



REPORT

New International Airport of Cabinda (NAIC Project) - Angola

Environmental and Social Impact Assessment - Chapter 13 - Human Rights Risk and Impact Assessment

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APPENDICES

APPENDIX A

Human rights definition and screening

13.0 HUMAN RIGHTS RISK AND IMPACT ASSESSMENT

This chapter presents the findings and recommendations of the Human Rights Risk and Impact Assessment (HRRIA or the Assessment) for the New Cabinda Airport Project (NAIC or the Project) in the Cabinda Province of Angola.

13.1 The Assessment Process

13.1.1 Objectives of the Assessment Process

The objective of this Assessment is to undertake a human rights impact assessment to identify the relevant human rights risks presented by the Project activities and how the Proponent are possibly connected to such risks. The Assessment also seeks to categorise the potential impacts for each affected group within the project's area of influence including communities, workers or other stakeholders while focussing on vulnerability status. This then allows the identification of measures to avoid or mitigate relevant impacts.

The assessment also provides the Project with key areas of concern and creates further operational awareness on human rights within the project team.

13.1.2 Approach

This HRRIA was prepared based international guidance including the IFC Performance Standards and Equator Principles (4) Guidance Note¹. The assessment also considers the findings of the ESIA, relevant information collected from stakeholders during the consultation processes and other publicly available information relevant to the assessment.

At international level there is no general methodology to conduct an HRRIA, and many human rights specialists challenge the idea to combine business and human rights issues into a single comprehensive international legal document². This stems from the range of diverse issues between business and human rights, legal and institutional differences, and an imbalance of interests between and within different UN countries. In 2018 the UN published new best practices to address gaps in current approaches³. As an attempt to consider these this Assessment followed an integrated approach relying on various tools and guidelines developed by international organisations, institutions, and banks.

Guidelines and documents include:

- UN Guiding Principles on Business and Human Rights (UNGPs)⁴;
- Universal Declaration of Human Rights (UDHR) and other international human rights declarations, as well as national and regional legislation (see Chapter 4 for a detailed list);
- Guidance documents of the Danish Institute for Human Rights;
- IFC Performance Standards; and
- Equator Principle 4.

¹ On Implementation of Human Rights Assessments under the Equator Principles (2020)

² John Ruggie, Special Representative of the UN Secretary-General and author of UNGPs.

³ 2018, United Nations General Assembly Working Group Report A/73/163, which analyses human rights due diligence actions outlined in the UNGPs.

⁴ "The client is expected to include assessments of potential adverse Human Rights impacts and climate change risks as part of the ESIA or other Assessment, with these included in the Assessment Documentation. The client should refer to the UNGPs when assessing Human Rights risks and impacts."

13.1.3 Scope

The key elements that should form part of a human rights assessment and that should be covered in the HRRIA documentation is described in the UNGPs and is summarised in the following Table 1.

Table 1: UNGP Requirements for a Human Rights Impact Assessment as Summarised in EP4⁵.

Elements	Main Components
Methodology	Details how the Human Rights assessment was undertaken; timeline; resources consulted; parties engaged; approach taken to identify Human Rights risks. At a minimum, the assessment's methodology should describe: which Human Rights issues were evaluated? with respect to which affected groups, and the outcome of those evaluations, including: the level of risk to the respective affected group the extent to which the risk can be mitigated; and whether any impacts may not be mitigated and may instead require other remedial action.
Local context	Gives overview of location and its unique characteristics which may give rise to Human Rights risks (i.e., poverty levels, government stability, civic freedoms, corruption presence, etc.).
Benchmark	Indicates how local laws, and enforcement thereof, are consistent (or not) with international standards for the identified Human Rights risks. In projects where they are the applicable or chosen standard consistent with Principle 3, alignment with the IFC Performance Standards will enable clients to address many relevant Human Rights risks.
Identification of actual/potential Human Rights risks	Specifies the Human Rights risks to which the project is connected based on severity and likelihood, noting where risks intersect or are interrelated, and emphasizing which vulnerable people/groups may be at risk (e.g., Indigenous Peoples; women; national or ethnic, religious and linguistic minorities; children; persons with disabilities; and migrant workers and their families).
Company practices	Evaluates the potential risks vis-à-vis mitigation measures that companies may have in place. This would include looking over client corporate-level policies, procedures, management systems (including for tracking and monitoring risks over time), staff capacity, track record, and any project-level information on these practices, if available. Only referring to a company policy with nothing further is not usually sufficient to mitigate potential adverse Human Rights risks. If gaps are uncovered with the company's practice, recommendations should be made to address such gaps (this gap analysis aligns with the approach put forward in IFC Performance Standard 1).
Risk mitigation measures	Identifies how a company already is or could in the future mitigate the identified Human Rights risks, focusing chiefly on prevention, and only as a last resort on remediation. Risks, such as local, contextual risks that might only be imperfectly or incompletely mitigated should also be discussed.
Access to legal remedies	Provides insight into the strength of a company's grievance mechanism, alongside the local legal context related to providing remedy (per Principle 6, this is required for Category A and, where appropriate, Category B projects, but can be helpful in all projects).

⁵ https://equator-principles.com/app/uploads/Human_Rights_Assessment_Sept2020.pdf

13.2 Methodology

According to the EP4 Guidance Note: *On Implementation of Human Rights Assessments Under the Equator Principles*, a general methodology to human rights impact assessment involves the following activities that are further described in the sections below:

- 1) Identification of potentially affected groups (right-holders) and screening of potential/actual project-level adverse human rights risks;
- 2) An analysis of the identified human rights risks associated with a project, including any exacerbating contextual factors;
- 3) Categorisation of actual and potential impacts for each potentially affected group within the project's area of influence (workers, affected communities, or other stakeholders), with particular attention to vulnerable individuals and groups;
- 4) Description of the proposed actions for avoiding or mitigating such impacts.

13.2.1 Identification of affected groups and screening of human rights risks

The Project-affected groups were initially identified in the ESIA study and did not change because of the human rights assessment.

The desk top research has informed the initial high-level scan for human rights issues and determined initial risk levels.

To align with best HRRIA practice, the adverse human rights impacts were then evaluated in terms of severity based on their scope (number of people affected), extent (seriousness of the impact and with reference to vulnerability) and irremediability (likelihood that an impacted individual or group cannot be restored to their pre-impact human rights status) characteristics. This aligns with the UNGPs in relation to identification, prioritisation, and management of human rights risks.

The screening process involved a review of all the available project-related documentation, including:

- Project design and description documentation, technical data on scheduled activities
- Environmental and Social Impact Assessment documentation including:
 - ESIA Report;
 - Socio-economic baseline
 - Demographic characteristics
 - Cultural heritage (tangible and intangible heritage)
 - Land ownership and use
 - Social infrastructure, Education and Healthcare
 - Stakeholder Engagement Plan
 - Identification of Project affected parties, interested organisations and individuals, and vulnerable group
 - Analysis of the current interaction between the Project and stakeholders
 - Planned stakeholder engagement activities and interaction

Other information sources, such as published literature and official statistics, have been consulted and these are referenced where relevant.

13.2.2 Area of Influence

The Applicable standards require that Project proponents identify and manage environmental and social risks (including human rights risks) and impacts within the Project “Area of Influence” (Aol). The appropriate level of assessment and management of risks and impacts is determined by the degree of control that the proponent can exercise over the Project facilities or activities and by the importance of the facilities or activities to the Project’s successful operation.

The Aol of this Project is delineated as a basis for defining the minimum boundaries for baseline data gathering by taking into consideration the spatial extent of the facilities and activities and potential direct and indirect impacts of the Project, considering the area of influence for where human rights impacts may be experienced during the construction, operation and decommissioning phases including:

- a 10 km radius around the Project footprint because of potential environmental impacts on soil, air, and water, and the direct impact connected to human receptors, such as noise and waste generation.
- a 10 km radius around the Project footprint because of potential social impact relevant to the generation of traffic, workforce, supply chain and security.

The communities within the immediate Aol are potentially affected given that they are exposed to construction/decommissioning noise, vibration and dust emissions and health, safety and wellbeing risks including due to the proximity of the construction site, presence of the construction workforce and construction traffic in the rural neighbourhood. It includes those who are located close to all physical components for the including the construction site and associated infrastructure (power transmission line, access roads, construction laydown areas and the construction camp.

13.2.3 Human Rights Analysis and Categorisation

Available reports and material from international human rights organisations such as International Federation for Human Rights (FIDH)⁶, Human Rights Watch⁷, World Justice Project (WJP)⁸, Amnesty International⁹, etc.

Based on the findings of the contextual analysis, the HRRIA scoped in and categorised potential impacts for each affected group identified and ranked them using the ranking methodology described in the following Section 3.4.4.

13.2.4 Human Rights Impacts Ranking Methodology

Section 7 provides an analysis and ranking of the potential human rights impacts. In analysing actual or potential impacts, the following ways of Project’s involvement with the impacts are considered as per the UN Guiding Principles:

- Project may **cause** an impact through its own activities;
- Project may **contribute** to an impact either directly or through some outside entity (government, business or other); and

⁶ <https://www.fidh.org/en/region/Africa/>

⁷ <https://www.hrw.org/africa/angola>

⁸ <https://worldjusticeproject.org/rule-of-law-index/country/2022/Angola/>

⁹ <https://www.amnesty.org>

- Project may not do anything to cause or contribute to an impact, but an impact may be **linked to its operations** through a business relationship (or series of relationships).

13.2.5 Assigning Severity to impacts

Ranking of the potential human rights impacts is conducted via a methodology developed by the Community Insight Group (CIG). As per this methodology, all potential impacts require a management response, prioritised by ‘severity’. Severity is determined by the scope (number of people affected), scale (seriousness of the impact) and irremediability (any limits to restore the individual impacted to at least the same as, or equivalent to, their situation before the adverse impact occurred). As per Danish Institute for Human Rights¹⁰ there is no universal threshold for when impacts are ‘severe’, and assessment of impacts’ severity is relative to the impacts identified. Table 2: Parameters for Evaluating Impact Severity., provides an overview of approach determination of severity.

Table 2: Parameters for Evaluating Impact Severity¹¹.

Determination of Severity			
	Parameter	Description	Score
Severity of impact	Severity:		
	Scale	Threat to human life or long-term threat to health	A
		Non-life or health threats, but tangible infringement of access to basic life necessities or freedoms (such as livelihoods)	B
		Other impacts	C
	Scope	>50% of identifiable group or > 50% of Project-Affected People	A
		11 to 50% of Project-Affected People	B
		<10 % of Project-Affected People	C
	Irremediability	High	A
		Moderate	B
		Low	C
Right-holders	Vulnerability of affected people:		
	Vulnerability	Very limited capacity to absorb change	High
		Limited capacity to absorb change	Medium
		Some capacity to absorb change	Low

Impacts will be scored A-C for scale, scope and irremediability as identified in Table above. An impact that scores mostly “A”s for scale, scope and irremediability which affects individuals or groups with a high level of vulnerability will be given an overall severity assessment score of “5”, for ‘high severity’, as shown in Table 3 below. Impacts scoring mostly “C”s for scale, scope and irremediability affecting individuals or groups which are not vulnerable will receive a severity score of “1”, for ‘not severe’. Professional judgement is also used when considering and determining overall assessment ratings.

¹⁰ Danish Institute for Human Rights. 2020. Human Rights Impact Assessment: Guidance and Toolbox: Danish Institute for Human Rights: Copenhagen.

¹¹ Source: Adapted from methodology provided by CIG and from information provided in: Danish Institute for Human Rights. 2020. Human Rights Impact Assessment: Guidance and Toolbox: Danish Institute for Human Rights: Copenhagen.

Table 3: Overall Impact Severity Classification Criteria.

Vulnerability	Scale, scope and irremediability scores		
	Mostly As	Mostly Bs	Mostly Cs
High	5	4	3
Medium	4	3	2
Low	3	2	1

13.2.6 Mitigation and Avoidance

Where the risk exists, that human rights impacts may not be avoided or mitigated via the existing management systems, plans and procedures of the Project Company, the HRRIA has proposed additional measures focusing on prevention. The additional measures are considered as the Project Company's commitment for environmental and social performance and added in the Project's ESMP.

