



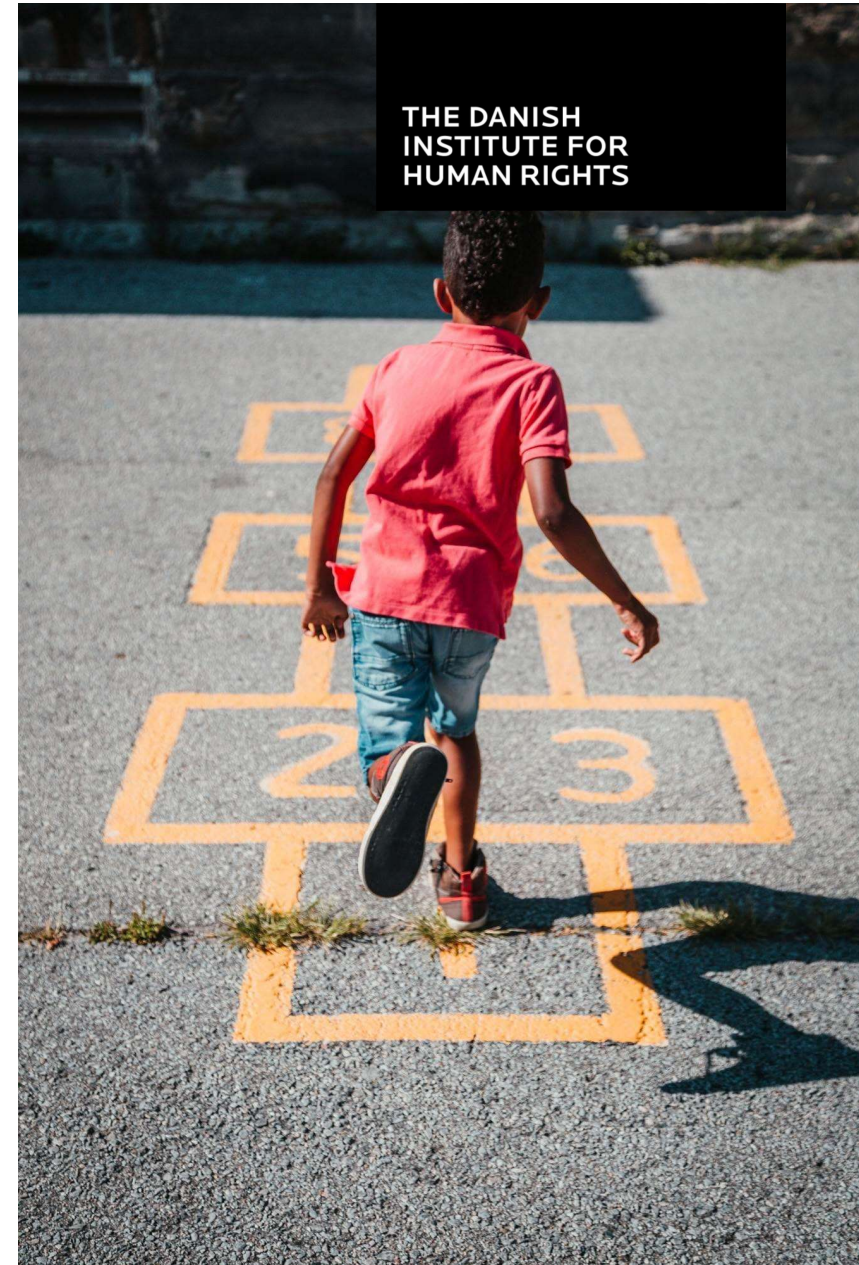
THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

HUMAN RIGHTS IMPACT ASSESSMENT (HRIA)

