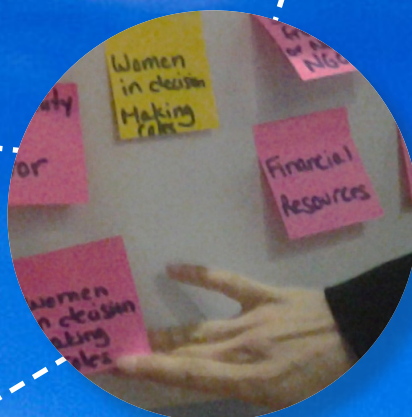


Community-Based Human Rights Impact Assessment: The Getting it Right Tool

TRAINING MANUAL



OXFAM

fidh

ABOUT GETTING IT RIGHT

In 2004, Rights & Democracy, a Canadian organization, developed the Human Right Impact Assessment (HRIA) tool—a community-based, participatory process to analyze the human rights impacts of private foreign investments. The tool focuses on local communities as experts and human rights advocates. Beginning in 2005, Rights & Democracy commissioned five community-based organizations to test the tool. The cases were conducted in Argentina, Peru, Philippines, Democratic Republic of Congo, and Tibet. In 2009, Oxfam and the International Federation for Human Rights (FIDH) partnered with Rights & Democracy to further test and refine the tool through four pilot studies conducted in Bolivia, United States, Ecuador, and Cameroun. In 2011, the tool was translated into a Web-based format, *Getting it Right*, and was made available in English, Spanish, and French. *Getting it Right* is the only HRIA tool specifically designed to be used by community-based organizations. Although Rights & Democracy closed in 2012, the tool can still be found at the following address: www.oxfamamerica.org/hria and www.fidh.org/article7502.



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COMMUNITY-BASED HUMAN RIGHTS IMPACT ASSESSMENT: THE *GETTING IT RIGHT* TOOL TRAINING MANUAL

ABOUT THIS INITIATIVE

In a joint effort, Oxfam, and FIDH are committed to pursuing the work initiated by Rights & Democracy by improving access by communities, practitioners, and advocates to *Getting it Right*. Oxfam, FIDH, other non-governmental organizations (NGOs), community organizations, and communities have had good success piloting *Getting it Right* as an accessible, practical, and interactive guide. The challenge now is putting this tool into the hands of those on the front lines of private investment projects.

The purpose of this manual is to increase awareness and use of the tool. It also provides useful information for backbone organizations* in their support role with community-based organizations. This training is designed to be replicated so that backbone organizations can train other organizations and thus increase interest among community-based HRIAs.

There is a growing interest for HRIAs at the international level. *Getting it Right* is the main tool available for community-based organizations. In raising awareness of this tool, Oxfam, and FIDH hope to highlight the importance of hearing the voices of the communities and adopt a human rights framework to ensure meaningful consultation.

The United Nations Framework and the accompanying Guiding Principles on Business and Human Rights rest on three pillars. The second pillar requires businesses to exercise due diligence and to implement policies and measures necessary to safeguard human rights. Likewise, the Organization for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises require companies to act with due diligence, including through effective stakeholder engagement.

We believe HRIAs give communities a stronger negotiating voice in any discussion with business and government about human rights. Communities can engage in solving human rights threats by working with NGOs, companies, and governments on a more equal footing. By starting with perspectives of affected people, the HRIA focuses on their concerns and their aspirations for human rights realization. Community participation is key to ensure effective due diligence processes and should be perceived as beneficial for all stakeholders.

* Note: By *backbone organization* we mean an organization that may not have direct link with the communities but has strong ties and trust with community-based organizations and has the capacity to support it throughout the process. Backbone organizations can be working at the national or international level.

ABOUT OXFAM

Oxfam's vision is a just world without poverty in which people can influence decisions that affect their lives, enjoy their rights, and assume their responsibilities. It is a world in which all human beings are valued and treated equally. Together with individuals and local groups in 94 countries, Oxfam is addressing the root causes of poverty and social injustice. Oxfam implemented the *Getting it Right* tool in the United States and Bolivia and is currently launching two new case studies in Brazil and Chile.

ABOUT FIDH

FIDH is an international NGO representing 178 organizations from nearly 120 countries. Since 1922, FIDH has been defending all human rights—civil, political, economic, social, and cultural—as set out in the Universal Declaration of Human Rights. As part of its work on globalization and human rights, FIDH documents corporate-related abuses, conducts advocacy work at national, regional and international levels, and is mobilized to ensure greater access to justice for victims. FIDH conducted human rights impact assessments using the *Getting it Right* tool on investment projects in Brazil and Ecuador and are currently conducting one in Colombia.

CREDITS

Oxfam and FIDH would like to extend our deepest appreciation to the main author of this publication, Caroline Brodeur. We would also like to thank the many contributors to this manual: Geneviève Paul and Marion Cadier (FIDH), Sarah Zoen, Michelle Katz, Irit Tamir, and Manon Aubry (Oxfam), Alejandro Gonzalez (PODER), Carole Samdup, and The Carter Center. Oxfam and FIDH applaud the work done by Rights & Democracy in developing the *Getting it Right* tool.

ABOUT THE MANUAL

HOW TO USE THIS TRAINING MANUAL?

Here are the key components of this training manual. Note that every section and activity in this manual can be adapted to better suit the participants' reality.

About the manual

This first section is designed for the facilitators to support the preparation of the training. You will find useful information on how to organize the training, things to think about when getting ready, and how to be prepared to facilitate the training.

Introduction

This is the first part of the training. In the introduction, the group establishes rules, reviews the trainings objectives and gets to know each other through icebreaker activities.

Module 1: Are you getting it right?

This module introduces participants to HRIAs and explains the added value of a community-based HRIA. Through a tour of the *Getting it Right* tool, participants gain knowledge of the tool and their ability to use it. Activities 1 to 3 are included in Module 1.

Module 2: Getting started!

The activities included in this module provide guidance on the key steps of an HRIA. By analyzing a case study, participants understand the challenges associated to these activities and are then able to identify strategies to overcome these difficulties. Tips for backbone organizations are also offered to help them in their accompanying role with community-based organizations. Activities 4 to 8 are included in Module 2.

Module 3: Data collection, analysis and release

This final module will guide the facilitator and participants through the research investigation, analysis, and release of the report. Activities 9 to 13 will be covered in this section.

Annexes

1. Case studies: These case studies were developed to provide concrete examples of cases and encourage learning by doing. The case studies can be adapted to be more relevant to the group. Other cases can also be used. It is important to provide cases from various industries and countries to illustrate that the tool can be used in various contexts.
2. Overview of the *Getting it Right* tool
3. Reference sheets: The material included in the reference sheets offers information needed to conduct some of the activities. More resources are provided to deepen knowledge of those specific topics. There is a reference sheet on the different kinds of impact assessments and another one on how to do research on a company and the investment project.
4. Examples of report structures
5. Sample HRIA work plan
6. Two examples of a training evaluation form

WHO IS THIS MANUAL FOR?

Although a wide range of actors can use this manual, it is primarily tailored for backbone organizations and civil society organizations:

- Involved in the area of business and human rights;
- With links to community-based organizations;
- With potential interest in supporting a community-based organization in conducting an HRIA;
- With interest in promoting *Getting it Right* within their network and region.

The training can also aid community-based organizations:

- With strong organizational capacities;
- Involved in the area of business and human rights;
- With potential interest in doing an HRIA.

WHAT TO EXPECT FROM THIS TRAINING?

By the end of the training, participants should:

- Understand the value of a community-based HRIA in preventing or documenting ongoing human rights abuses;
- Be more familiar with the *Getting it Right* tool and have a better idea on how to get started using the tool;
- Feel better equipped to support community-based organizations;
- Be able to reproduce the training with other group.



FACILITATOR'S PREPARATION BEFORE THE TRAINING

Rights & Democracy (2011). *Getting it Right: Human Rights Impact Assessment Guide*. www.oxfamamerica.org/hria

Rights & Democracy (2007). *Human Rights Impact Assessments for Foreign Investment Projects: Learning from community experiences in the Philippines, Tibet, the Democratic Republic of Congo, Argentina, Peru; Canada*. http://publications.gc.ca/collections/collection_2007/dd-rd/E84-21-2007E.pdf

Rights & Democracy and Oxfam America (2010), in collaboration with FIDH. *Community-based HRIA: practical lessons*, a report from an international meeting; Canada. <http://policy-practice.oxfamamerica.org/static/oa3/files/community-based-human-rights-impact-assessments-practical-lessons.pdf>

Gabrielle Watson, Irit Tamir & Brianna Kemp (2013). *Human Rights Impact Assessment in Practice: Oxfam's application of a community-based approach, Impact assessment and Project Appraisal*; 31:2, 118-127. (Article can be downloaded—for a fee—at: <http://www.tandfonline.com/doi/>

Reference sheet #1: *Impact Assessments: EIAs, SIAs, HRIAs*. Annex 3 to this manual.

Reference sheet #2: *Corporate Research for Community-led Human Rights Impact Assessments*. Annex 3 to this manual.

Case studies presented in Annex 1 to this manual.

Documents to send in advance to the participants:

Participants can browse through *Getting it Right* to be more familiar with it.

Rights & Democracy and Oxfam America (2010), in collaboration with FIDH. *Community-based HRIA: practical lessons*, a report from an international meeting; Canada.

Case studies presented in Annex 1 to this manual.

HOW TO PREPARE FOR THE TRAINING?

For the facilitators:

Organizing the training will require several weeks of preparation. To help you prepare, we have provided a checklist of things for you to do. Of course, this varies depending on the type of training you are organizing, the number of participants, and how far your participants are traveling to attend the training:

- Identify the venue and make the arrangements to reserve it;
- Send participants the invitation;
- Identify a hotel and make room reservations;
- Determine if you will need translation services and secure someone if necessary;
- Ask participants to provide a short description of their work in the area of business and human rights, their expectations from the training, details about prospective investment projects in their country, sectors of particular interest for them, priority sectors identified by the authorities in national development plans, etc. This will help you prepare the training so it is relevant to the group;
- Remind participants to notify you if they will require a visa to participate;
- Prepare a draft letter for those requiring a visa so you are ready when they request it;
- Send preparation materials such as: the agenda, arrival details, documents to read, etc.

NUMBER OF PARTICIPANTS

To maximize learning opportunities and exchanges between participants, a maximum of 25 participants is recommended. Note that the training can be done with fewer participants, but activities will need to be adapted. For example, for some activities you might divide the group into fewer or smaller teams and use fewer case studies.

Make sure to review the different activities with the number of participants in mind so you can adapt the training to fit your group.

SELECTING THE PARTICIPANTS

When sending out invitations to potential participants, keep in mind the following:

- Gender balance within the group;
- Relevance of the training to the participants' work and demonstrated interest in potentially using the tool directly or training other people/organizations to use it;
- Willingness/capacity of participants to replicate the training and share lessons with his/her organization;
- Likelihood to have this work funded;
- Experience in business and human rights;
- Diversity of sector of interest (or similarity of field of interest);
- Language barriers (this is important if you do not have funds for interpretation).

TIME NEEDED TO CONDUCT THE COMPLETE TRAINING

The training is intended to be carried out over a two-day period. However, if your time is limited, the training can be adapted and conducted over a smaller period depending on audience, objectives, and time available.

- If you have half a day: Concentrate on Module One as it provides contextual information about HRIAs and an overview of *Getting it Right*. You might want to add Activity 6 so the participants have the opportunity to experience the tool with a concrete case.
- If you have one day: Go through Module One and Activities 6, 10, and 11 of Modules Two and Three, which offer important tips on how to get started. If you have more time, you can add Activity 13 on follow-up options

Be aware that Module One concentrates on HRIA in a more general aspect and presents an overview of *Getting it Right* while Modules Two and Three go deeper into the main phases of the tool in a very concrete manner. In sum, don't hesitate to adapt this training to fulfill your objectives and maximize the relevance for your participants.



BUDGET

The costs of the training will vary depending on your specific context (e.g., where the training is hosted, the number of participants, where they are coming from, etc.) But to help you plan this event, here is a list of items to consider:

- Rental of a venue large enough to host 25 people and enable work in small teams
- Participants' transportation, meals and lodging (if applicable)
- Materials (see following page)
- Printing costs
- Facilitator's honorarium (estimated preparation time five days + two days of training + one day for follow-up)
- Translation costs (during the event and possibly for materials)



MATERIALS NEEDED

- Three or four computers—preferably laptops to move around the room. If not, set up three or four computers in different parts of the room to support teamwork around a computer. If you don't have enough laptops, you can ask some participants to bring their own. Install the offline *Getting it Right* tool on each laptop. The files can be found at the following address: www.oxfamamerica.org/hria and www.fidh.org/article7502.
- Wi-Fi or Internet connection (some hotels charge extra for this)
- Projector connected to a computer with Internet connection to present *Getting it Right*
- Flipchart sheets (see Activities 1, 3, 5, 6, and 9)
- Color markers
- Nametags for all participants
- Sheets of paper with the various themes listed in Activity 3
- Tags for role-play in Activity 11 (2X company representative, 2X government representative, 2X community in favor, 2X community against)
- Sticky notes in various colors



SOME TIPS TO PREPARE

Keep in mind the diversity of participants. Before the training starts, you should have a good idea of the level of knowledge and experience of the group. To do so, you can do a survey prior to the training. This will help you ensure the training is relevant to them and that it supports their learning needs.

Adapt the training to address your participants' needs and priorities. For example, if the group is interested in a specific sector, you could adapt the case studies and create new ones that reflect the participants' work.

Think of yourself as a facilitator vs. a trainer or teacher. This makes the participants more involved in their own learning and creates more of a shared learning environment in which everyone is seen as having something valuable to contribute.

This training puts a great emphasis on learning by doing. Throughout the activities, you should pursue a high level of participation and collective effort.

There is no prescribed approach; encourage creative answers when responding to difficulties and challenges.

Keep in mind the gender dynamics when facilitating training (e.g., women might be less inclined to speak if conversations are dominated by men).

Think about how you plan to follow up with participants after the training. Do you want them to fill out a survey about their experience? How will you keep the momentum after the training is complete? You might want to prepare an HRIA certificate of completion to give to participants at the end of the training.

PROPOSED AGENDA

In the following table, you will find a proposed agenda for the training. You should note that all the activities could take longer than what has been planned. Therefore, if you intend to go over all the proposed activities, you will need to be very strict on time allocated for each activity. If you prefer to give participants more time for each activity, then you will need to prioritize some of the activities.

DAY 1		DAY 2	
8:30	Welcoming participants	8:30	Welcoming participants
9:00	Introduction + icebreaker (30 minutes) Activity #1: What is a community-based HRIA? (60 minutes)	9:00	Activity #7: How to develop a budget? (30 minutes) Activity #8: Stakeholder outreach (30 minutes)
10:30	<i>Break</i>	10:00	<i>Break</i>
10:45	Activity #2: About <i>Getting it Right</i> (45 minutes) Activity #3: Keys for a successful case? (60 minutes)	10:15	Activity #9: The company and the investment project (60 minutes) Activity #10: Adapting the tool (45 minutes)
12:30	<i>Lunch</i>	12:00	<i>Lunch</i>
14:00	Activity #4: How to build a team (45 minutes) Energizer (10 minutes) Activity #5: Backbone organization, community-based organization and communities: Who's doing what? (45 minutes)	13:30	Activity #11: About the consultation process with stakeholders (60 minutes) Energizer (10 minutes) Activity #12: Preparation of the report (30 minutes)
15:40	<i>Break</i>	15:10	<i>Break</i>
16:00	Activity #6: Objectives of an HRIA (45 minutes) Recap of the day (15 minutes)	15:30	Activity #13: Follow-up options (30 minutes) Recap of the day (15 minutes) Follow-up to the training (15 minutes) Closing remarks by the facilitator (10 minutes) Evaluation of the training (20 minutes)
17:00	End of day	17:00	End of day
17:30	Facilitator's debrief	17:30	Facilitator's debrief

AND NOW THE TRAINING...

INTRODUCTION

30 MINUTES

Introduction of participants (icebreakers)

Icebreakers are a fun way to create a group dynamic and help participants get to know each other. There are a numerous icebreaker activities, but here are a few examples to guide you. Don't hesitate to choose other activities that you find and think are better suited and culturally adapted for your group.¹ Icebreakers are fun activities so make sure to keep a close eye to the time as they can take more time than initially planned.