13.3 Legal Framework

13.3.1 International and Regional Standards and Guidelines

This section describes the status of ratification of international human rights instruments including those relevant to: the International Bill of Rights (i.e. the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights); the principles concerning the fundamental rights in the ILO's Declaration on Fundamental Principles and Rights at Work; and other standards relevant to Angola and the Project context.

13.3.2 International Safeguards and Best Practices¹²

- Universal Declaration of Human Rights (UDHR);
- International Covenant on Economic, Social and Cultural Rights (ICESR), ratified in 1992;
- International Covenant on Civil and Political Rights (ICCPR), ratified in 1992;
- Optional Protocol to the International Covenant on Civil and Political Rights, not ratified but acceptance of individual complaints procedure in 1992;
- Second Optional Protocol to the International Covenant on Civil and Political Rights (focused on the abolition of the death penalty) ratified in 2019;
- OP-CEDAW Optional Protocol to the United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women ratified in 1986;
- CRC UN Convention on the Rights of the Child ratified in 1990;
- International Convention on the Elimination of All Forms of Racial Discrimination ratified in 1919;
- Convention on the Rights of Persons with Disabilities, ratified in 2014;
- CAT – Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, ratified in 2019.

¹² As per UN Treaty Body Database https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=5&Lang=en

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, have not yet been ratified.

13.3.3 International Labour Organisation Conventions¹³

- Convention No.29, forced Labour, (1930), ratified in 1976;
- Labour Inspection Convention, 1947 (No.81), ratified in 1976;
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified in 2001;
- Right to Organise and Collective Bargaining Convention, 1949 (No.98), ratified in 1976;
- Abolition of Forced Labour Convention, 1957 (No.105), ratified in 1976;
- Minimum Age Convention, 1973 (No.138), ratified in 2001;
- ILO No 144, Tripartite Consultation (International Labour Standards) Convention (1976), ratified in 2020;
- Worst Forms of Child Labour Convention, 1999 (No.182), ratified in 2001.

Those not ratified include ILO No.167, Safety and Health in Construction Convention, 1988 (not in force), and ILO No 187, Promotional Framework for Occupational Safety and Health Convention, 2006.

13.3.4 International Labour Organisation Conventions on Equal Opportunities (not Ratified for Angola)¹⁴

- ILO No.156, Equal Treatment and Equal Opportunities for Men and Women Workers: Workers with Family Responsibilities (1981);
- ILO No 189, Domestic Workers Convention, 2011;
- ILO No.190, Violence and Harassment Convention, 2019;
- ILO No 169, Indigenous and Tribal Peoples Convention, 1989;
- ILO No.143, Migrant Workers (Supplementary Provisions) Convention, 1975;
- ILO No.148, Working Environment (Air Pollution, Noise and Vibration) Convention, 1977;
- Collective Bargaining Convention, 1981 (No.154);
- Employment Policy Convention, 1964 (No.122);
- Workers' Representatives Convention, 1971 (No.135);
- ILO No.157, Maintenance of Social Security Rights Convention, 1982;
- Protocol of 2014 to the Forced Labour Convention, 1930 (No.P29);
- Forty-Hour Week Convention, 1935 (No.47);
- Holidays with Pay Convention, 1936 (No.52).

¹³ As per ILO: Ratifications for Angola: https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102999

¹⁴ As per ILO: Ratifications for Angola: https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102999

13.3.5 International HSE Guidance

- IFC Environmental, Health and Safety General Guidelines, 2007¹⁵

13.3.6 Workers' Accommodation

A guidance note by IFC and the EBRD. Workers' Accommodation: Process and Standards, 2009¹⁶

13.3.6.1 National Policy and Legislation Related to Human Rights Impacts

13.3.6.2 Labour and Working Conditions

The following national legislation regulates labour and working conditions in Angola¹⁷.

13.3.6.2.1 Freedom of Association, Collective Bargaining, and Industrial Relations

- Ley sindical núm. 21-C/92 (Trade Union Act);
- Ley 20-A/92 sobre el derecho de negociación colectiva (Right to Collective Bargaining);
- Ley núm. 23/91, sobre la huelga (Law on Strikes);
- Ley núm. 14/91, de asociaciones (Law on Associations);
- Decreto ejecutivo núm. 93 por el que se definen las normas reguladoras del acuerdo colectivo de trabajo en la nueva ley general del trabajo (SL 1981-Ang. 1) (Defining the rules governing collective labour agreements in the new General Labour Act);
- Decisión relativa a la inscripción de los trabajadores asalariados en los sindicatos de base y a la cotización sindical obligatoria (Decision laying down the procedures for the election of trade union committees);
- Decreto-ley núm. 66 por el que se promulga la ley sindical y se deroga toda legislación anterior relativa a las asociaciones sindicales (Decision on the registration of employees with basic trade unions and compulsory trade union dues);
- Decreto-ley núm. 50 por el que se instituye el régimen de convenios colectivos de trabajo (establishing the system of collective labour agreements); and
- Decreto ley núm. 3 por el que se regula el derecho de huelga (Regulating the right to strike).

13.3.6.2.2 Elimination of child labour, protection of children and young persons

- Decreto Presidencial núm. 239/21, de 29 de septiembre, por el que se aprueba el Plan de Acción Nacional para la Erradicación del Trabajo Infantil, que se encuentra adjunto al presente Decreto, del cual forma parte integrante (Decreto Presidencial n. 239/21, de 29 de Setembro) (Approving the National Plan of Action for the Eradication of Child Labour, annexed to this Decree, of which it forms an integral part (Presidential Decree No. 239/21 of 29 September);
- Decreto Ejecutivo Conjunto núm. 455/21, de 24 de septiembre, por el que se aprueban los procedimientos operacionales uniformes para el cuidado de la infancia (Decreto Ejecutivo Conjunto n. 455/21, de 24 de Setembro) (Approving uniform operational procedures for the care of children);

¹⁵ <https://www.ifc.org/content/dam/ifc/doc/2023/ifc-general-ehs-guidelines.pdf>

¹⁶ <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/604561468170043490/workers-accommodation-processes-and-standards-a-guidance-note-by-ifc-and-the-ebd>

¹⁷ https://www.ilo.org/dyn/natlex/natlex4.countrySubjects?p_lang=en&p_country=AGO

- Decreto Presidencial núm. 273/19, de 2 de septiembre, que aprueba la Política Nacional de la Juventud (Decreto Presidencial n.º 273/19, de 2 de Setembro, que aprova a Política Nacional da Juventude) (Approving the National Youth Policy); and
- Decreto Presidencial núm. 30/17, de 22 de febrero, que aprueba la lista de trabajos prohibidos o condicionados a los menores (Decreto Presidencial n.º 30/17, de 22 de Fevereiro, que aprova a lista de trabalhos proibidos ou condicionados a menores) (Approving the list of prohibited or conditional work for minors).

13.3.6.2.3 Equality of Opportunity and Treatment

- Ley núm. 10/16, de 27 de julio, “Ley de Accesibilidad”, que establece las normas, condiciones y criterios generales para las personas con discapacidades o con movilidad restringida (Lei n.º 10/16, de 27 de Julho, “Lei das Acessibilidades”, que estabelece as normas gerais, condições e critérios para as pessoas com deficiência ou com mobilidade condicionada) (“Accessibility Law”, which establishes the rules, conditions and general criteria for persons with disabilities or restricted mobility);
- Decreto Presidencial núm. 277/14, de 24 de septiembre, que aprueba el Estatuto Orgánico del Instituto Nacional de Lucha contra el Sida (INLS) (Decreto Presidencial n.º 277/14, de 24 de Setembro, que aprova o Estatuto Orgânico do Instituto Nacional de Luta contra a SIDA (INLS)) (Approving the Organisational Statute of the National Institute to Combat AIDS (INLS)); and
- Decreto núm. 43/03 por el cual se aprueba el Reglamento sobre el HIV/SIDA, empleo y formación profesional (Approving the Regulations on HIV/AIDS, employment, and vocational training).

13.3.6.2.4 Conditions of Employment

- Decreto Presidencial núm. 40/17, de 6 de marzo, que aprueba los modelos de Contrato de Trabajo, por tiempo determinado e indeterminado (Decreto Presidencial n.º 40/17, de 6 de Março, que aprova os paradigmas dos Contratos de Trabalho, por tempo determinado e por tempo indeterminado) (A approves the conditions of Employment Contracts, for a fixed period and for an indefinite period);
- Decreto núm. 34/03 que fija el salario mínimo nacional (Fixing the National Minimum Wage); and
- Decreto núm. 59/91, por el que se establece para los trabajadores de las empresas estatales, privadas, mixtas y conjuntas, una escala de salarios mínimos obligatorios. Revoca los artículos 1 a 4 (Establishing a scale of mandatory minimum wages for workers in State, private, mixed and joint enterprises).

13.3.6.2.5 Conditions of Work

- Decreto ejecutivo núm. 30 por el que se aprueba el reglamento del derecho a las vacaciones (Right to Vacation); and
- Decreto núm. 50, de 7 de junio de 1977 por el que se instituye la jornada de trabajo de cuarenta y cuatro horas semanales en todos los sectores de la actividad nacional. Queda derogada toda disposición contraria al presente decreto (Establishing a 40 hour working week).

13.3.6.2.6 Occupational Health and Safety

- Decreto Ejecutivo núm. 128/04, de 23 de noviembre, que aprueba el Reglamento General de Señalización de Seguridad y Salud en el Trabajo (Decreto ejecutivo n.º 128/04, de 23 de Novembro, que aprova o regulamento geral da sinalização de segurança e saúde no trabalho) (Approves Health and Safety Signage at work);
- Decreto Ejecutivo núm. 6/96, de 2 de febrero, por el que se aprueba el reglamento general de los Servicios de Seguridad e Higiene del Trabajo en las Empresas. Revoca todas las disposiciones de carácter

reglamentar que contraríen lo dispuesto en el presente texto (Approving the general regulations of occupational safety and health services in enterprises); and

- Decreto núm. 31/94, de 5 de agosto, que establece los principios que apuntan a la promoción de la Seguridad, Higiene y Salud en el Trabajo. Revoca todas las disposiciones legales y reglamentarias que contraríen lo dispuesto en este decreto (Promoting safety, hygiene and health at work).

13.3.6.2.7 Maternity Protection

- Decreto núm. 39-F/92 sobre protección de la maternidad (Maternity Protection)

13.3.6.3 Land Acquisition and Resettlement

- Lei de Terras de Angola 09/4 (Land Law).

This Law, composed of 89 articles in 5 chapters, regulates the general principles on land rights. In particular, the Law rules on property rights, rural community rights, natural resources' use and protection measures, land expropriation, land concession, territorial planning, land classification, and registration procedures.

Article 1 establishes that rural lands and paths belonging to public / private domain or to local authorities / individuals are under a regime of servitude of passage or integrated into communal lands, according to customary law, to allow access of cattle to pastures, water sources and other traditional utilities of rural communities. Moreover, the Law indicates the competent authorities and their related functions. Finally, the Law regulates the procedural provisions.

The law also provides for various forms of extinguishment of the right to property Land. The main form, however, is the one already mentioned above, expropriation by public utility, as provided for in Article 12(3). of the Land Law by saying whereas: expropriation extinguishes the land rights established over the land and determines its definitive transfer to the assets of the State or the local authorities, and the latter are responsible for paying the holder of the extinguished rights a just indemnity, although it does not provide anything on the form of compensation for the damage caused.

13.4 Human Rights Stakeholders

This section presents an overview of the regional context and describes key groups of rights- holders and duty-bearers based on the information provided in the ESIA and collected during the Consultant's site visit and related consultations.

