



Humanist Committee on Human Rights

# Human Rights Impact Assessment in Practice

*Conference Report – Text Version*

*Conference organised by the  
Humanist Committee on Human Rights (HOM)  
held on 23d and 24<sup>th</sup> of November 2006  
In Zandvoort The Netherlands*

**HOM, Utrecht, The Netherlands, 2007**

### **HOM in brief**

The Humanist Committee on Human Rights (HOM) is an independent non-governmental organisation, located in Utrecht. For 25 years we have been contributing to the development and use of instruments to measure the effects and impact of policy on specific human rights, all over the world. To achieve this we work with an extensive network of NGOs, policymakers, academics and businesses. HOM has a humanist background. Human dignity, liberty and equality are the underlying principles of humanism and are the common theme in our work.

*Humanistisch Overleg  
Mensenrechten  
Humanist Committee on Human Rights*



**Visitor's address:**

Lucasbolwerk 7  
3512 EG Utrecht  
The Netherlands

**Postal Address:**

P. O. Box  
3500 AC Utrecht  
The Netherlands

T: +31 (0)30 2334027

F: +31 (0)30 2367104

E: [hom@hom.nl](mailto:hom@hom.nl)

W: [www.hom.nl](http://www.hom.nl)

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## Preface

In 2006 the European Parliament asked “the Commission to make Human Rights Impact Assessments an integral and fully implemented part of all European Union project cycle management, [...] as well as the evaluation of on-going programmes”.<sup>1</sup> In the same year, UN Special Rapporteur on the Right to the Highest Attainable Standard of Health, Paul Hunt, together with Gillian MacNaughton developed a methodology to integrate human rights impact assessment (HRIA) in existing impact assessment methodologies. Also in 2006, UN Special Representative on Business and Human Rights, John Ruggie, launched a discussion paper on HRIA for business.

These are just a few examples of the increasing interest in HRIA on a political and methodological level. In parallel, a great number of projects by NGO's have vowed to make HRIA and steps of the HRIA-process applicable in practice. Some of these examples are elaborated upon in this report.

Since 1999 HOM has worked on HRIA by putting it on the political agenda, developing HRIA and HRIA-related instruments, assisting in the development of HRIA instruments, and trying to bring together people working on HRIA. The Human Rights Impact Resource Centre (HRIRC) launched by HOM in 2006 is a major step forward in all these different tasks.

It is within this context, when advance is being made in addressing HRIA on all levels, that HOM organised the conference: ‘Human Rights Impact Assessment in Practice’, on 23 and 24 November 2006, in Zandvoort (The Netherlands).

The conference was very successful in addressing its principal objective: to show practical application of HRIA and HRIA-related subjects, such as the development and use of indicators. Workshops focussed on practical tools and instruments for HRIA while the plenary sessions provided room for presentation and discussion on cross-cutting issues. A number of action points were identified for the coming years.

The conference succeeded in bringing together 85 participants from many different professional backgrounds, coming from 15 countries. There were representatives from governments, intergovernmental organisations, NGO's, consultants and academics. The common denominator for all participants was that their interest and work is in some way linked to HRIA. Feedback from participants suggest that the conference provided them with a unique opportunity to meet new people working on related issues and learn about developments in a range of areas relevant to HRIA.

This conference report provides some insight into the vast number of initiatives in the field of HRIA and the great variety of subjects that are being dealt with, within the HRIA community. The conclusion of the conference, and perhaps that of the reader of this report, is that major steps have been taken in HRIA. Some keys to taking the next steps are to continue work in applying HRIA, communicating lessons learned and exchanging information on HRIA. HOM aims to continue to have a role in this process, among others by further developing and facilitating the Human Rights Impact Resource Centre and the next HRIA conference in 2007.

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<sup>1</sup> Richard Howitt, [“Report on the Annual Report on Human Rights in the World 2005 and the EU's policy on the matter \(2005/2203\(INI\)\)”](#), European Parliament, 2 May 2006.

## About this report

On 23 and 24 November 2006 the Humanist Committee on Human Rights (Humanistisch Overleg Mensenrechten, HOM) organised the Conference *Human Rights Impact Assessment in Practice*, in Zandvoort, the Netherlands.

This report gives an overview of presentations and discussions that took place at the conference. For a complete overview, it is advised to read it together with the presentations that can be accessed on the HRIRC (<http://www.humanrightsimpact.org/hria-conference-06/>).

It follows the outline of the conference: two plenary sessions and four thematic workshops. During several workshops the so-called 'World-Café'-method was used - issues were discussed within small groups in an informal setting. Discussion points, suggestions and questions raised during the 'World Café' were written down on a table cloth. Participants then decided what issues on the table cloths were most important. These points are reflected in this report. Most of the quotes in the report are taken from the table cloths; they have not been attributed to anyone.

In addition, the 'marketplace' on HRIA offered participants an informal platform to present and discuss ongoing or planned projects that are relevant for HRIA. Some of these are available on the Resource Centre.

This is a text-only version of the report. It can be downloaded and printed without any problem. It can also be read online as it includes hyperlinks to presentations and other relevant material that is available on the HRIRC and on other websites. The links are indicated in blue and underlined. Most of the titles of presentations are links. Within the summaries of the presentations links can also be found.

HOM would like to thank all participants to the conference for their active contributions and willingness to share experiences (good or bad – or as someone put it: you sometimes learn more from collecting bad practices!). In particular HOM would like to thank all those who made presentations, the chairs of the workshops and plenary as well as the rapporteurs. Finally, we look forward to feed back from readers on this report and issues discussed at the conference.

## Introductory speech to the Conference by Marike Radstaake, Programme Manager HRIA, HOM

Introductory speech held at the opening of the conference on Thursday 24<sup>th</sup> of November

“Ladies and gentlemen,

It is a great pleasure to see many familiar faces, but also many new faces. From a range of backgrounds and areas of work. Your presence at this Conference shows that HRIA is becoming more and more a topic on the agenda of NGOs, companies, governments and intergovernmental bodies. It also shows the need for exchange and learning. This is exactly the purpose of these two days.

### *HOM's work on HRIA*

In 2000, HOM was among the first organisations engaging in the development and promotion of Human Rights Impact Assessment (HRIA). This was largely motivated by the need for more transparent, accountable and effective human rights policies, for example at EU level. Over the last years, HOM brought people together to develop the concept of HRIA – this resulted in the eight-step HRIA Approach. In order to address the need for exchange on instruments and experience with HRIA, HOM decided to set up the Human Rights Impact Resource Centre, which is operational since July 2006.

HOM also has been working on specific instruments. The Health Rights of Women Assessment Instrument (HeRWAI) is now being used by NGOs in various countries. An example of this can be found in Nepal, where women's organisations mentioned that HeRWAI assists them in addressing the problem of violence against women as a human rights issue. In the area of business and human rights, HOM is working with the business tools of the Danish Institute of Human Rights and translating them to particular situations and contexts, such as in South Africa.

### *Future plans*

Recently, we received notice that funding from the Dutch Ministry of Foreign Affairs is secured until 2010. Together with financial support from other donors, such as the European Commission and HIVOS, this allows us to implement our plans for the coming period.

HOM will focus on three areas:

- Development of tools – new is for example the work on a tool for NGOs to effectively use the possibilities provided by the new UN Treaty against Enforced Disappearances. Another area is the effects of EU-policies on human rights in the Euro-Mediterranean region. Together with NGOs in the region HOM will work on a tool that assists NGOs in their monitoring and advocacy efforts vis-à-vis the EU.
- Support in the application of HRIA tools and instruments, including capacity building of NGOs;
- Facilitation of exchange and learning among stakeholders, through the Resource Centre and meetings and conferences like this one.

### *HRIA: many faces*

The agenda of this Conference shows that HRIA instruments have many faces – there is no one-size-fits-all formula. There are instruments for different target groups, such as governments, NGOs and the business community. Also, there are different levels that are being addressed – covering both the international and the grassroots level. There are forward- and backward looking instruments.

In all these branches we see many new developments. It is time to get together and compare notes.

### *Questions related to HRIA*

Issues that many of us have come across in their work are:

- Do we need tailor-made instruments or are we looking for integration?
- Do we opt for simple checklists or for a qualitative approach?
- What is the level of participation, both in the development and use of HRIA-instruments, and how do we go about it?
- How do we get governments on board:
  - What are our main selling points?
  - What is needed to overcome their reluctance and deal with the fact that there are many converging interests?

Despite the complexity of the issue and the questions involved, I think we all agree on one thing: HRIA does have an added value in the sense that it helps to bring to the surface the human rights effects of policies and practices. By doing so, it adds to transparency, public debate and accountability. It creates opportunities for well-argued and improved policies and initiatives. In the end, it should add to the improvement of people's lives.