Two truths and a lie

The facilitator asks each participant to write down 3 "facts" about themselves: two things that are true and one that is a lie. Going around the room, each participant reads the three "facts." The rest of the participants then guess which "fact" they believe is the lie.

Peoples' wheel

People stand in two circles of equal numbers, one inside the other so that each person in the inside faces someone in the outside circle. The wheel can rotate (left or right) so that each person has addressed each person in the group. Participants have two questions to ask. For example: Where do people come from and what they work on? This gives a good opportunity for people to get to know each other quickly.

Survey

This activity increases mingling between participants so everyone has an opportunity to get to know each other. The facilitator distributes a piece of paper to each participant with a series of questions to answer. For example:

- Count the number of brown-eyed people in the room.
- Find out who has made the longest journey to get to the training.
- Who has the most unusual hobby?
- Who speaks the most languages?
- What is the most complex meal anyone has cooked?
- Find the funniest thing that happened to someone.

Participants will go around the room and ask their peers questions. The person who has the greater number of answers wins.

The sudden-story

The facilitator begins telling a story with a first sentence that ends with "SUDDENLY." The next person adds the next sentence to the story, which also ends with "SUDDENLY." For example: "Last week, I was cooking in the kitchen when SUDDENLY..." Then the next participant continues the story with another sentence that also ends with SUDDENLY. This continues until everyone has contributed his or her sentence. The story becomes crazier as each participant adds a piece to the story. If you have a recorder (or a phone), tape it and play it back for a good laugh!

What do we have in common?

Divide the group into teams of four or five. If some participants already know each other, we suggest numbering them off to mix up the teams. Each group is given 10 minutes to find 10 things that everyone in the group has in common. If you want this activity to be shorter, you can reduce the number of items. The items in common must have nothing to do with work, clothing (e.g., it is common to wear pants or shoes) or body parts (e.g., everyone has eyes and fingers). One person should take notes and will be in charge of reading the 10 items to the group.

¹Here are links to some sites where you can find examples. These sites are meant to serve as examples to help the facilitator develop activities. Oxfam and FIDH are not responsible for nor do they endorse the content.

1) <http://www.icebreakers.ws>

2) http://insight.typepad.co.uk/40_icebreakers_for_small_groups.pdf

3) <http://www.group-games.com>

4) <http://humanresources.about.com/od/icebreakers/a/my-10-best-ice-breakers.htm>

WHAT SHOULD BE ACCOMPLISHED AT THE END OF THE 2 DAYS?

Once participants have had the chance to break the ice, the facilitator can now discuss the main objectives of the training. You can start by asking participants about their expectations. This will help you assess if your objectives are realistic or not. It can also help you better respond to their needs by providing specific examples or emphasizing certain topics.

At the end of the two days, participants should have a good understanding of:

- What an HRIA is
- What it can do and what it cannot do
- What *Getting it Right* is
- What the main challenges and strategies to overcome these difficulties are
- How backbone organizations can support community-based organizations

Setting group rules

To maximize learning and ensure greater effectiveness, start by establishing rules for the group. These will vary depending on your context, the number of participants, and the type of interaction you want. Here are some examples of basic rules to set with your group:

- Encourage everyone to participate;
- Be respectful of the person speaking and don't interrupt them, wait your turn to speak;
- If it is necessary, remind people to put their cellphones and other devices away until the break;
- Always be respectful of other participants even during role-play.

Selection of daily feedback teams

There will be a lot of ideas shared throughout the day. In order to maximize participants' learning and ensure that their ideas are captured, it is important to have a daily recap at the end of the day.

At the beginning of Day 1, ask two people to volunteer to be the feedback team for Day 1 and two people for Day 2. At the end of the day they should take five to 10 minutes to go over the main ideas that emerged from the day, ideas that need more reflections, discussions to continue, interesting suggestions, etc. Other groups might prefer to do this recap in a collective way. You can ask all participants to throw in what they identify as key ideas from the day.

Energizers

Before you get started with Module 1, it may be helpful to do a short energizer with your group. Energizers are short activities that can be done at various moments throughout the day. The objective is to keep participants awake, engaged, and energized. As a facilitator, use these activities when you feel that the energy level of the group is low and needs a boost.

Here are few examples of energizers. Once again, you will find several other examples on the Internet or you might already have in mind various ideas of activities that are appropriate for your group². Don't hesitate to adapt!



TIPS FOR THE FACILITATOR

To ensure buy-in and smooth functioning of your group, ask participants to contribute to these rules by adding their own. This should increase respect for these rules. You should pay special attention to ensure the training is culturally adapted to all participants.

Bring me...

The facilitator divides the group into small teams (four or five people). Then the facilitator calls out, “Bring me...,” naming an item that is in the room. For example: Bring me a blue shoe or bring me a poster, etc. The teams will race to bring what was requested. This can be done several times with various objects.

Throw the ball

With the group in a circle, the facilitator starts by throwing the ball to any participant and at the same time says a word that instantly comes to mind. The person who receives the ball has to reply with a word that is related to the previous word and then sends the ball to someone else. For example: If the first person says, “banana,” the next one could say “fruit,” then the other one “tree,” etc. If someone keeps the ball for more than three seconds, this person is eliminated.

Passing the rhythm

In a circle, the facilitator will start with a rhythm (e.g., snapping fingers), then he or she will pass the rhythm to their neighbor by clapping in his or her hands. The rhythm is then passed around the circle. Once the group completes a rhythm cycle, try to insert more rhythms so that several rhythms are passed around the group at the same time!

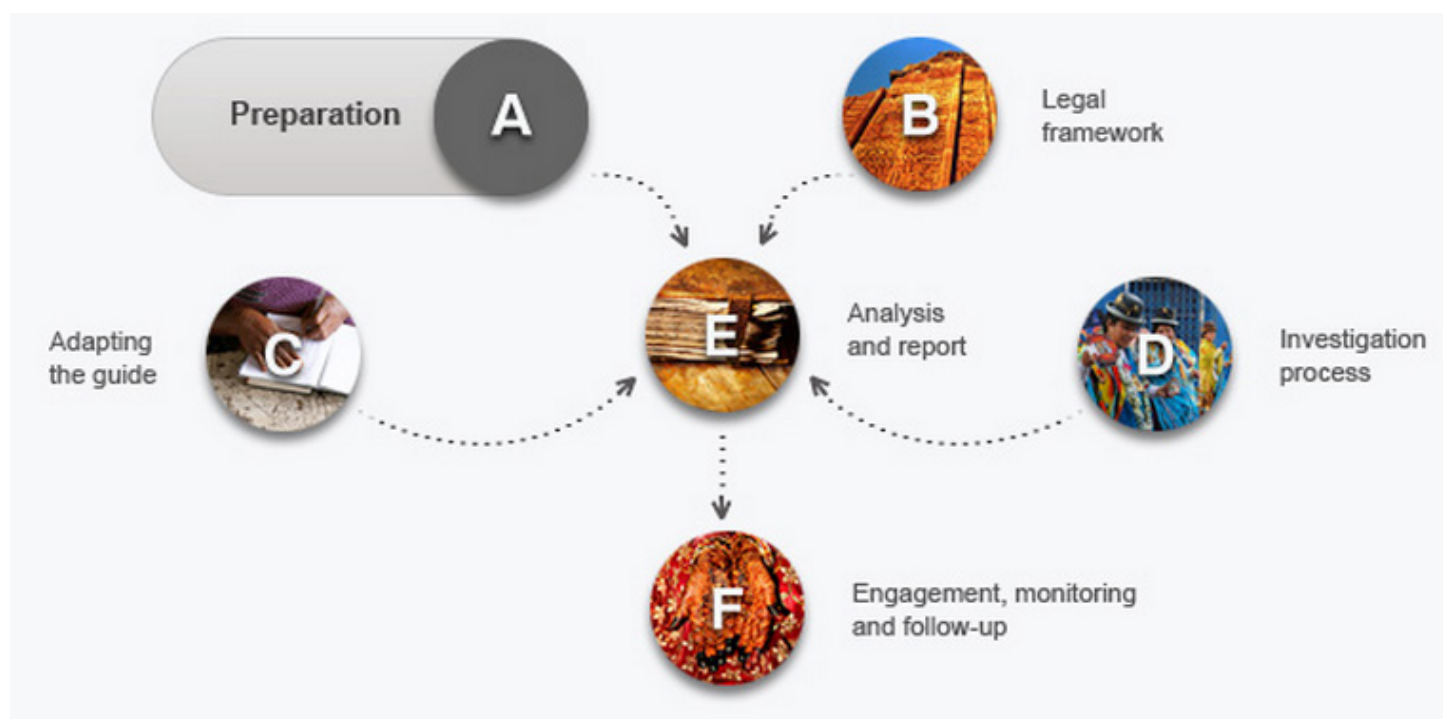
² More examples can be found on the Internet. These sites are meant to serve as examples to help the facilitator develop activities. Oxfam and FIDH are not responsible for nor do they endorse the content.

<http://fr.slideshare.net/vickthorr/100-energizers>

<http://www.citehr.com/37945-list-energizers-icebreaking-games-training.html>

<http://www.scu.edu/csl/upload/Energizer-Ideas-2.pdf>

MODULE 1: ARE YOU GETTING IT RIGHT?



ACTIVITY 1

WHAT IS A COMMUNITY-BASED HRIA?

FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

Read case study # 1 that can be found in Annex 1 of this manual.
Read "Reference sheet #1 Impact assessments: EIAs, SIAs and HRIAs" that can be found in Annex 3 of this manual.

DESCRIPTION OF THE ACTIVITY

1. The facilitator reads case study #1 to the group. (5 minutes)
2. In a large group discussion, participants will try to identify the main characteristics of an HRIA. To do so, participants will analyze the case study as if they were conducting an HRIA. The facilitator's role is to guide the discussions, extract important information and write it on the flipchart sheets. (20 minutes)
3. After the exercise, the facilitator divides the group into two. One group looks at case study #1 from the perspective of conducting a company-led HRIA, while the other group approaches it from a community-led HRIA. Without knowing either of the two methodologies, the goal is for each group to separately reflect on the two processes and identify the main differences and challenges. (15 minutes)
4. Participants then come back to the large group. Each team presents its findings. (15 minutes)
5. Conclusion of the activity: The facilitator highlights the main advantages and disadvantages of the different types of assessment and presents the main challenges for each approach. (5 minutes)



TIPS FOR THE FACILITATOR

Here are some important ideas that should emerge from the first part of the activity on HRIA:

- HRIAs
 - Anchored in binding national, regional and/or international legal framework adopted by states
 - Identify duty-bearers and rights holders
 - Inter-relatedness and indivisibility of human rights: A single situation can impact different rights
 - The human rights framework helps looking at the situation in a comprehensive way
 - Should include human rights principles such as: participation, non-discrimination, accountability, transparency, and access to information
 - Should be part of due diligence processes



OBJECTIVES OF THE ACTIVITY

- Understand the particularity of a Human Rights Impact Assessment (HRIA);
- Understand the differences and similarities between a community-based HRIA and a company-led HRIA.



TIME

60 minutes



MATERIAL NEEDED

3 sheets of flipchart paper: 1 with "HRIA" written at the top and 1 with "Community-based" and 1 with "Company-led"

Markers



TIPS FOR THE FACILITATOR *(continued)*

Here are the important elements regarding the differences between company-led HRIA and community-based HRIA:

- *Company-led HRIAs (or company-resourced HRIAs, i.e., through a third party):*
 - 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 its operations and processes or in other projects;
 - 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 human rights, cultural knowledge to involve local communities, and sometimes lack of willingness).
- *Community-led HRIAs:*
 - Put the community's concerns at the center of the process;
 - Ensure meaningful participation of communities;
 - 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).
- *Both company and community-led HRIAs:*
 - Can face criticism around objectivity;
 - Can have limited access to information (but in different areas);
 - Can lack stakeholders' involvement (community can have limited access to government or company representatives and company might not sufficiently involve communities).

To stimulate discussions, you can ask the following questions:

- Can HRIAs uncover environmental impacts?
- If Social Impact Assessments (SIA) look at human rights, are HRIAs needed?
- Can community-led HRIAs be objective?
- Can company-led HRIAs ensure meaningful participation?
- Could community-led HRIAs inform company-led HRIAs?



NOTE TO THE FACILITATOR

Some participants might ask questions about the differences between Social Impact Assessment, Environmental Impact Assessment and HRIA.

Although this training is not meant to cover these other types of assessment, you will find a reference sheet in annex to the manual presenting some broad characteristics about the 3 types.

Additional readings are also suggested to help you provide more background information to participants.



TO LEARN MORE ABOUT THE TOPIC

Useful information on HRIAs can be found on the following websites:

- Oxfam America: <http://policy-practice.oxfamamerica.org/work/private-sector-engagement/community-based-human-rights-impact-assessment-initiative>
- FIDH: <http://www.fidh.org/en/globalisation-human-rights/business-and-human-rights/7502-community-based-human-rights-impact-assessments>
- Business and Human Rights Resource Centre: <http://business-humanrights.org/en/documents/human-rights-impact-and-compliance-assessments>
- London School of Economics and Political Science (LSE): <http://blogs.lse.ac.uk/businesshumanrights/>
- Nordic Trust Fund, Human Rights Impact Assessments: A review of the literature differences with other forms of assessments and relevance for development, http://siteresources.worldbank.org/PROJECTS/Resources/40940-1331068268558/HRIA_Web.pdf
- Danish Institute for human rights: <https://hrca2.humanrightsbusiness.org>

Useful information on SIA can be found on the following website:

- International Association for Impact Assessment (IAIA), VIDEO: IAIA's Social Impact Assessment (SIA) Section answers the question, "What is Social Impact Assessment?": <http://www.iaia.org/publications-resources/iaia-member-videos.aspx>

ACTIVITY 2

ABOUT GETTING IT RIGHT



FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

Navigate the tool to ensure you have a good understanding of the process, the different phases, and their content. You should also be familiar with all the features (allow 30-45 minutes for this).

Read case studies #2, #3, and #4 in advance. Decide which case study the teams will use. The teams will be working on this case for the entire training. Note that you can also develop your own case or give participants the liberty to work on a real case if they have one in mind.

Read the summary of *Getting it Right* presented in Annex 2.



DESCRIPTION OF THE ACTIVITY

1. The facilitator presents the *Getting it Right* tool by navigating through its six phases. (15 minutes)
2. Then the facilitator divides the group into three or four (depending on the number of computers available; there should be about 5-6 people per team) and provides one case study for the first two teams and another case study for the other two teams. The participants will represent the assessment team and will role-play the case. (5 minutes)
3. Each group decides on a name to identify themselves. Then they quickly go through the various phases and steps to become more familiar with the tool. Aside from what is provided in the synopsis, the team can invent the rest of the case study and drive the case as they want. They should navigate the tool as if they were the team conducting the HRIA. For this activity, the objective is not to go in depth in each of the steps or to answer all the questions, but to experiment with the tool and become familiar with its various functions. (15 minutes)
4. Returning to the large group, participants provide feedback on their use of the tool, e.g., if they experienced difficulties or if they have comments or questions. (10 minutes)

Note: If your time is limited, you can also decide to present the main phases and steps to the large group and mention to participants that they will have the opportunity to navigate the tool in the next activities.



OBJECTIVES OF THE ACTIVITY

- Get to know *Getting it Right* through a guided tour of its six phases.
- Have a better idea about the process and its duration.



TIME

45 minutes



MATERIAL NEEDED

Projector that is connected to a computer with Internet connection to navigate the *Getting it Right* tool in front of the group.

Three or four laptops with Internet connections displayed in the room to enable teamwork

TIPS FOR THE FACILITATOR

- When presenting the tool—since you don’t have time to go through the 26 steps—it is very important to focus on the main phases and briefly explain what is included in each of them. To help you with this, you will find a summary of the tool in Annex 2. This summary is an excerpt from the *Getting it Right* tool.
- Don’t forget to present the main features, such as: the virtual library, the various tabs (Definitions, Experiences, Tips, Learn More, Worth Browsing, and Models), the selection of rights and questions, the notes, etc.
- To aid the facilitation, you can use case study # 1 to illustrate how a team would do this.
- When the teams are testing the navigation themselves, go around and help them experiment with the different features, such as: the notes, the virtual library, the “previous step/next” button, the different tabs, etc.