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Institute for Human Rights

AGENDA

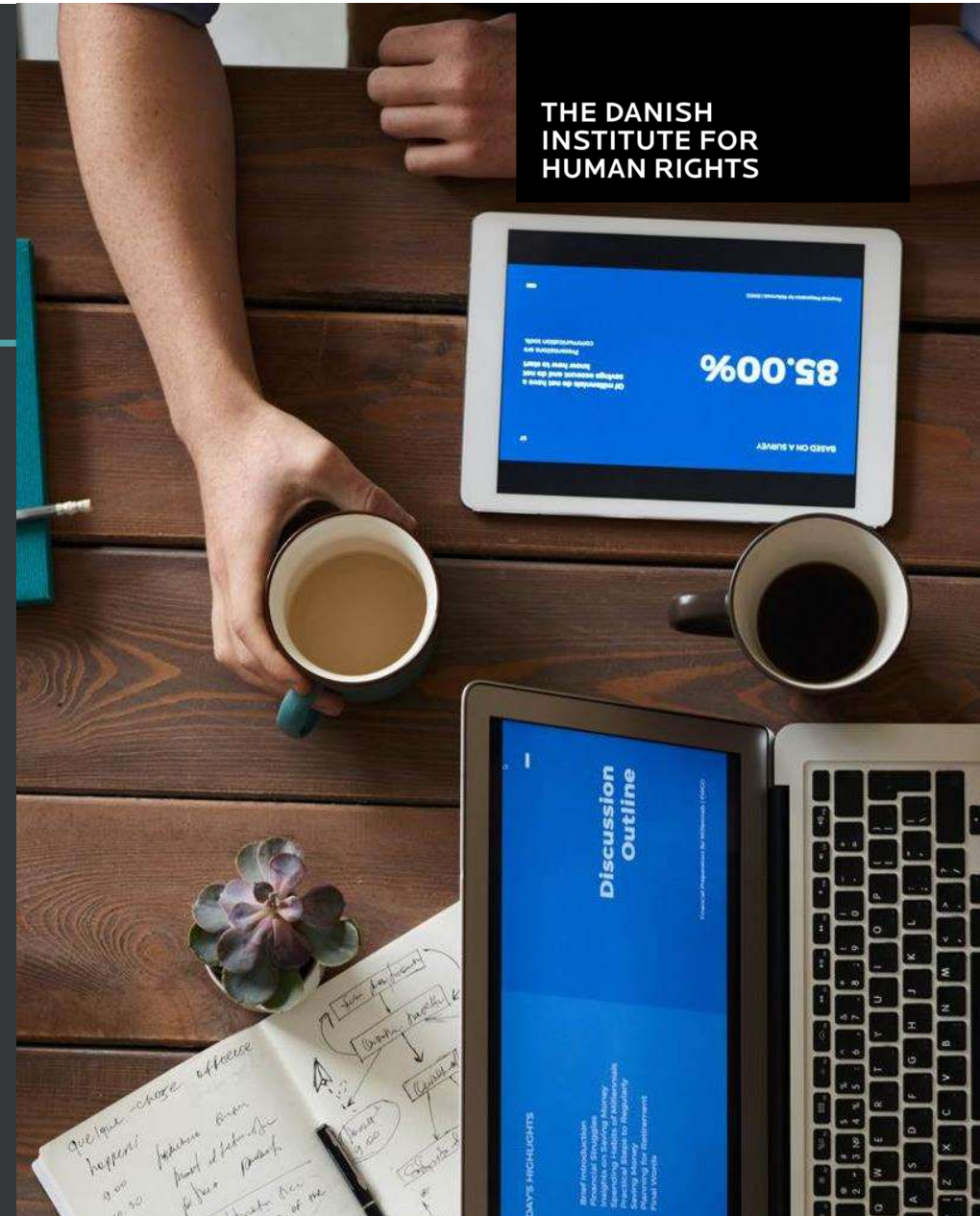
1. Short introductions
2. Introduction to HRIA
3. Case study
4. Q & A



1. SHORT ROUND OF INTRODUCTIONS

HOUSE RULES

- If possible, keep your cameras on (& mics off)
- Feel free to use “raise hand” function during the presentation for quick questions
- Put other questions in the chat, I will read them while you work on the case study



ABOUT THE DANISH INSTITUTE FOR HUMAN RIGHTS

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

- **National Human Rights Institution**
- **Established 1987 by Danish Parliament** (private sector mandate affirmed under 2012 act)
- **100 staff**
- **Works with government, civil society and business**
- **+30 countries**
- **Human Rights and Business since 1999**

CORPORATE ENGAGEMENT PROGRAMME



- Policy analysis
- Impact assessment support
- Capacity building and training
- Human rights risk analysis
- Specific human rights, country or industry themes
- ...