These two days, I hope we will all take advantage of the rich experience gathered here. And make plans for further exchange and cooperation. I wish us all an inspiring Conference."

**Marika Radstaake**

**Programme Manager Human Rights Impact Assessment Programme  
Humanist Committee on Human Rights**

## Plenary session Thursday 23 November

Time: 9:00 – 12:00

Chair: Frans Huijnen

Chair Frans Huijnen addressed the conference and welcomed the participants. This was followed by an opening speech by Marike Radstaake (Programme Manager Human Rights Impact Assessment, HOM). Through collective 'speed dating' many participants got to talk to each other answering some basic questions, such as: 'where do you come from', 'what do you do in daily life', "How did you get here", etc...

After this short personalised introduction of each other John Lannon and Jan de Vries presented the Human Rights Impact Resource Centre (HRIRC).

### Presentation of the Human Rights Impact Resource Centre

- *Presenters*

John Lannon (University of Limerick and the Praxis Centre of the University of Leeds) was involved in the development of the resource centre on human rights impact assessment, as a consultant.

Jan de Vries coordinated the development of the Human Rights Impact Resource Centre (HRIRC) for the HOM.

- *The presentation*

The presentation focused on the reasons for developing a resource centre on human rights impact assessment, the development process, the resource centre itself and the future of the resource centre. The presentation was followed by a discussion. This report highlights some points from the presentation and complements the PowerPoint presentation that can be downloaded.

- *Where can you find the Resource Centre*

The address is: [www.humanrightsimpact.org](http://www.humanrightsimpact.org)

- *What can you find on the Resource Centre?*

The HRIRC now includes:

- Introduction to HRIA;
- Specific HRIA instruments;
- HRIA tools;
- Case studies;
- List of organisations working on HRIA;
- List of interesting links;
- Organisation of materials following the 8 steps of the HOM HRIA Approach.

- *What does the future hold for the Resource Centre?*

HOM will receive funds for the further development of the HRIRC for 2007-2010. The funds are allocated by the Dutch Ministry of Foreign Affairs. This means HOM can guarantee the HRIRC will be kept up to date and further developed.

The next phases of development will include:

- The possibility to work on HRIA concepts, issues, tools, instruments, share experiences with the use of tools and learn from each other's challenges and lessons learned in discussion groups (collaborative workspaces);
- The possibility to participate in, or develop training modules and online workshops.

- *How can you be involved?*

The HRIRC is not meant to be an initiative by HOM alone. For one it would be practically impossible for HOM to seek, find, analyse and add all relevant resources on HRIA. Also the information could be considered one-dimensional. Having more than one editor of the content from different backgrounds and geographical areas will assist in providing as broad as possible amount of information on HRIA as is possible. Finally, diversifying input in the resource centre will contribute to its sustainability.

You can be involved in several ways:

- The simplest way is to add content by sending materials directly to the content editors (either HOM or content editing groups).
- Add content directly to the HRIRC by participating in so-called 'content editing groups'. These groups will be formed, trained and managed by HOM. HOM also has the possibility to contribute funds when particular technical improvements need to be made. A content editor can add information directly on a particular theme, add content on HRIA in general or contribute to particular options in the HRIRC (such as, for example, the section on indicators, human rights based approach or terminology). Details about the content editing groups will be available early 2007. The first groups will be set up in 2007.
- Become member of the HRIRC advisory group. The advisory group will provide feedback on the relevance of the functionality and information content of the Resource Centre. The advisory group will also provide input on the development of the HRIA concept and methodological issues related to HRIA. It will represent various stakeholder groups, and can thus provide advice on a wide range of relevant areas. The advisory group will be set up in the course of 2007.
- Participate actively in needs assessments. Inform HOM throughout the year what you want added to the HRIRC, what could be better and what you think is good, through the 'feedback'- button. Or let us know once a year when we put a questionnaire online. The questionnaire is designed to give HOM an idea of the needs of our stakeholders with regard to the HRIRC.
- There will be collaborative workspaces and the possibility of training modules and online workshops. Do not hesitate to contact HOM when there are particular features you want to be involved in directly.

**Possibilities for your involvement in short:**

- **Send content** and content suggestions to HOM;
- Participate in **content editing groups**;
- Become member of **advisory group**;
- Participate in **needs assessments**, give feedback and answer annual survey;
- In the future, participate in **discussion groups, online workshops and training**.

### **Discussion following the presentation**

A number of questions were asked concerning the content, strategy and funding of the HRIRC.

- Content

*What is the understanding of HRIA within the HRIRC? Does the understanding of HRIA exclude information that is not directly linked to HRIA even though this could be interesting for HRIA?*

The HRIRC provides information on HRIA. It also seeks to provide answers to some questions regarding the potential use of HRIA, why it is needed, and the concepts that underlie HRIA. Further it addresses answers to some frequently asked questions and

**“The HRIRC does not claim the issue of HRIA”**

provides some answers regarding terminology. All this is done to make a complicated subject as HRIA more accessible. Part of what the website is about is to show people, not experts in the field of HRIA, what HRIA is about and how it can be used. HOM does not, and will not, define HRIA to use as a basis for the HRIRC. In fact the resource centre will provide the opportunity to discuss these types of issues (definition, concepts etc...).

*What definition of human rights is used in the resource centre? Does it entail human rights as they are formulated in all human rights conventions?*

The resource centre covers all human rights from all human rights conventions. This includes conventions covering particular vulnerable groups such as children, women and migrant workers. This means that particular impact assessments such as child rights impact assessments are included in the resource centre.

*How is information filtered? Is there a quality check? What type of information is put on the site? What is excluded? For example is there information on other impact assessments, such as Environmental Impact Assessment or Social Impact Assessment?*

On the issue of relevance of material HOM finds it important to limit the materials included in the resource centre to HRIA material. This means that for example general human rights material is not included on the website, but links to general human rights websites are given. The same goes for other types of impact assessment, such as Social Impact Assessments or Environmental Impact Assessments.

HOM does not yet have an explicit set of criteria determining the selection of materials based on their quality. This is done at an ad hoc basis. In the course of 2007 HOM will further develop criteria for relevance and quality of material to be included on the resource centre. This will also be based on feedback from users, the advisory group and content editing group(s).

**“With a view to extending content editing to others outside HOM a policy on relevance and quality will be written in 2007, together with various users.”**

*Is information on the HRIRC available in other languages than English?*

The language used in the HRIRC is English. We do refer to texts in other languages. The issue of translating texts on the HRIRC in other languages (Spanish and/or French) will be looked at in close cooperation with other resource centres and/or databases facing issues of translation.

*How is HRIA information on the HRIRC made relevant to development agencies? How can development agencies profit from this information?*

As development agencies are using human rights increasingly to guide their work HRIA will become more relevant to them. One of the workshops during the conference will address specific questions related to the Human Rights Based Approach (HRBA) and the relationship of HRBA with HRIA. The conclusions from that workshop will inform us on the need to address HRBA more particularly on the website. However attention should be paid towards avoiding duplication of effort. Within the last few years a number of resource centres on HRBA have been launched (some with a different focus from others). It is not the intention of the HRIRC to become a resource centre on HRBA. Consultations with those resource centres will hopefully lead to cooperation on exchange of materials in an efficient way.

**“We must avoid duplication of effort. We will seek cooperation with HRBA resource centre to make exchange of information more efficient”**

- Strategy

*How is the resource centre managed? What is the strategy towards management?*

The resource centre is managed by HOM and will continue to be managed by HOM. However stakeholder involvement at various levels is extremely important and will increase. First and foremost all stakeholders are invited to send materials to the HRIRC editor. But stakeholders can also contribute more directly by becoming content editor themselves. It is important for us to have content editors from different backgrounds and geographical areas. This will add to the diversity of the content and interaction of the resource centre.

On management level we are going to compose an advisory group for the resource centre. This group will include several stakeholder groups. Members will have varying expertise in human rights, HRIA or more technical expertise on web development and particularly human rights resource centres. The group will advise HOM on strategies for the resource and needs from stakeholder groups.

***“HOM manages the HRIRC. Management will remain with HOM in the future. However direct and indirect stakeholder involvement will be greater in the future. In the end the success of the HRIRC will depend on this involvement.”***

- Funding

*How is the resource centre funded?*

At this moment the resource centre is funded in great part by the Ministry of Foreign Affairs of the Netherlands, and will continue to be so for the next four years. A part is also funded by HIVOS. In order for the resource centre to be sustainable we will seek funding from others. This is an important issue for the coming years and should be addressed in part by the advisory group.