TIPS FOR THE BACKBONE ORGANIZATIONS

Navigating *Getting it Right* for the first time might be intense, as there are a lot of steps and a huge amount of information. Local organizations or community members might not have strong computer skills, resulting in a lack of automatisms that computer literates have (e.g., navigating, using the “previous” and “next pages” buttons). When initiating an HRIA with a team, it might be a good idea to plan a face-to-face meeting to go through the tool together for the first time. This would give participants the opportunity to ask questions, understand how the tool functions, and make sure everyone is on the same page. In this first session, it could be useful to go through the first phase and ask them a specific question (e.g., which type of expertise might they need during the research. The answer would be in a pop-up in Step 2).

ACTIVITY 3

KEYS FOR A SUCCESSFUL CASE

Note: The themes presented are only suggestions. Depending on the context in which the study takes place, there might be different elements (facilitating or challenges) than those mentioned in this list. This list needs to be adapted based on the context in which the team is evolving. Other examples of themes include: information technology, presence of armed groups, government relations, freedom of circulation, etc.

FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

Read the content of Step 4, and explore the websites of the various organizations working to protect human rights defenders listed in the tab “worth browsing”

DESCRIPTION OF THE ACTIVITY

1. The facilitator divides participants in two (you can use the same groups as for Activity 1). Each of the two groups will have an equal number of themes. Teams will have 10 minutes to discuss and decide if their themes should be considered facilitating elements, challenges or both. They will post their answers on the flipchart sheets. In addition to these papers, the team can identify other elements that they consider facilitating or challenges. They will write these new ideas on sheets of paper and post them on the flipcharts. (20 minutes)
2. Participants will come back to the large group to present their answers and explain why they decided to put them in the chosen category. (20 minutes)
3. In large group, the facilitator will lead a discussion on the risks associated with the realization of an HRIA. To encourage discussions and identify additional challenges, you can ask the following questions:
 - What kind of risks can a team face?
 - What should a team that is documenting allegations of human rights violations be cautious about?
 - What internal challenges can arise during such a lengthy process?

For every risk or challenge mentioned, participants will identify a strategy. (20 minutes)

OBJECTIVES OF THE ACTIVITY

- Provide examples of situations that are more challenging and others that are considered keys to success;
- Identify what is missing in the most difficult cases;
- Explore ways to overcome these risks and challenges; and
- Reflect on ways to protect the team.

TIME 60 minutes

MATERIAL NEEDED

Three flipchart sheets: one for “Challenges,” one for “Facilitating elements,” and one for “Strategies”

Blank sheets of paper (four or five per team)

Markers

Separate sheets of paper with one theme written on each of them:

- Community in favor of the HRIA
- Community divided about the investment project
- Political context
- Support from national or international organization
- Timing
- Financial resources
- Human resources
- Broad action plan
- Stakeholder involvement
- Relationship between the company and community
- Security
- Data collection
- Women in decision making roles

LINK TO THE TOOL Phase A—Step 4



TIPS FOR THE FACILITATOR

Here are some important ideas that should emerge from the activity. Note that several themes could be both in facilitating elements and challenges, depending on how the team explains them:

FACILITATING ELEMENTS (or favorable starting point)

Community is in favor of conducting an HRIA: This is a prerequisite. Considering that this is a community-based HRIA, there should be no HRIA conducted if the community (or a significant part of it) is not in favor of this process. To make sure the study adequately captures the community's concerns, it will require their participation throughout the process. A community-based HRIA should be done in the community's interest.

Women in decision-making roles: HRIAs are anchored in human rights principles that include equality and non-discrimination. To ensure that women's concerns are significantly taken into consideration, it is important to include within the core team women who will be actively involved in the decision-making process.

Political context: The context in which the study takes place can have a significant impact on outcomes. Favorable social and political context could lead to concrete changes, reparation, or prevention of human rights impact.

Human and financial resources: Conducting an HRIA requires significant involvement of team members. It is important that sufficient financial and human resources are dedicated to the process to make sure all steps can be completed and that the team receives adequate remuneration for its work.

Stakeholder involvement: To increase the chances of success of an HRIA, it is important that all stakeholders be part of the process. In cases where a stakeholder refuses to participate to the process, the team should document all attempts made to reach out to them.

Timing: To increase chances of success, it is strategic to carefully think about the timing of the HRIA. Is there an identified opportunities for change (e.g., international company is under higher scrutiny)? Is there any strategic moment to share the report (e.g., the host country's human rights situation will be reviewed by the United Nations Universal Periodic Review, the company plans to expend its operation to another site, etc.)?

Support from national or international organizations: Receiving support from an external organization can help in various ways. It can increase security of the team, support in the data collection process. In some cases, it can also increase access to stakeholders and other organizations working on the same issue.

Broader action plan: To make sure the process is useful, the HRIA should be part of a broader action plan. There might be identified redress mechanisms that could be used (e.g., the home State of the company is a member of the OECD).

CHALLENGES (or unfavorable starting point)

The community is divided over the investment project: Because communities are not homogenous, there is potential for internal conflict within the community. Some members might fear that the investment project might stop, thus causing the loss of employment opportunities. Others could fear the impact of the research on their security. Division can also result from an inadequate consultation process led by the company. This is not unusual, but participants should be aware that the fact that

an organization documents potential or allegations of human rights violations in such a context could increase division within the communities. In other contexts, it could also smooth things out.

Relationship between the community and the company: Depending on the context, the relationship with the company can intensify as the assessment progresses. If there was a pre-existing conflict, the documentation of allegations of human rights violations can deteriorate the situation or, on the contrary, contribute to generating a dialogue. Recording interactions with the company can be strategic in some cases. However, in other cases, it can make the interviewee uncomfortable and less likely to speak. The decision to record is best made on a case-by-case basis and should be discussed with the interviewee beforehand (you might also consider having a third party interview the companies to create some added neutrality).

Limited capacities and expertise of the assessment team: Every team has weaknesses, but it is important to identify backbone organizations or other community-based organizations that can fill those gaps and help the team strengthen and develop their capacities. If these weaknesses are not fulfilled, the success of the HRIA can be put at risk. Lack of support from backbone organizations can jeopardize the completion of the case study. In cases where the assessment team has significant weaknesses and limited capacities, it is crucial that the backbone organization provides a strong and ongoing accompaniment.

Time: Conducting an HRIA generally takes longer than initially planned and requires greater involvement for the team than expected.

Tension within the team: the HRIA process is lengthy and can be stressful. Divergence of opinions regarding objectives, strategies, or other important matters can create tensions. It is important to make sure that roles and responsibilities are clear and the team operates with transparency. Continuous communication is crucial. If the situation deteriorates, it might be strategic to identify people who can help resolve the issues (for instance the director of the community-based organization or a local respected leader).

Data collection: There might be cases where there is no identifiable opportunity for sufficient data collection. In such a situation, it might be strategic to collaborate with other organizations that might be able to support the data collection. However, if the team realizes that all their strategies are not showing any results, it might not be possible to do the HRIA.

Timing and political context: The HRIA might not be the most effective means to protect human right of those affected, or it might not have a specific value added due to the fact that there are already human rights reports published on the investment project. This needs to be taken into account before starting the HRIA process.

Security of the team and the community: Security is a major issue in many countries. Assessment teams can face similar risks to human rights defenders. Some national civil society organizations involved in the HRIA process can be composed of human rights defenders already in danger. It is important to understand the security issues participants may face beforehand. Acquiring knowledge

of the participants' local context will help you understand potential risks. For participants working in contexts where security is a major issue, it is important to focus on developing strategies to protect the team, organizations and the communities. Several strategies can be explored:

- Maintain a constant communication with the assessment team.
- Develop a comprehensive security plan and make sure to share it with all the team members.
- Community-based organization is supported by national, regional, or international organizations;
- To be accompanied by external actors, such as Peace Brigades International (PBI);
- Let friendly embassies (and the host country embassy if possible/relevant) know about the process and planned field visits;
- Get in touch with organizations working for the protection of human rights defenders (see resources below); and
- Consider the need to ensure secured email and phone communications(see link to FIDH publication/ short manual on securing communications: <https://www.fidh.org/International-Federation-for-Human-Rights/human-rights-defenders/16290-fidh-computer-security-good-practice-guide>).



TIPS FOR BACKBONE ORGANIZATIONS

What will make a good case will highly depend on the case study itself (the investment project and its context). But it will also depend on the capacities, skills, organization, and management of the assessment team. At this stage, it is very important that the backbone organization identifies these potential challenges to plan and adapt its support to the needs of the team in order to increase the potential for success of the research and use these challenges to build the capacities of the team and communities throughout the research. For example, the assessment team might need external legal or environmental expertise. They might need to be supported throughout the process by someone with strong human rights knowledge. These roles can either be filled directly by the backbone organization or backbone organization can help identifying other partners to support.

Backbone organizations can help protect the team. If security is an issue, backbone organizations should support the team and ensure a plan is developed to address these issues. The backbone organization can accompany the assessment team to their first meeting with the company and/or government. Disseminating information that the local team is being supported by national or international organizations can be strategic because it reveals that there is an external organization protecting the team. It is important to maintain constant contact with the assessment team and monitor the situation on a regular basis.



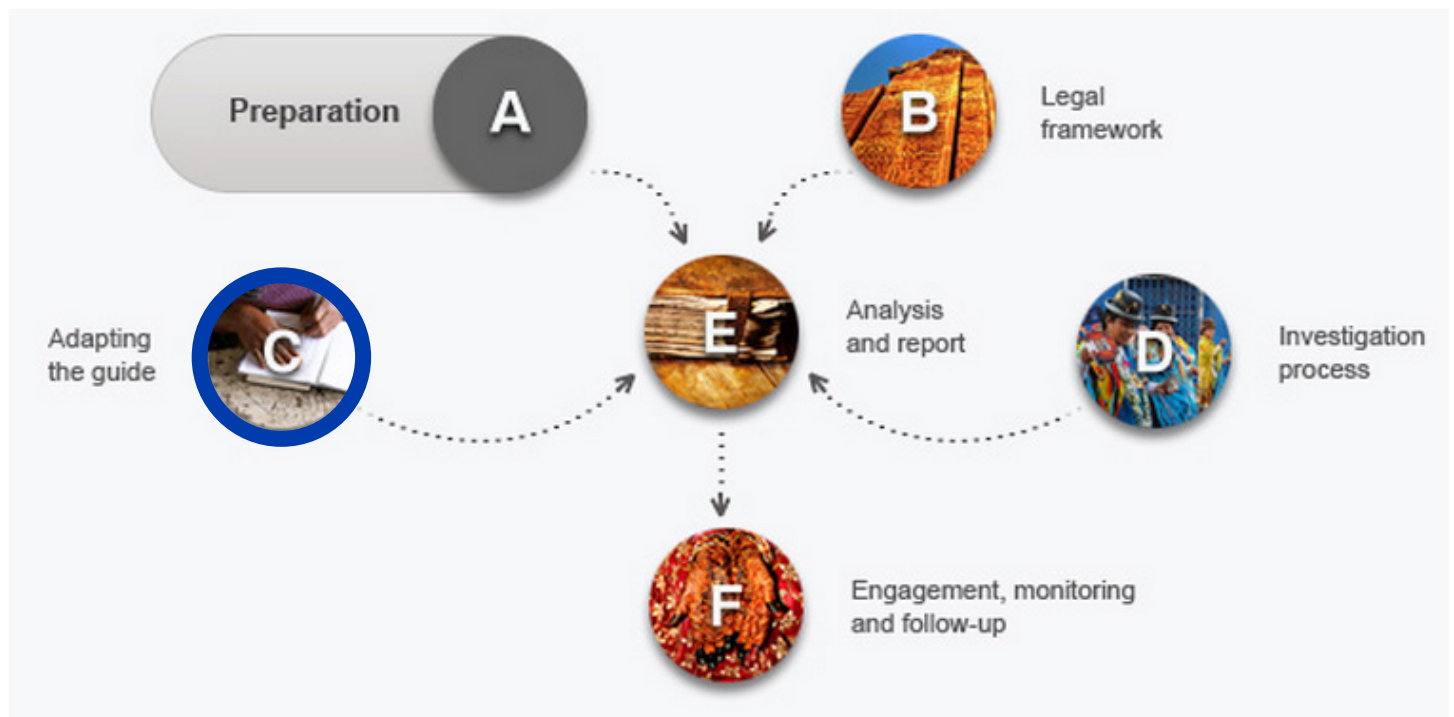
TO READ MORE

Front Line Defenders, in collaboration with the Tactical Technology Collective, Security in a box: www.frontlinedefenders.org/digital-security#sthash.INYqjhS6.dpuf

Front Line Defenders, 24 hours emergency hotline: www.frontlinedefenders.org/emergency#sthash.g5y98C9p.dpuf

Observatory for the Protection of Human rights defenders (joint program between FIDH and the World Organization Against Torture): <http://www.fidh.org/en/human-rights-defenders/>

MODULE 2: GETTING STARTED



ACTIVITY 4

HOW TO BUILD A TEAM



FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

Read Step 2 of the tool, including the Experiences, Learn More, Definitions, and Tips tabs at the bottom of the page. Read “Who should be part of a community-based HRIA assessment team” on page 6 of the Report from an international meeting, Canada, 2010, by Oxfam America and Rights & Democracy, in collaboration with FIDH.



DESCRIPTION OF THE ACTIVITY

1. With the same teams as Activity #2, further develop your “dream team” and all the expertise included. Teams should navigate Step 2 to help them with this activity. Facilitator can also display the step on the screen if the teams do not have a computer to work with. Note that everything can be fictitious. Participants can give themselves new names, titles, and expertise. Make a list of external expertise that is needed. Each team should clearly determine the role and responsibilities of each member: How will they divide tasks and coordinate them? Which coordination mechanisms they would put in place? (25 minutes)
2. Participants return to the large group and the facilitator makes a list of all expertise mentioned. The group and the facilitator reflect on additional expertise that could be needed as well as discussing the roles and responsibilities presented by the teams. The teams will also discuss about the challenges encountered in the decision process. (20 minutes)



OBJECTIVES OF THE ACTIVITY

- Understand the importance of setting up a strong team composed of people with complementary skills and expertise;
- Gain a better idea of the challenges associated with creating an assessment team and with the management, organization and governance of the team;
- Understand the difficulties that can emerge if this step is not completed adequately.



TIME

45 minutes



MATERIAL NEEDED

Three or four computers



LINK TO THE TOOL

Phase A—Step 2



TIPS FOR THE FACILITATOR

Here are some important ideas to keep in mind during the discussions:

- One challenge often underestimated is related to the governance of the team (roles, responsibility, accountability, etc.) and the budget management. The different teams should explore this question and make sure they have the relevant expertise within their team to deal with these aspects.
- Teams should be gender balanced, not only in terms of number of women and men, but also in terms of responsibilities and leadership;
- It is very important to understand the ethnic dynamics and to report its diversity within the team;
- Someone (or a team/focal point) from the affected community or at least highly involved in the community should be part of the core team;
- Expertise that is not present within the core team should be sought externally (keep in mind what the budget implications might be).



TIPS FOR BACKBONE ORGANIZATIONS

Setting up a team is a crucial step in the HRIA process. Having the right people on board can be a key to success, while lacking the adequate human resources can have important consequences (or a poor team dynamic can be equally detrimental to the process). Community-based organizations should be leading the process of setting up their team since they know the community, the case, the local context, and they will be working as a group for the duration of the HRIA.

However, backbone organizations can also provide support by contributing missing expertise, and advising the team to ensure all necessary expertise is represented. It is also important to reflect as a backbone organization what your role will be during the process as well as after the completion of the HRIA. Make sure that the community-based organization is supportive (you might also need to revisit this throughout the HRIA process). If the backbone organization for any reason cannot be involved beyond the HRIA project, this needs to be clearly stated in order not to raise unrealistic expectations and to enable the community-based organization to develop realistic follow-up plans.