13.4.1 Regional Context

The Cabinda Province is located north of the territory of Angola, constituting a separated portion of the country by the mouth of the Congo River and by a strip of about 40km from the Democratic Republic of the Congo. The province covers an area of 7,283 km², is bordered to the north and northeast by the Republic of the Congo, to the east and south by the Democratic Republic of the Congo and to the west by the Atlantic Ocean (200 km of coastline). Administratively the province consists of the municipalities of Cabinda, Cacongo, Bucu-Zau and Belize, as observed in the following figure:

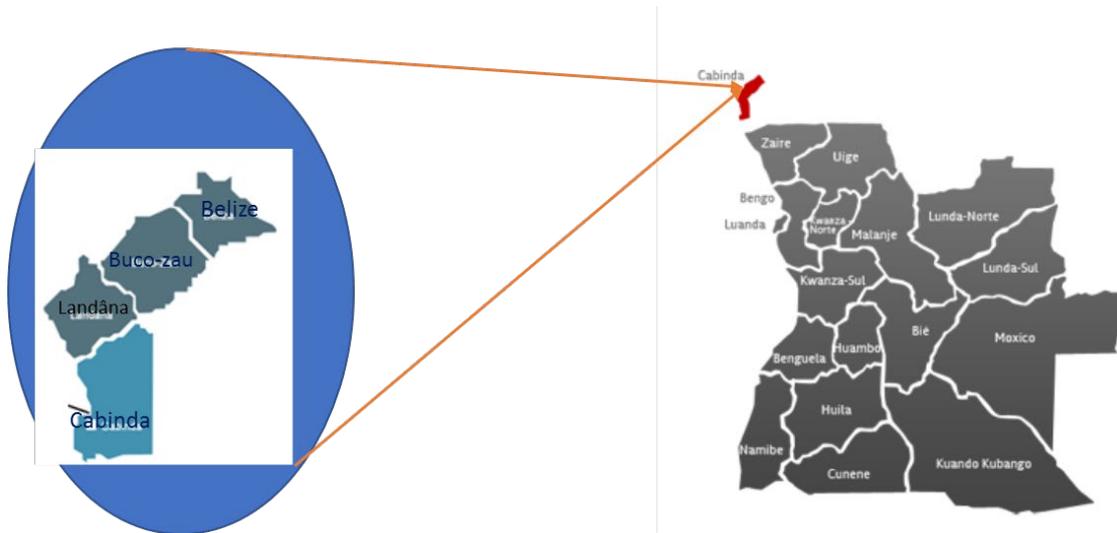


Figure 1: Location of the province of Cabinda and municipalities.

The city of Cabinda was formed as a settlement in 1883. The fact that it is located next to the bay of the Atlantic Ocean, and later, the creation of the port, were essential factors for its growth and development. Cabinda is elevated to city in the year 1956 and knows a great urban development in the 60s and first half of the 70s. Between 1975 and 1985, due to the great military instability, there was a very significant growth of the population in the headquarters, leading to a great growth of the urban zone and the emergence of the peri-urban zone.

13.4.1.1 Human Right Stakeholders

13.4.1.1.1 Local Communities within the Project Area of Influence

This sub-section describes local communities within the Project area of influence or in its proximity for understanding on how the local communities may become affected by the Project activities.

The province of Cabinda consists of four (4) municipalities¹⁸, 12 communes¹⁹ and 45 neighbourhoods in urban areas and 381 villages in rural areas. The total population in 2022 was approximately 894 276 with approximately 50% male and 50% female.

The municipality of Cabinda in turn consists of the communes of Cabinda Sede, Malembo, and Tando Zinze with the Aol falling within the commune of Malembo and particular the neighborhoods Tchisassanha, Lelo, Sassa Zau, Chiela, Malembo, Futila and Chadede. The population of the commune of Malembo, for the year 2021 was 7,231 inhabitants and 9,334 inhabitants in 2022, with 4,844 men and 4,490 women.

Since the discovery of oil wells in the 60s, the most important industrial activity in the province is the extraction and treatment of oil. In 2010, crude oil extracted in Cabinda represented about 70% of all oil exported by Angola.

Provincial agriculture tends to be subsistence-based, i.e. without export of surpluses, concentrated mainly in the crops of coffee, cocoa, peanuts, bananas, cassava, potatoes, beans and corn. Other important activities are cattle herds (for milk and beef), chicken breeding (meat and eggs) and sea fishing. Agriculture in the commune of Malembo consists of 1875 families, 7 cooperatives and 5 associations. The land for cultivation is determined

¹⁸ Municipalities: Cabinda, Cacongo, Buco-Zau and Belize.

¹⁹ Communes include Cabinda, Malembo, Tando Zinze, Cacocongo, Dinge, Massabi, Buco Zau, Necuto, Inhuca, Miconje, Belize, Luai.

through the coordination of the village. The agricultural inputs are acquired through programs to support families through small supply stores.

The commune of Malembo is considered an industrial zone of national reference, where many companies linked to the oil sector are concentrated, such as the base of Malongo, Petromar, Champion X, through the Development Center (CDM). Several companies providing services and construction factories that provide support services to companies linked to the oil sector are still installed in the commune of Malembo (Jornal de Angola²⁰).

The Cabinda refinery located in Malembo, 30 km north of the city of Cabinda, will have a refining capacity of 60 thousand barrels of oil per day. The first phase of the implementation of the same began in 2021 scheduled to implement a capacity of 30 thousand barrels per day²¹.

13.4.1.1.2 Vulnerable Groups

There are various vulnerable groups within the AoI including:

- Women: particularly those who might be involved in seasonal work and have very few opportunities to earn their own incomes and those who lack education or training to find employment, and those aiming to return to work following maternity leave.
- Young adults who face high unemployment rates with limited job opportunities and lack experience or training.
- Unskilled workers with job and income insecurity.
- The unemployed including those who have lost employment and regular incomes.
- Children who typically work seasonally and are generally at risk of the worst forms of child labour.
- Disadvantaged families experiencing difficulties in sustaining their incomes.
- The disabled including people with physical challenges, people with autism, and those with mental health issues and long-term diseases. People with disabilities who can work often experience difficulties in finding full time decent-pay jobs.
- The elderly including family members who often do not have income which puts more pressure on the main income provider and reduces household expenditure per head and are particularly vulnerable to noise impacts, especially if they live near the construction site.
- Rural households where living conditions tend to be worse in the rural communities than in urban areas specifically considering that not all households may benefit from access to potable water, wastewater utilities, etc.

13.4.1.1.3 Workers

Industrial projects are generally labour intensive and involve a range of labour arrangements such as employment and contracting workers. In these situations there is a possibility that labour rights can be adversely impacted in areas such as working conditions, differential treatment of subcontractor workers and discriminatory practices towards specific individuals such as women and minorities. The rights to freedom of assembly and collective bargaining are also often potential impact areas.

²⁰ <https://www.jornaldeangola.ao/ao/noticias/detalhes.php?id=205892>

²¹ <https://www.voaportugues.com/a/5666148.html>

Approximately 828 jobs will be offered at the NAIC Project in the peak months with approximately 10% being skilled jobs and 90% unskilled jobs.

Workers for unskilled jobs will be sourced locally. Staff for skilled jobs will be sourced, if available, locally, or other regions in Angola.

The Project will also create a number of permanent jobs within the commune of Malembo although it is assumed that the majority of employees from the current airport will be transferred to the new airport once operational.

Workers will be accommodated in the designated camp regulated by a number of policies and the Camp Management Plan, which has been developed by the Contractor to manage accommodation in line with the Guidance Note by IFC and the EBRD “Workers’ Accommodation: Processes and Standards”.

The workers will not arrive to the Project facilities with families. Although the exact gender distribution of the construction workers was not available at the time of HRRIA preparation, it is assumed that the vast majority of workers will be male at both construction and operation phases, based on the similar projects’ experience.

13.4.1.2 Stakeholders with Responsibility for Human Rights

Duty-bearers are actors who have human rights duties or responsibilities towards rights-holders. The following key duty-bearers have been identified in the Project area.

13.4.1.2.1 State Actors

These include:

- The ministry of justice who is responsible for policies that protect Human rights in Angola. The government categorises Human rights into different categories based on how it relates to corruption and impunities. Human rights in Angola became a major concern in Angola in 2020 and the ministry reacted by formulating effective strategies to improve policies and acts of human freedom and rights.
- The judicial arm in Angola is responsible for the responsibilities of the court system in Angola. It is the responsibility of the judiciary systems to ensure that the court systems strive to protect the rights of every citizen regardless of social class. The court system also provides laws and regulations which are used by the courts to administer justice to the citizens. This implies that the court systems in Angola are answerable to the judicial system. The judicial system also provides for appropriate guidance and cooperation for Municipal courts in Angola. As a system, this implies that the judicial system must work closely with its part to achieve a common objective.
- The Ministry of Public Administration, Employment and Social Security (MAPESS) is the leading authority for labour issues.
- General Inspectorate of Labour (IGT).
- The provincial governor, deputy governor and provincial secretaries.
- Local police and military.

The municipality of Cabinda has a significant number of institutions and social groups, mainly religious institutions and youth organizations, and several NGOs. They collaborate with the government around social services and sanitation. At the community level, there are general residents’ organizations, fishermen’s associations, and informal groups. Collaboration between the private sector and the government is visible, with the former collaborating on social issues.

13.4.1.2.2 The Project Company and the Project

The Project Company and the Project (i.e., including all contractors, subcontractors and, to the extent required by the IFC PS2, organisations within the primary supply chain) have a responsibility to respect human rights and to avoid infringing upon the rights of others and to address those impacts with which they are involved. Such responsibility is defined by both obligations imposed by applicable legal statutes of Angola, and by voluntary obligations taken by the Project as part of the ESIA process.

13.4.1.2.3 Contractor and Sub-contractors

The Contractor will provide a monthly report on all the sub-contractors to the Project Company. The sub-contractor companies are assumed to be construction businesses from Angola, however, it is not certain how many there will be.

Organisations within the primary supply chain should be introduced by the Project Company to the procedures and mitigation measures to ensure that primary suppliers within the supply chain are taking steps to prevent or to correct life-threatening situations.

13.4.1.3 Stakeholders who Support Human Rights

At a local community level, stakeholders who support human rights often comprise individuals and groups deeply rooted in their immediate surroundings and directly impacted by regional policies and practices. These stakeholders include local NGOs and community-based organizations that address issues such as housing rights, racial and gender equality, and access to essential services. Grassroots activists, faith-based organizations, and community leaders play pivotal roles in mobilizing residents, amplifying voices of the marginalized, and challenging systemic injustices. Schools and educational institutions might engage in human rights education, while local businesses can foster ethical practices that respect workers' rights. Additionally, local media outlets and journalists can serve as watchdogs, ensuring accountability and transparency from local authorities. Through their interconnected efforts, these stakeholders champion human rights by responding to the unique challenges and needs of their community.

13.4.1.3.1 Non-Governmental Organisation

- Environmental NGO “Grémio ABC – Grémio para o Ambiente Beneficência e Cultura” (Cabinda unit)
- ASSOMECA – Business Women Association of Cabinda

13.4.2 Summary of the key rights-holders (affected stakeholders) and the key duty-bearers

Based on the information above the following key rights-holders and duty-bearers are identified for the purpose of this HRRIA:

Rights-holders (affected stakeholders):

- Communities
- All Project Company workers, including:
 - Vulnerable groups of the Project Company workers and women
 - Non-employee workers, including construction workers and workers in the primary supply chain.

Duty-bearers:

- National Government Agencies
- Regional and local authorities

- The Project Company
- Project Contractor and sub-contractors
- Organisations within the primary supply chain.

The human rights issues scoped in and adverse impacts assessed further in this HRRIA relate to the rights of the affected stakeholders and obligations of the duty-bearers listed above.

13.5 Human Rights Context

Considering the fundamental rights and freedoms to which every individual is entitled within the project specific context, we focus on the following interrelated and often interdependent topics in more detail:

- Working conditions and labour protection such as:
 - Wages;
 - Working hours;
 - Child labour, forced labour and trafficking;
 - Occupational health and safety;
 - Freedom of Association and Collective Bargaining;
- Land Acquisition for the Project;
- Access to the judicial system; and
- Security and human rights.

For each of these risks, indicators have been identified and various recognized and international sources of data have been used to assess the risks related to each indicator.

13.5.1 Working Conditions and Labour Protection

The following Table 4 provides data across several indicators related to labour standards and labour protection.

Table 4: Angola Labour and Working Conditions Profile.