## Workshop Business and Human Rights - Day 1

Date: Thursday 23 November 2006

Chair: Sune Skadegaard Thorsen

Rapporteurs: Hansje Plagman (HOM) and Marina d'Engelbronner (HOM)

### Opening remarks:

- While Social Impact Assessment (SIA) en Environmental Impact Assessment (EIA) for business enterprises already exists for a while, corporate Human Rights Impact Assessment (HRIA) is in its infancy.
- Recently, there is an increasing interest from the business community, civil society, and international organisations to develop and test corporate Human Rights Risk Assessment, Impact Assessment and Compliance Assessment tools. This process is monitored closely by business enterprises and other stakeholders (NGO's, UN Special Representative on Human Rights and Business John Ruggie).

### Presentations:

- [Caroline Ersmarker \(International Business Leaders Forum, IBLF\) on IBLF/IFC/UN Global Compact Guide to Human Rights Impact Assessment](#)

The IBLF, the International Finance Corporation (IFC) and the UN Global Compact are jointly producing a guide on conducting HRIAs for business. The guide is intended to provide business with a seven step process through which operational managers ensure that full account is taken of the human rights implications and challenges within any business operation or project. It will also provide pointers to sources of information and expertise on human rights issues. The guide is due to be published in March 2007 and will be available for road-testing by companies within different business sectors over the following 2 years. The findings from the road testing process will be captured and incorporated into a finalised version of the Guide due to be published in early 2009.

- **Step 1**: Identifying and clarifying the project context
- **Step 2**: Setting the baseline
- **Step 3**: Verifying the human rights challenges through stakeholder engagement
- **Step 4**: Assessing the impact of the human rights challenges
- **Step 5**: Impacts, consequences and recommendations
- **Step 6**: Management plan and implementation
- **Step 7**: Monitoring and evaluating

- [Caroline Brodeur \(Rights & Democracy\) on Initiative on Human Rights Impact Assessment](#)

Rights & Democracy's Human Rights Impact Assessment is an initiative which aims to improve the capacity of civil society organisations to evaluate the impacts of foreign direct investment on human rights. Rights & Democracy believe that HRIA should enable communities, corporate and government actors to understand how various factors and different actors interact to result in a positive or negative impact on human rights. In collaboration with the partners who submitted the cases, Rights & Democracy set to work. For each case study the draft methodology was adapted to its needs and a series of interviews and

Some **key issues** faced in the case studies:

- **Complexity** of methodology;
- Access to **information**;
- Companies question **objectivity**

consultations were conducted. Many challenges are met in such a process. The case studies help Rights & Democracy develop the final methodology.

- *Geoff Nettleton, Philippines Indigenous People's Links on experience in the use of HRIA methodology developed by Rights and Democracy*

One of the case studies of Rights & Democracy is a project in the Philippines, which aims at assessing the effects of multinational mining operations in Mindanao. This study will also assess the human rights impact of mining operations in a conflict zone, in this case the operations of Canadian mining company TVI-Pacific around Mindanao.

## Main issues in discussions

In addition to an overview of the main points addressed in discussions, some issues raised during the World Café<sup>2</sup> exercise have been highlighted. Quotes are taken from the table cloths written on during the World Café exercise.

- *What do various actors need to perform HRIA?*

Some of the needs expressed are:

- Capacity building and awareness-raising in initial stages. For example by creating study and/or training groups;
- Financial resources;
- Access to information. This is often very difficult for civil society;
- Minimum standards of compliance;
- Linkages between local, national and international NGO's to fill gaps in knowledge.

- *What is the baseline for performing HRIA?*

It is hard to define a normative framework to use as a baseline for HRIA for companies. This is due to the fact that there is no clarity on the contents and boundaries of the minimum international norms a company should comply with and the general international legal framework.

***"We need to set up processes to ensure that vulnerable groups are consulted as early as possible in whichever system is developed"***

- *Participatory approach*

Extensive involvement of stakeholders in a HRIA process for a project is imperative. This means stakeholders should be involved in the process during the whole life-cycle of the project.

- *Different ways in which HRIA can be used by different actors*

Some potential usages for HRIA for actors, apart from companies, are:

- HRIA can be used by financial institutions as a basis on which to decide whether to invest or not;
- HRIA can be used by governments to decide on foreign direct investments;
- HRIA can be used to educate, f. e. students.

- *Various concepts*

What is the difference between a Compliance Assessment, Impact Assessment and Risk Assessment? This depends on what is being assessed:

<sup>2</sup> Creative brainstorm in different groups. Each presenter hosts a table. On the table is a tablecloth. On each tablecloth there is a particular issue. Participants can write ideas/suggestions/dilemmas regarding the issue on the tablecloth. Workshop participants circulate in small groups between tables, staying at every table for 15 minutes each. During the last round, the groups will mark three most remarkable remarks, or remarks that need further discussion, with colours or stickers (these are also reflected in this report). The table hosts will present the issues back to the workshop.

- Compliance Assessment (CA): the performance of the company assessed against the legal framework;
- Impact Assessment (IA): the impact of the business on the human rights situation (IA);
- Risk Assessment (RA): the particular operational or reputational risk of getting involved in human rights violations.

Usually, a CA and IA are broader than a RA.

*“There should be a **database** with **best practices** in performing and using HRIA”*

- *Generic HRIA tool*

The IBLF Guide originates from the financial sector and extractive industry. The testing and application of the tool in the forthcoming years will show whether the tool is relevant for other sectors and smaller sized companies as well.

- *How do tools link-in to one another?*

As various HRIA tools have been developed, it is imperative that they somehow fit together in order to avoid duplication and competition. To ensure linking up, the added value of each tool should be determined.

- *Naming*

Different names should be used for the various HRIA tools to indicate whether they are carried out by civil society or by the company itself.

- *Dealing with results of HRIA*

After conducting the HRIA, the next step is dealing with results within the management system of company including external communication and reporting on the results. The results of a HRIA exercise can be dependant on the user of those results. It could well be that for instance the perspective of a company is too positive, or that of civil society organisation too negative. This could have consequences for the validity of the HRIA tool.

*“Performing HRIA **on** a company or **with** a company are different things. Using the same name for two different processes could be **confusing**, particularly for companies. Should we not call them different things?”*

## Workshop Business and Human Rights - Day 2

Date: Friday 24 November 2006

Chair: Sune Skadegaard Thorsen

Rapporteurs: Hansje Plagman (HOM) and Marie-Cecile Schouwenaar (HOM)

### Opening remarks:

A summary of the main points of discussion during Day 1 of the workshop was given.

### Presentations:

- [Marie Busck \(DIHR\) on the Human Rights Business Project](#)
- [Marina d'Engelbronner \(HOM\) on the Human Rights Compliance Assessment \(HRCA\)-tools](#)

The Human Rights Compliance Assessment (HRCA), developed by the Danish Institute for Human Rights, is a tool assisting in corporate risk and impact assessment. The tool also raises awareness on corporate responsibilities and the boundaries thereof, and could be the basis for stakeholder engagement. While business enterprises can apply the tool within various phases of their management system, civil society can use the tool to assess the human rights policies and performance of a company. Together with the Country Risk Assessments, the tool provides the ingredients for carrying out a Human Rights Impact Assessment.

#### **The Human Rights Compliance Assessment (HRCA)**

- Human rights rewritten for companies
- Diagnostic self-assessment tool
- Uses the Universal Declaration of Human Rights (UDHR) as framework, and references major UN and ILO conventions
- Takes each right and defines the responsibility of companies
- Database with 350 questions and 1500 indicators
- Designed as an interactive computer programme
- Quick Check version launched in November 2004

- [Helen Sullivan \(Shell\) on the use of HRCA by Shell](#)

Shell uses a number of HRCA tools developed by the Danish Institute for Human Rights. This includes Country Risk Assessments (CRAs). CRAs are useful tools for Shell to get a quick overview of sensitive issues, and thus inform on the focus of policies, procedures and performance on particular issues. A quick check or a more extensive Human Rights Compliance Assessment is performed to assess on what level and on what issues further attention is needed.

- [Klaartje Vest \(TNT\) on use of HRCA by TNT in China](#)

TNT has used the Human Rights Compliance Assessment Quick Check for its operations in China. TNT presented the process of use of the Quick Check and some initial results from its use. The quick-check was used for self-assessment of five depots in China among different levels of employees. The results of the self-assessment were validated by an independent, external auditor. The auditor used the results as a pre-assessment for SA 8000.