EXAMPLES OF RESOURCES

- Retired engineers
- Ally organizations
- Probono and/or human rights law clinics (NGOs or law firms providing pro bono work)
- Academic institutions that can support with data collection and analysis
- Human rights experts (there are also experts for particular human rights who could be helpful)
- Labor unions
- Religious institutions with close ties to the community (i.e., for support with data collection)
- Doctors
- Graduate students, other volunteers/fellows

ACTIVITY 5

BACKBONE ORGANIZATIONS, COMMUNITY-BASED ORGANIZATIONS & COMMUNITIES: WHO'S DOING WHAT



DESCRIPTION OF THE ACTIVITY

1. Going back in their teams, participants develop their positions regarding the roles and responsibilities for each actor. The main elements to discuss are the following:
 - Governance of the team
 - Budget management
 - Setting the objectives of the HRIA
 - Accessing stakeholders
 - Engagement with communities
 - Methodological and technical support
 - Drafting of report and revision process
 - Branding of report
 - Advocacy work + follow-up

The team will color in red the percentage of involvement of community-based organizations, in green the percentage of involvement of backbone organizations, and in blue the percentage of community involvement. As an indication:

50 percent= shared responsibility

60 percent= the lead is taken but with a strong support from the other organization (specify which type of support)

80 percent= the case is mainly lead by one organization with limited support. (20 minutes)

2. At the end of the allocated time, the teams come back to the group. Each team presents their position statements. They explain the difficulties they encountered and possible unresolved issues. Other teams will have the chance to ask questions or clarifications. (15 minutes)
3. Facilitator returns to the main issues encountered and highlight other elements that might have not been mentioned by the teams. Examples from previous case studies can be provided to present different models. (10 minutes)



OBJECTIVES OF THE ACTIVITY

- Understand the importance to clarify roles and responsibilities of community-based organizations and backbone organizations (and local communities if the leading organization is not from the community);
- Explore the different kinds of relationships that can exist between backbone organizations, community-based organizations and communities;
- Identify the challenges associated to the division of responsibilities.



TIME

45 minutes



MATERIAL NEEDED

Flipchart sheets with one thermometer representing each theme: (1) governance of the team and budget management, (2) setting the objectives, (3) accessing stakeholders, (4) engagement with communities, (5) methodological and technical support, (6) drafting of report and revision process, (7) branding of report, and (8) advocacy work + follow-up.

Color markers: red, green and blue (or any three colors)



TIPS FOR THE FACILITATOR:

Here are some important ideas that should emerge from the activity:

There is no one-size-fits-all in terms of distribution of roles and responsibilities. But here are some things to consider:

Governance of the team: Backbone organizations can support by providing tips and advices on the governance of the team (often the teams are made of people who have never worked together and lack some coordination mechanisms). Backbone organizations can help setting coordination mechanisms, including administrative and management issues. It is, however, important to provide advices and make sure community-based organizations maintain the lead on their decisions.

Budget management: Backbone organizations can help setting up financial procedures (accounting, ledger, budget forecast, etc.).

Setting the objectives: While objectives are usually set by the community-based organization, it is important that the backbone organizations agree on these objectives and are willing to support them. Furthermore, the objectives should be clear and if revisions are needed during the assessment, this should be discussed openly between the community-based organization and backbone organization.

Accessing stakeholders: Backbone organizations can play an important role in reaching out to different stakeholders. The presence of an external organization has proven to be useful to help access various stakeholders such as company or state representatives. Also, if the situation is already tense between stakeholders, the presence of an external partner can provide some protection. However, it can be strategic to ensure community-based organizations strengthen their relationship with the various stakeholders as this could help in their follow-up work.

Engagement with communities: Building trust with communities is crucial to the success of and the follow-up of the HRIA. Because of their relationship with communities, community-based organizations should be highly involved in this aspect. This will help build trust with community members.

Methodological and technical support: This includes support in data collection and analysis, research on the legal framework, the companies involved, and human rights analysis. These activities are important, but complex. The credibility of the research mostly lies on the rigor of its research. Depending on the expertise of the team, support on specific aspects is needed. Backbone organizations can provide methodological support to strengthen the rigor and the quality of the research. Also, documents are mainly written only in English. This might be an issue for some community-based organizations. They might need support from backbone organization or other resource.

Drafting of report and the revision process: This is a very tedious step, but one that can completely change the results of the whole HRIA. The way facts are presented, the information included, and the quality of the report—all these aspects will have repercussions on the outcomes of the HRIA. Having various people (and organizations) involved can increase the quality of the report. But it can also create a longer process and cause conflicting ideas or alter or dilute the tone of the report (the way information is presented might make more sense in the cultural context). These should all be considered when deciding who will contribute to this step. For more information on this important step, see Activity #12 of the manual.

Branding of the report: There are some advantages and disadvantages to do co-branding. If a backbone organization agrees to co-brand the report, it can provide more visibility. But it is important to consider the organization's flexibility and position regarding the content. Will the community-based organization have to dilute their conclusions to make sure the backbone organization's management approves it? In other cases, if the community-based organization is known to be very critical of the company or the investment project, it could be helpful to have an international organization co-signing its name on the report, which could provide greater credibility. However, in other contexts it could be perceived as produced or supported by a "foreign agent" (as some international and local organizations can be referred to in repressive contexts). An alternative can be that the community-based organization is the main author of the report and the backbone organization is mentioned as contributor or support so that the name appears. This can provide visibility, but the community-based organization maintains its ownership.

Advocacy work + follow-up: If the objective of the assessment is to do advocacy at the international level, or submit the case to an international human rights monitoring and protection mechanism, it might be helpful to involve the backbone organization in developing this strategy. Additional resources will be needed for these activities. This should be discussed and considered when deciding who is involved. For more information on advocacy, see Activity 13.



TIPS FOR BACKBONE ORGANIZATIONS

An important lesson learned from previous case studies is that an ongoing communication between the backbone and the community-based organizations is highly important. Teams have noticed that reporting to each other regularly and agreeing on time frames beforehand improved the chances of success of such a process.

It is important that the report reflects the communities' concerns and that it supports the follow-up actions planned by the community-based organizations. If you fear that your organization cannot support the team's conclusions and that your case would require major adaptation that undermines the content, it might be more strategic not to be co-branding the report.

Backbone organizations can help build bridges between community-based organizations and national and international organizations. For example, backbone organizations can support connections between different organizations working on the same company, or with community-based and backbone organizations from the home state of the company. Backbone organizations can also provide advice or support national civil society organizations in their litigation initiatives, as well as facilitate access to judicial and non-judicial recourse mechanisms (e.g., file an OECD complaint, etc.).

ACTIVITY 6

OBJECTIVES OF AN HRIA



FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

- Review the content of Step 6 of the *Getting it Right* tool and the Experiences Tab on that page
- Read Danish Institute for Human Rights, About the HRCA: <https://hrca2.humanrightsbusiness.org/Page-AboutTheHrca-1.aspx>



DESCRIPTION OF THE ACTIVITY

1. With their team, participants will identify the main objective pursued in their case. Aside from this general objective, they should also identify other outcomes that could emerge from the conduction of an HRIA and objectives that could not be pursued. (20 minutes)
2. Coming back into a large group, participants will present their objectives and explain what they think the HRIA could achieve. The facilitator writes down the relevant ideas on the flipchart sheets and facilitates a discussion about “what an HRIA can do” and “what an HRIA cannot do.” (20 minutes)
3. The facilitator provides a recap at the end of the activity. (5 minutes)



TIPS FOR THE FACILITATOR

Here are some important ideas that should emerge from the activity:

- What community-based HRIAs can do:
 - Document positive and negative impacts;
 - Send recommendations to stakeholders involved;
 - Inform a large group (decision makers, civil society, general public) about the situation;
 - Help create equal footing between communities, companies and authorities;
 - Help establish dialogue with various stakeholders;
 - Capacity-building process for the HRIA team and community;
 - Strengthen community mobilization;
 - Increase human rights awareness within the community;
 - Support long-term monitoring mechanisms or larger objectives, such as legislative changes, to prevent abuses in other projects. (**Note:** This should be part of the follow-up actions and needs to be planned and budgeted for); and



OBJECTIVES OF THE ACTIVITY

- Understand what community-based HRIAs can and cannot accomplish.
- Understand the challenges and the importance of setting objectives agreed upon by all team members.



TIME

45 minutes



MATERIAL NEEDED

Two flipchart sheets taped on the wall with one question written at the top of each sheet: “What an HRIA can do?” and “What an HRIA cannot do?”



LINK TO THE TOOL

Phase A—Step 6

- Seek a way to address impacts and obtain reparations (Note: this should be part of the follow-up actions and it needs to be planned and budgeted for).
- What-community based HRIAs cannot do:
 - Change the situation from one day to the next. The question of timing is highly important: HRIAs require a lot of time and sometimes the results may come too late to take action (irrevocable damages might have already occurred).
 - The report in itself will not change things: follow-up actions are necessary to ensure that concrete changes happen.

Examples of outcomes from previous case studies throughout the process and as a result of the research:

- **Argentina**—the Centro de Estudios Legales y Sociales (CELS) and the Asociación Civil por la Igualdad y la Justicia ACIJ, along with other human rights and environmental organizations, filed an amicus curiae brief in an investment arbitration concerning access to water and sanitation in Buenos Aires, Argentina. http://publications.gc.ca/collections/collection_2007/dd-rd/E84-21-2007E.pdf
- **Bolivia**—CEADESC (El Centro de Estudios Aplicados a los Derechos Economicos, Sociales y Culturales), and a Guaraní indigenous community in Muyupampa used *Getting it Right* to assess the human rights impacts of gas exploration activities. This emblematic undertaking between the Bolivian government and the French company, Total Fina Elf, is among the first foreign investment schemes in Bolivia's hydrocarbon sector in five years. In 2012 and as a result of the HRIA, Total Fina Elf contracted a third party, ECONAT, to conduct environmental impact assessments of their Bolivia operations to generate recommendations for improvements. Total Fina Elf is in ongoing conversations with Oxfam Bolivia staff about how to integrate the *Getting it Right* tool into core business practice. http://www.ceadesc.org/wp-content/uploads/2011/08/Total_EP_-EIDH.pdf
- **Brazil**—The process fostered community mobilization (the community created its own website and actively engaged in negotiations with the authorities and the involved companies. The process also facilitated the ongoing resettlement process for one of the two affected communities. The community itself led the resettlement process and obtained international support, including from United Nations Special Procedures. Report can be found: <http://www.fidh.org/article7502>
- **Democratic Republic of Congo**—The HRIA led by the Carter Center on Chemaf & Ruashi mining helped the communities to get organized and petition both the company and the state using the human rights discourse to claim their rights against forced evictions and environmental pollution. As a result, some compensation has been granted by Chemaf to affected persons, and Ruashi mining set up a complaint mechanism for local communities to address grievances to the company in case of negative impacts. On the other side, the central government set up an environmental commission in charge of investigating alleged pollution of surrounding water and soil. Finally, some of the recommendations of the report to better protect local communities (regarding consultation and resettlement procedures) have eventually been included in the revision of the mining code. <http://www.congomines.org/wp-content/uploads/2012/11/TCC-Etude-dimpact-Chemaf-Ruashi-2012-FR.pdf>
- **Ecuador**—Following the publication of the HRIA report, the UN Committee on Economic, Social and Cultural Rights (CESCR) reiterated its concerns regarding the failure to undertake adequate consultation of indigenous peoples to obtain their free, prior, and informed consent vis à vis natural resources development projects affecting them; and the Office of the Auditor General of Ecuador published an audit report reiterating some of the conclusions of the report published by FIDH and its member and partner organizations looking at the social-environmental impacts of the first large scale mining project in the Ecuadorian Amazon. <http://www.fidh.org/article7502>

- **Peru**—The evidence collected through the HRIA process led by CEPEMA-Lulay has contributed to the formulation of public policies with a specific focus on human rights and gender. Specific items related to the right to health, sexual and reproductive rights, and the environment were integrated into the 2013-2017 Regional Plan for gender equality in Junin, Peru. Important capacity building has been done with local communities using theater and other creative tools. http://publications.gc.ca/collections/collection_2007/dd-rd/E84-21-2007E.pdf
- **Philippines**—The research supported the filing of a complaint by the indigenous Subanon to the United Nations Committee on the Elimination of Racial Discrimination (UNCERD). An indigenous leader from the community presented the case at the UNCERD meeting in Geneva. Several communities received trainings on indigenous rights and basic human rights, alongside paralegal trainings that instruct community leaders how to document human rights violations and prepare affidavits. http://publications.gc.ca/collections/collection_2007/dd-rd/E84-21-2007E.pdf
- **United States**—The process opened up additional dialogue between the Farm Labor Organizing Committee (FLOC), a community-based organization, and Reynolds, the tobacco company. FLOC President Velasquez and top Reynolds executives met to establish a landmark grievance mechanism for workers in their supply chain. The report can be found: <http://www.oxfamamerica.org/explore/research-publications/a-state-of-fear-human-rights-abuses-in-north-carolinas-tobacco-industry/>



TIPS FOR BACKBONE ORGANIZATIONS

Setting the objectives is often a challenging step. It is important to clarify up front the objectives of the HRIA with the community-based organization and the communities. The experience has proven that communities often have very high expectations, which might discourage the research team during the process. It is important to make sure they are realistic (refer to what HRIAs can do). If the community aims to close down the private investment operation, this might not be the outcome of the HRIA process. Backbone organizations should make sure they understand the objectives of the team and that they are on the same page.

ACTIVITY 7

HOW TO DEVELOP A BUDGET

Note to the facilitator: If the participants are planning an HRIA, you might want to allocate more time for this activity.



FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

Content of Step 8 including the Tips and Models tabs



DESCRIPTION OF THE ACTIVITY

1. Within their teams, participants develop a budget for their project. This includes, human resources (time to invest over the year), financial and material resources. It might be difficult to put in numbers, as this varies depending on the context. However, the group should list all items that need to be included in the budget. The list takes into consideration the various phases (from the creation of the team to the dissemination of the report and follow-up activities). It is suggested to use a calendar when developing the budget (e.g., when more financial resources and more human resources should be invested in this period). (20 minutes)
2. Going back to the larger group, each team presents its budget to the group. The facilitator writes down the main categories identified and lists the missing categories. Based on the content of the reference sheet, the facilitator provides some tips about important expenses to remember. (10 minutes)



OBJECTIVES OF THE ACTIVITY

- Review things to include in the budget and important elements to remember.



TIME

30 minutes



MATERIAL NEEDED

Flipchart sheets
Markers



LINK TO THE TOOL

Phase A—Step 8



TIPS FOR THE FACILITATOR

- Teams often underestimate the time and effort needed to conduct an HRIA and this can undermine their motivation. When developing the budget, it is very important to make sure that participants understand this process lasts at least one year and the time invested by the team will be greater than expected. Adequate salaries for the team should be included in the budget.
- The coordinator has an important role to play and invests a lot of time in the process. Several teams have chosen to dedicate a full-time person to this position.
- When thinking about human resources, it is important to consider the various experts that are needed: engineers, water experts, etc. To decrease costs, some groups have decided to turn to university centers to seek expertise.
- Equipment needed should be well anticipated: camera, printer, laptop, recorder, Internet access, etc.
- Consultation process: To complete interviews with various stakeholders—since you won't be able to do everything at once—you may need to plan several internal flights (or other transportation) to go back and forth to the capital and communities. Consistent travel is a high expense. If interpretation is needed, this should be captured in the budget.
- Consultation with communities takes time. To ensure this is carried out with full community participation, adequate time, and resources dedicated to capacity building need to be built into the budget timeline.
- Research on legal frameworks and the company or some technical issues may require external expertise.
- Preparation of the report is a difficult and time-consuming step that requires high investment from the team.
- Translating the report ensures both local communities and the broader public have access to the content. However, translation costs are high and need to be captured in the budget.
- Costs will vary depending on the type of publication chosen (printed report or electronic version, length of the report, etc.).
- The validation process within the team or with other stakeholders can require a lot of time.
- Follow-up activities are crucial to making sure the report can be effective in preventing and remediating human rights impacts. This must be taken into consideration when developing the budget: Assessment teams should allocate some budget to follow-up activities. Concrete plans will be elaborated based on the results of the HRIA process, but it is important to make sure that some funds will be available to implement the various actions identified based on the findings.



TIPS FOR BACKBONE ORGANIZATIONS

Developing the budget is a very important step. To increase chances of success, everything must be planned in advance.