Corporate Engagement Principles

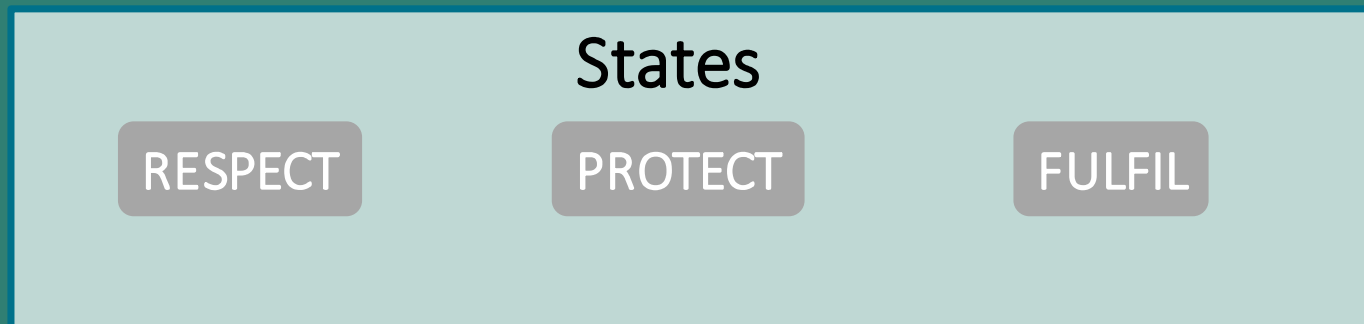
- *Promotion and protection of human rights*
- *Draw on corporate engagement experience to develop public domain due diligence resources*