Topic	Data	Indicator	Source
Child Labour	6.6 Enhanced Diligence Response	Child Rights in Workplace (child labour and decent work for young workers, parents, and caregivers) Index Score, 0-10 (heightened due diligence)	UNICEF, The Children’s Rights and Business Atlas ²²
Forced Labour	Tier 2	Trafficking in persons, Tier 1/ Tier 2 / Tier 3 Watchlist / Tier 3 (worst)	U.S Department of State Labour Trafficking in Persons Tier placement, 2023 ²³

²² <https://www.unicef.ch/en/what-we-do/national/partners-and-initiatives/childrens-rights-and-business>

²³ <https://www.state.gov/reports/2023-trafficking-in-persons-report/>

Topic	Data	Indicator	Source
	4.1	Prevalence Index Rank per 1000 people	Global Slavery Index, Country data, 2018. (Victims per 1,000 population) ²⁴
	44	Government response by milestone percentage	Global Slavery Index, Country data, 2018
	61	Vulnerability to modern slavery by dimension for 167 countries 1-100(worst)	Global Slavery Index, Country data, 2018
Gender	73.1	Equality Score 100 (best) – 1 (worst)	Women, Business and the Law 2021 ²⁵
	144	Women Peace and Security Index 1-170 (worst)	Georgetown Institute for Women, Peace, and Security 2021/22 ²⁶
	0.537	Global Inequality Index 0,642-0,045 (best)	Gender Inequality Index (GII) 2021 ²⁷

13.5.1.1 Wages²⁸

Angola has a statutory minimum wage, reviewed every two years, and no worker in Angola can be paid less than this mandatory minimum rate of pay. The minimum wage system is a multiple system determined per sector and therefore does not have only one minimum wage. This includes rates for domestic and agricultural workers. The wage is taxed based on the number of children in the household (taxes lower for larger families) but for a wage earner without children there is a 12% personal income tax and a 3% social security contribution on the income. On average, Angola's minimum wage is ranked 13th lowest of 44 African countries²⁹.

Angola, undertakes a minimum wage adjustment every two years in March and employers in Angola who fail to pay the Minimum Wage may be subject to punishment by the GoA. Angola's lowest minimum wage rate was approx. 25 USD per month; however, this figure was updated in June 2022.

13.5.1.2 Working Hours³⁰

The normal working week in Angola is 44 hours with each day limited to 8 hours. The work week can be extended to maximum 54 hours or 9 hours per day, including Saturday. The workday should include a 1-hour meal break, 2-hours if food is not available on the work site. Between workdays, workers should have a rest break of at least 10 hours.

Overtime is limited to 2 hours per normal day of work; 40 hours per month of work; or 200 annual hours. Overtime of up to 30 hours per month is paid at an additional 50% rate. Additional overtime is paid at an additional 75%.

²⁴ <https://www.walkfree.org/global-slavery-index/findings/regional-findings/africa/>

²⁵ <https://openknowledge.worldbank.org/server/api/core/bitstreams/b2274591-b8fd-5636-ac36-d3ba2ad0100a/content>

²⁶ <https://giwps.georgetown.edu/wp-content/uploads/2021/11/WPS-Index-2021.pdf>

²⁷ <https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index#/indicies/GII>

²⁸ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_762534.pdf

²⁹ ILO minimum wage database for the minimum wage levels, International Monetary Fund's World Economic Outlook database (Oct. 2020) for the PPP conversion rates and World Bank's World Development Indicators (Oct. 2020) for the exchange rates

³⁰ <https://www.globalization-partners.com/globalpedia/angola-employer-of-record/>

Angolan employees are generally entitled to 22 days of vacation per year. Employees with children are entitled to an additional vacation day per year until the child reaches the age of 14.

Employees may take unlimited days off work for illness as long as they present a medical certificate. Medium and large companies must pay medical leave at 100% of the employee's salary for the first two months. The third through the 12th months must be paid at 50% of base salary.

Female employees are entitled to three months of maternity leave, four weeks to be taken before the due date and the balance after, with 9 weeks after guaranteed, regardless of the due date. If there are multiple births, the mother is entitled to an additional four weeks. The employee may not return to work until at least 5 weeks after the birth. Employees on maternity leave are generally entitled to social security compensation, with supplementation by the employer.

There is no statutory paternity leave. Employees are eligible for up to three days of family leave per month, up to 12 days per year, eight of which are to be fully compensated, to help members of their household, a spouse, parents, grandparents, or children over 10 years of age.

13.5.1.3 Child Labour, Forced Labour, and Trafficking

The law prohibits and criminalizes all forms of forced or compulsory labour. The GoA did not effectively enforce the law due in part to an insufficient number of inspectors and to systemic corruption. Forced labour of adults occurred in fisheries, agriculture, construction, domestic service, and artisanal diamond-mining sectors, particularly in Lunda Norte and Lunda Sul Provinces. Migrant workers were subject to seizure of passports, threats, denial of food, and confinement. Forced child labour occurred³¹.

In 2022, Angola made moderate advancement in efforts to eliminate the worst forms of child labour. The government updated the list of hazardous occupations and activities for children, including 52 activities, 39 of which were not found on the previous list. The Ministry of Public Administration, Labour, and Social Security conducted training workshops focused on capacity building for child protection stakeholders, and several trainings and workshops on human trafficking concepts were provided by the Ministry of Justice and Human Rights to members of the Angolan diplomatic corps, national police, prosecutors, and all 18 provincial human rights committees. Additionally, the Multisectoral Commission on the Prevention and Eradication of Child Labour established procedures to process and report child labour cases and strengthened its coordination with law enforcement and social services providers. However, children in Angola are subjected to the worst forms of child labour, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in construction. Laws prohibiting forced labour are not sufficient as they do not criminalize practices similar to slavery or allow for the prosecution of debt bondage. Additionally, the number of labour inspectors is likely insufficient for the size of Angola's workforce, and social programs do not target all sectors in which children work³².

The Government of Angola does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so³³. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Angola remained on Tier 2. These efforts included identifying more victims; training frontline officials on the national referral mechanism (NRM) and standard operating procedures (SOPs); and cooperating with foreign governments on cross-border trafficking cases. However, the government did not meet the minimum standards in several key areas. The government investigated, prosecuted, and convicted fewer

³¹ <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/angola/>

³² <https://www.dol.gov/agencies/ilab/resources/reports/child-labour/angola>

³³ <https://www.state.gov/reports/2023-trafficking-in-persons-report/angola>

traffickers. The government has still not adequate protection services to assist trafficking victims, including shelter services, has not allocated sufficient resources to implement its NAP and regulations to oversee labour recruitment agencies beyond periodic labour inspections are still missing.

13.5.1.4 Occupational Health and Safety

Occupational safety and health (OSH) standards are required for all sectors of the economy. Employees have the right to remove themselves from hazardous working conditions without jeopardy to their employment.

13.5.1.5 Freedom of Association and Collective Bargaining

The law provides for most workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits some forms of antiunion discrimination but does not explicitly prohibit employer interference with union activity. Legal restrictions limit these rights.

The law does not permit members of the armed forces, police, firefighters, members of sovereign bodies, and public prosecutors to form and join independent unions or initiate strikes. The government generally did not effectively enforce labour laws. Labour courts functioned but were overburdened by a backlog of cases and inadequate resources. The law provides for penalties for violations of the law and labour contracts, which are commensurate with those for other laws involving denials of civil rights, but the penalties were not an effective deterrent due to the inefficient functioning of the courts. Penalties were rarely applied against violators.

13.5.1.6 Land Acquisition for the Project

Land acquisition for the Project will require permanent land take for the NAIC site and associated infrastructure. The land acquisition processes to date have been managed by the government in compliance with the national land laws and regulations (see Chapter 2) and proof of documents to demonstrate land allocation have been provided. Land take for utilities and associated infrastructure was acquired by the Project in 2022.

13.5.1.7 Access to Judicial Mechanisms

The independence of the judiciary of Angola is defined by the Constitution of Angola, which outlines the structure of a Unified Justice System (Sistema Unificado de Justicia). The courts are intended to be sovereign bodies independently functioning from the legislative and executive authorities, political parties, and other public associations to administer impartial justice on behalf of the people. Access to the courts is prescribed in law and allows members of the public to seek legal recourse.

The following Table 5 provides the Angola's score and rank across a few of the *World Justice Project Rule of Law Index* factors. Note that within Civil Justice under the subcategories, "Civil Justice is Free from Improper Government Influence Within Civil Justice", which measures whether the civil justice system is free of improper government or political influence, Angola scored 0.44 marking less than medium adherence.

Table 5: Relevant indicators from World Justice Rule of Law Index for Angola.

Factor	Description	Score and Rank ³⁴ (out of 128 countries)*
Rule of Law Index, overall score	Overall rule of law score across eight factors: Constraints on Government Powers, Absence of Corruption, Open Government, Fundamental Rights, Order and	Score: 0.43 (2022) Rank: 110 / 128

³⁴ <https://worldjusticeproject.org/rule-of-law-index/country/2020/Angola/Constraints%20on%20Government%20Powers/>

Factor	Description	Score and Rank ³⁴ (out of 128 countries)*
	Security, Regulatory Enforcement, Civil Justice, and Criminal Justice.	
Fundamental Right	Evaluates human rights that are firmly established under the United Nations Universal Declaration of Human Rights and are most closely related to rule of law concerns.	Score: 0.39 (2022) Rank: 114 / 128
Civil Justice	Measures the accessibility and affordability of civil courts, including whether people are aware of available remedies	Score: 0.44 (2022) Rank: 104 / 128
Regulatory Enforcement	Measures the extent to which regulations are fairly and effectively implemented and enforced.	Score: 0.40 (2022) Rank: 113 / 128

**Note: Score 0.0 to 1.0 when 1.0 being the strongest adherence to the law. Higher ranks mean lower performance.

13.5.1.8 Security and Human Rights

The Table 6 below provides indicators related to the security situation in Angola. Additional indicators such as the protections of civil and political rights (e.g., freedom of movement, freedom of opinion or expression) and corruption are provided as these are potential sources or causes of potential risks related to security and human rights. Accordingly, based on these indicators in Angola there are risks in civil and political rights, and around governance due to corruption being perceived as a problem in the country.

Table 6: Peace and Security Indicators for Angola.

Indicator	Data	Description	Source (Period)
Civil and Political Rights	FSI Score 86.9 / 120 FSI Ranking 39th / 179	Fragile States Index 0 – 120 (worst). The index is based on a conflict assessment framework assessing the vulnerability of states to collapse. The methodology uses both qualitative and quantitative indicators, relies on public source data, and produces quantifiable results. Twelve conflict risk indicators are used to measure the condition of a state at any given moment. The index generates an annual ranking list. Maximum score 120 = Fragile; Minimum score 0 = Stable: The higher the score, the higher the risk.	The Fund for Peace, Fragile States Index, 2023 ³⁵

³⁵ <https://fragilestatesindex.org/country-data/>

Indicator	Data	Description	Source (Period)
Corruption	33 / 100	Corruption index, score 0-100 (best)	Transparency International, Corruption Perceptions Index ³⁶
Global Peace Index, 1-5 (worst)	2.02	Global Peace Index, of the Institute for Economics & Peace (IEP), ranks 163 countries according to 23 qualitative and quantitative indicators of peace across three areas: level of Societal Safety and Security; extent of Ongoing Domestic and International Conflict; and degree of Militarisation. Scores closer to 1 correspond to higher levels of peace.	Institute for Economics & Peace. Global Peace Index 2023 ³⁷
Global Peace Index, country ranking	84 / 163	(See previous) Countries are ranked in descending order with the worst scores listed first in the index.	Institute for Economics & Peace. Global Peace Index 2023 ³⁸
Political Terror Scale, 1-5 (worst)	3	Measures levels of political violence and terror that country experiences based on a 5-level terror scale originally developed by Freedom House. Data sources include annual reports from Amnesty International, the U.S. State Department Country Report on Human Rights Practices, and Human Rights Watch's World Reports.	Gibney, M., et al. 2019. The Political Terror Scale 1976-2023 ³⁹
Security Apparatus, 0-10 (worst)	7.2	Scores are based on a scale of 0 (improving) to 10 (worsening). The Security Apparatus indicator considers the security threats to a state, such as bombings, attacks and battle-related deaths, rebel movements, mutinies, coups, or terrorism. It also considers serious criminal factors, such as organized crime and homicides, and perceived trust of citizens in domestic security.	The Fund for Peace, Fragile States Index (2021) ⁴⁰
Group Grievance, 0-10 (worst)	8.7	Scores are based on a scale of 0 (improving) to 10 (worsening). The Group Grievance Indicator focuses on divisions between different groups in society – particularly divisions based on social or political characteristics – and their role in access to services or resources, and inclusion in the political process. Group Grievance may also have a historical component, where aggrieved communal	The Fund for Peace, Fragile States Index (2023) ⁴¹

³⁶ <https://www.transparency.org/en/cpi/2022/index/ago>

³⁷ <https://www.economicsandpeace.org/wp-content/uploads/2023/06/GPI-2023-Web.pdf>

³⁸ <https://www.economicsandpeace.org/wp-content/uploads/2023/06/GPI-2023-Web.pdf>

³⁹ <https://www.politicalterrorindex.org/Data/>

⁴⁰ <https://fragilestatesindex.org/country-data/>

⁴¹ <https://fragilestatesindex.org/country-data/>

Indicator	Data	Description	Source (Period)
		groups cite injustices of the past, that influence that group’s role in society.	