In the past, teams have often underestimated the time invested by the assessment team. This can result in over-committed staff with multiple priorities and a potentially tight budget. As an accompanying organization, make sure that enough time is budgeted at the beginning of the project. Perhaps you have to negotiate with the community-based organization's leadership to secure staff time for the project. It might be useful to develop a planning with clear objectives. For example, after the third month, the aim is to have reached a specific stage.

Travel is needed to support the team at specific moments of the process. This should be discussed when developing the budget: Will these costs be covered by the HRIA budget or can your organization cover these fees?

It is important that community-based organizations anticipate when the funds are needed to ensure they have enough cash flow so that the process is not delayed (i.e., data collection or the production of the report require more funds than the preparation of the research). Backbone organizations can provide advice to the community-based organizations on this.

If you are based in another country than the team, there may be resources in your country that could be useful in supporting the team (experts, university centers, other organizations working on same company, etc.). If possible, you can also identify resources in the home country of the company.

ACTIVITY 8

STAKEHOLDER OUTREACH

Note: Activities #8 and #11 are complementary. In Activity #11, participants will have the opportunity to do some role-play to explore the challenges faced when meeting with the various stakeholders.

FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

Carefully read the content of Step 9, including the Tips and Experiences tabs.

DESCRIPTION OF THE ACTIVITY

1. For this activity, the different teams will explore how to approach each stakeholder. Team members should come to an agreement on the following questions:
 - How will they approach each stakeholder?
 - What level of engagement is expected from each stakeholder?
 - What are the main challenges that could be met? (15 minutes)
2. Returning to the large group, each team presents its position. The facilitator guides the discussion and asks participants to explain the main challenges they could face and how they would overcome these difficulties. Using information from Step 9 of *Getting it Right*, the facilitator reviews some of these important elements and discusses the example from the Peruvian team mentioned in the Experiences tab. (15 minutes)

TIPS FOR THE FACILITATOR

Before reaching out to the community and stakeholders, the team must agree on each actor's role and involvement. This includes details about the consultation process (frequency and type of meetings) and their job regarding the draft report. Decide on these questions before the first meeting with them. Of course, things can change throughout the process, but it is important to have a common initial position. Participants should reflect on the following questions:

- What if no international organization is involved?
- What if there is already a strong confrontation with the company

OBJECTIVES OF THE ACTIVITY

Understand how and when to approach:

- The community (involving communities through focal points)
- The company
- The government
- Other relevant stakeholders (i.e., other civil society groups, growers, trade unions, investors, etc.)

TIME

30 minutes

MATERIAL NEEDED

Flipchart sheets for each team and markers

LINK TO THE TOOL

Phase A—Step 9



EXCERPT FROM *GETTING IT RIGHT*

Some questions you may consider are:

- How will the company's comments be integrated into the report?
- Will the company have the opportunity to revise the final version?
- Will the company provide and/or would you like the company to provide human and financial resources to the study?



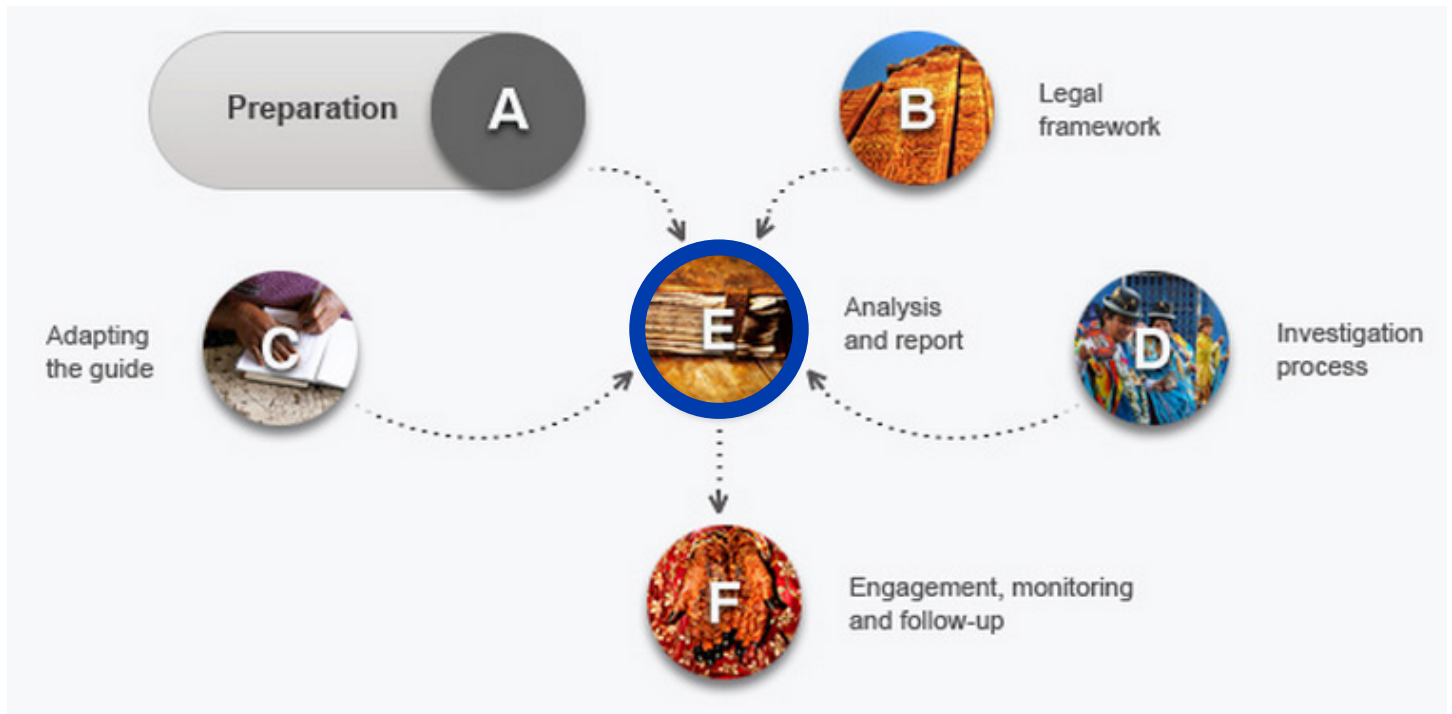
TIPS FOR BACKBONE ORGANIZATIONS

As external actors, backbone organizations can play a significant role in reaching out to different stakeholders. Your presence could facilitate the acceptance by other stakeholders to meet and possibly provide protection to the team. It could also raise the profile of the assessment. However, in other cases, the presence of an international organization could inhibit some stakeholders who might be reluctant to see international actors getting involved in the case. In some situations it might make sense to engage with a third party to do the outreach with certain stakeholders. It is important to discuss this openly with the community-based organization, as they understand the local dynamic and the impact of your presence at these meetings.

Beware of the context and your audience. There are times where a human rights framework could be perceived as threatening. You might have to adapt your approach in order not to jeopardize the security of the team.

How to proceed with the consultation phase differs from one group to the other. Your partner organization might need additional support in developing a complete consultation process that will enable to gather enough data. That could include support for designing a data collection plan (whom to interview for which information) and for the methodology (how to do it).

MODULE 3: DATA COLLECTION, ANALYSIS, AND RELEASE



ACTIVITY 9

THE COMPANY AND THE INVESTMENT PROJECT—POWER MAPPING



FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

Read Reference sheet # 2;

Prepare the Power Map using a piece of paper from the flipchart. See the templates provided in Annex 3 for illustration;

Print out one Power Map handout per participant. Use the image found in Template 1.



DESCRIPTION OF THE ACTIVITY

1. The facilitator will begin by discussing the importance of identifying all of the stakeholders affected by the investment project (see tips for the facilitator).
2. Place the Power Map Flipchart in front of the participants and choose a target (company) to place in the center. If participants already have an investment project in mind, you can use it. If not, you can use one of the case studies in the annex.
 - a. Selecting the right target is key. If participants aren't sure whom to place in the center, use the following guiding questions/criteria:
 - ✓ What is the problem or situation we are trying to change?
 - ✓ Which actor or actors are or might be causing the problem?
 - ✓ Which actor or actors are in a position to make and execute decisions that could change the situation? Which actor is the "ultimate" decision maker?
 - ✓ Throughout the power-mapping exercise and throughout the HRIA, participants' opinions about the right answer to these questions may evolve. Emphasize that the Power Map is not static, that it can and should evolve as we obtain more information. Also suggest that there is no limit to how many Power Maps we can draw. For every powerful stakeholder that is identified, a separate Power Map can be elaborated.



OBJECTIVES OF THE ACTIVITY

- Learn how to identify, map out and evaluate the importance of all stakeholders connected to a company (target).
- Understand how to deal with legal framework of the investment project.
- Learn where to get information about the investment project.
- Understand how to employ this information within a broader research and advocacy methodology).



TIME

60 minutes



MATERIAL NEEDED

Power Map Flipchart.
(Blank Power Map for illustration can be found in Annex 3, Template 1)

One blank Power Map handout per participant

One Power Map guide per participant (see Template 2 in Annex 3)

One pen or pencil per participant

Markers

Sticky notes (optional)



LINK TO THE TOOL

Phase B—Steps 10, 11, 12

- ✓ In the context of an HRIA, we recommend that the target of the first power-mapping exercise be the investment project itself.
3. Ask participants to identify the different stakeholders connected to the target. If necessary explain the rules of brainstorming and begin.
 4. Every time participants come up with a stakeholder, ask them to add the stakeholder to the flipchart and explain his or her relationship to the target.
 5. Draw a line from the stakeholder to the target so it begins to build a web. Do this until the participants have exhausted their ideas.
 - Stakeholders can range from the most generic (e.g., workers) to the most specific (e.g., Mr. X, the owner of Company X).
 - While this is a brainstorm and all ideas should ultimately be put down on paper, you want to make the participants justify their ideas. This will strengthen the quality of their Power Map.
 - Have the participants follow along on their handout.
 6. As you populate the map, explain to participants that a Power Map can be a good starting point to answer the following questions regarding the company and its stakeholders:
 - How is the company rated by research agencies?
 - Is the company domestic or foreign?
 - Where does the company have its headquarters?
 - Is it a public, private, or state-owned company?
 - Who is operating the investment project?
Is it a subsidiary?
 - Is the company listed on a stock exchange?
 - Who are the major shareholders?
 - If it is a state-owned company, who in government is responsible for its operations?
 - Does the company have partners in the investment?
 - Who is providing money, loans, or guarantees to the company for the investment?
 7. After or while placing stakeholders on the map, have participants indicate who is exerting power over whom by including arrows on the lines connecting stakeholders to the target and between stakeholders. Arrows can be bi-directional to signal an alliance (shared power).
 8. Participants should also justify and engage in debate over the direction of power (from Step 7 above) by explaining why one actor has power over another, such as what type of power they have and specific mechanisms for exerting that power.
 9. Post a flipchart next to the Power Map where the facilitator lists questions that come up during the exercise that signal information gaps that need to be filled in order to complete the Power Map, including the questions from Step 6 above.
 10. As a final step, ask participants to indicate on the map, using symbols or colors, which stakeholders are current or potential allies of the community.

Here are some research ideas:

- <http://www.ethicalcorp.com/>
- <http://www.eiris.org/>
- <http://www.msci.com/products/esg/>
- <http://www.corporatewatch.org/>
- <http://www.greenbiz.com/>
- www.fairfinanceguide.org,
- <http://sustainability-ranking.channelnewsasia.com/>
- <http://resources.oxfam.org.au/pages/view.php?ref=460>
- <http://oecdwatch.org/>
- <http://business-humanrights.org/en>
- <http://www.corporatecritic.org/companies.aspx>
- <http://www.ethical.org.au/>

11. Review the completed Power Map and transition to the wrap-up:

Explain to participants why it is important to be able to identify all of the stakeholders connected to a target and why doing so can increase the effectiveness of their research.

Ask them to discuss what might happen if they were not aware of a certain stakeholder or didn't know how or why he or she was connected to the target. What sort of liabilities could this create for the research?

- ✓ Example: What if participants did not know Company X had powerful political allies? How could that impact their HRIA?

Stress that in order for the Power Map to maintain its usefulness in a campaign, community members, and researchers must constantly update the map based on new information acquired.

- ✓ Example: If we learn the names of Company X's top shareholders, this category should be filled in on the map with those details.



TIPS FOR THE FACILITATOR

Research on the investment project is highly important as accurate information will contribute to the credibility of the HRIA report.

It is important to ensure diversity of sources (reports submitted to Securities and Exchange Commissions, company itself and its various reports, government / ministers / local authorities, local and international press, etc.).

Researching different information will help you better understanding the project (all stakeholders involved, business activities, relations with the government, environmental & social information, revenue flows, etc.)

If participants try to conduct a power analysis on a target in a vacuum, they will learn very little useful information.

Here are some important ideas that should emerge from the activity:

- The Power Map is a key component of corporate research methodology. It may well be the most effective tool for exhaustively identifying the stakeholders connected to a particular company or project (the target of corporate research) and determining the nature of stakeholder-target and stakeholder-stakeholder relationships. This exercise is an indispensable, central part of power analysis. As such, it can serve the assessment team not only in the research stage, but also in developing a targeted advocacy strategy.
- You should explain that a Power Map is a way to synthesize the constellation of interests and power relationships to which a company could be subject.
- Knowing how a target is connected helps us understand what type of power it has, how heavily human rights interests weigh on company decision-making, and what may be strategic leverage points to counter that power. With this information, participants can produce better research and strategies.
- Power never exists in a vacuum. Being able to identify the stakeholders connected to a target helps identify potential allies as well as opponents for our strategies.
- A Power Map helps highlight potential leverage points and/or advocacy strategies and is, therefore, a good point of departure for further research and strategies.
- A Power Map is dynamic. It must be constantly modified and updated based on new information obtained in the research or changes in the context of the project.



TIPS FOR BACKBONE ORGANIZATIONS

Corporate research is often under-considered by both community-based and backbone organizations. The research on the company and the investment project should start at the beginning of the project but should continue throughout the assessment process as things might evolve and/or new information can be discovered.

Some groups have decided to organize workshops for this specific step to train the team in finding relevant documents. While going through the documents, some capacity building on identifying and understanding relevant information can be done (such document can be very technical, e.g., information in annual reports).



TO READ MORE

Dirt Diggers Digest Guide to Strategic Corporate Research: <http://corp-research.org/ddresearchguide>

Project on Organizing, Development, Education and Research (PODER): www.projectpoder.org

ACTIVITY 10

ADAPTING THE TOOL



FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

You should read carefully the content of Phase C of *Getting it Right*.



DESCRIPTION OF THE ACTIVITY

1. Using the same case studies, each team works with *Getting it Right* to select the rights affected and generates a list of questions. (30 minutes)
2. Going back to the large group, each team briefly presents the rights they have selected and shares their experience in selecting questions. (15 minutes)



TIPS FOR THE FACILITATOR

It is important that participants understand the role of the questions within the tool. These questions are based on human rights obligations and help the team to develop their analysis. Using the example below, you can explain the link between the core content of the human right in question—as developed in the General Comment developed by the United Nations Treaty bodies: accessibility, affordability, availability, and quality—and the various human rights principles, such as non-discrimination, equality, access to information, and access to remedy.



OBJECTIVES OF THE ACTIVITY

- Experiment with the challenges of selecting which rights are to be assessed;
- Understand the usefulness of the questions in developing a human rights analysis.



TIME

45 minutes



MATERIAL NEEDED

Three or four computers



LINK TO THE TOOL

Phase C—Steps 13 and 14



EXCERPT FROM *GETTING IT RIGHT*

The right to food—the community and human rights

1. Has your access to good and affordable food in sufficient quantity been affected since the beginning of the investment project?
2. Have some community groups' access to food been specifically affected since the beginning of the investment project? If so:
3. Has women's access to food been affected since the beginning of the investment project?
4. If there have been changes related to access to food in your community, were you informed of these changes?
5. What opportunities (legal or other) are available if you feel that your right to food has been affected?
6. If your right to food has been affected, did the government take any measures to redress the situation?