2. INTRODUCTION TO HRIA

Short recap: How human rights are implemented

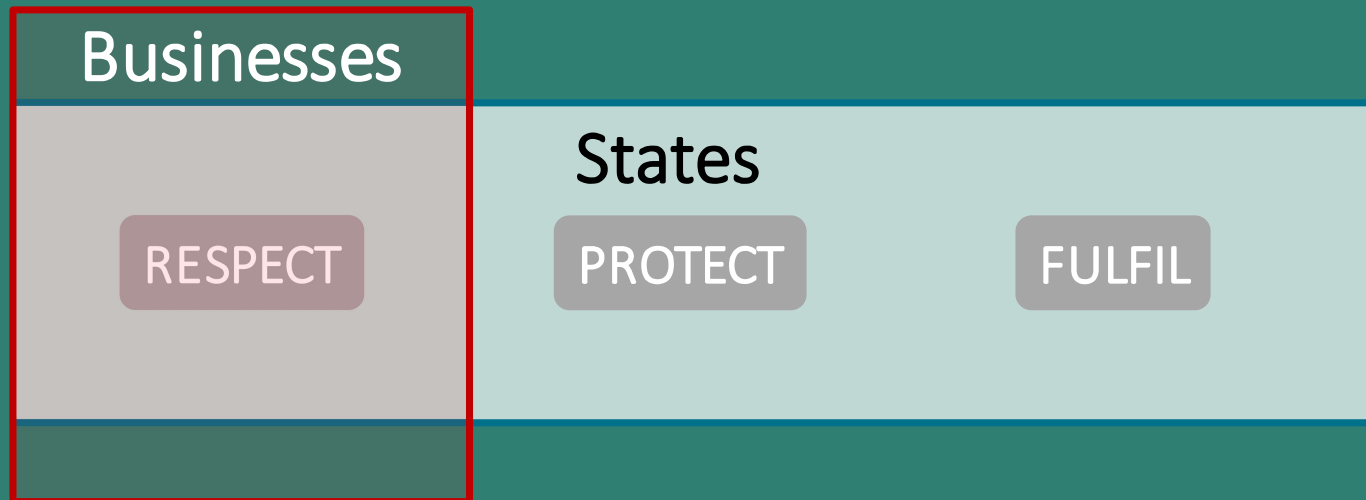


The human rights obligations of duty-bearers

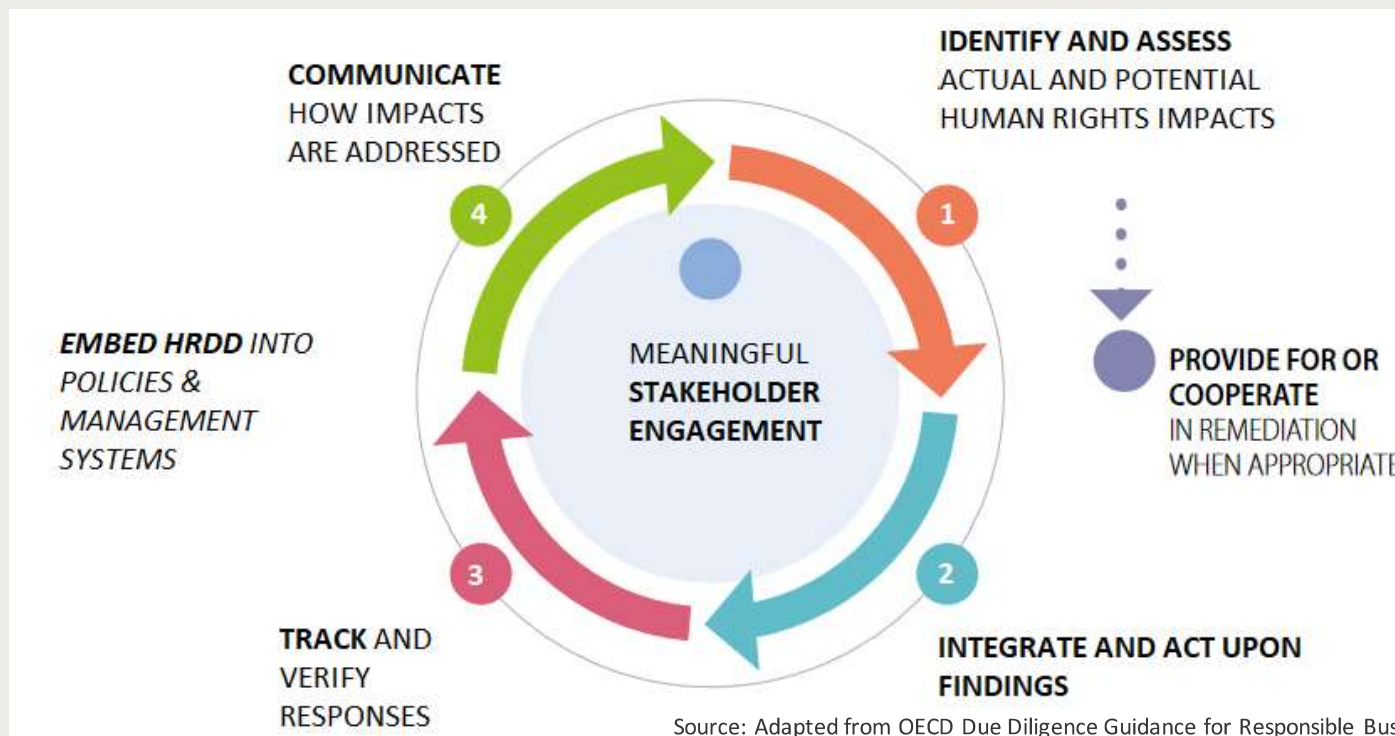


Which obligations do businesses have?

The human rights obligations of duty-bearers



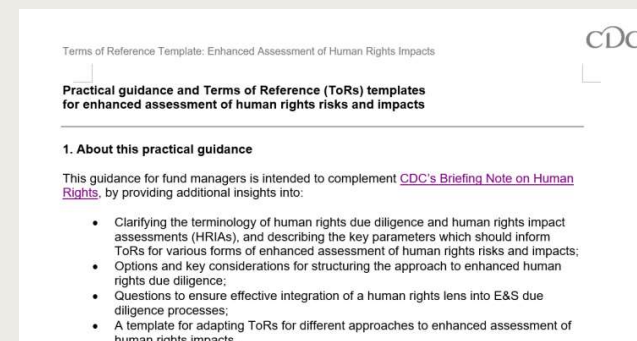
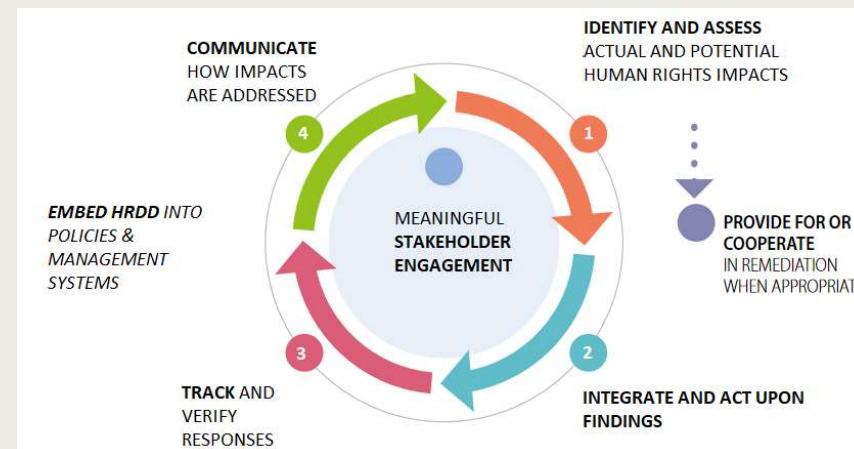
How do you conduct HRDD?



HRIA AND HUMAN RIGHTS DUE DILIGENCE

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- The UNGPs require assessment of human rights impacts – not necessarily a ‘human rights impact assessment’.
- Other types of assessments and due diligence activities are also needed to comply with UNGPs
- Integrating elements of HRIA methodology into other assessments and ESG activities can improve quality thereof and enable scalability



WHAT IS A HUMAN RIGHTS IMPACT ASSESSMENT?

