

Exploring Human Rights Impact Assessments

12 November 2014 at 10 am EDT



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**THE DANISH
INSTITUTE FOR
HUMAN RIGHTS**

Agenda

1. Welcome and Introductory Remarks

- Shubha Chandra, Advisor, Human Rights, Legal & Policy, *UN Global Compact*

2. Introduction to Human Rights Impact Assessments and Sector Wide Impact Assessments

- Tulika Bansal, Advisor, Human Rights and Business, *The Danish Institute for Human Rights*

3. Assessing Human Rights Impacts in Practice

- Luke Wilde, Executive Director, *twentyfifty Limited*
- Larissa Dietrich, Consultant, Business and Human Rights, *twentyfifty Limited*

4. Community-Based Human Rights Impact Assessments

- Sarah Zoen, Senior Adviser, Private Sector Department, *Oxfam America*

5. Question and Answer Session



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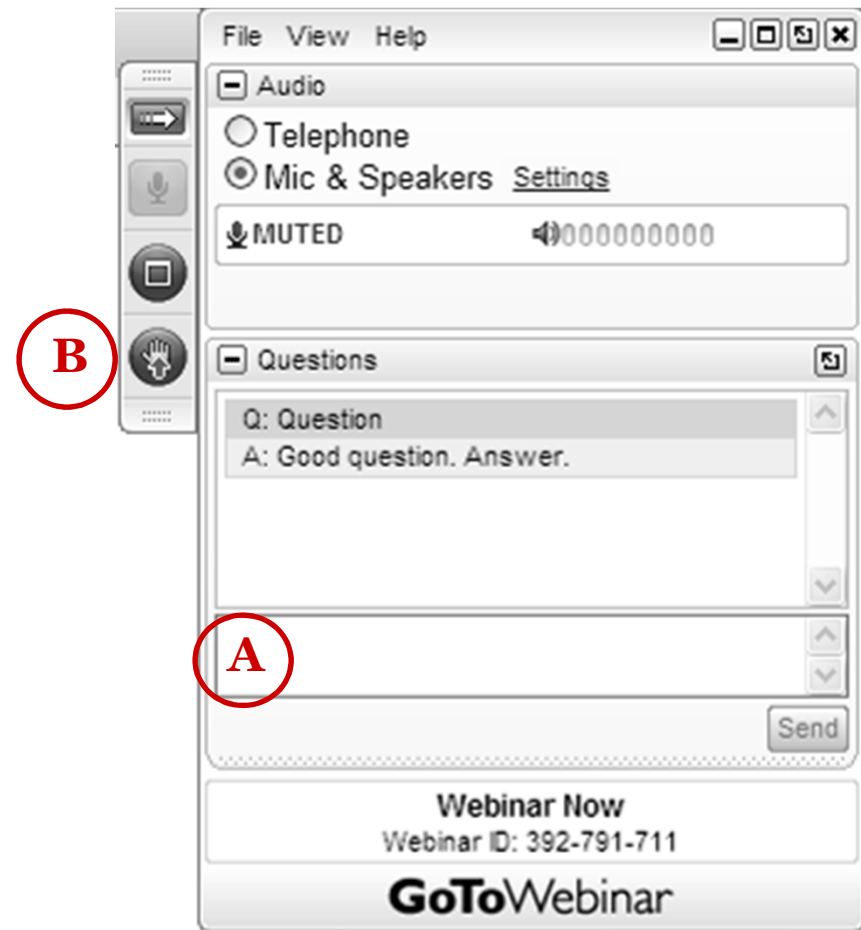
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Questions

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Example: *Question for John Doe: What is Human Trafficking?*