TIPS FOR BACKBONE ORGANIZATIONS

Selecting the rights is a very important step, as it will shape the rest of the assessment. Of course, this is an iterative process. It is always possible to come back and select other rights if there are new or unforeseen impacts that have repercussions on different rights. If the community-based organization does not have a strong background in human rights, you should support them and ensure they understand the link between impact and rights. For example, they might spontaneously think about water pollution and the impact on right to water, but might not see the link with the right to health if people are drinking polluted water. This is a role that backbone organizations can play. You can point out the different useful references included in the tool *Getting It Right* that help understanding the content of human rights under international human rights law (such as General Comments of UN treaty-monitoring bodies). You might need to hold additional exchanges on the content of human rights (the different components of the right to food, water, housing, etc.). On the other hand, community-based organizations, with their knowledge of local context and the related complexities, can contribute to shed light on human rights impacts that may not be visible in the first place.

Some teams may begin with a high number of rights to cover. Since each right generates an important quantity of questions, this may require additional interviews to collect sufficient data, which can make the process very long and difficult. This can in turn discourage the team. Selecting the most relevant rights and ensuring they focus on the key issues is important.

However, although teams will need to select a limited number of rights to focus on, they must understand the interconnectedness and indivisibility of human rights. It is important to reflect on why they have decided to only look at the selected rights in detail. This will be helpful to provide justification both internally and externally.

ACTIVITY 11

ABOUT THE CONSULTATION PROCESS WITH STAKEHOLDERS

FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

Read case study #4

DESCRIPTION OF THE ACTIVITY

1. The facilitator names (or volunteers) 10 people to perform a role-play. Roles are divided as follows:
 - Two representing the host government
 - Two representing the company
 - Two representing community in favor of the investment project
 - Two representing community against the investment project
 - Two representing the assessment team

The facilitator will read the case study to the group and will share the relevant piece of information to each actor. Participants should read carefully the information provided. It is important that each actor does not read the information provided to the other actors. They will have 10 minutes to prepare their role with their partner. The assessment team will identify key questions to ask to the different stakeholders. They will need to adapt these questions based on the answers they will receive. The facilitator can go around to the different teams to provide them with some additional guidance or help them with their position to make sure it is as realistic as possible. The balance of the group follows the simulation. (10 minutes)

Note: If you have a larger group, you can split the group in two and have them play the case study simultaneously so that more people can participate in the role-play.

2. The assessment team decides the order in which they want to meet the various stakeholders. They have five minutes with each actor to gather as much information as possible. The other stakeholders should leave the room so they do not know the information provided by the other actors. (25 minutes)
3. Following the first round of interviews, the assessment team is given the opportunity to meet with two stakeholders of their choosing, each for five minutes, to validate information. (10 minutes)
4. Following the role play, the facilitator comes back to the main challenges faced by the participants and discusses strategies to mitigate or address the challenges. (15 minutes)

OBJECTIVES OF THE ACTIVITY

- Understand the main challenges that can be met during the consultation process.
- Identify strategies to better support community-based organizations.

TIME 60 minutes

MATERIAL NEEDED

Name tags with the different categories of stakeholders: host government (2), company (2), community in favor (2), community against (2) and assessment team (2).

LINK TO THE TOOL

Phase D—Steps 15, 16, 17



TIPS FOR THE FACILITATOR

Here are some important ideas that should emerge from this activity:

About the consultation process:

- The way consultation is done will strongly impact on the credibility and legitimacy of the HRIA. It is, therefore, important to ensure a good and thorough consultation process.
- The consultation process is an opportunity to increase human rights awareness within the communities, thereby, empowering communities and allowing them to engage in the process in the long term. This requires time, but experience has shown that this can be a long lasting outcome of an HRIA process. In some cases, it might be a good idea to involve the community in determining the process of consultation. Engaging the community before the consultation even begins, around how they would like to be engaged and what they see as the best process, is an empowering approach.
- Community-based organizations wishing to engage in an HRIA process will often be those that are expressing concerns over an investment project's potential negative human rights impacts. Such situations should be addressed and the assessment team should nevertheless strive to reflect in its assessment divergent views. This will give greater credibility to the assessment (while not compromising the analysis of the negative human rights impacts of the project).
- It is important that an effort is clearly made to seek the views and perspectives of all stakeholders throughout the process.
- Because not all the information is obtained during the first meeting, teams may need to meet some actors more than once. Important information might come in the second or third meeting. This may be because the team found out about new information while meeting with another stakeholder. Or it can be because stakeholders feel more comfortable with the team. It is, therefore, very important to take the time to develop the trust with the various stakeholders, as this could help with the follow-up and implementation of some recommendations.

How to deal with the various versions of facts?

- Throughout the consultation process, you may hear versions of facts that vary and some that contradict. It is important to compare and validate conflicting versions to get the most accurate information. Teams should always strive to triangulate information received by one actor.

About the research methodologies:

- There are various types of research methodologies. The approach and strategy will not be the same depending on the stakeholder you are meeting. Teams might decide to do formal meetings (for example, with state or company representatives), focus groups or interviews with community members. Therefore, it is important to know who your audience is and be prepared before meeting with them. Participants should have a good idea about the information needed from each stakeholder. More information on interview techniques and methodologies is provided in Steps 15, 16, and 17 of the tool.
- For example, in Brazil, the team used surveys they had designed with the help of members of the assessment team with sociology background to assess the communities' health conditions. Questionnaires were filled by community members with the help of community leaders involved in the process.



TIPS FOR BACKBONE ORGANIZATIONS

Backbone organizations play an important role in supporting their partner organization throughout this key phase. If appropriate and strategic, backbone organizations might consider accompanying the community-based organization for the initial stakeholder meeting. In the past, this has proven to help open doors. Backbone organizations can intervene at specific points, for example, when tensions with a stakeholder arise or sensitive information is needed and the presence of an external organization could help.

As for the methodology, some backbone organizations have decided to do trainings using various situations as examples, on how to conduct interviews, take notes and extract/use relevant information. This is often the most challenging piece for community-based organizations. It is important to pay attention to this for the preparation of the data collection. In some cases, it might be needed to consult someone with research expertise to provide guidance about the rigor of the data collection process.

In some cases, the assessment team might be composed of community members that have a strong position against the investment project. This can create some criticism regarding the legitimacy and credibility of the report. In such a situation, this is all the more important that thorough consultation be done. Backbone organizations can play a strong role in ensuring that the diversity of opinion is considered.

ACTIVITY 12

PREPARATION OF THE REPORT: CHALLENGES, GENERAL TIPS AND WAYS FORWARD



FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

Read carefully the content of Steps 20 to 23 of *Getting it Right*. Review reports published by Rights & Democracy, Oxfam America and FIDH that can be found at the following address:

- Link to North Carolina report: <http://www.oxfamamerica.org/static/media/files/a-state-of-fear.pdf>
- Link to Bolivia report: http://www.ceadesc.org/wp-content/uploads/2011/08/Total_EP_-EIDH.pdf
- Link to Brazil and Ecuador reports: www.fidh.org/article7502
- Democratic Republic of Congo: <http://www.congomin.es.org/wp-content/uploads/2012/11/TCC-Etude-dimpact-Chemaf-Ruashi-2012-FR.pdf>
- Link to Argentina, Peru, Philippines, Tibet, and Democratic Republic of Congo cases: http://publications.gc.ca/collections/collection_2007/dd-rd/E84-21-2007E.pdf



DESCRIPTION OF THE ACTIVITY

- In a large group, the facilitator will lead a discussion on the main elements that should be part of the report.
- Then the facilitator presents different examples of structures used by other teams. When discussing the different sections, the difference between a human rights report and a human rights impact assessment report should be made clear.
- When discussing the preparation of the publication, the facilitator reviews the main challenges associated with developing the report, including: the magnitude of work, conflicting versions, positive and negative impacts, cobranding, standard of quality expected, presentation of the report to the communities, etc.



OBJECTIVES OF THE ACTIVITY

- Understand the challenges associated with analyzing data and developing the report;
- Share tips to overcome these challenges;
- Become better equipped to support a team during the development of the report.



TIME

30 minutes



MATERIAL NEEDED

Flipchart sheets



LINK TO THE TOOL

Phase E—Steps 20 to 23



TIPS FOR THE FACILITATOR

Here are some questions to stimulate discussions:

- How much time should be dedicated to drafting the report?
- What are the main steps needed to develop a report?
- Who is drafting what? (Does each organization draft different sections?)
- What to do with positive impacts?
- What to do if the backbone organization and community-based organization do not agree on the findings and/or the way they are presented?
- How to deal with the revision process and the integration of comments?
- How to take into account companies' public reports (including corporate social responsibility and social compliance reports)?

Here are some important elements to address during the discussion

When presenting the structure of the report, make clear links between the facts, human rights, and the attribution of impact to the different actors. Some impacts can be attributed to the company, others, to the government. Both stakeholders do not have the same responsibilities and this is a key element of an HRIA. Governments have the obligation to protect their population while companies have the responsibility to respect human rights. In a case where a company infringes a specific human right, if the government does not take any action to protect the population, then there are two levels of responsibility: The government has failed to protect and the company has failed to respect human rights.

An HRIA report should present facts, attribute the impact to the different stakeholders, and make recommendations to government, company, civil society, etc.

A lot of materials are collected throughout the process. The analysis and organization of data can be very complex. Support to organize and analyze data will probably be needed. This can come from backbone organizations. In some cases, teams decided to hire an editor to help with this task. This can be helpful, but teams should make sure that they agree with the style of the editor before starting the work. This could influence the tone and the style of the report.

Looking at positive impacts can increase the credibility of the report. If relevant, teams can also take what the company presents as a positive impact and balance it with potential associated medium or long-term negative effects.

Most teams underestimate the time and energy needed to develop the report and this impacts their motivation. In previous cases, it took several months to develop the draft, review it, and prepare it for publication.

The revision process can be very tedious. Depending on the number of organizations working in collaboration, there will be numerous drafts passed back and forth. It is important to factor in time to share the draft with participating stakeholders and even with stakeholders who did not want to engage as a preview of what is to come. Teams should think about how they might incorporate feedback, if the research team decides to take that approach. Requesting feedback can potentially provide greater credibility to the report and the entire HRIA process.

Teams should think about whether they need to translate the report to one or more languages and the time required for that. Perhaps the team just wants to translate the Executive Summary depending on the report dissemination objectives.



TIPS FOR BACKBONE ORGANIZATIONS

Considering the huge effort associated with developing a report, backbone organizations can provide important support to community-based organizations writing the report and revising the output. It is important that both organizations previously agree on expectations regarding the type of product and the standard of quality and the roles and responsibilities of each of them.

Backbone organizations could help analyze the data, define the structure of the report, train participants in writing methodology and style. Some backbone organizations used different extracts from poorly written reports. Support could also be provided during the process (revision of the different drafts) and after (final edits).

There are different advantages and disadvantages of co-branding a report. In some cases, it might provide visibility and/or credibility to have an international organization supporting the report. However, it is important to make sure that both organizations share the same view and are comfortable with the way conclusions and recommendations of the report are presented. If for some reason, the backbone organization does not have the flexibility to develop a report that is in line with the view of the team, but believes that the findings are correct, it could be preferable not to co-brand the report.

THE MAIN ELEMENTS TO INCLUDE IN A REPORT

(Some examples of structure are presented in Annex 4):

- Executive Summary

- Context

- Presentation of the project

- Methodology

- The company and the investment project

- National context

- Legal framework
 - Industrial sector in the country

- Impacts on each right

- The impact
 - Responsibilities

- Conclusions

- Recommendations

ACTIVITY 13

FOLLOW UP OPTIONS



FACILITATOR'S PREPARATION BEFORE THIS ACTIVITY

It would be good for the facilitator to have an understanding of some of the past cases to know what tactics were taken in follow-up activities.



DESCRIPTION OF THE ACTIVITY

1. Participants brainstorm ideas of follow-up actions that can be done with an HRIA report. These include the use of various recourse mechanisms, community mobilization, litigation and non-litigation strategies, etc. (20 minutes)
2. The facilitator gives examples of positive outcomes from previous case studies (see Activity 5) and highlights what to consider when developing an advocacy strategy. (10 minutes)



TIPS FOR THE FACILITATOR

Here are some important ideas that should emerge from the activity:

- Follow-up strategies should be in line with the conclusions and recommendations of the report. The objective of the follow up is to make relevant stakeholders implement the recommendations that are based on the findings of the report. Follow-up strategies should look at all responsible actors, as well as other influential actors. There will be different strategies targeting different actors depending on the results of the HRIA. Any follow-up activity must reflect the will of affected communities or be devised in consultation with affected communities.
- To increase the impact of the follow-up strategy you might want to reach out to non-governmental organizations working on the same case. Are there other allies working on similar situations that you can team up with to make your voice heard? Think about trade unions, farmers' cooperatives, indigenous groups, international NGOs, and other civil society actors that would be interested in working with you to advocate for changes in the company's or the government's response.



OBJECTIVES OF THE ACTIVITY

- To understand the importance of having a strategy beyond the report publication;
- To reflect on options regarding follow-up actions.



TIME

30 minutes



MATERIAL NEEDED

Flipchart Sheets



LINK TO THE TOOL

Phase F—Step 24

Things to consider if the company and/or the government do not appear to be receptive to the findings:

- How will the team publicize the report to get some attention?
- What media outlets would be interested in the story? Think especially about media that cover the industry in question.

Is the government the one that you should consider campaigning against?

- If the objective is to put pressure on the government, there are several strategies that can be developed.
- You can set up a multipartite roundtable to share recommendations and discuss ways to implement them.
- You can participate in parliamentary hearings.
- You can also establish a dialogue with the government through bilateral or multipartite meetings. You might want to develop a strategy to include the different levels of government (local, regional, national) and the different agencies.
- It might be strategic to team up with other organizations to help push your recommendations within the government. It is important to make sure that all the organizations involved agree about the process and the ideas to promote.
- Has the local government developed and committed to a National Action Plan on Business and Human Rights? If so, there could be opportunities to influence the government on its business and human rights strategies. (For more information: <http://accountabilityroundtable.org/about/publications/#nap>)
- If the government is scheduled to be reviewed by a human rights body (e.g., Universal Periodic Review, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, etc.) you can decide to submit a communication or a report highlighting the issues and violations that have been documented with the HRIA process.

Is the company the one that you should consider a campaign against?

- If you are targeting the company in a public campaign be sure to do a thorough power analysis of the company to understand where the decision makers are within the company and where you have influence. It is smart to consult with a lawyer before launching a campaign to minimize defamation risks.
- Is the company publicly held? If so, consider bringing in investors, especially socially responsible ones that would be willing to have a dialogue with the company on your behalf or even file a resolution.
- Does the company have a formal grievance process that you can access? If not, are there local, national, regional or international bodies that have grievance processes and have jurisdiction over the company, (e.g., the OECD mediation process).
- Could the company be legally liable for the violations in the country in which it is operating or in its home country? Consult attorneys that have experience in litigating human rights violations.
- What are other actors have influence over the company? For example, are there government agencies, or other bodies that may be able to persuade the company to change its behavior or address the issues? Perhaps you can call upon a legislative body to hold a hearing on the issue, or ask an agency to investigate the situation. Is the company a member of any certification body, industry association, corporate social responsibility organizations or the UN Global Compact that has principles or standards to which you could appeal?
- If launching a campaign against the company: Consult a lawyer to minimize defamation risks.

Examples from previous cases:

The Philippines team presented a communication to the United Nations Committee on the Elimination of Racial Discrimination, and an indigenous leader presented the situation in front of the committee.

The assessment team in Ecuador set up a multipartite roundtable to discuss the findings and recommendations.

The Brazilian team participated in negotiations led by the Prosecutor general from the state of Maranhao with the participation of Açailândia municipality, representatives from the communities, civil society, company, and unions.

Also refer back to Pages 33-34 of this manual for more case examples.



TIPS FOR BACKBONE ORGANIZATIONS

To increase the impact of the report, it might be strategic to link it with a broader advocacy strategy. Backbone organizations can play an important role in this, for example, by connecting the community-based organization with other activists in the company's home state; helping community groups access international forums; and by filing a complaint to international bodies (e.g., OECD).



FOR MORE INFORMATION

Corporate Accountability for Human Rights Abuses: A Guide for Victims and NGOs on Recourse Mechanisms: <http://www.fidh.org/article8258>

Reach out to NGOs working on the issue of Business and Human Rights (e.g., FIDH, Oxfam, Canadian Network on Corporate Accountability, European Coalition on Corporate Justice, etc.)