13.6 Human rights screening

13.6.1 Project Specific Human Right Risks and Impacts

The potential human rights issues on this Project relate to labour, land acquisition, gender, and security. This subsection lists the human rights issues that are considered relevant to the Project based on:

- Human rights context information provided in Chapter 4;
- Description of the key affected rights-holders and key duty-bearers provided in Chapter 5;
- Project Company’s corporate documents recognising salience of the human rights issues listed, including the ESIA developed for the Project and Project Company documents;
- Internationally recognised human rights, including those contained in:
 - Universal Declaration of Human Rights (United Nations 1948)
 - International Covenant on Civil and Political Rights (United Nations 1966) – including two optional Protocols
 - Eight ILO Core Labour Standards
 - International Covenant on Economic, Social and Cultural Rights (United Nations 1966).

The tables below listing the human rights topics and specific human rights related to the Project activities are subdivided on two sections:

- Human rights in the workplace and business relationships
- Human rights in communities

The following Table 7 and Table 8 the human rights issues that are considered relevant to the Project with brief justification provided, and the actual and potential impacts that are expected to be caused by the Project in each human rights category. Additionally, the tables reference the applicable human rights and legal instruments.

Table 7: Human rights in the workplace and business relationships

Human Rights in the Workplace and Business Relationships				
Human Rights Category	Justification and Description	Potentially Affected Stakeholders	Associated potential and actual human rights impacts	Applicable human rights and legal instruments
Discrimination and equal treatment in the workplace	<p>There is a risk that the Project, in particularly, contractors and sub-contractors may discriminate against individuals or groups based on gender, gender identity and sexual orientation with regards employment. The groups potentially vulnerable to discrimination and/or harassment in the workplace among contractor workforce are migrant workers, women, and sexual minorities.</p> <p>Although discrimination based on sexual orientation was criminalized in 2021, affected persons rarely reported incidents, however, NGOs reported discrimination of minority groups in relation to employment.</p> <p>Discrimination against people with disabilities may also be a risk, however, the law institutes a quota system to encourage the public and private sectors to employ more persons with disabilities. The public-sector quota set at 4 percent of total employees and the private-sector quota at 2 percent, however, these figures are not achieved.</p>	Workers – Part of the workforce may be subject to discrimination or harassment. Migrants and women are particularly at risk.	<p>Actual impacts: Workforce issues particularly among contractors:</p> <ul style="list-style-type: none"> Inadequate living and housing conditions of contractors and Project Company workforce in worker camps Discriminatory practices, infringement on the right of workers to form unions and participate in collective bargaining. Discrimination against individuals or groups based on sex, gender identity and sexual orientation with regards employment. 	<p>Right to non-discrimination (UDHR 2, ICCPR 2, ICESCR 2)</p> <p>Right to equality before the law (UDHR 7, ICCPR 26)</p> <p>Right to freedom of thought, conscience, and religion (UDHR 18, ICCPR 18)</p> <p>Right to participate in the cultural life of the community (UDHR 15, ICCPR 27, ICESCR 15)</p> <p>Convention on the Rights of Persons with Disabilities</p> <p>Migrant workers' rights (e.g., International Convention on the Protection of the Rights of All Migrant Workers)</p> <p>Women's rights (Convention on the Elimination of all Forms of Discrimination Against Women)</p>
Freedom of association and collective bargaining	<p>The Project Company acknowledges the right of own workers and contractors' workers to collective bargaining.</p> <p>However, all unions remain centralised, controlled by and are dependent of the government. All regional and industrial trade unions remain state managed.</p>	Workers – Contracted workers within the supply chain may not be able to create or join a union or other type of association of their choice due to the attitude of senior	<p>Actual impacts: Workforce issues particularly among contractors: infringement on the right of workers to form unions and participate in collective bargaining.</p>	<p>Right to freedom of association and collective bargaining (UDHR 20, ICCPR 22 and 23, ICESCR 8)</p> <p>Right to freedom of assembly (UDHR 20 ICCPR 21)</p>

Human Rights in the Workplace and Business Relationships					
Human Rights Category	Justification and Description	Potentially Affected Stakeholders	Associated potential and actual human rights impacts	Applicable human rights and legal instruments	
		management or other type of barrier.			
Safe and healthy Working conditions	<p>Provided the nature of Project activities at both construction and operation stages, the workers will be exposed to health and safety risks associated with factors such as air pollution, a range of physical impacts (noise, vibration), risk of injuries (e.g., falls from heights, electric shocks, machinery movement). Harsh climate conditions may cause adverse impact on physical health and psychological well-being of personnel.</p> <p>The Project Company is committed to provide safe and healthy working conditions for all workers, including access to drinking water, sanitary food treatment and storage, appropriate washing and toilet facilities, canteen.</p> <p>The Project will implement its Human Resource Policy which will stipulate necessary requirements that all contractors appointed by the Project will need to comply, including fair compensation, provision of meals and proper accommodation, sufficient time for rest, legally appropriate leave policy, etc.</p> <p>The Project will provide necessary accommodation to all workers in line with IFC/EBRD guidance note on workers' accommodation and the Camp Management Plan. The Project will accommodate women and men separately. Nonetheless, based on similar projects, the risk remains that</p>	Project Workers	Actual impacts: Inadequate living and housing conditions of Project Company and contractors' workforce in worker camps, OHS issues, issues related to shift-based work (e.g. availability of sufficient time off)	<p>Right to work and to just and favourable conditions of work (UDHR 23 and 24, ICESCR 7)</p> <p>Right to an adequate standard of living (UDHR 25, ICESCR 11)</p> <p>Right to equal pay for equal work (UDHR 23, ICESCR 7)</p> <p>Right to privacy (UDHR 12, ICCPR 17)</p>	

Human Rights in the Workplace and Business Relationships					
Human Category	Rights	Justification and Description	Potentially Affected Stakeholders	Associated potential and actual human rights impacts	Applicable human rights and legal instruments
		contractors will fail to provide accommodation in strict compliance with the said guidelines.			
Security Arrangements		<p>Security services for the Project site and construction camp are provided by private security companies. During operations it is likely that the national police force and / or national defence force will also be involved in providing security. Training will be provided to the security authorities of the Project with the explanation of the expected level of conduct toward workers.</p> <p>The Project Operator will develop a Security Management Plan with a procedure for recruiting security personnel, including provisions for identification of cases of past abuse and checking their qualifications and certifications. Job descriptions for the security personnel will include the requirement that prohibits any acts of force, alcohol, and drugs. The Project will consider and, if necessary, investigate complaints or any allegations of unlawful or abusive acts by security personnel and takes actions.</p>	<p>All Project workers</p> <p>Vulnerable groups of Project workers: migrant workers, women and sexual minorities.</p>	<p>Potential impact:</p> <p>Impact on workers' health and security due to abuses by security personnel, social disorder in camps.</p>	<p>Right to life, liberty, and security of person - (including freedom from arbitrary arrest, detention or exile) (UDHR 3 and 9, ICCPR 6)</p> <p>Right to health (UDHR 25, ICESCR 12)</p> <p>Right to freedom from torture and other cruel or degrading treatment or punishment (UDHR 5, ICCPR 7)</p>
Forced Labour		<p>National legislation associated with the prevention of forced labour and human trafficking are in place and the taking of documents (e.g., national identity documents) passports from workers is illegal.</p> <p>As the Project has limited leverage on operations of organisations within its supply chain, there is a risk of use of forced labour within the Project supply chain. This noted, the</p>	<p>Workers – Modern slavery may exist within the contracted workforce where people (including migrants and women) are forced to work, or where their employer has placed them into a</p>	<p>Potential impact:</p> <p>Infringement of workers' rights in organizations in the Project supply chain.</p>	<p>Right to freedom from forced labour and servitude (UDHR 4, ICCPR 8)</p> <p>Right to freedom from torture and other cruel or degrading treatment or punishment (UDHR 5, ICCPR 7)</p>

Human Rights in the Workplace and Business Relationships					
Human Category	Rights	Justification and Description	Potentially Affected Stakeholders	Associated potential and actual human rights impacts	Applicable human rights and legal instruments
		Project Operator needs to develop a Supply Chain Management Plan to control potential health and safety risks and state unacceptability of human rights violations by Project suppliers.	position of financial debt upon their start of work. There is also the potential for workers' documents (e.g., national identity documents) and passports to be retained by their employer to prevent them from leaving the workplace.		Right to freedom of movement (UDHR 13, ICCPR 12)
Child Labour		The Project human resource system is sufficient in verifying the ages of workers during the recruitment process, keeping copies of valid documents and cross checking documents where possible. As the Project has limited leverage on operations of organisations within its supply chain, there is a risk that underage workforce is used within Project's supply chain. This noted, the Project Operator needs to develop a Supply Chain Management Plan to control potential health and safety risks and risks of child labour and forced labour in the suppliers' organisations.	Workers – There is a potential for child labour to be present within supply chain companies used by the Contractor, particularly those that are contracted to provide catering, cleaners and other low skilled roles, or from the suppliers of construction materials.	Potential impact: Infringement of workers' rights in organisations in the Project supply chain.	Right of the child to be protected from work that threatens his or her health, education, or development (UDHR 25, ICESR 10) Right against worst forms of child labour (UDHR 25, ICESR 10) Right to education (UDHR 26, ICESCR 10)

Table 8: Human Rights in Communities.

Human Rights in Communities				
Human Rights Category	Justification and Description	Potentially Affected Stakeholders	Associated potential and actual human rights impacts	Applicable human rights and legal instruments
Discrimination and equal treatment	<p>The Project affects local communities among which the following vulnerable categories were identified:</p> <p><u>Women</u>: particularly those who are involved in seasonal work and have very few opportunities to earn their own incomes and those who lack education or training to find employment, and those aiming to return to work following maternity leave.</p> <p><u>Young adults</u>: who face high unemployment rates in the wider and immediate Aols, limited job opportunities and lack experience or training.</p> <p><u>Unskilled seasonal workers and farm workers in the communities</u>: these are landless low-income workers with job and income insecurity.</p> <p><u>The unemployed</u>: those who have lost employment and regular incomes.</p> <p><u>Children in the communities</u>: who typically work seasonally and are at risk of child labour in construction and dangerous working conditions.</p> <p>Disadvantaged families in the communities experiencing difficulties in sustaining their incomes.</p> <p><u>The disabled</u>: this group includes people with physical challenges, people with autism, and those with mental health issues and long-term diseases. People with disabilities who can work often experience difficulties in finding full time properly paid jobs.</p>	Vulnerable groups of local communities	<p>Potential impacts: Project may contribute to disproportional impacts on vulnerable groups of communities which may struggle to adapt to changing environment.</p>	<p>Right to non-discrimination (UDHR 2, ICCPR 2,ICESCR 2)</p> <p>Right to equality before the law (UDHR 7, ICCPR 26)</p> <p>Right to freedom of thought, conscience, and religion (UDHR 18, ICCPR 18)</p> <p>Right to participate in the cultural life of the community (UDHR 15,ICCPR 27, ICESCR 15)</p>

