CONDUCTING HUMAN RIGHTS IMPACT ASSESSMENT
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Abstract: *for the effective entering a new market, businesses need to conduct preliminary researches, part of which is to assess the human rights impacts. This assessment is necessary for identification, prevention, mitigation, and accounting adverse human rights impacts that business can exert in a particular country. According to completed Human Rights Impact Assessment (the HRIA), it is possible to create programs and projects directed on decreasing negative impacts on human rights. The article is focused on definition of stages of the HRIA process, their explanation, and practical application.*
Keywords: *human rights, impact assessment, human rights impacts.*

ПРОВЕДЕНИЕ ОЦЕНКИ ВОЗДЕЙСТВИЯ НА ПРАВА ЧЕЛОВЕКА
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Аннотация: *для эффективного выхода на новый рынок предприятиям необходимо провести предварительные исследования, частью которых является оценка воздействия на права человека. Эта оценка необходима для выявления, предотвращения, смягчения и учета неблагоприятных последствий для прав человека, которые могут оказывать предприятия в конкретной стране. По итогам оценки воздействия на права человека можно создавать программы и проекты, направленные на снижение негативного воздействия. Статья посвящена определению этапов процесса оценки воздействия на права человека, их описанию и практическому применению.*
Ключевые слова: *права человека, оценка воздействия, воздействие на права человека.*

Human Rights Impact Assessment (the HRIA)

During the HRIA it is necessary to refer to international human rights agreements – the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR). The most important documents for private corporations are the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises [Brigitte Hamm, Anne Schax, Christian Scheper, 2013].

There are different ways of conducting the HRIA, one of them includes five main phases: planning and scoping; data collection and baseline development; analyzing impacts; impact mitigation and management; reporting and evaluation [The Danish Institute for Human Rights, 2016]. Some authors define eight steps of the HRIA: screening, scoping, evidence gathering; consultation; analysis; conclusions and recommendations; publication; monitoring and review [Fabiane Baxewanos, Werner Raza, 2013]. Following instructions of conducting the HRIA are based on the Five-Phases approach designed by the Danish Institute for Human Rights.

Phase One: Planning and Scoping

Planning includes development of terms of reference (TOR) for the assessment and forming the assessment team. The company needs to refer to international human rights standards and principles, to choose a responsive methodology. The assessment team adapted to the particular context defines specifics such as the location and industry, and plans time period for the HRIA. Scoping based on desktop research defines the parameters for the assessment by considering the type of business project or activities, the human rights context, and the relevant stakeholders. Understanding the business project or activities includes definition of following subjects: the industry; the type of the project; the location of the operations or activities; the phase of the business operations; the business policies, controls and procedures addressed to human rights. The human rights context is formed with following: national and local legal protections of human rights; the level of actual implementation of human rights in planned business area; human rights violations and conflicts; information about peoples' access to remedy for remediation of adverse human rights impacts by business activities. The relevant stakeholders could to be defined as: the rights-holders, such as workers and community members who might be affected by the business; the vulnerable individuals and groups; the government actors; and other relevant parties (Figure 1).

The assessment team. The first one is a person who provides sustainability for the team through collaborating operations, coordinating the HRIA process, and providing human rights expertise. The second one is a person from the risk management of business who integrates human rights into risk management processes and provides

expert input. Moreover, it is necessary to create a position for person who connects with external stakeholders – he/she gets necessary information during all stages of the HRIA process. Legal support is one of the most important functions because the assessment is related to human rights impacts [Global Compact Network Netherlands, 2014].
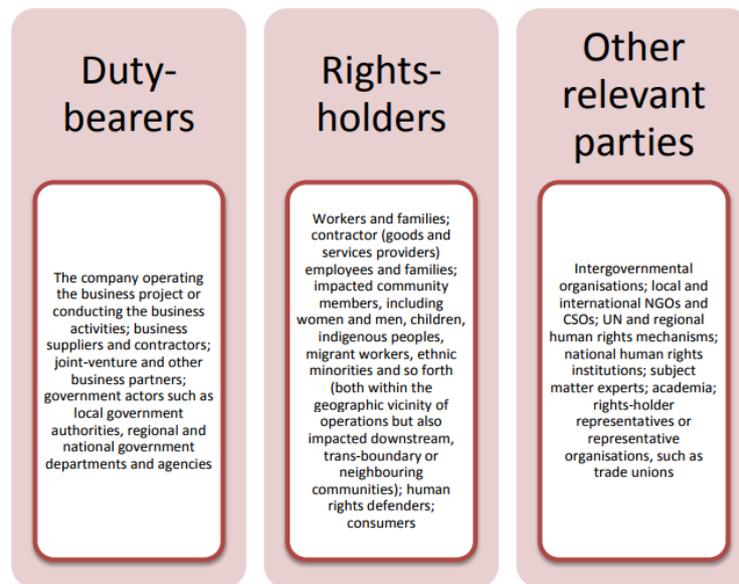