#### **Human Rights Compliance Assessment Tools**

- Country Risk Assessment
- The Human Rights Compliance Assessment
- The Human Rights Compliance Assessment Quick Check
- CSR Compass

- [Jason Green \(Khulumani Support Group/ Law student Yale\) on the use of the HRCA Quick Check by Khulumani Support Group \(NGO\), South Africa](#)

The case study investigates the human rights compliance efforts of SASOL, a South African petrochemical company. In addition to examining the level of corporate compliance, the case study also provides insight into the role of non-profits and NGOs in the human rights impact assessment process.

### **Main issues in discussions:**

Some of the issues addressed overlap with the discussion on Day 1. There was no World Café exercise on Day 2 of the workshop.

- *Baseline*

One of the main concerns within the field of HRIA for business is the lack of clarity of the corporate responsibilities (and boundaries) according to international norms.

- *Local – International laws*

International standards should be seen as minimum standards. In first instance local laws need to be adhered to. However, if local laws are of lower standard than international standards, international norms should prevail. This might not always be clear and simple in practice.

- *Core obligations vs. completeness*

To use all international human rights obligations and all relevant documents in corporate HRIA, the task may become too overwhelming (time-consuming, costly). There needs to be a balance between what is really necessary and what is desirable.

- *Added value HRIA*

This needs to be demonstrated by case studies and the use of HRIA in various sectors and by different types of companies around the world, as well as by companies of different sizes.

- *Business case*

In order for companies to use HRIA, a strong business case needs to be formulated. Mandatory HRIA in particular sectors (demands from investors, national legislation) might be of assistance in this respect.

- *Terminology*

It is important to clarify the different concepts: Compliance Assessment, Impact Assessment, Risk Assessment and how these fit into one another.

The concept of *HRIA* is used by financial institutions and extractive industry. *Risk Assessment* is used widely, but is a more limited term. Using the word *Compliance Assessment* basically refers to the same as *Impact Assessment*, as the basis for compliance and impact assessment are international norms.

- *Integration approaches and tools*

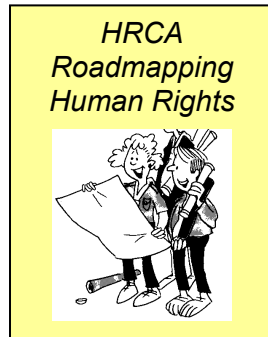
To avoid duplication, HRIA should be integrated within the company with other impact assessment methodologies and due diligence processes. However, some concern was raised in relation to limitations of traditional Social Impact Assessments and Environmental Impact Assessments (time-consuming, project-based, external assessments). Nevertheless, in the development of different methodologies/tools regard has already been given to SIA's and EIA's. This is the case for the Rights &

**“A lesson learned from SIA's and EIA's is that a lot of effort should be put into keeping the process *transparent* to protect its *credibility* for community, business and government.”**

Democracy methodology and for the HRCA. The HRCA can be seen as adding more depth to a SIA.

- *Management approach*

When developing a HRIA for companies, regard should be given to an integrated management approach in order to ensure implementation of human rights throughout the management system. It will also make HRIA more relevant for other sectors, local companies, and Small and Medium Enterprises, rather than only for specific sectors such as financial and extractive industries.



- *HRCA – HRIA*

HRCA can be integrated in a HRIA. It functions as a concrete tool for HRIA and makes certain parts within the HRIA process more practical. However the way in which HRCA can be applied within a HRIA depends from case to case.

- *Civil society*

Civil society can play different roles in relation to companies:

- Constructive or activist;
- Reporting from outside or jointly with companies.

This affects the way HRIA is used by civil society:

- Use outcomes of HRCA for negative reporting, positive reporting or critical collaboration,
- Building bridges towards communities, etc.

- *Stakeholder involvement*

Companies might identify different stakeholders in comparison with those identified by civil society groups. HRIA's carried out by different users and close engagement between various users and stakeholders is necessary.

# Workshop Human Rights Impact Assessment and Human Rights Based Approaches - Day 1

Date: Thursday 23 November

Chair: Ria Brouwers (Institute for Social Studies)

Rapporteurs: John Lannon (University of Limerick) and Marloes van Noorloos (HOM)

## Presentation

- [Hans Otto Sano \(Danish Institute for Human Rights\) presentation on Rights-Based Approaches and Human Rights Impact Assessment](#)

Hans Otto Sano introduced the subject of HRIA and HRBA. In his presentation he noted that Rights-Based Approaches (RBA) represent an approach to programming and strategies of development cooperation. Whereas Human Rights Impact Assessment (HRIA) is an approach to ex-ante assessment and evaluation intended to assess implications of interventions. HRIA can be informed by RBA inasmuch as RBA will define particular components of intervention (e.g. duty-bearer accountability, rights-holder claims etc...). The emphasis on inequality and non-discrimination may also assist in the development of indicators in those fields.

*“At the **country level**, impact analysis is **complex** unless impact is reduced to a **measurable target**; At the **programme and project level**, impact analysis is **easier**.”*

There are three general problems related to RBA

- Donor endorsement (and competing agendas);
- Alternatives to RBA:
  - Ad-hoc integration of human rights: typically children’s rights and gender, and;
  - Mainstreaming using HR principles, such as participation, non-discrimination, duty-bearer accountability etc...
- The value added by RBA.

The latter formed the basis for further discussion during this workshop and the workshop on Day 2.

### The added value of HRIA:

- A focus on **risks**:
  - **Complicity** in HR violations,
  - Risks of **partners**: compromising their safety
- A focus on **context** vs. **operational goals**
- A focus on **indicators**
- A focus on **monitoring** results

In his Presentation, Hans Otto Sano, also discussed some challenges regarding indicators. He saw a major advance in the OHCHR development of compliance indicators in terms of *structure*, *process* and *outcome* indicators. A major trend he saw was that indicators are increasingly transformed into targets. Some implications of targeting are:

- Whatever the indicator: the quantified measures count;
- Who defines the target;
- Benchmarking becomes vital and causes less so;
- Institutional and organisation dimensions might become underplayed.

## Discussion

- Many NGOs are still uncertain about the benefits of HRBA and results of HRBA are not well documented yet.
- Participants also found that governments (especially those in the South) were missing in the discussions on HRBA, while they are the primary duty-bearers.

## Presentations

- [Emilie Filmer-Wilson \(UNDP Oslo Governance Center\) presentation on UNDP and HRBA Indicators](#)

Emilie Filmer-Wilson presented the [HRBA indicator guide](#) developed by UNDP to provide UNDP Country Offices practical guidance on assessing HRBA programmes.

The guide:

- Provides a broad outline of existing HR indicators;
- Shows how they may be incorporated into HRBA programmes, and;
- Develops a framework to assist Country Offices in using the indicators.

The conceptual framework covers:

- Indicators for baseline assessment of the human rights situation at country level;
- Indicators for assessing the capacities of rights holders and duty bearers;
- Incorporating human rights principles in the design, implementation and monitoring of UNDP programmes, and;
- Impact assessment - indirect and direct, covering project results and process.

Challenges
<b>HRBA Indicators</b> <ul style="list-style-type: none"><li>○ Need for extra <b>time</b> and <b>resources</b>;</li><li>○ Lack of <b>data</b> and <b>sensitivity</b> of information</li><li>○ Importance of <b>donor support</b>.</li></ul>
<b>UNDP and Development agencies</b> <ul style="list-style-type: none"><li>○ Guide needs to be <b>tested</b> and <b>validated</b>: criteria for choosing countries; feedback from practitioners;</li><li>○ Must ensure <b>harmonisation</b> with donors: risk of plethora of competing HRBA indicator guides/frameworks</li></ul>

- [Marcel Zwamborn \(mZet, Research and Advice\) presentation on the identification of indicators for measuring the influence of Vietnamese – Swedish development co-operation on democracy and human rights](#)

Marcel Zwamborn described a practical example of implementation of human rights impact indicators. His presentation looked at the development of a framework to assess effects of Swedish – Vietnamese development co-operation on democracy and human rights, covering health, decentralisation/local authority, and legal sectors (the three target areas). A Rights-Based Approach was used, taking into account normative and process aspects, as well as the duty to progressive realisation of rights (respect, protect and fulfill).

The process of developing a methodology involved:

- Matching strategic orientations in the three target areas, using a human rights based approach to development;
- Translation of the strategic orientation into sets of relevant rights in each area;
- Setting rights based targets in each area; and,
- Setting indicators for assessment of the achievement of the targets for each area.

Lessons learned from the exercise, included:

- The exercise was more complicated than some expected (number of indicators used was kept low);

- Indicators worked for assessment of achievements in sectors, but evidence shows large gaps (no baseline, no data);
- Attribution is difficult, particularly in view of conflicting trends in donor policies;
- Joint ownership is crucial (taking into account the possibility of institutional resistance in some developing countries).