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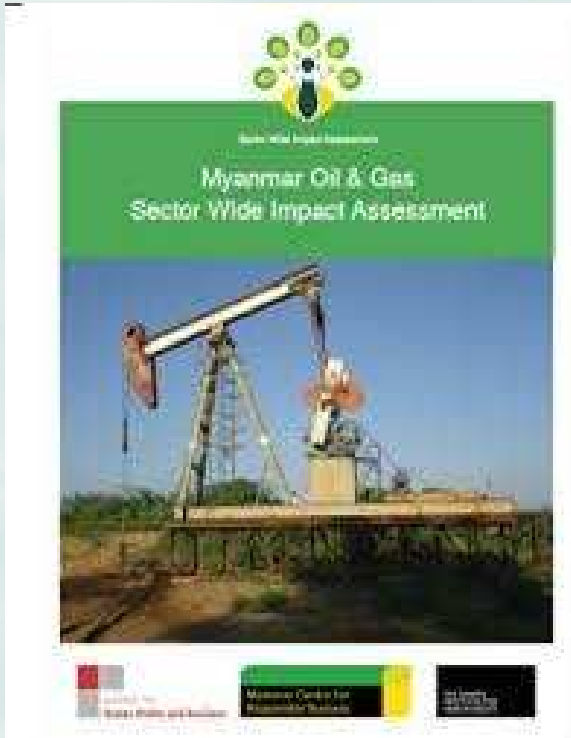
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DIFFERENT TYPES OF HUMAN RIGHTS IMPACT ASSESSMENTS

Integrated HRIAs

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

Stand-alone HRIAs

Company-led HRIAs

Community-led HRIAs

Issue based HRIAs

Product based HRIAs

Sector-Wide Impact Assessments

Looking at an entire sector rather than a project

Multi-stakeholder HRIAs

Do not exist yet – could this be the way forward?

KEY CRITERIA FOR IMPACT ASSESSMENTS

KEY CRITERIA FOR HUMAN RIGHTS IMPACT ASSESSMENTS	
1. Applying international human rights standards	
2. Addressing the full scope of impacts	
✓ Potential and actual impacts	
✓ Impacts through business relations	
3. Adopting a human rights based approach	
✓ Participation and inclusion	
✓ Equality and non-discrimination	
✓ Transparency and accountability	
4. Ensuring accountability	
✓ Recognition of rights holders and duty bearers	
✓ Assignment of responsibilities and resources	
✓ Access to remedy	
✓ Transparency and formal reporting	
5. Evaluating impact severity and prioritization of addressing impacts	

SECTOR WIDE IMPACT ASSESSMENTS: WHAT IS DIFFERENT?

Human rights based	Applies a human rights lens to consider project impacts and policy and legal frameworks
Wider audience than project EIA/SIA/ESHIA	Government and Parliamentarians, businesses, local communities, CSOs, workers and trade unions
Aims to shape policy, law and projects	Examines national context and frameworks, legal contracts (where relevant) and business practices. Identifies what actions will help shape or impede better human rights outcomes for the sector
Information goes into the public domain	HRIAs → often confidential SWIA → public good with the aim of improving practices and outcome of business investment for the society
3 Levels of Analysis	Looks at 3 levels of impacts of the sector: <u>sector</u> , <u>cumulative</u> , and <u>project</u> levels. Desk and field research conducted across various regions and types of projects

3 LEVELS OF ANALYSIS OF SWIA

Sector/Aggregate-Level Impacts

- Broader, country-wide impacts, positive and negative
- Paints the bigger picture of sectoral risks and opportunities
- Analyses key policies and laws that can help or hinder responsible business conduct

Project-Level Impacts

- Impacts from individual companies
- Draws on field research in regions where the sector is active, representative of a range of sectoral activities
- Presents the National Context, Implications on Human Rights for O&G companies, and Field Assessment Findings for key issues in the country

Cumulative-Level Impacts

- Impacts from numerous companies operating in the same area
- Identifies activities that may lead to cumulative impacts and options for collective action by companies to prevent and mitigate/remediate