- A *context specific* process for identifying, understanding, assessing and addressing the *adverse effects of a business project, activities or operations* on the human rights enjoyment of *impacted rights-holders* such as workers, community members or consumers.
- It is an *elaborate assessment process*.
- *Stand-alone exercise*, but iterative follow up activities are essential to ensuring long term impacts.
- HRIAs are *on* human rights, *through* human rights, *for* human rights.



HRIA AS A DISCIPLINE IS INSPIRED BY ES(H)IA AND SIA PRACTICES



Social Impact Assessments (SIAs): Tool to assess social impacts of a project

- similarities: such as community engagement and impact mitigation
- distinctions: human rights expertise / approach not guaranteed; SIAs uses a variety of benchmarks, it also looks at project benefits, and there is no explicit focus on rights-holders vs duty-bearers

HRIA AS A DISCIPLINE IS INSPIRED BY ES(H)IA AND SIA PRACTICES



Environmental, Social & (Health) IAs: Tool to assess env., social & health impacts of a project

- Legally required by national law for certain types of projects
- Do not explicitly apply human rights lense and can overlook critical elements such as:

1. Labour issues in the supply chain
2. Post-conflict or conflict-sensitive areas
3. Security activities related to business operations and/or activities
4. Gender analysis and an assessment of the gender impacts
5. Rights of indigenous peoples & focus on vulnerable individuals/groups
6. Community impacts related to business relationships or activities
7. In-migration associated with the development of the business project
8. Legacy human rights impacts associated with the activities of previous business operators
9. Cumulative impacts, involving human rights impacts of other businesses

HRIA VS. AUDIT

	Social audits	HRIsAs
Baseline	Company policy / Code of Conduct and national laws (typically implicit select human rights)	All human rights rights – Int. Bill of Human Rights
Objective	Compliance	Preventing, mitigating and remediating potential and actual human rights impacts
Procedure	Audit protocol: management and worker input, verified by external audit company	Human rights based data-collection with affected stakeholders at the core
Scope	Factory site - operational	Varies. Can include project, site, value chain, supply chain and sector-wide
Orientation	Primarily internal	Primarily external - affected stakeholders; NGOs, academics, trade unions, governments, business associations etc
Data	Emphasis on written documentation	Primarily qualitative data collection – emphasis on experiences
Output	Internal audit report – corrective action plan	Public HRIA report incl recommendations for actions at operational and systemic level

DIFFERENT TYPES OF HUMAN RIGHTS IMPACT ASSESSMENTS

Integrated HRIAs

Human rights integrated into Environmental, Social and/or Health Impact Assessments

Specific topics integrated into wider HRIAs (gender/child rights)

