risks could include: * Discrimination against religious or other minorities
* Cruel or inhumane treatment of workers by supervisors or fellow employees, harassment
* The presence of vulnerable workers (e.g. contract-workers, migrant workers) that may accept mistreatment due to precarious employment conditions
* Approaches to limiting dialogue or opinions of communities or other stakeholders
 |  |  |
| 21 | **Right to freedom of assembly**UDHR 20; ICCPR 21 | The right of peaceful assembly covers both the preparation of and the conduction of an assembly, and the right to participate in it. Do the countries’ legal frameworks contain effective, clear, and reasonable provisions on the right to protest? Sources of potential risks could include: * Limitations on the right of an assembly and peaceful protest by direct workers and/sub-contractors on the site
* Existence of sanctions, threats, harassment and other punishment for exercising these rights
* Government security / police force approach to workforce / affected community protests
 |  |  |
| 22 | **Right to freedom of association**UDHR 20; ICCPR 22; ILO No.87 | Freedom of association means that one can join (or not join, or leave) groups at will, including but not limited to workplace associations (e.g., trade unions), religious groups, social groups, political associations, etc. Where unions/collective bargaining is legally possible, is the right to Freedom of Association infringed on by the Project, contractors/suppliers? Where unions/collective bargaining is not legally permitted, does the Project, contractors and suppliers support alternative means of social dialogue? Sources of potential risks could include: * Existence of sanctions, threats, harassment and other punishment for exercising these rights
* Lack of a Grievance Mechanism
* Government security / police force approach to workforce
 |   |  |
| 23 | **Right to participate in public life**UDHR 21; ICCPR 25  | Does the Project and related activities infringe upon individual’s rights to participate in public life (such as elections, freedom of association?) Sources of potential risks could include: * The Project is in a remote area that makes participation in public life challenging
* The labour influx due to the Project places a strain on public infrastructure such as transport, rendering access to participation in public life challenging
 |  |  |
| 24 | **Right to social security, including social insurance**UDHR 22; ICESCR 9 | Does the Project operate in an area where social security and social insurance is exclusionary towards certain groups (e.g. migrant workers) or self-employed people? Sources of potential risks could include: * Presence of vulnerable people (e.g. migrant workers)
* High number of temporary/contract workers
 |  |  |
| 25 | **Right to work**UDHR 23; ICESCR 6 | Does the Project interfere with the right to choose and to accept work where it is available and not to be deprived of work unfairly?Sources of potential risks could include: * Workers being excluded from employment opportunities through discrimination or other means
* Interference of equal access in the Project, excluding certain individuals from work
* Lack of a Grievance Mechanism
* Forced labour in the supply chain/sub-contractors
 |  |  |
| 26 | **Right to enjoy just and favorable conditions of work (including rest and leisure) UDHR 23 and 24; ICESCR 7** | Does the Project interfere with the right to be treated fairly at work, and to have reasonable and favourable work conditions (including rest time)?Sources of potential risks could include: * Labour and working conditions of employed workforce (working hours, leave, wages)
* Labour and working conditions of contractors and sub-contractors
* Labour and working conditions in the supply chain
* Worker accommodation standards not being up to par with local health and safety standards
* Occupational health and safety standards, hazardous work conducted at the site, lack of emergency preparedness and response
* Lack of a Grievance Mechanism
 |  |  |
| 27 | **Right to form trade unions and join the trade unions, and the right to strike** UDHR 23; ICESCR 8; ILO No.98 | Does the Project/sub-contractors/suppliers respect and not inhibit the right to collective bargaining, to join and form a union and/or the right to strike? Sources of potential risks could include: * Violation of the collective dimension of the right to work, namely to form or to join a union;
* Union membership is either inhibited or sanctioned by the Project or contractors
* Punitive measures such as verbal harassment, cuts to payment, transfer to less attractive jobs, or the termination of employment.