Visit the International Corporate Accountability Roundtable website for the most up to date information: <http://accountabilityroundtable.org/>

Example an existing campaign: The Brazilian community of Piquia da Baixo developed a website following the publication of the case study report: <http://piquiadebaixo.justicanostrilhos.org/Reassentamento>; the Reynolds campaign led by FLOC: <http://www.floc.com/wordpress/reynolds-campaign/>

CONCLUSION



DAILY RECAP

10 TO 15 MINUTES

The team provides a brief recap of the highlights of the day.



FOLLOW-UP TO THE TRAINING

15 MINUTES

To increase synergies around HRIAs and maximize the use of this training, the facilitator discusses the following topics with participants:

- How to stay connected;
- Ideas of follow-up activities, including other training opportunities;
- How *Getting it Right* can be integrated into your organization's work;
- Main obstacles for participants to conduct an HRIA. The idea here is to explore real situation experienced by the participants, in light with all what has been seen during the training.
- The advantages of using *Getting it Right*.
- How to look for funds and get donors to support HRIAs



EVALUATION OF THE TRAINING

20 MINUTES

There are different types of evaluation. You can decide to ask participants to fill out an evaluation form. You could also decide to do a group debriefing. There are two options presented in this manual (see Annex 6): an evaluation form including pre-training and post-training questions and a list of questions to do a group debrief. Feel free to develop your own evaluation form or to adapt the one presented in this manual, and to do it in the format that suits the best your group.



Note to the facilitator: Feel free to share with us the evaluation conducted in your training. You can send them to hria@oxfamamerica.org.

ANNEX 1 – CASE STUDIES

CASE STUDY #1

Activity #1 Community-led impact assessment vs. company-led impact assessment

THE CASE

Company's name: Minero Inc.

Country of origin: Betonio

Project location: Pandora

Type of industry: Extractive industry

Status of project: In the planning phase

In 2013, Minero Inc. obtained a concession in the Northern part of Pandora. The area is mainly composed of small agricultural villages. Highly dependent upon on natural resources, the population suffers from an important lack of employment opportunities. Poverty rate is very high. Access to health services is limited. The nearest clinic is located 20 km away. The population also suffers from a limited access to drinking water and food shortages are frequent, mainly in rainy season. Access between villages is difficult due to poor road condition.

In the 1970s, artisanal mining has started. Young men left subsistence agriculture, seeking job opportunities. This has created large development of villages.

The beginning of the operation will have several repercussions in the area. In terms of positive outcomes, the investment project will create important employment opportunities. It will improve access to services, such as health and education, through the opening of a school and a clinic nearby the mine site. The development of roads to serve the mine will improve access to the village and will connect the village to other cities.

However, it also means the end of artisanal mining, which could cause potential conflicts with parts of the local population. The project will also require the displacement of religious sites as well as relocation of 200 families. The displacement of landowners will affect access to agriculture. As it is often the case, the opening of a mine will cause an important population influx through construction workers and job seekers. This could in turn result in increase of social tensions including an increase in prostitution, sex trafficking, and sexually transmitted diseases.

CASE STUDY #2

This case study is to be used throughout the training.

THE CASE

Company's name: Wood & Co.

Country of origin: Contega

Project location: Voro

Type of Industry: Forestry

Status of the project: 3rd year in operation

MAIN ACTORS

- The company
- The workers
- The government
- CEHR, the community-based organization leading the HRIA
- The indigenous community living on ancestral lands
- The local community living around the area of the project

Organization Profile: Center for Environment and Human Rights (CEHR)

CEHR is close with the communities it serves and has helped them recognize their rights by conducting trainings and seminars. In Contega, it serves and has successfully litigated cases against company operations and helped communities gain back 20,000 hectares of their land. Additionally, it has legally overseen several forestry projects to ensure that companies adhere to set regulations and respect human rights.

According to the community-based organization, the main issues are:

- Absence of consultation;
- Degradation of ancestral lands;
- Displacement of indigenous population from ancestral lands;
- Flooding due to loss of natural infrastructure;
- Loss of livelihoods;
- Environmental destruction.

According to the company:

- Project has created 75 jobs;
- They conducted an EIA after year 1;
- They have the support from the government and obtained their license to operate; and
- At the end of the project, they will restore the site and invest money in training for people to find new employment opportunities.



TIPS FOR THE FACILITATOR

HUMAN RIGHTS AFFECTED INCLUDE:

- The right to freedom from forced evictions
- The right to self-determination
- The right to an adequate standard of living
- The right to participation
- The right to water (depends how the team defines environmental impact and flooding)
- The right to health (depends how the team defines environmental impact and flooding)

CASE STUDY #3

This case study is to be used throughout the training.

THE CASE

Company's name: Mahila Morgeto

Country of origin: Cobanay

Project location: Morgeto

Industry: Manufacturing

Status of the project: 15 years in operation

MAIN ACTORS

- The company
- The government
- National union
- The community-based organization
- The workers

Organization Profile:

Mahila Morgeto has a well-established alliance with union organizations that support the workers. They have worked with major manufacturers where it has engaged with companies, helping them to establish new internal policies to improve working conditions. In addition to human rights trainings, Mahila Morgeto has worked with partner organizations to set up workshops and trainings for women to increase awareness and information on labor rights.

According to the community-based organization.

Workers Face:

- Unsafe working conditions
- Pregnancy discrimination
- Dismissal of employees wanting to unionize
- Exploitation of working hours with poor wages
- Discrimination and sexual harassment of women

According to the company:

- It employs 200 people (85 percent of women);
- It gives higher wages than competitors in the country; and
- Over the last year, it provided their staff training on prevention of discrimination.



TIPS FOR THE FACILITATOR

HUMAN RIGHTS AFFECTED INCLUDE:

- The right to just and favorable working conditions
- The right to freedom of association and to collective bargaining for better working conditions
- The principle of non-discrimination, including gender equality

CASE STUDY #4

This case study is to be used for activity #11.

THE CASE

Company's Name: Goldor

Country of origin: Republic of Tomani

Project location: Itumi

Industry: Extractive industry

Status of the project: 8 years in operation

MAIN ACTORS

- The company
- The host government
- The workers and community in favor
- The local community against the project
- The organization leading the HRIA

Organization Profile

The organization is based in the capital. It has a minor relationship with the community. But it is aware of and immersed in issues of human rights for the past ten years. It has supported organizations in various parts of the country.

This information can be shared with all actors

- Goldor started its operation eight years ago in an agricultural area of Itumi;
- The population suffers from an important lack of employment opportunities in the area;
- The mining company is now the main employer of the region;
- When it started its operation, the company opened a health clinic and a school;
- The company has financed the development of roads to serve the mine;
- The investment project is located in a region that is affected by local conflicts. Different armed groups are present in the area;
- However, the arrival of the company also meant the end of artisanal mining, which has caused conflicts with parts of the local population;
- The displacement of landowners has affected access to agriculture; and
- The level of water pollution has considerably increased in the last years.



Note to the facilitator: You should only provide the following information to the participants playing the actor.

FOR THE INVESTIGATION TEAM

The rights affected could include:

- The right to an adequate standard of living
- The right to adequate food
- The right to liberty and security of person
- The right to health
- The right to water
- The right to freedom of movement

INFORMATION FOR THE COMMUNITY EXPRESSING CONCERNS VIS-À-VIS THE INVESTMENT PROJECT

In your view:

- Major source of livelihood in the area is agriculture and fishing and not mining;
- Militarization of the area which increase insecurity and limits freedom of circulation;
- 3 people killed by security agents during a protest;
- Health impacted by pollution;
- Major environmental impact on rivers and land (oil spills);
- Pollution of the river with cyanide;
- Access to clinic and school limited to employees and community in favor of project; and
- You believe that community members in favor of the investment project are receiving a salary from the company.

INFORMATION FOR THE COMPANY

In your view:

- The company has built a road which has improved access to neighboring communities;
- The mining project created 1,250 jobs;
- As part of the relocation that was needed to make space for the mining activities, the old school has been demolished. It was very old and unsafe for the children attending. The company has opened a new school nearby the mine site;
- The company opened a clinic for the staff, but because of limited resources, it cannot receive every community members;
- The company considers that it has the consent from the legitimate community leaders;
- The pollution is both from small-scale miners that operate in the region and from the other mine that operates few kilometers away from the site, up the river; and
- The organization leading the HRIA is not legitimate as it is not from the area. It is based in the capital.

INFORMATION FOR THE HOST GOVERNMENT

In your view:

- The company has fulfilled all its obligation in terms of impact assessment at the beginning of the project;
- It generates important revenues for the area and the country through employment and taxes. Small scale miners never generated that level of revenue;
- The company contributes to health services and education in this remote area; and
- Company has caused oil spills and has to compensate communities affected in addition to restoring the area. But the government has never implemented the conclusions of this environmental study.

INFORMATION FOR THE COMMUNITY IN FAVOR

In your view:

- Important employment opportunities;
- Increased standard of living;
- Greater access to health services and school;
- Better roads; and
- You believe that community members that are against the investment project are opposing because they wanted to be employed by the company but were not hired.

ANNEX 2: OVERVIEW OF THE *GETTING IT RIGHT* TOOL

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.

This guide is divided into six parts. Even though the steps in this HRIA guide are presented within a framework of consecutive phases, the process is iterative and you may find yourself going back and forth between phases.

Phase A: Preparation

In this first phase, you will take steps to prepare for your human rights impact assessment, including taking a preliminary look at the foreign investment project you intend to study and identifying the main people and groups who are or will be affected by this project. Specific human rights that may be affected by the project are also addressed so that you can keep them in mind throughout your investigation. As well, there are tips on putting your assessment team together, thinking about how you will conduct your investigation, and developing a budget and work plan.

This phase includes the following steps:

- 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

This phase—the most difficult according to several teams who have already conducted HRIAs—is comprised of three major components: the legal framework of the country, specific details about the company, and the legal framework governing the investment project. You will dig deeper into details about the company (or companies) behind the investment project, as well as the government's legal obligations to uphold human rights. The steps in Phase B will help you to better understand the legal obligations of the company with regards to the investment project and of the government with regards to human rights.

The first step, Step 10, will certainly be the easiest one as all this information is freely available on the Internet. The information collected in this step will allow you to clearly understand the context in which the investment project is taking place. Because the obligations to respect, protect and fulfill human rights lie with the government, you will identify the government's various human rights obligations according to the human rights instruments it has ratified. Subsequently, you will take a closer look at the company to determine who is involved and what kind of relationship the company has with its host and home governments. Finally, you will try to understand the type of legal framework within which the company operates. Remember that this last step, Step 12, is not easy and you may have difficulties gathering the necessary information. You may also require assistance from a legal expert to analyze this information.

This phase includes the following steps:

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

In this third phase, you will start building your own human rights impact assessment by selecting the relevant human rights you will focus on and developing the questions you will want to answer. 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.

This phase includes the following steps:

Step 13 – Select human rights

Step 14 – Select questions

Phase D: Investigation Process

In this fourth phase, you will expand your investigation, looking more closely at the human rights record of your government and of the company. You will also be gathering more information from communities and other groups and individuals who are or will be affected by the project. Once you have gathered quite a bit of information, we suggest that you review what you have, make sure it is valid, and develop your preliminary findings.

This phase includes the following steps:

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

This fifth phase provides suggestions on how to best prepare your draft report, circulate it for comments and then finalize it.

This phase includes the following steps:

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

This sixth and final phase focuses on the different ways you can most effectively make use of your completed report, as well as other activities you might want to undertake.

This phase includes the following step:

Step 25 – Undertake follow-up activities

SOURCE: *Rights & Democracy*, GETTING IT RIGHT TOOL, 2011

ANNEX 3: REFERENCE SHEETS

Reference sheet #1

IMPACT ASSESSMENTS: EIAS, SIAS, HRIAS

Environmental Impact Assessment (EIA) is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both positive and negative. The United Nations Environment Program (UNEP) defines an EIA as a tool used to identify the environmental, social and economic impacts of a project prior to decision making. It aims to predict environmental impacts at an early stage in project planning and design, to find ways and means to reduce adverse impacts, and to shape projects to suit the local environment and present the predictions and options to decision-makers. By using EIA both environmental and economic benefits can be achieved, such as reduced cost and time of project implementation and design, avoided treatment/cleanup costs and impacts of laws and regulations.

Social Impact Assessment (SIA) is an overarching framework that embodies the evaluation of all impacts on humans and on all the ways in which people and communities interact with their socio-cultural, economic and biophysical surroundings. SIA includes the processes of analyzing, monitoring, and managing the intended and unintended social consequences (both positive and negative) of planned interventions, and any social change processes invoked by those interventions. Its primary purpose is “to bring about a more sustainable and equitable biophysical and human environment”³. SIA assumes that social, economic and biophysical impacts are interconnected. SIA covers indicators such as poverty, health, education and gender equality. SIAs can include interesting indicators on the environmental impacts (biological diversity, etc.). It can be applied in different contexts and for different purposes, and it can be *ex ante* (before an activity takes place) as well as *ex post* (after the activity has taken place). SIA has strong links with a wide range of specialist sub-fields and therefore cannot normally be undertaken by a single person, but requires a team approach.

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 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. HRIA is based on the normative framework of international human rights law described in international instruments such as the Universal Declaration of Human Rights, the International Covenants on Civil and Political rights, and on Economic, Social and Cultural Rights. HRIAs examine a wide range of different activities from the human rights perspective, including the impact of development programs of foreign governments on beneficiary countries, the impact of government policy and legislation on domestic protection of human rights, the human rights impact of multinational companies, and the extent to which human rights-related NGOs have achieved their policy aims and objectives. A main benefit of HRIA is that it helps users to collect data in a structured way, making a clear link with international human rights standards, to analyze the effects of a policy, and to bind governments [and companies] to action and trigger improvements with regards to affected communities’ human rights situation. HRIAs are part of a larger advocacy process. They should be seen as a means, and not an end. Therefore, follow-up activities should be thought about from the onset.

3. International Association for Impact Assessment (IAIA), Impact Assessment Wiki, <http://www.iaia.org/iaia/wiki/sia.ashx>

HRIAs can be *ex ante* (before an activity takes place), or *ex post* (after the activity has taken place). It is important to carry out the HRIA at the earliest possible stage so that the outcome can be incorporated in the decision making process. Ex post HRIAs aim to determine the actual impact of activities or policies on human rights. While HRIAs can take various shapes and be led by different stakeholders, all share the ultimate goal of protecting human rights and improving accountability among stakeholders.

Limitations of SIAs and added value of HRIAs:

- SIAs do not adequately capture HR impact and regularly fail to foresee human rights violations;
- Topics covered in SIAs are so vast that it is difficult if not impossible to follow all possible outcomes to their logical ends—this leads to some ends being reached prematurely and some human rights impacts being missed entirely;
- HRIA give particular attention to rights-holders (as opposed to only referring to “stakeholders” who may have different interests) and will pay a particular attention to vulnerable and marginalized groups.

HRIAs fill gaps not addressed by SIAs. The baseline established by HRIAs depicts the pre-project status of each human right in the International Bill of Rights. Then it comprehensively investigates the ways rights will be increasingly or decreasingly protected and respected during (and after) project development. This has three implications for the study of a project’s impacts:

1. HRIAs focus the study on issues that are established by internationally negotiated and ratified human rights treaties;
2. HRIAs enable a project to see its greater, broader, overlapping repercussions on rights (in contrast to the linear connections that SIA makes); and
3. HRIAs are grounded in international human rights law. They have the advantage of considering the rights of every individual as well as peoples’ rights, which includes collective rights.

CORPORATE RESEARCH FOR COMMUNITY-LED HUMAN RIGHTS IMPACT ASSESSMENTS

PODER generously contributed this reference sheet: <http://projectpoder.org/>

The purpose of corporate research as a part of a human rights impact assessment (HRIA) is to understand how a company's particular characteristics can augment or diminish the risk that human rights violations will take place in the context of an investment project.