Stand-alone HRIAs

Company-led HRIAs

Community-led HRIAs

Issue based HRIAs

Product based HRIAs

Sector-Wide Impact Assessments

Looking at an entire business sector rather than a project

Collaborative HRIAs

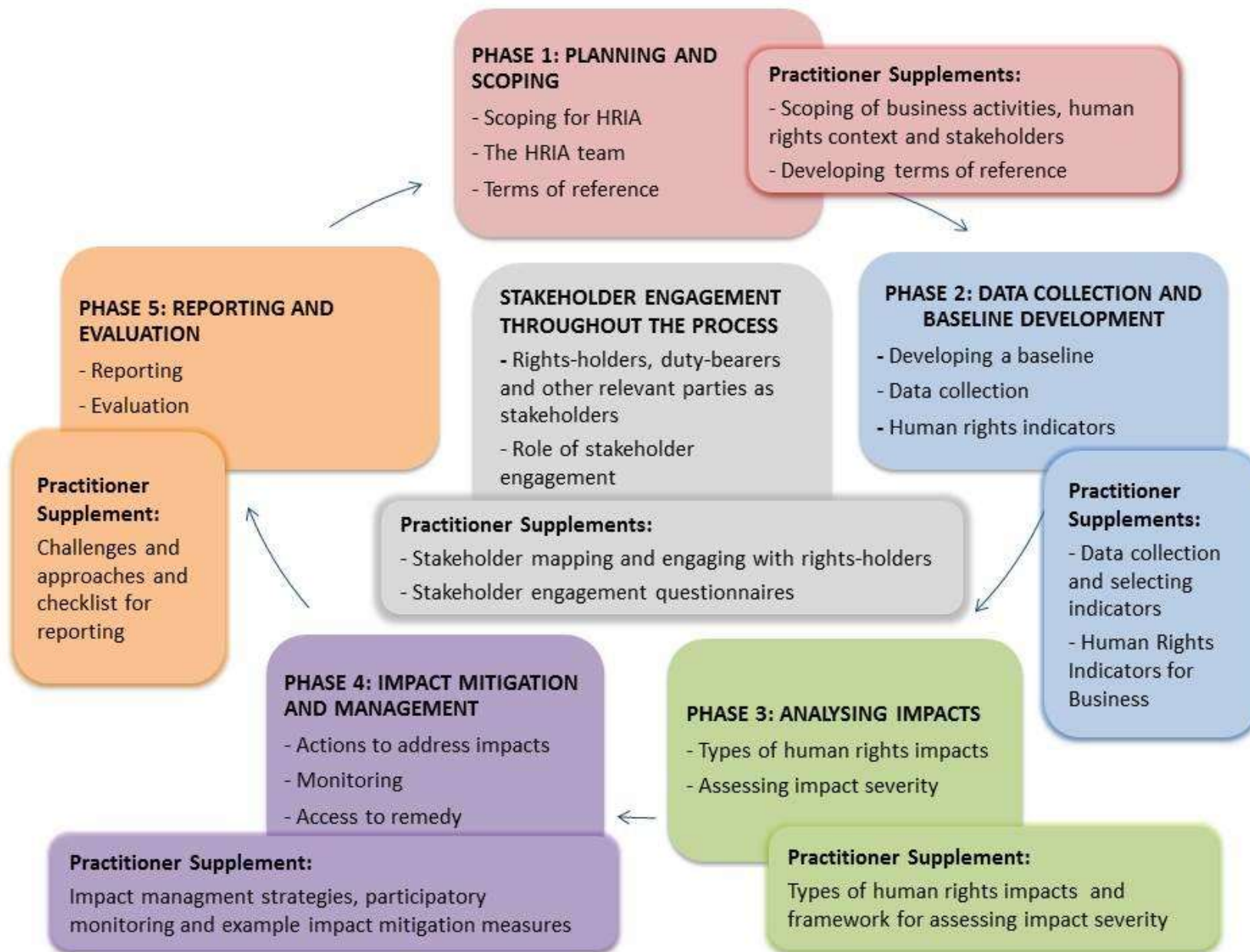
Different ideas around collaborative HRIAs.

Do not exist yet – could this be one of the ways forward?

DIHR HRIA GUIDANCE AND TOOLBOX



- Context and target audience
- Process for development
- Building on and consolidating > 10 yrs of work with companies conducting HRIAs in various sectors
- Covers five impact assessment phases and stakeholder engagement
- Guidance text and practitioner supplements
- 10 key criteria for HRIA
- Road-testing version



WHAT DO HUMAN RIGHTS IMPACT ASSESSMENTS AIM TO ACHIEVE?