OBJECTIVES OF A SECTOR-WIDE IMPACT ASSESSMENT

- Informs future company project-level impact assessments
- Provides governments and parliamentarians with analysis and targeted recommendations
- Enables development partners to align their support and policies with assessment findings and recommendations
- Supports local communities and workers in understanding and engaging on companies' projects
- Build the capacity of civil society, trade unions and media to better understand issues in the sector and participate in policy development and advocacy efforts

SWIA PROCESS



I. Scoping of the Sector		
•	Develop foundational knowledge base to target field research for validation and deepening of data.	Months 1-4
II. Identification and Assessment of Impacts		
•	Validate foundational knowledge base with primary data collected through field research from targeted locations across the country of focus.	Months 5-6
III. Mitigation and Impact Management		
•	Identify measures that will help avoid, minimise, mitigate potential impacts of the sector.	Months 6-9
IV. Preparation of the SWIA report		
•	Present findings of desk and field research, consultations and recommendations.	Months 8-11
V. Consultation on draft SWIA and Finalisation		
•	Present SWIA findings and conclusions, as well as recommendations, to be validated through consultations with representatives of government, companies operating/planning to operate in the country, and representatives of civil society organisations, trade unions, international organisations, donor governments.	Months 12-14

SWIA CHALLENGES/ LIMITATIONS IN MYANMAR

1. HRIA is still an emerging approach globally; sector-wide (human rights) impact assessment has been an experiment
2. Limited local capacity to conduct human rights impact assessments (HRIA)
3. Findings highlight trends seen in six research locations, and thus do not provide detailed analyses of particular projects or regions
4. Geographic scope: constraints due to safety and security (i.e. ethnic regions)
5. Varying levels of cooperation locally from companies and authorities
6. Not always possible to conduct confidential interviews with employees off site
7. Complex and changing national legal and policy environment
8. Various ethnic languages and local customs and cultures: not always expertise of local languages in assessment team
9. Limited research time on the ground

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Assessing Human Rights Impacts in Practice

Luke Wilde and Larissa Dietrich, twentyfifty Limited

Types of HRIA Methods

Learning Orientation		Focus on rights-holders and stakeholder participation	
Participation/ Context Sensitivity	Low	High	
	High	STAKEHOLDER AND CONTEXT-BASED APPROACHES	STAKEHOLDER-BASED MANAGEMENT APPROACHES
Low	"CHECKLIST" APPROACHES	CORPORATE STRATEGY APPROACHES	
Focus on applicability and standardisation			