Human Rights in Communities					
Human Category	Rights	Justification and Description	Potentially Affected Stakeholders	Associated potential and actual human rights impacts	Applicable human rights and legal instruments
		<u>The elderly</u> : these family members often do not have income which puts more pressure on the main income provider and reduces household expenditure per head and are particularly vulnerable to noise impacts, especially if they live near construction site.			
Stakeholder Engagement and Consultation		The Project has implemented a stakeholder engagement process by which affected communities are engaged and informed about the project plans and activities through dedicated staff.	Affected community members	Potential impacts: Lack of access to information and participation in decision-making, particularly for affected communities on plans and operations of the Project that may affect their rights to life, health, and an adequate standard of living.	Right to access to information (UDHR 19, ICCPR 19)
Grievance Mechanism and Remedy		The Project has a well-established community grievance mechanism operated by a dedicated division. The Project has conducted different sessions of stakeholder engagement to explain the phases of the construction and the plan to achieve completion. Details are reported in the SEP. The SEP will have to be implemented also during operation from the Project operator.	Workers and affected communities – People may not be able to raise a grievance or seek remedy from a Project impact if they are unaware of the grievance mechanism, or do not understand/are unwilling to use it for fear of retribution or other issue.	Both individuals and their communities could be affected from human rights abuses.	The Right to a Remedy and Reparation for Gross Human Rights Violations
Housing and Business Structures		The land is unoccupied and not used by communities. The landownership is the public Government that allocated for the construction	N/A	N/A	Right to adequate standard of living (UDHR 25, ICESCR 11) Right to property

Human Rights in Communities					
Human Category	Rights	Justification and Description	Potentially Affected Stakeholders	Associated potential and actual human rights impacts	Applicable human rights and legal instruments
		of the airport to MoT. No physical displacement is expected to be required as part of the project.			Right to housing (UDHR 25, ICESCR 11) Right to water (UDHR 25, ICESCR 11)
Land and Resources	Natural	The Project is located in a wild area predominantly covered by herbaceous and shrubby species is noted of which none is reported to be used from human consumption. The area in addition is free from uninformed use like cultivation or breeding.	N/A	N/A	Right to adequate standard of living (UDHR 25, ICESCR 11) Right to property (UDHR 17) Rights to freedom of movement (UDHR 13, ICCPR 12) Right to food (UDHR 25, ICESCR 11) Right to water (UDHR 25, ICESCR 11)
Community and Safety	Health	The Project may cause a range of impacts on community health and safety, most prominent of which relate to Project traffic, noise, vibration, and light, and potentially construction and operation of the associated facilities.	Affected communities	Potential impacts: Impacts on the affected communities' members health and safety due to: Noise, vibration, dusting, air emissions; Spread of diseases to local populations; Vehicle accidents; Interruption to traditional food supply Potential impacts: Impacts on affected communities' health and safety due to disruption and pollution of surface water and groundwater systems and	Right to life, liberty, and security of person - (including freedom from arbitrary arrest, detention, or exile) (UDHR 3 and 9, ICCPR 6) Right to health (UDHR 25, ICESCR 12) Right to freedom of association and collective bargaining (UDHR 20, ICCPR 22 and 23, ICESCR 8) Right to freedom of assembly (UDHR 20, ICCPR 21) Right to freedom from torture and other cruel or degrading treatment or punishment (UDHR 5, ICCPR 7)

Human Rights in Communities					
Human Category	Rights	Justification and Description	Potentially Affected Stakeholders	Associated potential and actual human rights impacts	Applicable human rights and legal instruments
				flows due to disposal or release of contaminated water, etc.	Right to participate in the cultural life of the community (UDHR 27)
Security Arrangements		<p>Security services for the Project site and construction camp are provided by private security companies. During operations it is likely that the national police force and / or national defence force will also be involved in providing security. Training will be provided to the security authorities of the Project with the explanation of the expected level of conduct toward workers.</p> <p>The Project will develop a due diligence review procedure for recruiting security personnel, including provisions for identification of cases of past abuse and checking their qualifications and certifications. Job descriptions for the security personnel will include the requirement that prohibits any acts of force, alcohol, and drugs.</p> <p>The Project will consider and, if necessary, investigate complaints or any allegations of unlawful or abusive acts by security personnel and takes actions.</p>	Community Members	<p>Potential impacts: Inappropriate responses of security personnel may lead to injury to local communities and workers; and private security providers hired from the dominant ethnic/racial group, may lead to a rise in harassment and assaults against vulnerable or marginalized individuals from minority groups.</p>	<p>Right to life, liberty and security of person - (including freedom from arbitrary arrest, detention or exile) (UDHR 3 and 9, ICCPR 6)</p> <p>Right to health (UDHR 25, ICESCR 12)</p> <p>Right to freedom from torture and other cruel or degrading treatment or punishment (UDHR 5, ICCPR 7)</p>

Based on this analysis the potential and actual human rights risks to be analysed and ranked include the following:

- Actual human rights in the workplace and business relationships
 - Inadequate living and housing conditions of contractor workforce in workers' camps.
 - Workforce issues particularly among contractors: poor working conditions, discriminatory practices, infringement on the right of workers to form unions and participate in collective bargaining.
 - Discrimination against individuals or groups based on gender, gender identity and sexual orientation with regards employment.
- Actual human rights in communities
 - Lack of access to information and participation in decision-making on plans and operations of the Project that may affect their rights to life, health, and an adequate standard of living.
 - Negative environmental impacts including:
 - Contamination of land (especially pastures used for livestock traditional activities)
 - Insufficient waste management activities
 - Construction of Project infrastructure
 - Generation of dust
- Potential human rights in the workplace and business relationships
 - Impact on workers' health and security due to abuses by security personnel, social disorder in camps
 - Infringement of workers' rights in supply chain of the Project
- Potential human rights in communities
 - Project may contribute to vulnerable groups of communities which may struggle to adapt to changing environment.

Analysis and ranking of the impacts are provided in the Table 9. Please note that some of the impacts listed above are assessed jointly.

Table 9: Human Rights Impacts.

Ref no.	Actual or Potential Impact on Human Right	Human Rights Affected by the Impact	Type of impact (caused, contributed to or directly linked to operations)	Scale	Scope	Irremediability	Vulnerability	Overall Severity	Applicable Management or Monitoring Plans/other existing or already planned mitigations	Additional Measures Suggested	Residual Severity
1	Inadequate living and housing conditions of contractor workforce in worker camps, H&S issues, issues related to shift-based work (e.g., availability of sufficient time off)	Right to work and to just and favourable conditions of work (UDHR 23 and 24, ICESCR 7) Right to an adequate standard of living (UDHR 25, ICESCR 11) Right to privacy (UDHR 12, ICCPR 17) Rights of persons with disabilities (Convention on the Rights of Persons with Disabilities)	Caused	B	B	C	High	4	Human Resources and Labour Procedure and Plan Labour Management Plan (including worker accommodation) Occupational Health and Safety (OHS) Management Plan Grievance mechanism EPC Contractor's Code of Conduct (12 rules) EPC Contractor's Induction for New-starters Operation: Human Resources and Labour Procedure and Plan Labour Management Plan Occupational Health and Safety (OHS) Management Plan	An overarching HR Policy of the Company that extends and is disclosed to all direct staff, contractors, and supply chain workers. Appointed Social and Labour Officers in the Company and Contractor's organisation. Camps audits by the Company using a checklist from the IFC/EBRD guidance note "Workers' Accommodation: processes and standards". Auditing and monitoring implementation of the Contractor's Code of Conduct. Include in the Contractor and sub-contractor's contracts clauses to respect and recognise workers' rights in alignment with ILO. Suppliers' Code of Conduct.	2
2	Discrimination against individuals or groups based on gender, ethnicity, political views, religion, gender identity and sexual orientation with a risk of violence and harassment within male-dominated workforce regards to employment and working environment (e.g., exclusion or isolation by co-	Right to non-discrimination (UDHR 2, ICCPR 2, ICESCR 2) Right to equality before the law (UDHR 7, ICCPR 26) Right to freedom of thought, conscience, and religion (UDHR 18, ICCPR 18) Right to manifestation of religion of religion of belief in teaching, practice, worship, and observance Rights of persons with disabilities (Convention on the Rights of Persons with Disabilities) Migrant workers' rights (International Convention on the Protection of the Rights of All Migrant Workers) Right to equal pay for equal work (UDHR 23, ICESCR 7)		A	C	B	Medium	2	Construction: Internal Labour Regulations Grievance mechanism Contractor's Code of Conduct Contractor's Induction for New-starters Operation: Internal Labour Regulations Grievance mechanism Operator's Code of Conduct	Ethics Code to be developed. Human Rights Policy of NAIC with a clear non-discrimination (on all forms of discrimination) clause is required. The HR Policy of the Company shall incorporate provisions for unacceptability of GBVH Workforce trainings to raise awareness on diverse cultural and ethnic backgrounds of workers present on-site; the trainings are also to be delivered to personnel responsible for the employment process (e.g., human resources and recruiting staff) Suppliers' Code of Conduct	1

Ref no.	Actual or Potential Impact on Human Right	Human Rights Affected by the Impact	Type of impact (caused, contributed to or directly linked to operations)	Scale	Scope	Irremediability	Vulnerability	Overall Severity	Applicable Management or Monitoring Plans/other existing or already planned mitigations	Additional Measures Suggested	Residual Severity
	workers or job refusal).	Women's rights (Convention on the Elimination of all Forms of Discrimination Against Women)									
3	Workforce issues particularly among contractors: infringement on the right of workers to form unions and participate in collective bargaining	Right to non- discrimination (UDHR 2, ICCPR 2, ICESCR 2) Right to freedom of thought, conscience, and religion (UDHR 18, ICCPR 18) Right to participate in the cultural life of the community (UDHR 15, ICCPR 27, ICESCR 15)	Caused	B	C	C	Medium	2	Grievance mechanism Company Policy on Occupational Health and Safety at both construction and operation phases.	Develop and disclose the HR Policy to all staff, as well as contractors and suppliers involved in the Project. Include in the sub- contractor's contracts clauses to respect and recognise workers' rights in alignment with ILO, including to freedom of association and collective bargaining. Developed Suppliers' Code of Conduct Auditing and monitoring of working and labour conditions of the Contractor and sub- contractors on Project sites to ensure inclusion of all types of workers. The security guards training programme of the outsourced security authorities to include the provision of the training presentation with the explanation of the expected level of conduct toward workers and the communities. A Due Diligence Review Procedure for recruiting in- house security personnel, including provisions for identification of cases of past abuse and checking their qualifications and certifications Job descriptions for the in- house security personnel to include the requirement that prohibits any acts of force, alcohol, and drugs. In-house security personnel trainings to raise awareness on 1) salient human rights issues (particularly in personnel and community security); 2) requirements of the applicable international standards; 3) diverse cultural and ethnic backgrounds of workers present on-site.	1
4	Impact on workers' health and security due to abuses by security personnel, social disorder in camps	Right to life, liberty and security of person (including freedom from arbitrary arrest, detention or exile) (UDHR 3 and 9, ICCPR 6) Right to health (UDHR 25, ICESCR 12) Right to freedom from torture and other cruel or degrading treatment or punishment (UDHR 5, ICCPR 7)	Caused	A	C	C	Low	2	Security Management Plan including relevant job descriptions at both construction and operation phase.	The security guards training programme of the outsourced security authorities to include the provision of the training presentation with the explanation of the expected level of conduct toward workers and the communities A Due Diligence Review Procedure for recruiting in- house security personnel, including provisions for identification of cases of past abuse and checking their qualifications and certifications Job descriptions for the in- house security personnel to include the requirement that prohibits any acts of force, alcohol, and drugs.	1