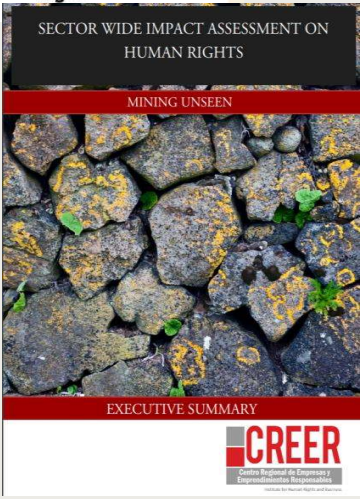
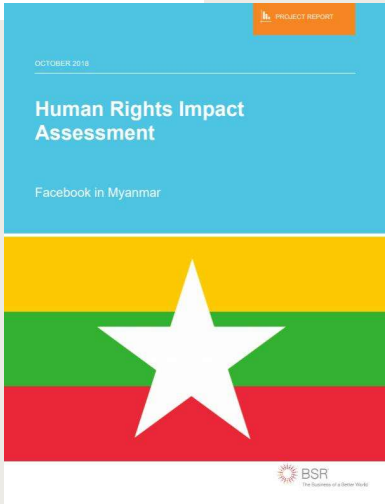
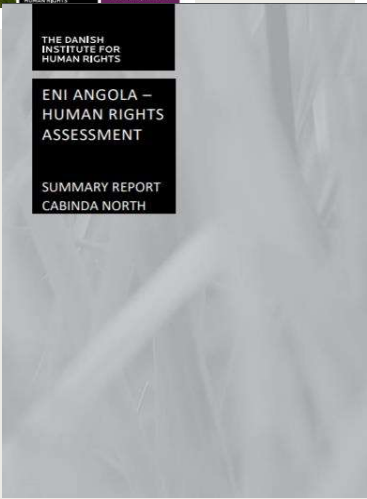
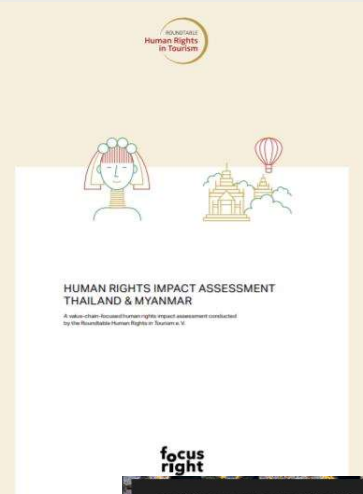
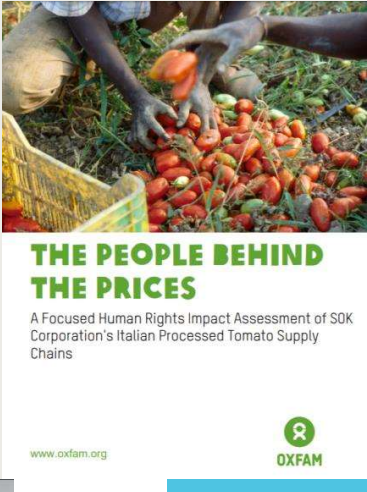
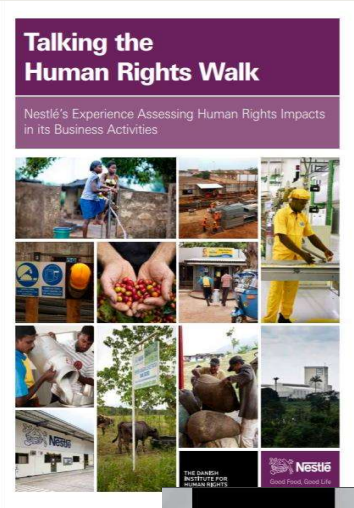


- Identification, avoidance and addressing of adverse human rights impacts - change for people on the ground (rightsholders)
- Establishment of meaningful dialogue between stakeholders in a particular context, including through developing joint ways forward
- Facilitating capacity building and learning of internal and external stakeholders involved
- Enhancing transparency and accountability of the business through documenting the impacts that have been identified and actions taken to address these
- Empowering rights-holders to hold business to account for adverse human rights impacts

Summary of 10 key criteria for human rights impact assessment

Process	Participation	<ul style="list-style-type: none"> • Rights-holders, duty-bearers and human rights actors • Throughout the process
	Non-discrimination	<ul style="list-style-type: none"> • Inclusive engagement and consultation • Gender-sensitive • Vulnerable individuals and groups
	Empowerment	<ul style="list-style-type: none"> • Capacity building to participate
	Transparency	<ul style="list-style-type: none"> • Process and outcomes
	Accountability	<ul style="list-style-type: none"> • Assessment team is supported by human rights expertise • Responsibilities for mitigation are assigned and adequately resourced • Entitlements of rights-holders and the duties of duty-bearers identified
Content	Benchmark	<ul style="list-style-type: none"> • Human rights standards
	Scope of impacts	<ul style="list-style-type: none"> • Actual and potential impacts: caused by the business; to which the business contributes; and impacts linked through business relationships • Cumulative impacts and legacy issues are considered
	Assessing impact severity	<ul style="list-style-type: none"> • Impacts addressed according to severity of human rights consequences • Account for the interrelatedness of human rights, as well as the interrelatedness of environmental, social and human rights factors
	Impact mitigation measures	<ul style="list-style-type: none"> • Addressing follows mitigation hierarchy 'avoid-reduce-restore-remediate' • No offsetting
	Access to remedy	<ul style="list-style-type: none"> • Avenues whereby rights-holders can raise concerns or complaints • During and after the assessment