**Table: Matrix of state obligations**

Obligations to respect, protect, fulfil		
	Minimum core obligation, minimum outcome prescribed	Progressive realization, process prescribed, outcome prescribed over time
a) Material scope, enshrined in legislation as well as policies	Minimum material coverage of the right	Developmental perspective
b) Primary beneficiaries (vulnerable groups) and non-discrimination (poverty reduction orientation)	Focus on vulnerable at risk of exclusion	Society at large; still special care for groups at risk of exclusion
c) Ensuring participation in making of policies and laws as well as the implementation thereof (transparency and accountability)	Government accountability for making policies and laws	Transparency and participation in making of policies and laws that directly affect one's rights
d) Legal remedy and redress (enforcement)	Obligation of outcome	Obligation of process

**Source:** Marcel Zwamborn, "The influence of Vietnamese –Swedish development co-operation on democracy and human rights in Vietnam: Synthesis of the reports on health, decentralisation and the legal sector"

Shortly after the presentation a synthesis report was published of [the assessment of effects of Swedish – Vietnamese development co-operation on democracy and human rights, covering health, decentralisation/local authority, and legal sectors.](#)

## Discussion

Both presentations prompted some discussion, in particular on the following issues:

- Frameworks for the development of indicators (as opposed to their use);
- Participatory approaches to the work of the UNDP;
- The added value of the approach taken by Marcel Zwamborn is in the focus on participation (for both rights- and needs-based approaches). However it should not be forgotten that a number of elements, such as norms, process, realization, redress, etc..., must be attended to.

## World Café<sup>3</sup>

Most of the substantial discussions in the workshop were held during the World Café session. Each table was hosted by a presenter, and discussed a specific issue.

- Further clarification was provided on the difference between HRIA and HRBA. Unlike HRIA, HRBA provides for checking of process.
- As regards the development of indicators:
  - When and how to build them in. It was suggested indicators should be built in from the start up to the end of the process;

*"When choosing indicators in a participatory way different stakeholders can have different motivations to choose the same indicator."*

<sup>3</sup> Creative brainstorm in different groups. Each presenter hosts a table. On the table is a tablecloth. On each tablecloth there is a particular issue. Participants can write ideas/suggestions/dilemmas regarding the issue on the tablecloth. Workshop participants circulate in small groups between tables, staying at every table for 15 minutes each. During the last round, the groups will mark three most remarkable remarks, or remarks that need further discussion, with colours or stickers (these are also reflected in this report). The table hosts will present the issues back to the workshop.

- The need to allow learning;
- The role of quantitative indicators: how to build in safeguards to make sure they are not subjective?
- The collection of data: does the available data define the indicators used or is it the other way around? The absence of data is in itself information;
- In addition, some participants identified the disaggregation of data as problematic in many cases.
- Concern was expressed by one of the Café groups that the term indicators is over-used, often referring to targets, measures, norms, or even sources. In its simplest meaning an indicator should be seen as a signal and it should relate to a specific situation and context;

*"If people are not using a **human rights language**, then you can not work with RBA"*

- The importance of context and the need for genuine local participation as early as possible was seen as crucial;
- The capacities of duty bearers, the clarification of their roles and the creation of awareness were discussed, as was the importance of incentives to act and participate;
- The fact that type of indicators is modified as there is a move from needs- to rights-based approaches;
- Outcomes become more sustainable if based on a rights argument;
- Another topic that came up was the difficulty of attribution of outcomes and the use of indicators in this exercise.

## Workshop Human Rights Impact Assessment and Human Rights Based Approaches - Day 2

Date: Friday 24 November 2006

Chair: Margaret Wachenfeld (Senior policy officer UNICEF)

Rapporteurs: John Lannon (University of Limerick) and Marloes van Noorloos (HOM)

### Opening remarks

Chair Margaret Wachenfeld gave a short summary of the presentations and discussions on Day 1 of the workshop.

### Presentations

- [Helen Baños Smith \(Save the Children\) presentation on Global Impact Monitoring \(GIM\) of Save the Children](#)

Helen Baños Smith introduced Save the Children's Rights-Based Approach to impact assessment, called Global Impact Monitoring (GIM), and how it is used in operationalising their Child Rights Programming. She described the evolution of GIM and the main principles of the framework, namely:

- Change;
- The process that leads to change;
- Positive, negative, and unintended changes;
- Stakeholder involvement (particularly of children); and
- Learning.

Lessons learned from the implementation of GIM included the fact that:

- Analysis, reflection and learning processes are key for impact assessment (GIM allows this to happen);
- External stakeholders' contributions are fundamental;
- Impact monitoring and assessment must be integrated into work at all times;
- Quality of evidence is critical, but lacking; and
- There are complex issues around partnerships, trust, transparency and accountability.

One of the biggest challenges still faced by Save the Children is creating a culture that is more open, honest and transparent, that is accountable, facilitative and participatory in its approach, and is focussed on learning.

- [Linde Rachel \(independent consultant\) presentation on the development of impact evaluation methodology for projects aiming to reduce gender-based violence](#)

**"Human Rights Initiatives:  
Initiatives having the improvement of human rights as their primary goal"**

The World Bank asked Linde Rachel to develop a methodology for the impact evaluation of UNIFEM Trust Fund projects that aim to reduce violence against women. In doing so she looked at the main differences between Violence Against Women *Human Rights Initiatives* and *Rights Based Approaches* to Gender Based Violence. From a sample of 20 UNIFEM projects she presented a change model covering:

- Inputs/outputs;
- Intermediate outcomes;
- Intermediate impact (covering local organizations & advocacy groups, social service agencies, the judicial system, security forces and police, and research groups), and;
- Ultimate impact (covering women survivors/potential victims).

Linde Rachel described why a rigorous evaluation process is necessary to measure impact, but noted the difficulties of measuring projects to such high standards. She outlined a number of evaluation design options, focusing on rapid self evaluation and the importance of building evaluation in from the start. She also recommended the

strengthening project design capacity, including the development of indicators, the use of mixed-methods approaches, and the publishing of evaluation results. It was also noted during the presentation that indicators need to be contextual. It was suggested that even “fuzzy” concepts like empowerment can be measured, but that this requires time and resources and must be situational.

**“Rights-Based Approaches:**  
Approaches that focus on the **awareness of rights** and **empowerment** as a means to achieve **development goals**”

- [Karin Dawidson \(Swedish Agency for Development Evaluation - SADEV\) presentation of “Evaluating the Mainstreaming of Rights from “a Rights Perspective””](#)

“One must not forget to point out the **weaknesses** of evaluations in relation to the RBA:

- Which stakeholders/groups affected **could not be reached**?
- Have some rights been **ignored**?

By discussing the reasons behind such problems we may **improve** our methods for measuring impacts from a rights perspective.”

This presentation looked at an ongoing SADEV project that focuses on the mainstreaming of democracy and human rights during different phases of programming (planning, implementation, assessment and evaluation) in areas that receive Swedish support in Kenya. The “Mainstreaming in action” project (Mainiac) is intended to enhance both mainstreaming and a Rights-Based Approach.

- On the one hand the questions posed throughout the evaluation need to focus on the main principles of the rights perspective: non-discrimination, participation, openness and transparency, responsibility and accountability.
- On the other hand, one has to consider how the same principles are to be respected throughout the implementation of the evaluation.

In addition to questions and methods associated with evaluation from a rights perspective, Karin Dawidson raised two other questions:

- Can different cross-cutting issues be mainstreamed in the same way?
- How to catch “the perspective of the poor”?

In addition to a presentation Karin Dawidson wrote a paper for this conference entitled: [“Evaluating the Mainstreaming of Rights from a “Rights Perspective””](#).

## World Café<sup>4</sup>

The workshop then adjourned to the World Café.

- The first table discussed impact assessment and how to make it participatory throughout the process. Some issues that were raised:
  - The importance of participation of beneficiaries both in the *identification* (or at the very least the *validation*) of indicators as well as in their application was stressed;
  - Need for the *participation of beneficiaries* in the identification of indicators;
  - At the start of an intervention (especially a human rights intervention), the *beneficiaries* may not know the *benefits* to be achieved, and therefore they may *not be in a position to define indicators* on their own.

“We need to recognise that **change takes time**, it is a **step-by-step** process and we need to **learn by doing**”

<sup>4</sup> Creative brainstorm in different groups. Each presenter hosts a table. On the table is a tablecloth. On each tablecloth there is a particular issue. Participants can write ideas/suggestions/dilemmas regarding the issue on the tablecloth. Workshop participants circulate in small groups between tables, staying at every table for 15 minutes each. During the last round, the groups will mark three most remarkable remarks, or remarks that need further discussion, with colours or stickers (these are also reflected in this report). The table hosts will present the issues back to the workshop.

