



Droits et Démocratie
Rights & Democracy

Centre international des droits de la personne et du développement démocratique
International Centre for Human Rights and Democratic Development

Introducing...

Human Rights Impact Assessments

The arrival of foreign investment in a community can be good news for the local population. Unfortunately, in many cases, the opposite can also be true: relations between communities and companies are sometimes difficult and popular consultation is often limited or nonexistent.

A growing number of stakeholders are concerned about the impact of foreign investment on local communities. They are concerned that human rights are not adequately taken into account. Various solutions—including human rights impact assessments—have been proposed to remedy this problem.

Communities wanting to undertake their own human rights impact assessments require appropriate assessment tools. Rights & Democracy has therefore developed this guide to assist them and the civil society organizations they collaborate with. This assessment guide can also be used by other stakeholder groups, including business and government, who are interested in applying a community-based participatory approach to their work.

What is a human rights impact assessment?

A human rights impact assessment (HRIA) is a process to measure the gap between the human rights commitments of the state (human rights in principle) and the actual enjoyment of these rights by rights-holders (human rights in practice). By calling on the participation of all stakeholders involved in the investment project, the assessment seeks to identify the rights that are not respected, or indications that they might not be respected in the future, so that satisfactory solutions can be found.

What is the HRIA guide?

This guide is a step-by-step process that allows assessment teams to take stock of the positive and negative human rights impacts of an investment project. Throughout the steps outlined below, information and additional references are provided including reference documents on

human rights, examples of research techniques, relevant websites, and details on where to find specific information.

To help create your case-specific assessment model, this guide offers a sampling of research questions with references to various indicators for each right (developed by other organizations). Of course, every project is unique and each assessment pursues its own objectives. Consequently, each research team must adapt the questions and develop new ones to ensure that the final assessment report truly reflects the particular situation, the local context, the type of investment and the communities affected.

Who is the HRIA guide designed for?

This guide is designed primarily for communities and the civil society organizations they work with. The objective of the assessment guide is to assist these communities to document the human rights impacts of foreign investment projects as they are experienced by community members. This guide also encourages a more substantive engagement in the decision-making processes that affect the enjoyment of their rights. It can be adapted and used by civil society organizations outside the community that accompany local groups in this process. The methodology is also suited to company-led processes that emphasize the participation of affected communities.

What is the human rights framework?

Working according to a human rights framework means observing and analyzing a situation based on the rights enshrined in the Universal Declaration of Human Rights and defined in several other treaties or instruments. A human rights framework is based on a certain number of principles:

► *Participation and access to information*

Individuals have the right to be involved in the planning and implementation of decisions affecting their human rights and have the right to access the information they need for genuine participation.

► *Accountability and access to effective remedies*

Duty bearers (governments) are accountable for implementation of their human rights commitments. Citizens must have access to effective remedies in the event their human rights are violated.

► *Non-discrimination and equality*

All human beings are equal and no person should be subjected to discrimination. Special attention should be paid to any action that could lead to discrimination, especially against the most vulnerable groups.

► *Indivisibility of rights*

All human rights—social, economic, cultural, civil and political—are indivisible, inter-related and interdependent.

What help does the HRIA guide provide?

▶ *A means to inform a large group of people about the situation and to formulate recommendations to the various stakeholders involved.*

The assessment report will shed light on the enjoyment of certain rights in the community. By producing and distributing the report, a wide audience is reached and the community's concerns are communicated to competent authorities and company representatives.

▶ *Tools to build community capacity.*

This assessment guide is designed to assist community associations and other groups to increase their understanding about human rights and the rules governing foreign investment. The guide provides a large amount of explanatory and background information and it includes a “virtual library” that compiles hundreds of useful resource materials.

▶ *A basis for future interaction with the government or the company.*

The assessment process, final report, and recommendations provide an opportunity to engage in dialogue with the various people, agencies and organizations involved in the investment project. In many cases, interaction with these stakeholders during the investigation process will continue after the assessment has been completed.

The limitations of a human rights impact assessment

It is important to keep in mind that the project could raise expectations on the part of local populations. You must therefore be clear from the beginning about what this initiative can and cannot accomplish. Conducting a human rights impact assessment does not necessarily mean that conditions will improve overnight. Ways to ensure that the report and its findings do not fall by the wayside include: distribute the report widely among the major stakeholders; engage in dialogue with company representatives; submit the report to various local, national or international authorities; organize training workshops with local communities.

Do you have everything you need?

▶ *Are you ready to embark on a project of this scope?*

Participatory impact assessments require a great deal of time and can require long periods of time to complete. While the assessment can be concluded within six-months, some teams will need more time to carry out all of the steps and associated activities.

▶ *If you are not familiar with human rights, do you know of an organization that could assist you during this process?*

While abundant information is included in this assessment guide, some background knowledge about human rights methodologies may be necessary to complete all of the steps. It may be useful to solicit the support of an accompanying organization that can provide that experience to your research team.

► *If you do not have the financial and/or human resources you need to embark on this process, do you know an organization that could assist you financially?*

Significant financial resources are needed to properly carry out all of the steps proposed. For example, you will need to consider salaries for the people conducting the assessment, professional fees for translation and other technical services, and travel expenses.

► *If the situation is tense and you fear reprisals that could jeopardize your safety as a result of conducting this assessment, can you rely on outside support to reduce the risks?*

Conducting a human rights impact assessment can lead to tension and stress. In some cases, the safety of the participants may be threatened. It is therefore important to enlist the support of individuals and organizations that can assist you when such situations arise.

► *If your team is not composed of members of the community, are you able to establish a relationship of trust with local communities?*

Since this is a participatory process, it is crucial to establish a relationship of trust among the participants. You must therefore be prepared to consult with the communities regularly throughout the process, to openly discuss sensitive issues with the groups involved, and to address interpersonal conflicts or misunderstandings.

Now, let's get going!

Before you begin, there are three things to keep in mind about the human rights impact assessment process:

► There is no one-size-fits-all impact assessment methodology. You may find that some of the suggested steps do not fit your particular situation. Feel free to adapt the process to your needs, as long as human rights remain at the centre of the investigation.

► The order of the assessment steps is a suggestion and you may reorganize the steps according to your needs. Again, do not be afraid to adapt this process to suit your situation.

► Some steps may need to be revisited once or twice. For example, you may want to go back and consult with certain groups or individuals several times. It is important to remain flexible and to adjust the approach according to the situation at hand.

This guide is divided into six parts -

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 of information received
- 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

Share your experience!

If you are conducting an impact assessment in your community, we encourage you to share your experience with us, by emailing your reports as well as any comments on this project to info@dd-rd.ca.

**LEARN MORE ABOUT OUR *INVESTING IN HUMAN RIGHTS* INITIATIVE
VISIT WWW.DD-RD.CA/HRIA**

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