EXAMPLES OF HRIAS



HUMAN RIGHTS IMPACT ASSESSMENTS WITH NESTLÉ

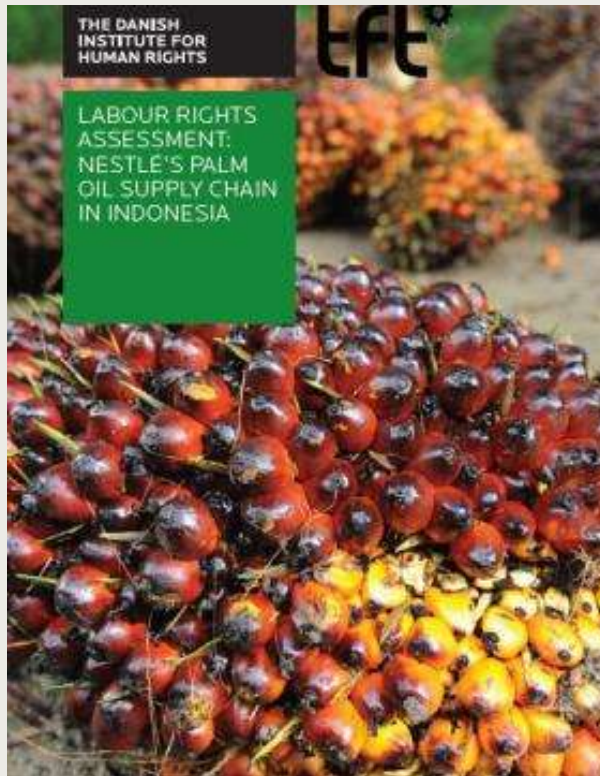
Talking the Human Rights Walk

Nestlé's Experience Assessing Human Rights Impacts in its Business Activities



- HRIAs -> important component of Nestlé's HRDD programme
- Tool to assess and address human rights impacts + awareness raising tool
- Conducted 12 HRIAs in high-risk countries since 2010 (FTSE4Good index requirement)
- Scope to date: impacts of Nestlé's own operations + supply chain
- 2-3 weeks field assessment with interviews with company management, rights-holders and external stakeholders

HRIA & TRANSPARENCY



- **Nestlé:** 2017 HRIA in the palm oil sector in Indonesia published with all its findings; similar experience in sea food sector in Thailand
- Obstacle: consent from multiple companies required?
- **ENI:** Follow-up assessment to initial ex-ante HRIA in Myanmar in 2018; results published
- **Other experiences:** JV objection to publishing HRIA findings

EXAMPLES OF HRIA RESOURCES

1. Introduction to HRIA: <https://www.humanrights.dk/tools/human-rights-impact-assessment-guidance-toolbox/introduction-human-rights-impact-assessment>
2. HRIA Guidance and Toolbox (DIHR): <https://www.humanrights.dk/tools/human-rights-impact-assessment-guidance-toolbox>
3. Handbook on HRIA: <https://www.humanrights.dk/news/new-handbook-offers-insights-how-address-impacts-business-activities-human-rights>
4. CDC Toolkit Guidance resource: ToR for human rights due diligence (includes HRIAs): <https://toolkit.cdcgroup.com/reference-materials/>
5. Information on integration of human rights into ESHIAs: <https://www.humanrights.dk/tools/human-rights-impact-assessment-guidance-toolbox/human-rights-eshia-practitioners>
6. Business and Human Rights Resource Centre page on HRIA: <https://www.business-humanrights.org/en/un-guiding-principles/implementation-tools-examples/implementation-by-companies/type-of-step-taken/human-rights-impact-assessments>
7. Various HRIA reports by DIHR: i.e. Nestlé, Eni, Total, other (see website)
8. Examples of HRIA reports by BSR: i.e. Telia, Facebook, other (see website)
9. Examples of HRIA reports by Nomogaia: <http://nomogaia.org/work/>

3. CASE STUDY

CHALLENGES & LESSONS LEARNED FROM PRACTICE

- **Timing, selection of country and scope:** when and where to carry out a HRIA? Can outcome of HRIA influence decision-making? How deep to go into business relationships?
- **Tools:** need to be simple, comprehensive, adapted to context and stakeholder groups and grounded in international human rights standards
- **Time and money:** combining cost-effectiveness + sustainability vs scope and depth



CHALLENGES & LESSONS LEARNED FROM PRACTICE

- **HRIAs as a capacity building tool:** balancing company involvement to enable capacity building while ensuring third party independence. Capacity building of rights-holders?
- **Stakeholder and rights-holders engagement:** requires local expertise + sufficient time to be meaningful (i.e. through a scoping mission)
- **Government authorities:** risks vs. value add of engaging with government actors during HRIA



CHALLENGES & LESSONS LEARNED FROM PRACTICE

- **Public reporting and transparency:** Core requirement in this time. Better to be open than be criticized by NGOs /journalists
- **Integrating & scaling findings:** feeding local lessons learnt into global systems
- **Making it normal:** HRIA still a very embryonic practice – how to scale up?
- **Follow up:** ensuring adequate follow up at HQ and subsidiary levels, e.g. through follow-up assessment in same location



4. Q & A