- The second table considered the question of whose interest impact assessment serves.
  - The role of the different actors was discussed (donor, NGO, beneficiaries), as was donor/NGO dependency and beneficiaries with conflicting interests. The need for common objectives was stressed, as was the need to be informed of unintended outcomes (including ethical considerations).
  
- The third table discussed aggregation and moving from local to global level.
  - While it was said that methodological and political lessons can be used for successful replication of programmes/projects in other countries, it remains difficult to 'generalise' lessons as within a specific context there might be many external factors influencing a particular programme/project;
  - The management structures needed for RBA were discussed. It was noted that the set-up of local management structures, with donor influence, might not always be seen in a positive light by beneficiaries.
  - The likelihood of having to work with local partners that are corrupt, patriarchal, etc. was also noted, as were the particular challenges to be faced when following a rights based approach (such as the fact that participatory work is expensive; there is a need for innovative and new work; the subjects are often very sensitive, etc...);
  - The need for donors to act as role models was stressed, as was the need to be clear about the objectives and the need for demand-driven approaches.

***“Demand driven approach: facilitate a process of ‘poor’ deciding for themselves”***

## Workshop 'Approaches towards Measuring Human Rights and Strategy Development'

Date: Thursday 24 November 2006

Chair: Piet van Reenen (Netherlands Institute of Human Rights (SIM, University of Utrecht)

Rapporteurs: Marjolein Wijnand (HOM) and Dave Hardy (HOM)

### Opening remarks

This workshop explored the added value and challenges of applying different approaches that assist in performing a human rights analysis, measuring human rights and formulating strategies.

### Presentations

- [Martha Meijer \(HOM\) on the application of the HOM HRIA Approach towards the analysis of impunity in Indonesia](#)

The HOM HRIA Approach is an 8 step approach<sup>5</sup>, which starts from the premises that in order to assess the effects and impact of a particular policy or initiative on a human rights situation, a number of steps have to be taken before a decision as to appropriate measures is taken. The HRIA Approach was used in the analysis of impunity in Indonesia. The case study aimed at exploring whether the HRIA Approach is also useful for NGOs to identify their priorities based on the earlier analysis. The sequence of the steps implies that human rights violations are mapped (step 1) and the environment in which these violations take place is analysed (step 2), so that the main obstacles for change can be identified in relation to the chosen objectives (step 3). These obstacles for change should be decisive for NGOs in identifying the indicators by which improvements can be measured (step 4), but also in choosing strategies and identifying priorities (step 5).

The identification of the objectives is largely based on the UN Set of Principles to combat impunity, drawn up in 1997 and 2005 by Joinet and Orentlicher respectively<sup>6</sup>.

The study identifies four different mechanisms that result in a continuing situation of impunity: the power relations in society, legal conditions, cultural factors in the Indonesian society and international factors.

In May 2006 Martha Meijer presented the results of the study at a workshop in Cipayung, Indonesia and discussed it with representatives from Indonesian organisations. The study was considered a useful basis for discussions on causes of and ways to combat impunity in Indonesia. The HRIA Approach assisted in analysing a complex problem like impunity and in providing a basis for the development of forward looking strategies. In 2007 the study will be translated into Indonesian.

The meeting in Cipayung started identifying priorities based on the study and this strategy development will continue into 2007. In the meanwhile Martha Meijer identified already five areas of change that deserve priority:

UN Set of Principles to combat impunity by Orentlicher:

- The right to **know**;
- The right to **justice**;
- The right to **reparation**;
- The guarantee of **non-recurrence**.

<sup>5</sup> The 8 steps of the HOM Approach are:

1. Assessment of the actual human rights and democratic situation
2. Political analysis
3. Development of a view on the desired situation
4. Selection of essential questions
5. Formulation of policy options
6. Policy decision and action
7. Monitoring
8. Evaluation

<sup>6</sup> E/CN.4/Sub.2/1997/20/Rev.1 and E/CN.4/2005/102/Add.1

- Change traditional attitudes;
- Bring the army under civilian control and bring violators to justice;
- Fight corruption in the administration of justice;
- Bring the Truth and Reconciliation Commission (TRC) in line with the existing UN recommendations;
- Establish a documentation centre.

The study entitled: [“The Scope of Impunity in Indonesia”](#) was published in 2006. In addition the [“Matrix of indicators: annex to study Scope of Impunity in Indonesia”](#) was published separately for this conference.

- [Susan Kemp \(Solidaridad/Impunity Watch\) on the Impunity Watch project](#)

Impunity Watch is a project dedicated to the creation of, and advocacy for, research-based policies to combat impunity in selected countries. In doing so they work in close cooperation with national civil society partners:

- To conduct rigorous field-based research on the root causes of impunity, and
- To create and implement targeted strategies aimed at its reduction.

**“Efforts to combat impunity are most successful when based on tailored policies, which take into account State’s obligation and the specific domestic conditions.”**

The project was initiated by the Netherlands-based development organisation Solidaridad, as a result of a consultation process carried out in 2004 with a group of longstanding civil society partners in Latin America. In the course of these consultations the partners identified a need to create a stronger research base for their policy and advocacy work. This has resulted in a joint decision to pilot the use of indicators to measure state performance on legal obligations to respond to mass atrocity. Similar consultations were later carried out with civil society organisations in other countries, strengthening the initial findings. Pilot projects that will test the

utility of this approach are currently starting in Guatemala and Serbia. One of the goals of Impunity Watch is to develop an international standards-based methodology for both identifying the root causes of impunity in societies emerging from a violent past and for monitoring advances in its reduction. The implementation of this methodology will be done on the ground. This approach differs from the approach taken by Martha Meijer as it is clearly participative and the method used is field-study.

## Discussion

Some points raised during the discussions after both presentations:

- The HOM 8 Step Approach tries to motivate others, working on interventions, to analyse the situation from the beginning and formulate indicators from the start. This will assist in the determination of attribution when the effects and impact of an intervention is monitored or evaluated (steps 7 and 8). This is also how Impunity Watch works. They do the ‘groundwork’ now so they can advise on future policy recommendations.
- It was suggested that impact assessment instruments are now often used for *strategy development* instead of *assessment of existing policies*.
- The difference between both approaches is that Martha Meijer’s approach was done **for** NGO’s and the Impunity Watch approach is done **with** NGO’s. It was suggested that with respect to legitimacy with the target groups the participative method employed by Impunity Watch has an advantage, but with respect to legitimacy towards the outside world the more theoretical approach is an asset.

**“With the set of indicators on objectives, you can become goal bounded and forget to look at the unexpected and the complexity of the issue.”**

## Presentations

- *Raúl Suarez de Miguel (Metagora) on results and lessons from the Metagora pilot phase, with particular emphasis on Fundar's study on abuses and ill-treatment by police forces in Mexico City*

Raúl Suarez de Miguel presented some of the work done by Fundar<sup>7</sup>. Fundar carried out research into abuses and ill-treatment by police forces in Mexico City. The results of the research were published in: ["Irregularities, Abuses of Power, and Ill-treatment in the Federal District: the relation between police officers and Ministerio Público agents, and the population"](#). The work was funded by Metagora. The work by Fundar was very much bottom-up in the sense that statistical information was largely gathered through surveys and questionnaires. Also priorities for research and the way it was conducted was driven by national actors. Metagora believes this participatory way of working is extremely important. Evidence based analysis and the bottom-up approach are considered very important for policy design and evaluation.

The presentation further highlighted:

- Planned major steps for Metagora II; and
  - On-going enhancement of Metagora strategic links with key international projects (implemented by OECD, UNDP-OGC, UN-HCHR, CESR, HOM, etc.).
- [Nicolas Fasel \(United Nations Office of the High Commissioner on Human Rights, OHCHR\) on work of the OHCHR on indicators for human rights compliance assessment.](#)

Nicolas Fasel presented the work of the OHCHR on compliance indicators. OHCHR under the guidance of a high-level Expert Group, have reached consensus on a [framework for the development of human rights indicators](#). This includes four main elements:

- Indicators must contain the normative framework and content of human rights;
- There should be a common approach on developing indicators on economic, social and cultural rights and on civil and political rights;
- It is important to balance universal and contextual relevance of indicators; and,
- There should be several data generating mechanisms.

### Three types of indicators are developed:

- **Structural** indicators will assess the intent and acceptance of human rights standards;
- **Process** indicators will reflect the efforts undertaken to meet human rights obligations;
- **Outcome** indicators indicate how these efforts are translated into practice.

While Fundar, as was presented by Raul Suarez de Miguel, has taken a bottom-up approach, the approach taken by OHCHR is top-down.