Ref no.	Actual or Potential Impact on Human Right	Human Rights Affected by the Impact	Type of impact (caused, contributed to or directly linked to operations)	Scale	Scope	Irremediability	Vulnerability	Overall Severity	Applicable Management Plans/other existing or already planned mitigations	Additional Measures Suggested	Residual Severity
										In-house security personnel trainings to raise awareness on 1) salient human rights issues (particularly in personnel and community security); 2) requirements of the applicable international standards; 3) diverse cultural and ethnic backgrounds of workers present on-site	
5	Infringement of workers' rights in the Project supply chain	Right to freedom from forced labour and servitude (UDHR 4, ICCPR 8) Right to freedom from torture and other cruel or degrading treatment or punishment (UDHR 5, ICCPR 7) Right to work and to just and favourable conditions of work (UDHR 23 and 24, ICESCR 7) Right to freedom of movement (UDHR 13, ICCPR 12)	Directly linked to supply chain	B	C	C	Medium	2	Supply Chain Management and Procurement Plan Company Policy on Occupational Health and Safety, EPC Contractor's Code of Conduct	A Supply Chain Management Policy to be developed by NAIC to be cascade at contractor and subcontractors and operator. Assess existing Project supply chain organisations to identify suppliers with the highest risk of adverse human rights impacts Contract managers of the Project will receive training on Project human rights principles and policy relevant to their role Conduct labour audit of new supply chain organisations prior to contracting (e.g., Outside Service Questionnaire) Regular audit of supply chain organisations on key workers' rights including those related to child labour, forced labour and occupational health and safety	1
6	Lack of access to information and participation in decision-making, particularly for the affected communities, regarding plans and operations of the Project that may affect their rights to life, health and an adequate standard of living	Right to access to information (UDHR 19, ICCPR 19)	Caused	A	B	B	Medium	3	Stakeholder Engagement Plan Grievance Mechanism at both construction and operation phase.	Update the SEP prior to the start of the Project construction phase to reflect any changes in the Project design, implementation status, key Project stakeholders and engagement methods. Update the engagement programme for the construction and operation phases of the Project and assign responsibilities for the SEP implementation, updates, reporting, and grievance management. Translate the Project SEP in Portuguese and disclose it on the Company's website Appoint a Project Community Liaison Officer (CLO) and assign responsibilities for the SEP implementation, reporting, and grievance management to the Project CLO. Disclose CLO contact details to the ACs/right-holders and other stakeholders. Additional engagement with the communities will be conducted to review the results of this HRRIA	1
7	Negative environmental impacts including: Contamination of land	Right to health (UDHR 25, ICESCR 12) Right to an adequate standard of living (UDHR 25, ICESCR 11) Right to food (UDHR 25, ICESCR 11) Right to water (UDHR 25, ICESCR 11)	Caused	A	B	B	Medium	3	Resource Efficiency Management Plan (including water and energy sources);	Ensure that monitoring of negative impacts on pasture and farms lands and water bodies is performed in consultations with the communities and designed in a participatory manner. Inform the communities on the monitoring results	1

Ref no.	Actual or Potential Impact on Human Right	Human Rights Affected by the Impact	Type of impact (caused, contributed to or directly linked to operations)	Scale	Scope	Irremediability	Vulnerability	Overall Severity	Applicable Management or Monitoring Plans/other existing or already planned mitigations	Additional Measures Suggested	Residual Severity
	Insufficient waste management activities Generation of dust and distribution of construction sand polluting land used for agriculture.								Air Quality and Dust Management Plan (including GHGs); Pollution Prevention Plan; Water Management Plan; Waste and Hazardous Materials Management Plan; Wastewater Management Plan; Noise Management Plan; Soil and drainage Management Plan; Erosion control and Reinstatement Management Plan; Pesticides Management Plan; Community Health and Safety Management Plan. At both construction and operation phases.		
8	Impacts on the affected communities' members health and safety due to: Noise, vibration, dust, air emissions Spread of diseases Vehicle accidents	Right to health (UDHR 25, ICESCR 12) Right to an adequate standard of living (UDHR 25, ICESCR 11) Right to food (UDHR 25, ICESCR 11) Right to water (UDHR 25, ICESCR 11)	Caused	A	B	B	Medium	3	Community Health and Safety Management Plan; Traffic Management Plan; Influx Management Plan.	The Traffic Management Plan should be updated and supplemented with the regulation of interaction with the communities. Communicable Disease Exclusion Procedure applicable for all phases of the Project.	2
9	Culture and religion: damage to or loss of sacred sites, relics and artefacts due to	ICCPR 22 and 23, ICESCR 8) Right to freedom of assembly (UDHR 20 ICCPR 21) Right to participate in the cultural life of the community (UDHR 27)	Potential	C	B	C	Low	2	Stakeholder Engagement Plan including grievance mechanism. Cultural Heritage Management Plan (with attached the Chance Finds Procedure).	A Chance Finds Procedure to be developed for the Project	1

Ref no.	Actual or Potential Impact on Human Right	Human Rights Affected by the Impact	Type of impact (caused, contributed to or directly linked to operations)	Scale	Scope	Irremediability	Vulnerability	Overall Severity	Applicable Management or Monitoring Plans/other existing or already planned mitigations	Additional Measures Suggested	Residual Severity
10	Impacts on affected communities' health and safety due to inappropriate responses or harassment of security personnel may lead to injury and rise in harassment and assaults against local communities	Right to freedom from torture and other cruel or degrading treatment or punishment (UDHR 5, ICCPR 7)	Caused	A	C	C	Low	2	Stakeholder Engagement Plan including grievance mechanism. Security Management Plan Construction and operation phases.	Training will be provided to the security authorities of the Project with the explanation of the expected level of conduct toward workers and the communities. Clear non-discrimination clause to be included into the Human Rights Policy A Due Diligence Review Procedure for recruiting in-house security personnel, including provisions for identification of cases of past abuse and checking their qualifications and certifications Job descriptions for the in-house security personnel to include the requirement that prohibits any acts of force, alcohol, and drugs In-house security personnel trainings to raise awareness on 1) salient human rights issues (particularly in personnel and community security); 2) requirements of the applicable international standards; 3) diverse cultural and ethnic backgrounds of workers present on-site. A training plan for relevant workers on the procedures and on culturally appropriate ways of interacting with local communities, especially women.	1

13.7 Conclusions

The Project entails human rights risks and impacts that could potentially cause adverse impacts on human rights. The aspects specifically related to the project that has the potential of human rights infringement have been identified as the following:

- Working conditions and labour protection such as:
 - Wages,
 - Working hours,
 - Child labour, forced labour and trafficking,
 - Occupational health and safety,
 - Freedom of Association and Collective Bargaining;
- Access to the judicial system; and
- Security and human rights.

The Project specific impact level is assessed pre-mitigation and recommendations are provided on measures to be implemented to reduce the impacts to sufficiently low or no risks depending on the level prior to mitigation.

The following main human rights have been identified as potentially at higher risk for the Project.

Labour rights risks

Angola is rated as a country with systematic violations of rights by the ITUC Global Rights Index. This rating means that working conditions in Angola are often below the standards considered adequate by international organisations and NGOs working on labour-related aspects. While Angola has ratified eight out of ten ILO core conventions, flaws in Angola's legislation on workers' rights concerning collective bargaining, the right to strike or join unions and on civil remedies for sexual harassment in the workplace. The government has in place several labour laws protecting human rights, however they are often considered ineffective.

Since labour risks and risks related to civic space rights are high in Angola, the Project risk is generally assessed to be high before mitigation. Through the implementation of mitigation measures advised in the document, such risks can be reduced to acceptable levels. Mitigation measures include the preparation of a Project specific policies and Management Plans that demonstrate Project commitment to work in accordance with international standards (IFC PS, EP IV, OECD Approaches).

The Project is recommended to develop and implement a Human Resource Policy with labour commitments that explicitly prohibits the use of child labour and forced labour, as well as commitments to promote fair treatment, non-discrimination, and equal opportunities for workers on the Project, as well as promote the health and safety of workers at work. The impacts of the Project on labour related issues are also linked to the significant number of workers involved in the construction and operation phase, which increase the risk of not managing adequately the risks that could occur at different levels within the workforce. To further reduce the risk of adverse impacts, the requirements to reduce labour related risks should be extended to all contractors and suppliers, as further mentioned below.

Supply chain risks

The Project will include use of goods and equipment for construction, the upgrade of the local access road, the construction of temporary accommodations and a permanent residence for workers and the construction of a

the overhead transmission line (considered as Associated Facility). However, there is limited information about most of the supply chain.

The contextual risks in Angola increase the probability of the infringement of human rights at some point and make it more difficult for the Project to control that the company's required are applied by all the involved parties.

As risks are high, mitigation measures must be implemented to significantly reduce the risk level. This includes the preparation of a Supply Chain Management Plan outlining the mitigation measures to be applied such as the assessment of suppliers during the procurement phase and a periodic auditing system, to ensure that they guarantee working conditions in accordance with Angola labour regulation, IFC PS2 and ILO Conventions. Compliance with Project standards should be enforced through contractual agreements to guarantee that their contractors and subcontractors ensure fair working conditions.

Minimising and managing human rights risks

A robust environmental and social management system has to be established to ensure that mitigation measures identified within the ESIA are systematically implemented and monitored. The following specific Management Plans and Policies are recommended to be developed and implemented to mitigate the main human rights risks generated by the Project:

- Human Resources Policy;
- Labour Management Plan;
- Stakeholder Engagement Plan,
- Community Health, Safety and Security Management Plan,
- Occupational Health and Safety Management Plan,
- Supply Chain Management Plan.

In addition to developing a robust management system, it is key that the plans are effectively adopted and implemented throughout the entire construction and operation phases. It is therefore essential that sufficient and skilled staff is appointed for its implementation, with a clear organizational chart and defined roles and responsibilities. The management system will have to include a comprehensive monitoring system to continually verify the performance of the Project in terms of human rights risks and to rapidly implement corrective actions in the case that non-compliances or new risks are identified. If necessary third parties should be involved to ensure an impartial assessment of the Project's performance in terms of human rights.

Due to the size of the Project and the extent of the supply chain generated by the Project, strong control of contractors, subcontractors and suppliers will have to be ensured through a robust auditing and monitoring system.

A Stakeholder Engagement Plan, is expected to be developed and implemented in order to engage with external stakeholders, including vulnerable groups and to discuss Project impacts and mitigation measures with local communities. Moreover, grievance mechanisms (for internal and external stakeholders) are expected to be provided in order to gather stakeholders' complaints and opinions about the Project.

Following the outcome of the ESIA, further Management Plans may be developed and implemented to minimize and effectively manage the Project-related risks and impacts.

APPENDIX A

**Human rights definition and
screening**

The Universal Declaration of Human Rights (UDHR) and the two Covenants, International Covenant on Economic Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), form what is known as the International Bill of Human Rights.

The Table 10 lists human rights as defined by the Guide to Human Rights Impact Assessment and Management which was developed in collaboration with the International Business Leaders Forum (IBLF) and IFC in association with the UN Global Compact as a framework to be used by companies committed to assessing and managing the human rights risks and impacts (HRRIAM, 2010).

The table also defines which of these human rights are considered to be impacted by the Project. Each human right's risk is then analysed in the Chapter 13.7.1 and recommended mitigation measures are provided.

Table 10: Human rights Screening. Source: Guide to Human Rights Impact Assessment and Management (HRRIAM), 2010.