Fig. 1. Types of stakeholders engaged in HRIA [The Danish Institute for Human Rights, 2016]

Phase Two: Data Collection and Baseline Development

This phase is necessary for better understanding human rights defined in the scoping. Fieldwork and stakeholder engagement help to create the baseline for the HRIA. The baseline documents the current state of human rights enjoyment, identifies actual and possible impacts. Moreover, in this phase it is important to select human rights indicators used for the data collection, as well as subsequent impact mitigation and management.

Application to the case. It is possible to apply "Data collection and baseline development practitioner supplement" [The Danish Institute for Human Rights, 2016] and "Human rights indicators for business" [Business and Human Rights Resource Centre, 2005] for structuring the process of data collection and defining human rights indicators.

Phase Three: Analyzing Impacts

This phase is focused on analyzing the data which was collected during the scoping and data collection. It is necessary to identify human rights impacts caused or might be caused by business and to assess scale, scope, and remediability of the salient human rights (considering impacts from the perspectives of those who are experiencing them). The analyzing is based on the international human rights standards and principles, on the relevant projects which were developed in the same or different sphere, and findings from stakeholder engagement. Human Rights which are considered in the HRIA are divided into three main sections including Labour, Environment / Welfare, and Social / Political (Figure 2).

Labor	Environment / Welfare	Social / Political
Right to Work	Right to Life	Right to Liberty
Right to Favorable Working Conditions	Right to Health	Freedom from Arbitrary Arrest
Right to Just Remuneration	Right to Adequate Supply of Water	Freedom from Degrading Treatment and Torture
Freedom from Exploitative Child Labor	Right to Clean Environment	Freedom of Thought
Freedom from Involuntary Labor	Right to Adequate Standard of Living	Freedom of Expression
Equal Pay for Equal Work	Right to Food	Freedom of Assembly
Nondiscrimination	Right to Housing	Freedom of Religion
Right to Belong to a Trade Union	Right to Security of Person	Right to Participate in the Cultural Life of the Community
Right to Strike	Right to Privacy	Right to Education
Freedom of Association	Freedom of Residence	Right of Self-Determination

Fig. 2. Human Rights Potentially Affected [Fabiane Baxewanos, Werner Raza, 2013]

Phase Four: Impact Mitigation and Management

After impact analyzing it is necessary to identify the ways of impact mitigation and to develop a detailed impact management plan. It includes addressing human rights impacts caused with third parties', government stakeholders', or supply chains' actions. Moreover, it is important to involve right-holders in impact management (through participatory monitoring) and to create an operational-level grievance mechanism for improving impact management.

Phase Five: Reporting and Evaluation

The last phase is focused on writing and publishing a final HRIA report. This report needs to be accessible for the right-holders, duty-bearers, and other relevant parties. According to this report, stakeholders can assess the HRIA process – which data was used for the assessment, which human rights impacts were defined, what was done for mitigating negative human rights impacts, and how to monitor the further assessment. Evaluation of the HRIA process, findings and outcomes can further contribute to continuous improvement in terms of improving company due diligence and human rights outcomes.

Stakeholder engagement

During all phases of the HRIA the assessment team needs in accurate, current, and deep information about sphere, country, sector in which business is going to operate. One of the best decision is involvement of stakeholders in the HRIA process. Identified in the first phase stakeholders help to develop the baseline and to collect data through interviews and other kinds of participation. After that, they improve assessment with evaluating the severity of impacts in the Analyzing impacts phase. On the next stage stakeholders participate in designing and implementing actions that effectively prevent, mitigate and remediate adverse impacts, monitoring their implementation. Finally, stakeholders should be involved in the reporting and evaluation phase. Moreover, people and organizations involved in business operations need to have access to the HRIA process and suggest their opinions.

Conclusion

Human Rights Impact Assessment is a process which requires a systematical and logical approach. The HRIA is a valuable source for business leaders because it provides an actual information which is important for the business survival in the new environment.

Recommendations

Firstly, quality of forming the assessment group and following the HRIA process step by step are important elements of successful preparing the Human Rights Impact Assessment.

Secondly, it is necessary to take into account a political situation in country in which the business is placed because ignoring it leads to gaps in the HRIA.

Finally, stakeholder engagement plays a crucial role in process of gathering information for the HRIA. It is important to have a professional communicator as a member of the assessment team.

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