Adapted from: INEF 2012, Human Rights Impact Assessments

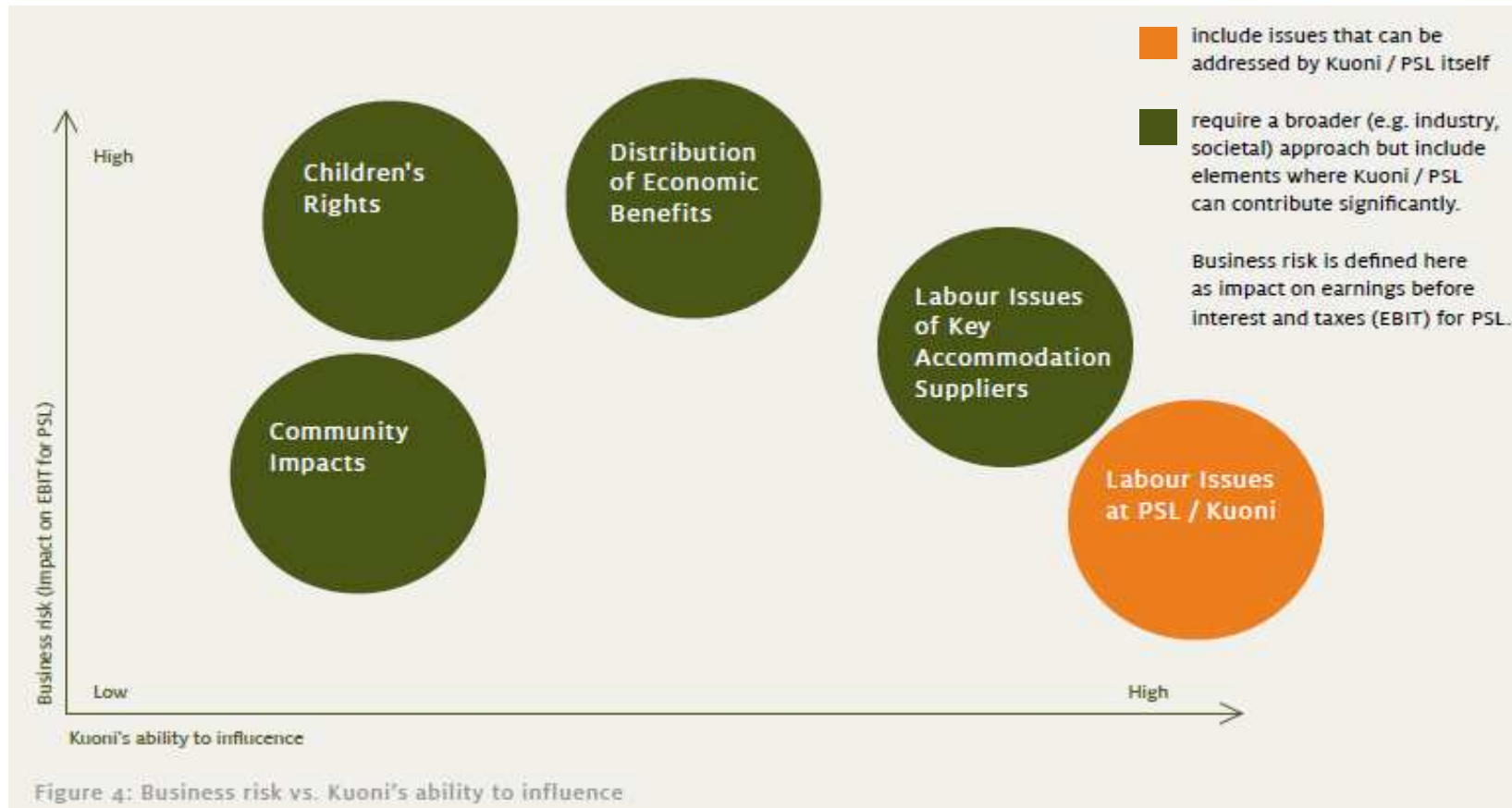
Example: Pilot HRIA in Kenya for Kuoni



Approach:

- Project run by Kuoni CR team with involvement of Private Safaris, support from twentyfifty Ltd, and NGO Tourism Concern
- Set-up of an international stakeholder advisory group
- Desk-based research and development of semi-structured assessment questionnaires
- Country visit engaging local management and affected groups
- Joint review of findings
- Definition of mitigation actions

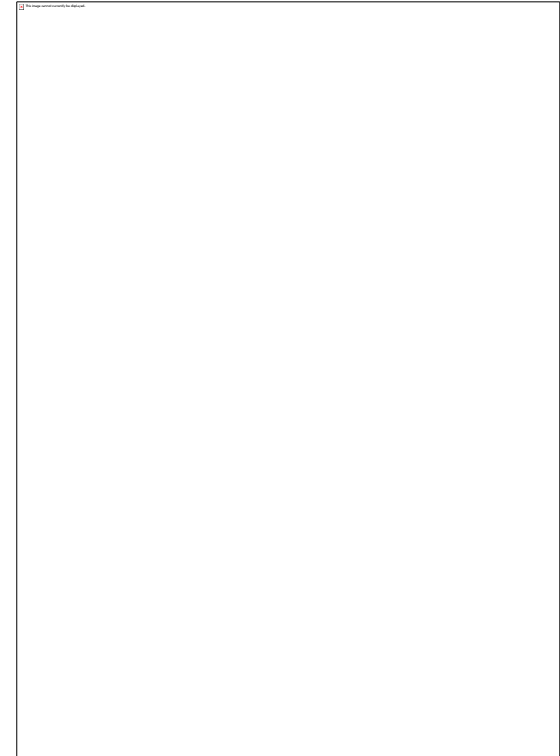
Pilot HRIA – Findings



Lessons Learned

- External stakeholder involvement increases credibility
- Clear limits of desk-based research
- Confidentiality, expectation management and follow-up
- Need for local partners/facilitators