OHCHR will work on validation of the indicators they have identified. This will be done in a participative way, in national and regional workshops.

## World Café<sup>8</sup>

<sup>7</sup> Fundar, Center for Analysis and Research is an independent, interdisciplinary, non-partisan and horizontal organization at the forefront in advancing substantive democracy. Fundar monitors public policies and institutions through applied research, critical reflection, experimentation and linkage with civil, social, governmental and intergovernmental agents. Fundar is responsible for the Mexican section of the Metagora project.

<sup>8</sup> Creative brainstorm in different groups. Each presenter hosts a table. On the table is a paper tablecloth. On each tablecloth a particular issue has been written. Participants can add ideas, suggestions and dilemmas

During the World Café session some issues were discussed more in-depth.

#### Table cloth 1

Discussion of the methodology used by Fundar. Particular emphasis was on participation and the development of indicators:

- Where does the participatory approach end in the process of designing indicators?
- Each assessment needs a clear plan in order to determine who should participate and in which phase these persons should participate. The decisions with regard to who should participate and at what stage they should participate should lie with the rights-holders.
- Participatory development of indicators is considered politically correct. The identification of indicators needs to be done in a participatory way. However, the actual application of indicators within an assessment is often politically delicate because of the possibility of conflicting interests.

*'There are many examples of redesigned policies after using the **evidence-based approach.**'*

#### Table cloth 2

The discussion concentrated largely on the following question: is the way in which the steps of the HRIA approach are used in the study on impunity in Indonesia adequate to perform a human rights analysis, identify indicators and develop NGO strategies?

The value of the methodology (*HRIA in general*, JdV.) is in a number of aspects:

- It offers a framework for discussion. In contrast with the study as such, the discussion, as a result of the study, has the advantage of being participatory in nature and it involves stakeholders in the strategy design;
- The range of methodological techniques used in this study, such as the identification of indicators based on the objectives as well as the analysis of the obstacles for change. The value of using the HRIA Approach is that it provides an analytical framework. This in turn assists in the formulation of intervention logic for future initiatives. The value of 'ex ante' impact assessment is that it provides a strategic intervention logic in advance, which enhances accountability and learning.
- It is innovative in the use and application of these methods for analysis in human rights advocacy;

#### Table cloth 3

Discussion of the OHCHR indicator framework:

- Functionality of the framework:
  - It is a very attractive approach but the question remains whether it can be applied. Specifically, because it will be extremely difficult to gather enough information to truly measure compliance;
  - The end purpose of the OHRHC work on indicators is that it has use beyond the treaty monitoring reporting process. For example, it could be used by NGOs in shadow reporting processes to the Treaty Bodies.
- Specific comments/questions in relation to the OHCHR framework:
  - A certain 'outcome' (e.g. maternal mortality) may have a vast number of determinants. Therefore the number of indicators relating to that 'outcome' can be equally vast. The challenge is to select a set of human rights indicators which enable measurement of compliance;
  - The different rights (such as right to life, to health, etc...) need to be linked to legal enforceability;

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regarding the issue on the tablecloth. Workshop participants circulate in small groups between tables, staying at every table for 15 minutes each time. During the last round, the groups will mark three most remarkable remarks, or remarks that need further discussion, with colours or stickers (these are also reflected in this report). The table hosts will report the issues to the workshop.

- The lack of transparency of the UN could hinder a participatory development process of the OHCHR framework. Nicolas Fasel indicated that future work on the compliance indicators will include a participative validation process, involving national and regional workshops, on identified indicators.

## Workshop Right to Health and HRIA - Day 1

Date: Thursday 23 November 2006

Chair: Renée Römken (University of Tilburg, board member of HOM),

Rapporteurs: Saskia Bakker (HOM) and Jessie Hexspoor (HOM)

### Presentation

- [Gillian MacNaughton on report, entitled “ Impact Assessment, Poverty and Human Rights: A Case Study Using The Right to the Highest Attainable Standard of Health”](#)

In recent years, there has been a growing demand for governments to carry out human rights impact assessments prior to adopting and implementing policies, programs and projects. To date, however, little work has been done to develop methodologies and tools to aid governments in doing so. The presentation outlines a preliminary human rights impact assessment methodology that was developed by Gillian MacNaughton together with Paul Hunt, the United Nations Special Rapporteur on the Right to Health, under a grant from UNESCO. It was published in a report entitled: [Impact Assessments, Poverty and Human Rights: A case study Using the Right to the Highest Attainable Standard of Health](#). In the report they recommend a mainstreaming approach and identify the sorts of considerations that, from a human rights perspective, governments should incorporate into existing impact assessment methodologies in order to comply with their obligations to progressively realise human rights – specifically the right to health. The presentation sets forth seven general principles for carrying out human rights based impact assessment and six steps for integrating the right to health into impact assessment.

#### **1. Seven General Principles for Rights-Based Impact Assessments**

- (1) Explicit Human Rights Framework
- (2) Progressive Realization
- (3) Equality and Non-Discrimination
- (4) Participation
- (5) Information
- (6) Accountability
- (7) Inter-dependence of Rights

#### **2. Six Steps for Integrating the Right to Health into Impact Assessments**

- Step 1: Preliminary Check
- Step 2: Assessment Plan
- Step 3: Information Collection
- Step 4: Rights Analysis
- Step 5: Debate Options
- Step 6: Decision and Evaluation

### Discussion

Some important points that were raised:

- Into which existing impact assessment tool for governments could health rights assessment be integrated? Several alternatives were suggested, namely: social or environmental impact assessments or the Poverty and Social Impact Analysis of the World Bank
- Do governments have adequate capacity to perform HRIA? Who would monitor governments? And who decides who can participate in this process?

### Presentations

- [Maria de Bruyn \(Ipas\) on development of the monitoring tool: fulfilling reproductive rights for women living with HIV/AIDS](#)
- [Luisa Orza \(International Community of Women Living with HIV/AIDS, ICW\) on testing the Ipas Monitoring Tool](#)

In 2005 and 2006 the International Community of Women living with HIV and AIDS (ICW) collaborated with Ipas in trialling a monitoring tool developed by Ipas (with input from ICW, CHANGE and the Pacific Institute for Women's Health). The tool is entitled:

['Fulfilling reproductive rights for women living with HIV'](#). The tool aims to measure the impact of Millennium Development Goals (MDGs) 3, 5 and 6, relating to women's

Some **challenges** in testing were:

- **Lack of research experience** of the users;
- **Language** problems, and;
- **Length** of the survey.

empowerment, reduction of maternal mortality and morbidity, and reversing the spread of HIV respectively, with relation to the reproductive health rights of HIV positive women. The tool provides 10 benchmarks with accompanying questions and builds strongly on the participation of women with HIV/AIDS. ICW is the only global network of women living with HIV, and as such they are well placed to provide a platform for the voices of HIV positive women. The trial of this tool provided an opportunity for bringing positive women's experiences and concerns to the international stage, and at the same time raising awareness of their rights among the women that took

part in the trial. ICW was able to test the tool in four countries: Swaziland and Lesotho in January 2005, and Botswana and Namibia in January - February 2006. In each case the trial of the tool was combined with other projects exploring related themes, and developing advocacy agendas in these countries. This presentation explored some of the challenges involved in qualitative data gathering carried out in a small space of time and with limited resources, and also some of the benefits to ICW and the participants in the trial that have been gained by taking part in this project.

- [Saskia Bakker \(HOM\) on the development and testing of the Health Rights of Women Assessment Instrument \(HeRWAI\)](#)
- [Nazmoon Nahar \(Naripokkho\) on "Working with HeRWAI: Interrogating the Maternal Health Conditions in Bangladesh"](#)

[The Health Rights of Women Assessment Instrument \(HeRWAI\)](#) is developed to assist NGOs in assessing the impact of policies on women's health rights. It consists of practical guidelines including suggested questions, checklists and sources of information, for an analysis in 6 steps. This results in rights based recommendations to improve the policy and an action plan to lobby for implementation of the recommendations. Naripokkho was a partner in the development of HeRWAI and tested HeRWAI. In doing so Naripokkho investigated

["Government Policies on Eclampsia in Bangladesh and the Impact on the Rights to Health"](#). In her presentation Nazmoon Nahar stated that working with HeRWAI proved particularly helpful in the context Naripokkho was working in as:

HeRWAI consists of:

- **introductory** chapters
- A **quick scan** to check if HeRWAI is a useful tool in a particular situation
- Guidelines for analysis in **6 steps**
- Annexes including a **glossary**, a **work plan** and a **discussion guide** for a fast analysis

*"HeRWAI appeared to be an important and useful tool for highlighting the links between women's rights violations and their poor health and for the identification of gaps at different levels - policy, programme, implementation and outcome/impact."*

## Discussion

Some issues that were raised:

- The possibility to use the Poverty Reduction Strategy Paper process as a leverage to get a greater rights oriented approach across sectors.
- It is important to consider the level of the target audience for an instrument, taking into consideration that centralised or decentralised health implementation may have very different requirements.

