

ANNEX H – GUIDANCE QUESTIONS FOR THE ‘DO NO HARM’ ASSESSMENT

1. **The project respects internationally proclaimed human rights including dignity, cultural property and uniqueness of indigenous people. The project is not complicit in Human Rights abuses.**
 - Are human right abuses common in the country and/or region?
 - Does the project respect life, liberty, and security?
 - Does the project respect personal and political freedom?
 - Does the project respect economic, social and culture freedoms?
 - Does the project respect cultural property?
 - Does the project respect the uniqueness of indigenous people?
 - Is one of the project participants an arms producer or distributor?
 - Is one of the project participants a land mines producer or distributor?
 - Has the Host government ratified the relevant conventions on Human rights?
 - Does the Host country have its own legislation in place prohibiting the violation of the principle?
 - Does the Host country actively enforce the compliance with this principle?

2. **The project does not involve and is not complicit in involuntary resettlement.**
 - Does the project result in any person’s relocation?
 - If yes, has the project sufficiently demonstrated that these people can stay or move voluntarily after project implementation?
 - Is the project area limiting access to people that previously had access?
 - Will the project have an economic or other impact on the people living nearby?
 - Has the project sufficiently demonstrated that any limitations caused by the project will not force people to relocate?
 - Has the Host government ratified the ILO convention 169?
 - Does the Host country have its own credible legislation in place prohibiting involuntary resettlement?
 - Does the host country actively enforce the compliance with the principle?
 - Is involuntary resettlement common in the country and/or region?

3. **The project does not involve and is not complicit in the alteration, damage or removal of any critical cultural heritage**
 - Does the project alter, damage or remove tangible property and sites having archaeological, paleontological, historical, cultural, artistic or religious value?
 - Does the project alter, damage or remove tangible property and sites with unique natural environmental features that embody cultural values?
 - Does the project alter damage or remove intangible forms of culture, such as cultural knowledge, innovations, and practices of communities embodying traditional lifestyles?

- Has the project sufficiently demonstrated that the cultural property will not be impacted negatively?
- Has the Host government ratified the relevant convention?
- Does the Host country have its own credible legislation in place prohibiting damage of cultural property?
- Does the host country actively enforce the compliance with this principle?
- Is alteration, damage or removal of cultural heritage common in the country and/or region?

4. The project respects the employees' freedom of association and their right to collective bargaining and is not complicit in restrictions of these freedoms and rights

- Are employees' freedom of association and right to collective bargaining violated in the project?
- Has the Host government ratified the ILO convention 87(freedom of association) and 98(right to collective bargaining)?
- Does the Host country have its own credible legislation in place enforcing the right of freedom of association?
- Has the project demonstrated that it will not limit freedom of association and right to collective bargaining more than required by law?
- Does Host country actively enforce the principle?
- Is employee association and collective bargaining common practice in the country/region?

5. The project does not involve and is not complicit in any form of forced or compulsory labour

- Does the project involve any type of forced or compulsory labour?
- Are all employees offering their services on a voluntary basis?
- Are employees free to quit their services without the menace of penalty?
- Has the Host government ratified the ILO Convention 29 and 105 on elimination of forced and compulsory labour?
- Does the Host country have its own credible legislation in place prohibiting forced and compulsory labour?
- Is forced or compulsory labour common in the country and/or region?

6. The project does not employ and is not complicit in any form of child labour

- Does the project employ or intend to employ children below the age of 15 in regular work or hazardous work?
- Does the project employ or intend to employ children below the age of 18 in hazardous work?
- Has the Host government ratified Convention 138(minimum age) and convention 182(worst form of child labour) under the ILO Declaration on Fundamental Principles and Rights at Work?

- Does the Host country have its own credible legislation in place prohibited child labour?
- Does the host country actively enforce the principles of Child labour?
- Is Child Labour common in the country and/or the region?

7. The project does not involve and is not complicit in any form of discrimination based on gender, race, religion, sexual orientation or any other basis.

- Does the project's employment policy district, exclude or prefer people based on race, colour, gender, religion, sexual orientation, political opinion, national extraction, social origin or physical or mental disability?
- Has the Host government rarefied Convention 100(equal remuneration) and convention 111(Discrimination in employment/occupation) under the ILO Declaration on Fundamental Principles and Rights at Work?
- Does the Host country have its own credible legislation in place prohibiting discrimination?
- Does the Host country actively enforce the principle of Discrimination?
- Is discrimination at work common in the country/region?

8. The project provides workers with a safe and healthy work environment and is not complicit in exposing workers to unsafe or unhealthy work environments.

- Has there been a credible and sufficient investigation to identify potential hazards for workers?
- Are workers exposed to hazardous chemicals or other material?
- Are workers involved in processes which are potentially dangerous?
- Have other hazardous been identified?
- Has the risk of sexual harassment and abuse of women been considered sufficiently?
- Is there an emergency action plan in the case of accidents for every site?
- Is there an insurance or pension system for workers in place in case of health impacts?
- Has the government ratified relevant convention?
- Does the host country have its own credible legislation in place enforcing the principle?
- Does the host country actively enforce the principle of work environment?
- Does the Host country actively enforce the principle?
- Are unsafe work environments common in the country and/or region?

9. The project takes a precautionary approach in regard to environmental challenges and is not complicit in practices contrary to the precautionary principle.

- Does the project include any planting, agricultural or similar activities?
- Does the project involve invasive species likely to cause harm?
- Does the project produce chemicals that are excessively dangerous to the environment?
- Does the project deliberately use genetically modified organisms?
- Does the project involve large mono-culture plantations?

- Does the project produce hazardous waste?
- Has the Host country ratified all conventions relevant to this project?
- Does the host country have its own credible legislation in place enforcing the principle?
- Does the Host country actively enforce the principle of precautionary approach?
- Are violations of the precautionary principle common in the country/region?

10. The project does not involve and is not complicit in significant conversion or degradation of critical natural habitats, including those that are (a) legally protected, (b) officially proposed for protection, (c) identified by authoritative sources for their high conservation value, or (d) recognized as protected by traditional local communities.

- Is this a Greenfield project or does additional lands need to be used for project purpose?
- Are there critical natural habitats located at or close to the project site?
- Could project activities create increased stress on this site through activity displacement or invasive species introduction?
- Did the project consult protected area sponsors and managers, local communities and other local relevant stakeholders for the protection of critical habitats?
- Has the Host countries ratified all conventions relevant to this project?
- Does the Host country have its own credible legislation in place enforcing this principle?
- Does the Host country actively enforce the principles of critical natural habitats?
- Are violations of the critical natural habitats common in the country/region?

11. The project does not involve and is not complicit in corruption.

- Is the project known to employ practices where entrusted power is abused for private gain?
- Has the Host government ratified the UN Convention against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions?
- Does the Host country have its own credible legislation in place enforcing this principle?
- Does the Host country actively enforce the principle?
- Is this project prone to potential corruption opportunities?
- Is corruption common practice in comparable projects in the region?