HUMAN RIGHTS	INTERNATIONAL HUMAN RIGHT INSTRUMENT	DEFINITION	IMPACTED (YES/NO)
Right to life	UDHR 3; ICCPR 6	<p>“The right to life entails the right not to be deprived of life arbitrarily or unlawfully, and the right to have one’s life protected.</p> <p>The right not to have one’s life taken away by arbitrary killing is a fundamental right and includes a duty on governments to investigate such killings and punish offenders.”</p>	NO
Right to liberty and security (including freedom from arbitrary arrest, detention or exile)	UDHR 3 and 9; ICCPR 9	<p>“The rights to liberty and security of person prohibit unlawful or arbitrary detention of any kind. ‘Arbitrary’ (or unreasonable) detention is prohibited even if authorised under a state’s domestic laws. This Article recognizes the right to security of people, whether in or out of detention.</p> <p>Security of the person encompasses protection from physical attacks, threats of physical attack, or other severe instances of harassment.”</p>	YES

HUMAN RIGHTS	INTERNATIONAL HUMAN RIGHT INSTRUMENT	DEFINITION	IMPACTED (YES/NO)
Right not to be subjected to slavery, servitude or forced labour	UDHR 4; ICCPR 8; ILO No. 29; ILO No. 105	"Slavery occurs when one human being effectively owns another. The right to freedom from servitude covers other forms of dominance, egregious economic exploitation, and degradation of human beings, which might arise for example in the context of the trafficking of workers (including sex workers), serfdom and debt bondage. Given the extreme nature of these human rights abuses, the rights to freedom from slavery and servitude are subject to no restrictions or qualifications."	YES
Right not to be subjected to torture, cruel, inhumane or degrading treatment or punishment	UNHR 5; ICCPR 7	"If companies' staff members are subjected to severe harassment or dangerous working conditions that cause serious mental distress and anguish. If companies' products are misused to commit acts of torture. If the actions of business partners with whom companies have a business relationship are oppressive. Such relationships might be joint commercial ventures or the engagement of State security forces to protect company installations. In addition to freedom from torture, cruel, inhuman and/or degrading treatment or punishment, this right also protects people from being subjected to medical or scientific experimentation without their consent. In particular, companies in the pharmaceutical sector should be aware of this right."	YES
Right to equality before the law, equal protection of the law, non-discrimination	UDHR 7; ICCPR 26; ILO No. 111	"This right guarantees equality before the law, and the equal protection of the law without discrimination. Individuals should be protected from discrimination on different grounds including race, colour, sex, language, religion, political or other opinion, national or social origin, property, and birth or other status. The latter ground is open-ended and has been interpreted to include statuses such	NO

HUMAN RIGHTS	INTERNATIONAL HUMAN RIGHT INSTRUMENT	DEFINITION	IMPACTED (YES/NO)
		as health status (e.g. HIV/AIDS), disability, marital status, age and sexual orientation.”	
Right to have access to effective remedies	UDHR 8; ICCPR 2	“This right, and in particular, Article 2 of the ICCPR contains the general obligations for a State to respect and ensure that all individuals within its territory, and subject to its jurisdiction, enjoy the rights recognised in the Convention without discrimination; it also underscores the right to provision of an effective remedy for victims.”	NO
Right to a fair trial	UDHR 10; ICCPR 14	“The right to a fair trial and equality before the courts is required in both criminal and civil proceedings to ensure the proper administration of justice. The rights include the entitlement to a public hearing before an impartial court or tribunal.”	NO
Right to privacy	UDHR 12; ICCPR 17	“This right protects people against arbitrary, unreasonable or unlawful interference with their privacy, family, home or correspondence, as well as attacks on their honour and reputation.”	NO
Right to freedom of movement	UDHR 13; ICCPR 12	“This right has four parts. It allows people who are lawfully in a country to move freely throughout the country, to choose where to live within the country, and to leave the country. These three parts of the right may be limited by restrictions on movement that are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others. The right to freedom of movement also gives people the right not to be arbitrarily prevented from entering their own country.	YES

HUMAN RIGHTS	INTERNATIONAL HUMAN RIGHT INSTRUMENT	DEFINITION	IMPACTED (YES/NO)
		Bonded labour, in situations where a worker's passport or travel documents are withheld, breaches the right to freedom of movement"	
Right to have a nationality	UDHR 15	It is rare that the activities of a company would have any direct or indirect impacts upon this right, though they may be complicit in the abuses of this right by others.	NO
Right to marry and form a family	UDHR 16; ICCPR 23; ICESCR 10	"The right to family life requires protection of the family by society and the State. The concept of a family varies throughout the world; each society's own definition of a family is generally applied. This includes the rights of men and women of marriageable age to marry and start a family, and for marriage to be entered into freely and with full consent. This right is relevant to companies insofar as certain work practices (including working hours and eligibility for leave) may hinder or enhance the ability of people to adopt a healthy work/life balance and spend quality time with their families."	NO
Right to own property	UDHR 17; ICESCR 15	"The right to property ensures that everyone is entitled to own property alone as well as in association with others."	NO
Right to freedom of thought, conscience and religion	UDHR 18; ICCPR 18	"The right to freedom of thought, conscience, and religion encompasses a person's freedom to choose, practise and observe his or her chosen religion or belief. The freedom also protects atheists and the right not to profess any religion or belief."	NO

HUMAN RIGHTS	INTERNATIONAL HUMAN RIGHT INSTRUMENT	DEFINITION	IMPACTED (YES/NO)
Right to freedom of opinion, information and expression	UDHR 19; ICCPR 19	“Article 19 protects the right of each person to hold opinions free from outside interference. This right cannot be restricted in any circumstances. Article 19 also protects the right to freedom of expression, which is the right to seek, receive and impart ideas in whatever media or form. This right can be restricted by measures provided by law and necessary to protect the rights or reputations of others, or to protect national security, public order, public health or morals”	YES
Right to freedom of assembly	UDHR 20; ICCPR 21	“The right to assemble and gather together peacefully is protected by Article 21 of the ICCPR. Assembly in this context may refer to a gathering that takes place for a specific purpose, where there is public discussion, or where ideas are proclaimed. Freedom of assembly encompasses the right to demonstrate in groups, whether in stationary gatherings or marches.”	YES
Right to freedom of association	UDHR 20; ICCPR 22; ILO No. 87	“Article 22 of the ICCPR protects the right to form or join all types of association such as political parties, religious societies, sporting and other recreational clubs, non-governmental organisations and trade unions.”	YES
Right to social security, including social insurance	UDHR 22; ICESCR 9	“The right to social security encompasses the right to access and maintain benefits without discrimination. Governments are obliged to make available a system of social security. Such systems may involve contributory or insurance-based schemes, which normally entail compulsory contributions from the beneficiary and the beneficiary’s employer (and sometimes the State), as well as universal or targeted schemes funded out of the public purpose.”	NO
Right to work	UDHR 23; ICESCR 6	“The right to work recognises the right of everyone to the opportunity to make their living by work which they freely choose or accept. This implies that one	NO

HUMAN RIGHTS	INTERNATIONAL HUMAN RIGHT INSTRUMENT	DEFINITION	IMPACTED (YES/NO)
		<p>should not be forced to engage in employment and that States develop a system designed to guarantee all workers access to employment. Workers should not be unfairly deprived of employment.</p> <p>Work as specified in Article 6 of the ICESCR must be 'decent work', that is work that respects a person's human rights including workers' rights regarding conditions of remuneration and work safety. The right to work includes the prohibition of arbitrary dismissal."</p>	
Right to enjoy just and favourable conditions of work (including rest and leisure)	UDHR 23 and 24; ICESCR 7	"The right to enjoy just and favourable working conditions has various components, which are all highly relevant to the actions of companies as they concern the treatment of employees"	NO
Right to form trade unions and join trade unions, and the right to strike	UDHR 23; ICESCR 8; ILO No. 98	"Article 8 of the ICESCR concerns the right of everyone to form trade unions and to join the trade union of his or her choice, subject to the union's own membership rules. This right may only be restricted by States in circumstances that are set down in law and are necessary to protect national security, public order, or the rights and freedoms of others."	YES
Right to an adequate standard of living (Housing, Food, Water & Sanitation)	UDHR 25; ICESCR 11	"Article 11 of the ICESCR guarantees the right to an adequate standard of living including adequate food, clothing, housing and continuous improvement of living conditions. It has also been interpreted as including access to sufficient water and sanitation."	NO

HUMAN RIGHTS	INTERNATIONAL HUMAN RIGHT INSTRUMENT	DEFINITION	IMPACTED (YES/NO)
Right of protection for the child	UDHR 25; ICCPR 24; ILO No. 182	“Children are recognized by this right as being in need of special protection as required by their status as minors. The duty to protect a child attaches to his or her family, community and the State. A child has the right to be registered and given a name immediately after being born, and the right to acquire a nationality.”	NO
Right to health	UDHR 25; ICESCR 12	“This right recognizes the highest attainable standard of physical and mental health. States must take measures to prevent, treat and control diseases, reduce infant mortality and provide for the healthy development of children, improve all aspects of industrial and environmental hygiene, and to create conditions that will ensure universal access to appropriate medical services and medical attention in the event of sickness.”	NO
Right to education	UDHR 26; ICESCR 13 and 14	“The aim of the right to education is “the full development of the human personality and sense of dignity”. Articles 13 and 14 of the ICESCR guarantee all children the right to free and compulsory primary education.”	NO
Right to participate in cultural life, benefit from scientific progress, material and moral rights of authors and inventors	UDHR 27; ICESCR 15	“Article 15 of the ICESCR guarantees the right to take part in the cultural life of society. It also guarantees the rights of all to enjoy the benefits of scientific progress. Its application is designed to ensure that everyone in society can enjoy technological advances, in particular disadvantaged groups. This right is of relevance to indigenous peoples as it extends to their rights to preserve, protect and develop indigenous and traditional knowledge systems and cultural expressions.”	NO

HUMAN RIGHTS	INTERNATIONAL HUMAN RIGHT INSTRUMENT	DEFINITION	IMPACTED (YES/NO)
Right to self-determination	ICCPR 1, ICESCR 1	<p>“This right allows peoples to determine their political status and their place in the international community. It includes the right of peoples to develop and progress in social, economic and cultural terms, to dispose of their land’s natural resources and wealth, and not to be deprived of their own means of subsistence.</p> <p>The right to self-determination is concerned with freedom from domination by an alien power. It is a collective or group right held by ‘peoples’, often understood as peoples under colonial or comparable rule. The right of self-determination of indigenous peoples has also been recognised by the international community. As a right enjoyed by a group, it differs from most other human rights, which are framed as rights of the individual.</p> <p>A company’s activities may impact negatively on the right if, for example, it is allowed to build a facility on land that has traditional significance to the peoples that inhabit the area”</p>	NO
Right of detained persons to humane treatment	ICCPR 10	“The right of detained persons to humane treatment provides special protection for detainees, a group that is highly vulnerable to human rights abuses.”	NO
Rights of minorities	ICCPR 27	“This right recognizes the rights of members of ethnic, religious or linguistic minorities to enjoy their own culture, to practise their religion, and to speak their language. Indigenous peoples are included within the protection of Article 27 of the ICCPR. Their interests may also be protected under Article 1 (the right to self-determination) of both International Covenants (ICCPR and ICESCR). Article 27 also applies to migrants, including recently arrived migrants”	NO

The following Table lists the human rights defined by the Guide to HRRIAM which are not explicitly referenced in the IFC Performance Standards due to their reliance on State action and the fact that they are unlikely to be directly impacted by business activities (HRRIAM, 2010).

HUMAN RIGHTS / INTERNATIONAL HUMAN RIGHT INSTRUMENT		DEFINITION	IMPACTED (YES/NO)
Right to be free from retroactive criminal law	UDHR 11; ICCPR 15	“The right to freedom from retroactive criminal law prohibits the State from imposing criminal penalties for an act done that was not illegal at the time it was committed. It also prevents States from imposing heavier penalties for crimes than those that were prescribed at the time the crime was committed”	NO
Right not to be subjected to imprisonment for inability to fulfil a contract	ICCPR 11	“This right prohibits the imprisonment of people who are unable to pay a debt when the debt in question is a private obligation (rather than a public debt such as the obligation to pay tax) and arises when a person is incapable (as opposed to unwilling) of paying the debt or fulfilling the contract.”	NO
Right of aliens due process when facing expulsion	ICCPR 13	“This right ensures that foreigners (‘aliens’) who are legally present in a country are not expelled from that country without due process in accordance with the law, including the right for an alien to be given the opportunity to present reasons why he or she should not be expelled and to have any expulsion decision reviewed.”	NO
Right to participate in public life	UDHR 21; ICCPR 25	“The right to participate in public life concerns the ability of citizens to take part in the conduct of public affairs and to freely choose representatives to perform governmental functions on their behalf. This right also delineates specific aspects of the right to political participation such as the rights to vote and to be elected in free and fair elections, and a right of equal access to positions within the public service.”	NO
Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred	UDHR 21; ICCPR 25	“The second part of Article 20 of the ICCPR is directed against ‘hate speech’, which is speech that vilifies people and incites hatred against them on the basis of their race, religion or nationality. This aspect of the right is of particular significance to media companies and also telecommunications companies that host blogs, forums, websites etc.”	NO

Right to recognition of a person before the law	UDHR 6; ICCPR 16	“Article 16 guarantees that an individual be endowed with the capacity to be a person before the law. That is, a human being must be recognised as a person with ‘legal personality. It relates to a breach of legal personality in marriage relations (married women treated as property of the husbands) or children treated as property of parents”	NO
Right to seek asylum from prosecution in other countries	UDHR 14	“It is rare that the activities of a company would have any direct or indirect impacts upon this right, though they may be complicit in the abuses of this right by others”	NO

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