Report available at: <http://bit.ly/UEU1Kr>



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Community-Based HRIAs

UNGC and DIHR Webinar

November 12, 2014

August 27, 2014



OXFAM
America

A little about us

Oxfam America is a global organization working to right the wrongs of poverty, hunger, and injustice. As one of 17 members of the international Oxfam confederation, we work with people in more than 90 countries to create lasting solutions. Oxfam saves lives, develops long-term solutions to poverty, and campaigns for social change.

Our work with communities on HRIAs started in 2009 but we have also engaged with companies to pilot our poverty footprint methodology.

More about our private sector engagement:

<http://policy-practice.oxfamamerica.org/work/private-sector-engagement/>



Community-based HRIAs

- Put the community's concerns at the center of the process;
- Ensure meaningful participation;
- Have the potential to develop the community's capacities in terms of human rights and contributes to community mobilization;
- Are mainly done ex-post (once the investment project has started) and finding can sometimes come too late (after negative impacts have already occurred)
- The aim is to increase the ability of local communities and supporting organizations to take ownership of their rights and engage in decision making with corporations, investors, and governments from a position of knowledge and empowerment.

Company-led HRIAs (or through a third party)

What we see is that these HRIAs potentially...

- Have greater access to information about the investment project;
- Have access to more financial and human resources to conduct the assessment;
- Can have high impact if the company integrates the findings into their operations and processes.
- Company-led HRIAs should also enable a meaningful participation of rights holders, but companies face different constraints and obstacles (time, lack of knowledge on how to conduct consultation, lack of understanding of cultural knowledge to involve local communities, etc).

Why are we promoting community-based HRIAs?

- Oxfam believes the private sector can be a valuable contributor and partner
- It is important to understand how private investment activity impacts human rights and putting affected rights holders in a place of ownership and empowerment
- Engaging rights holders and ensuring that human rights are respected can create a win-win approach to development.

What a community-based HRIA can and cannot do

It can...

- Capacity building process for the HRIA team and community;
- Larger human rights awareness within the community;
- Strengthen community mobilization;
- Document positive and negative impacts;
- Help create equal footing between communities, companies and authorities;
- Can help establish dialogue with various stakeholders;

It cannot...

- Change the situation from one day to the other. The question of timing is highly important: HRIAs require a lot of time and sometimes the results may come too late to take action.
- The report in itself will not change things: follow-up actions and dialogue are necessary to ensure that concrete changes happen.

THE GETTING IT RIGHT TOOL



You can access the tool here: <http://hria.equalit.ie/en/>

Phase A : Preparation

- Step 1** Take a preliminary look at the foreign investment project
- Step 2** Build your assessment team
- Step 3** Identify the stakeholders
- Step 4** Protect yourself and your team
- Step 5** Meet with the community
- Step 6** Set objectives
- Step 7** Think about how you will gather information
- Step 8** Develop a work plan and budget
- Step 9** Contact selected stakeholders

Phase B : Legal Framework

- Step 10** What do you know about the country?
- Step 11** What do you know about the company?
- Step 12** Establish the legal framework governing the investment project

Phase C : Adapting the Guide

- Step 13** Select human rights
- Step 14** Select questions

Phase D : Investigation Process

- Step 15** The community and human rights
- Step 16** The government and the national human rights context
- Step 17** The company and human rights
- Step 18** Take stock
- Step 19** Validate information
- Step 20** Preliminary recommendations