* The project is in a very remote location, constituting the sole source of employment for workers (and therefore the likelihood of succumbing to poor conditions)
* Where unions are prohibited by law in the project geographical location, alternative means of social dialogue should not be inhibited
 |  |  |
| 28 | **Right to an adequate standard of living (housing, food, water and sanitation)**UDHR 25; ICESCR 11 | Do the Project/suppliers/sub-contractors have the potential to inhibit the right to an adequate standard of living (housing, food, water and sanitation) either to direct workers themselves or to the surrounding area? Sources of potential risks could include: * Relocation of workers to the construction/exploration Project area in a remote location they no longer have longer access to food, due to a lack of arable land or access to local markets
* Pollution leading to contamination of water and soil due to Project activity, negatively affecting several food sources (e.g. fish, crops)
* Forced evictions, involuntary resettlement due to the Project activities
* A high influx of workers during certain Project phases can lead to increased housing prices
* The Project is in an area with presence of Indigenous Peoples
* Low wages (below a minimum or a living wage), rendering an adequate standard of living unlikely
* Worker accommodation standards not being up to par with local health and safety regulations
* High water consumption due to Project activities being in a water-scarce area and affecting the local communities’ access to resources such as water
 |  |  |
| 29 | **Right to health**UDHR 25; ICESCR 12 | Does the Project have the potential to affect the right to health, either to the workers themselves or to the community in the surrounding area? Sources of potential risks could include: * Pollution leading to contamination of water and soil due to Project activity, negatively affecting several food sources (e.g. fish, crops)
* Worker accommodation standards not being up to par with local health and safety regulations
* An increase in the spread of communicable diseases due to labour influx
* Potential higher demand on health services
 |  |  |
| 30 | **Right to education**UDHR 26; ICESCR 13 and 14 | Does the Project have the potential to encroach on children’s right to education?Sources of potential risks could include: * Child labour in sub-contractors/supply-chain
* Displacement of workers and their families to a remote area for the Project that has limited or no access to services such as education
 |  |  |
| 31 | **Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors**UDHR 27; ICESCR 15 | Does the Project and related activities have the potential to infringe on the workers or surrounding communities’ cultural life or any of these other elements? (cultural life is likely to be the most prevalent type of risk in this case) Sources of potential risks could include: * Involuntary resettlement and/or displacement of communities
* Inadequate consultation with stakeholders and local communities
* Presence of Indigenous People and usage of lands, territories and resources which have been traditionally used, owned, occupied and acquired by them
* Low wages (below a minimum or a living wage), rendering an adequate standard of living unlikely
 |  |  |
| 32 | **Right to self-determination and natural resources**UDHR 21; ICCPR 1; ICESCR 1 | Does the Project and related activities have the potential to infringe on the right to self-determination of workers or affected communities; i.e. for them to freely determine their political status and freely pursue their economic, social and cultural development, and their right to dispose of their own resources freely? Sources of potential risks could include: * Presence of Indigenous Peoples
* Risk for the project to diminish an Indigenous group or Peoples' identity
* Risk for the Project to affect the subsistence of Indigenous Peoples
* Lack of stakeholder engagement
 |  |  |
| 33 | **Right of detained persons to humane treatment**UN General Assembly adoption | Unlikely to be relevant to a GRMF Project  |  |  |
| 34 | **Right not to be subjected to imprisonment for inability to fulfil a contract**ICCPR 11 | Unlikely to be relevant to a GRMF Project  |  |  |
| 35 | **Right of aliens to due process when facing expulsion**ICCPR 13 | Unlikely to be relevant to a GRMF Project  |  |  |
| 36 | **Rights of minorities**ICCPR 27 | Does the Project have the potential to infringe on minorities’ rights? Sources of potential risks could include: * Presence of vulnerable people such as migrant workers in the workforce
* Lack of structural processes to avoid discrimination and harassment of minorities for the Project
* Approach to recruitment processes for the operation/ project or by suppliers and contractors
* Approach to recruitment and hiring that negatively impacts a particular person or a group
* Approach to retrenchment and dismissal that may disproportionately affect one group
* Payment or promotion approaches that are influenced by criteria that is discriminatory
* Harassment in areas where there are gender, ethnic or other cultural/social tensions can be exacerbated
 |  |  |
| 37 | **Right to clean water and sanitation** UN General Assembly adoption | Does the Project and related activities infringe on either workers’ or the communities right to clean water and sanitation? Sources of potential risks could include: * Potential for the Project to damage or destroy local infrastructure
* Diminishing or polluting water through Project activities
* Prevention of access to water to marginalized people
* High water consumption due to Project activities being in a water-scarce area and affecting the local communities’ access
* Environmental related issues (e.g. spills, soil and water contamination) posing hazards to local communities and threats to the key tenets of adequate standards of living (e.g. access to clean water)
* Pressure on sanitation facilities
 |  |  |