There are three basic steps of corporate research. The first is to identify the main company behind the investment. Identifying the company covers establishing the exact name and variations of the name of the company, as well as its broader corporate "family" (structure). The goal in the second step is to widen our view of the company to encompass additional actors related to the company, as well as to identify their interests in the investment project and finally, possible mechanisms through which they could exert influence over the company. The final step is to draw a Power Map, a tool that synthesizes information about the company and related actors to provide evaluators an approximation of which influential actors could be mobilized during the process to help prevent and/or remediate human rights violations.

Below, we elaborate the contents of the three steps. For each step, we include a summary of why the step is important for the HRIA, and some tips on how to find the information and/or what methods to use to analyze it.

1. Identify the company

- a. Corporate tree: Is the company a subsidiary of another company? What is the parent company? Draw out the corporate structure of the entire company starting with the parent company so that you know all of the other companies that are part of this "family."

Why? Seeing how different subsidiaries of the company behave in different situations sheds light on what can be expected of other subsidiaries of the same company. For example, are there cases of complicity in human rights violations by other subsidiaries? Were mechanisms in place to address allegations and were these mechanisms applied effectively or not? Did the parent company play a constructive or complicit role? To be able to answer these questions, we first need to map out which are the component companies of the corporate family. This is a corporate tree. The corporate tree is also crucial because it can reveal how much decision-making autonomy the subsidiary actually has, for example, if it is in reality controlled by a parent company.

How? The most authoritative source on subsidiaries comes from the company's own annual reports, where they generally include a list of subsidiaries. Unfortunately, companies do not always include all of their subsidiaries in their reports, nor do all companies publish annual reports. When open-source information is hard to come by, the research team should get in direct contact with the company, either by email, phone or in person, and ask an official representative of the company if it is a subsidiary of another company, if yes, of what company, and if it has other subsidiaries. This can be done when initiating the project and seeking to meet with all stakeholders.

- b. It is important to keep in mind that companies' names can change during their lifespan, for example, due to restructuring. Look at the corporate history of the company and make sure you are aware of any alternative names by which the company may be referred.

Why? Knowing the different names and faces of the company is essential to minimize the risk that the assessment team overlook important information about a company in their analysis by failing to recognize the company as the subject of the HRIA. Also, it is important for credibility and precision of the research to ensure that in research and publication, the HRIA is using the company's current, correct name. Finally, beware different companies may bear very similar names.

How? Review old company reports and presentations, and throughout the research, take note of every time you notice even slight differences in the company name. Again, the company itself is the most authoritative source on its own name. However, in some contexts, government records, such as property registries, may also be a reliable source, depending on how regularly and carefully the official records are updated.

c. Basic company profile

- ✓ Home country (location of headquarters).

Why? This tells us what legal framework has jurisdiction over the company's actions.

How? Company webpage, company reports, company's official address according to public records.

- ✓ If it is publicly traded and on what stock exchange(s).

Why? This tells us how much open-source information we can find on the company, what it is legally obliged to disclose to the public, as well as where we can access company reports.

How? Search for the company, its parent, or its major subsidiaries on major stock exchange websites (Ex: Securities and Exchange Commission, System for Electronic Document Analysis and Retrieval (SEDAR), Singapore stock exchange, etc.). This information should also be readily available on company webpages and company reports.

2. Who exerts control over the company?

The following is a list of all categories of actors that could, in theory, exert control over a company, incentivizing it to either respect human rights or overlook human rights impacts.

- Shareholders
- Members of the Board of Directors
- Investors
- Lenders
- Clients/customers
- Workers
- Unions
- Providers of raw materials
- Service providers
- Home country government and regulators
- Host country government and regulators
- Media (local, national, international)
- Stock markets
- Commodities markets
- Regional human rights bodies
- International human rights bodies
- National courts
- National human rights institutions
- Company-level policies on transparency, sustainability, due diligence, etc.
- Civil society organizations
- Communities

Why? By identifying exactly who the different actors are, as specifically as possible, we can arrive at an understanding of what interests and capacities these actors have with respect to controlling the human rights impact of the project. Once the actors are identified, as well as their interests, we look for the specific mechanisms through which they can exert influence over company decisions.

How? Many different research and analysis methodologies can be applied to dig deeper into each of the actor categories listed above. The most basic of these are:

- Shareholder analysis: Does the company trade on a stock exchange? Who owns shares in the company? Is there a controlling shareholder? Are there activist investors? Is a public pension fund an investor? What are the human rights track records of its most important shareholders?
- Lender analysis: Does the company have debt? Which institutions are lending it money, and on what terms? Do these institutions require human rights impact safeguards to be in place? Are public banks, regional or international development banks or export-credit agencies providing loans? What are the human rights track records of its most important lenders?
- Supply chain analysis: Which companies provide raw materials or services to the company? On what terms? Can these providers be easily substituted? What are the human rights track records of its most important providers?
- Client analysis: Who are the company's major clients? Is it highly dependent on any client to maintain business or to maintain one of its subsidiaries? What are the human rights track records of its most important clients?

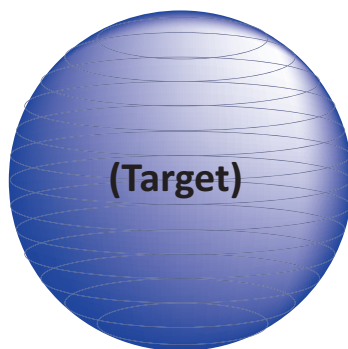
3. Power Map

- Upon completing steps a-c above (identify actors, interests, and mechanisms of influence), we can draw, literally, a "Power Map".
 - Power Map is a way to synthesize the constellation of interests and power relationships to which a company could be subject. It is a dynamic tool that should be regularly updated as new information is uncovered or as the situation evolves.

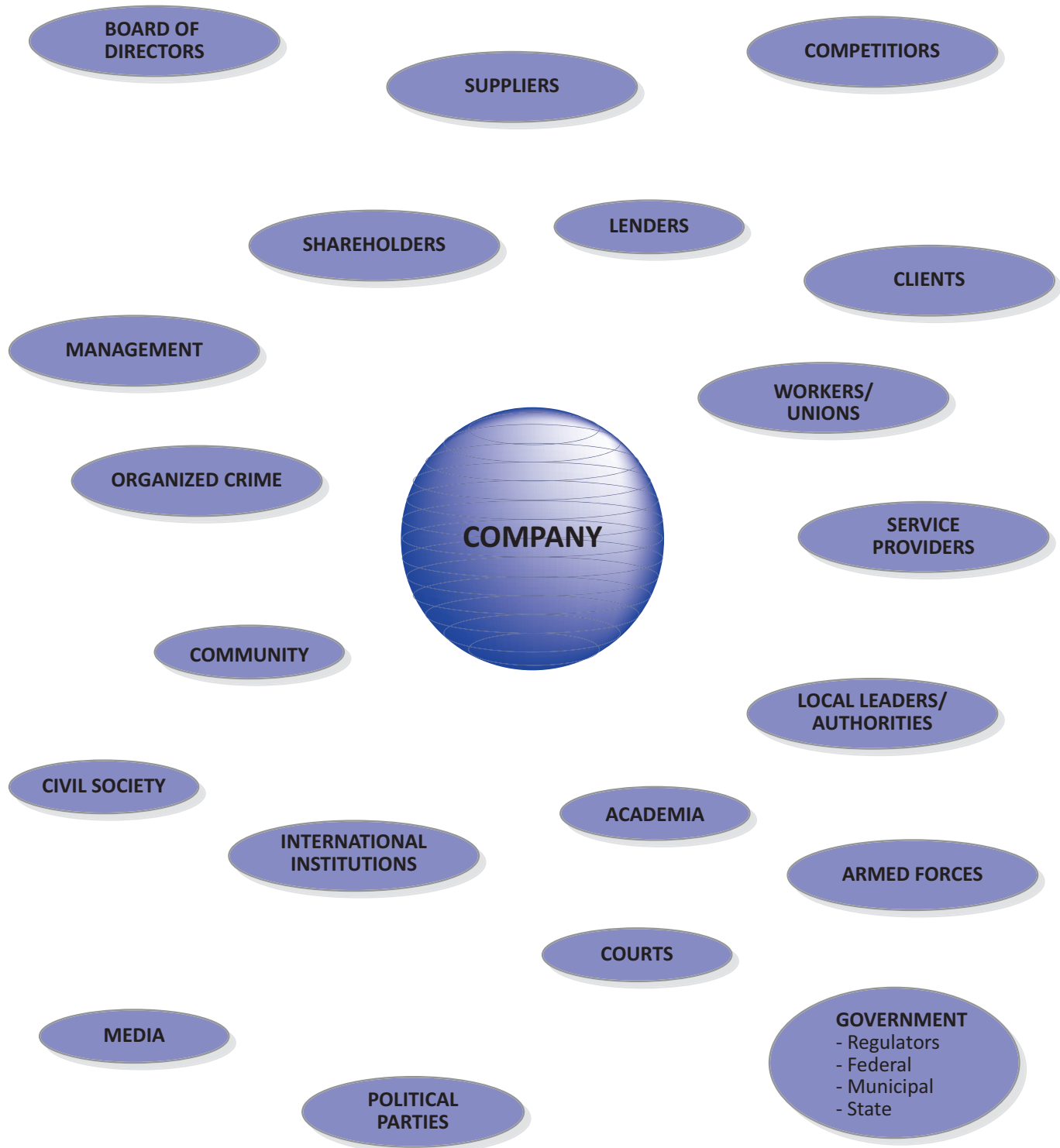
Why? A detailed, clear Power Map is a qualitative analytical tool that can help evaluators reach an informed conclusion about how heavily human rights interests weigh on company decision-making.

How? In practice, the assessment team and/or community members should receive a training in power analysis and Power Mapping. These trainings discuss the concept of power and the different ways it can manifest itself, and introduces power-mappers to a broader vocabulary and sensitivity to the nuances and fluid nature of power relationships. (Please contact PODER if you would like to request training modules on Power Mapping: training@projectpoder.org)

POWER MAP



POWER MAP



ANNEX # 4: EXAMPLES OF REPORT STRUCTURES

OPTION #1

INTRODUCTION

Scoping

The context

Research on the investment

The company

The contract

Home-state involvement

The methodology

OUTCOMES OF THE RESEARCH

Human rights in principle

Right #1

Right #2

Right #3

Human rights in practice

Right # 1

Right #2

Right #3

CONCLUSIONS

Responsibilities

Right #1

Responsibilities

Right # 2

Responsibilities

Right #3

Recommendations

The government (home state and host state)

The company

Other relevant actors

INTRODUCTION

Methodology
The case study

NATIONAL CONTEXT

National and international human rights framework
Status of the industry in the country
Industry regulations
The region of the investment project

THE COMPANY

The investment project
The human rights policies and practices

OUTCOME OF THE RESEARCH

- Right #1
 - Human rights in principle
 - Human rights in practice
 - Responsibilities
- Right #2
 - Human rights in principle
 - Human rights in practice
 - Responsibilities
- Right #3
 - Human rights in principle
 - Human rights in practice
 - Responsibilities

RECOMMENDATIONS

- Right #1
 - Government (host and home)
 - Company
 - Other relevant actors
- Right #2
 - Government (host and home)
 - Company
 - Other relevant actors
- Right #3
 - Government (host and home)
 - Company
 - Other relevant actors

ANNEX 5: SAMPLE HRIA WORKPLAN

MONTH	ACTIVITY	Status
December	<ul style="list-style-type: none"> Build the team Learn the tool, develop initial work plan 	X X
January	<ul style="list-style-type: none"> Draft goals Draft letter to stakeholders Review existing materials 	X X Ongoing
February	<ul style="list-style-type: none"> Start identifying camps Begin research: meet with research group <ul style="list-style-type: none"> Human rights principles, international laws Reynolds corporate research State/federal laws Identify which rights to focus on Draft questions Staff Retreat: <ul style="list-style-type: none"> finalize objectives and rights discuss strategy for interviews and stakeholder contacts 	X
March	<ul style="list-style-type: none"> Check in with research group Continue mapping camps Finalize strategy for camp meetings and worker interviews Contact other groups to help identify camps/workers (e.g., migrant health clinics) 	
April	<ul style="list-style-type: none"> Determine who will do stakeholder interviews Contacting stakeholders: send letters Continue mapping camps Begin worker interviews Collect research memos from research group: end of April 	
May	<ul style="list-style-type: none"> Stakeholder interviews: company and government Continue mapping camps Worker interviews 	
June	<ul style="list-style-type: none"> Worker interviews 	
July	<ul style="list-style-type: none"> Worker interviews Taking stock, reviewing data collected: write initial summary of findings, determine what we need to focus on for the remainder of the season Week of camp visits with a photographer? 	
August	<ul style="list-style-type: none"> Finish up worker interviews Begin organizing data 	
September	<ul style="list-style-type: none"> Begin drafting report Draft shorter versions for different audiences 	
October	<ul style="list-style-type: none"> Editing report; 2nd draft Send to backbone organization Video clip for report 	
November	<ul style="list-style-type: none"> Finalize report Host country in front of UPR 	
December	<ul style="list-style-type: none"> Release report Contact media, organize event for release of report Host country in front of UPR 	

ANNEX 6: Training evaluation form

I am part of: ☐ Backbone organization ☐ Academic
☐ Community-based organization ☐ Other (Explain) _____

PRE-TRAINING QUESTIONS:

Note: Participants should also fill the “Self-assessment of knowledge and skills” section before starting the training.

1. What are your main objectives in taking this training? What motivates you?
2. What do you hope to learn? What could this training bring you?
3. How could this training be relevant to your work?

POST-TRAINING QUESTIONS:

1. What are the three most important things you learned during this training?

2. Was an appropriate amount of material covered during this training? If not, was too much material covered or too little?
3. What do you think about the methodology of the training (facilitation, materials, etc.)?
4. Please rate the course in terms of its impact and usefulness in the following areas, using the scale below. Circle the numbers that apply to your opinions.

1 = Not useful at all	5 = Very Useful				
AREA	1	2	3	4	5
Useful in your daily work	1	2	3	4	5
Increasing your willingness to train and mentor others	1	2	3	4	5
Increasing your ability to train and mentor mentors	1	2	3	4	5

5. Think about what you already knew and what you learned during this training. Then evaluate your knowledge in each of the following topic areas related to HRIAs Before and After this training.

1 = No knowledge or skills	3 = Some knowledge or skills	5 = A lot of knowledge or skills
----------------------------	------------------------------	----------------------------------

BEFORE TRAINING					SELF-ASSESSMENT OF YOUR KNOWLEDGE AND SKILLS RELATED TO:	AFTER TRAINING				
1	2	3	4	5	Activity 1: What is a community-based HRIA?	1	2	3	4	5
1	2	3	4	5	Activity 2: About <i>Getting it Right</i>	1	2	3	4	5
1	2	3	4	5	Activity 3: Keys for a successful case	1	2	3	4	5
1	2	3	4	5	Activity 4: How to build a team?	1	2	3	4	5
1	2	3	4	5	Activity 5: Backbone organization, community-based organization and communities—who's doing what?	1	2	3	4	5
1	2	3	4	5	Activity 6: Objectives of an HRIA	1	2	3	4	5
1	2	3	4	5	Activity 7: How to develop a budget?	1	2	3	4	5
1	2	3	4	5	Activity 8: Stakeholders outreach	1	2	3	4	5
1	2	3	4	5	Activity 9: The company and the investment project	1	2	3	4	5
1	2	3	4	5	Activity 10: Adapting the tool	1	2	3	4	5
1	2	3	4	5	Activity 11: About the consultation process	1	2	3	4	5
1	2	3	4	5	Activity 12: Preparation of the report	1	2	3	4	5
1	2	3	4	5	Activity 13: Follow-up and advocacy strategies	1	2	3	4	5
1	2	3	4	5	Conclusion and follow-up to the training	1	2	3	4	5

6. Do you think you will have the opportunity to utilize the training skills you've practiced during this workshop within the next three months? ☐ Yes ☐ No
7. If yes, please briefly describe when and how you might apply these skills.
8. If no, please explain why you will not be able to utilize these training skills within the next three months.
9. If you were given the task of redesigning the workshop, what would you change?
10. Suggestions to improve the training?

Group Debrief

Date:

1. What worked well over the two last days?
2. What didn't work well? Do you know why?
3. What are the most important elements that you learned during the training?
4. What was not covered that you would have liked to be covered?
5. Any suggestions on how to do the training differently?

THANK YOU FOR YOUR PARTICIPATION!



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