Phase E : Analysis and Report

- Step 21** Analyze your findings
- Step 22** Develop a draft report with conclusion
- Step 23** Circulate the draft report for comments
- Step 24** Finalize the report

Phase F : Engagement, Monitoring and Follow-up

- Step 25** Undertake follow-up activities



Tool's Contribution to HRIA Field

- Active collaboration between communities & support organizations
- Interview protocols tailored to local conditions & concerns
- Primary focus on perspectives and empirical data from affected communities
- Analysis between rights in principle and rights in practice
- Generation of actionable recommendations for government, companies and communities
- Gender focus throughout the HRIA process
- Use of incentives and pressure for companies and states to engage
- Ongoing monitoring to assess progress through action networks

Getting it Right Pilot Outcomes

1. Increased human rights knowledge and vehicles for effective claim-making among community members and support organizations;
2. Increased engagement between community support organizations and companies; and
3. Responsive and constructive action by companies

QUESTIONS?

Thanks!

Sarah Zoen: szoen@oxfamamerica.org

**For more info:
www.oxfamamerica.org/hria**



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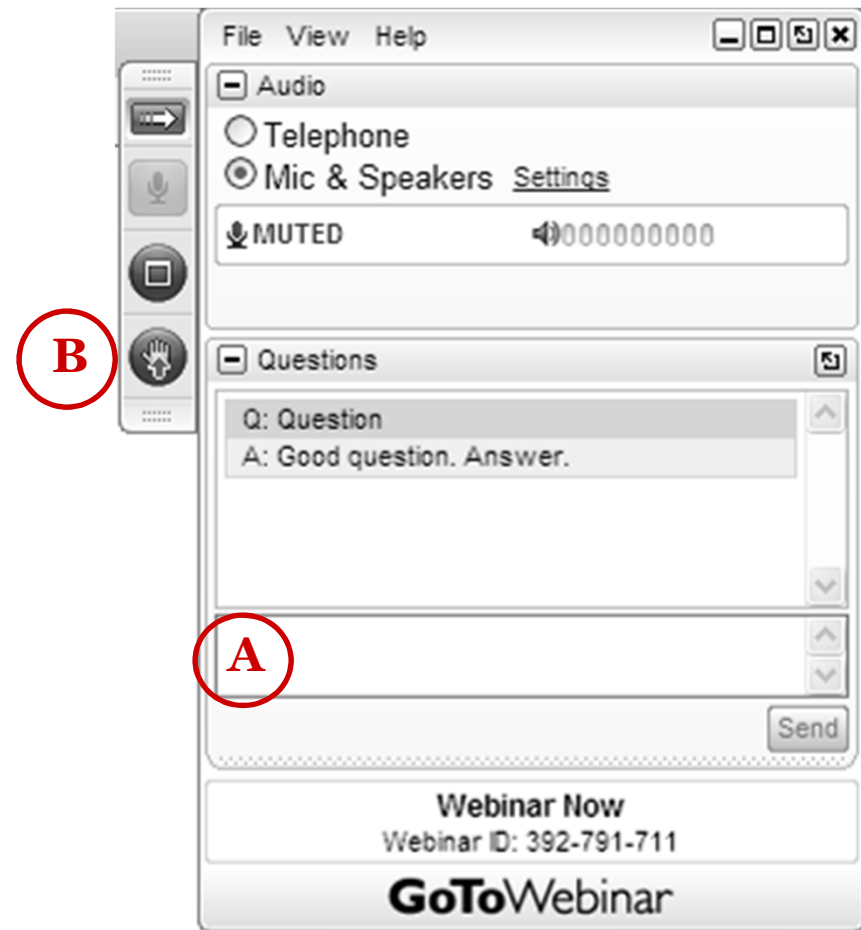
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Thank you for joining us today.

Presentation slides and a recording of the webinar will be available on the UNGC website.

If you have any questions, please contact:

Shubha Chandra: chandra@unglobalcompact.org



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