- The tensions between the need for efficiency in development of instruments versus the request/need for specific instruments for NGOs and for governments.
- The need for meaningful participation at all levels.
- Indicators:
  - Balance between quantitative and qualitative and what level of specificity? These need to be considered in the light of keeping indicators manageable.
  - What is the basis of their legitimacy? Should it be the International Covenant on Economic, Social and Cultural Rights (ICESCR) or broader than that? The problem is that the ICESCR is outdated and does not cover all current health issues.
- Practical suggestions for user-friendliness:
  - Have a user-guide for each instrument;
  - Have 'additional resource' links (e.g. glossary, indicators);
  - Use user-friendly language;
  - Publish the instrument in different formats:
    - Printed version;
    - PDF;
    - CD-Rom with links and pop-up boxes;
    - Simple electronic version that is possible to use without an internet connection (e.g. Word document that is simple to fill in).
  - Whether new instruments should be developed or Human Rights Impact Assessment should be integrated into existing instruments remained a question for discussion. One of the issues that was raised was whether human rights would be sacrificed in the mainstreaming process. This would compromise the effectiveness of an instrument from a human rights point of view.

*“Should instruments be specific to NGO or government or are some aspects common to both”*

*“At the national level we should involve think tanks and build a research agenda to integrate HRIA in policy areas/ sectors.”*

## Workshop Right to Health and HRIA - Day 2

Date: Friday 24 November 2006

Chair: Renée Römken (University of Tilburg, Board member of HOM)

Rapporteurs: Saskia Bakker (HOM) and Jessie Hexspoor (HOM)

### Opening remarks

Saskia Bakker gave a short overview of instruments that were presented on Day 1 as well as a summary of main issues that arose from the discussion.

### Presentations

- [Adriana Martin Hilber \(Institute of Social and Preventive Medicine, University of Bern\) on WHO tool: 'Using human rights for maternal and newborn health: a tool for strengthening laws, policies and standards of care'](#)

WHO decided to choose Maternal and Neonatal health as the focus to develop a human rights tool, because it is a non-controversial topic that has since long been recognized as a human right. The same approach can be used for other rights. The tool does not take a violation approach, because it is developed for governments to do a self-assessment. The tool consists of a participatory process in three phases:

- I: involving government and stakeholders;
- II: adaptation of the instrument and data gathering;
- III: analysis and prioritisation

It also includes an instrument. The instrument uses over 150 indicators and looks at both the international and the national system. It has a large user guide. However during the test phase most people did not use the guide.

The tool was field tested in Mozambique, Brazil and Indonesia in a process that took 2-4 weeks and is completed with a discussion of experience in the week following the HRIA conference.

Some **challenges** were identified from preliminary findings of the test phase:

- Getting governments '**on board**' will continue to be a challenge in the future. Governments are **scared** and continuously **change**;
- Clarifying the **link** between **health** and **human rights** for all stakeholders is difficult;
- Stakeholder involvement does not always lead to **meaningful participation**;
- In most countries, **adequate and reliable data** are not available;
- The **huge size** of a country like Brazil made the process far more **complex** and the outcomes less satisfactory than for a country such as Mozambique.

- [Phindile Andile Nhleko \(International Community of Women Living with HIV/AIDS, ICW\) on the ICW tool: 'Positive Women Monitoring Change'](#)

The tool: '[Positive Women Monitoring Change](#)', was developed by ICW and Action Aid. It advocates sexual and reproductive rights and access to services for HIV/AIDS positive women and it looks into issues related to violence against these women. The instrument proposes questions related to:

- Knowledge of HIV/AIDS positive women;
- Attitudes of service providers, and;
- Accountability of the government.

The tool was developed to find out about barriers and policies, and to do advocacy and lobby for better policies. It is different from many other tools because of the central role in development and use of the tool of the group affected: women living with HIV/AIDS. ICW recently concluded a widespread training of HIV/AIDS positive women in the use of the

tool and in advocacy skills. The trainees have not yet started to use the tool. Many women want to use it, but are looking for funding.

**Challenges** arising from the training include:

- Lack of **knowledge** of women (e.g. about PAP smears and medically assisted pregnancy);
- **Misuse** of HIV/AIDS positive women, e.g. by asking them to present about their experiences in public, but not really listening to their concerns, and;
- **Abuse** of confidentiality by doctors;
- Many women found the tool **difficult to read and understand**. Translation into local languages and explanation of medical terms will help.

**Discussion**

Here follows an overview of some the main points addressed in discussions following the presentations. In addition some of the points raised during the World Café<sup>9</sup> exercise have been highlighted.

- *Participation*

- Participation requires empowerment and capacity building of community organisations as well as sensitivity to the fact that it is often difficult for people to talk about issues such as HIV/AIDS.
- It is important to reach a common understanding about the meaning of rights at the community level. Giving concrete examples makes this easier.
- Data gathering and awareness-raising (at all levels) go hand in hand: the fact that questions are being asked highlights the importance of the issue.

*“Level and complexity of indicators depends on the purpose of data gathering exercise. For example: formulating government policy on maternal health vs. highlighting how civil servant’s wages correlate with level of corruption. The first requires more complex set of indicators”*

- *Integration of health rights into existing instruments*

Integration into existing instruments should be possible and is desirable, provided sufficient human rights ‘identity’ is kept. This can be done by guaranteeing that minimum human rights requirements are not lost in the integration process. These minimum requirements can be found in the overlap between the desired human rights outcome and the health outcome.

*“Need to convince users of added value of human rights perspective. It can help set priorities and analyse the many different dimensions of a problem.”*

- *Flexibility of the instruments*

Though the objective (health rights impact assessment, improvement of health rights) may be the same, a different approach, different strategies and indicators are needed for governments, NGOs and community based organizations. Indicators for the delivery of rights are not the same as those

<sup>9</sup> Creative brainstorm in different groups. Each presenter hosts a table. On the table is a tablecloth. On each tablecloth there is a particular issue. Participants can write ideas/suggestions/dilemmas regarding the issue on the tablecloth. Workshop participants circulate in small groups between tables, staying at every table for 15 minutes each. During the last round, the groups will mark three most remarkable remarks, or remarks that need further discussion, with colours or stickers (these are also reflected in this report). The table hosts will present the issues back to the workshop.

to claim rights. Also, the level and complexity of indicators depends on the specific end purpose.

Each of the discussed tools struggles with finding a good balance between the development of a good comprehensive tool which tends to be too time consuming, or a limited, feasible tool which may not achieve the desired human rights impact.

## Plenary session Friday 24 November

Time: 14:00 – 16:00

Chair: Frans Huijnen

Rapporteur: Jan de Vries (HOM)

During the plenary session on Friday afternoon some of the main issues discerned from the various workshops were discussed. There was also room for ideas about ways ahead on human rights impact assessment.

### **PART I**      **Discussion of cross-cutting issues**

Discussions between organisers of the conference, chairs and rapporteurs of the workshops resulted in the identification of a large number of issues. Many of these could be placed under three general headings. Each of the main issues was introduced briefly by one of the participants, after which others were invited to comment.

#### **Main cross-cutting issues**

1. **Flexibility** of IA instruments, tailoring to specific users, contexts and capabilities.
2. **Strategic use** of IA instruments: an integrated approach or a focus on human rights?
3. **Participation** of stakeholders in the process of defining questions and measuring impact.

#### **1) Flexibility of instruments**

The **following issues** are included within this general heading:

- Level of required **capabilities**
- Need for **education** on human rights concepts
- Making the instrument **acceptable**
- Balance between **costs** and **benefits**
- What is the **added value**?
- Use by **governments** or **business** versus use by **civil society** and **NGOs**

*This issue was introduced by Helen Baños Smith (Save the Children)*

During the workshop on 'Human Rights Impact Assessment and Human Rights Based Approach' Helen Baños Smith presented the human rights impact assessment developed by Save the Children. During the plenary she briefly set out an important aspect of this instrument, namely that it is very flexible. In fact it should be considered more a framework, as it includes some general principles. It can be used in different contexts. In general it is considered a useful tool to share and compare experiences.

#### *Discussion*

A number of comments were made on two issues: 'making the instrument acceptable' and 'the balance between costs and benefits'. These issues are very much interlinked as acceptability of the instruments depends in large part on the balance between costs and benefits, in particular for use by governments and business.

In order to make HRIA instruments acceptable for business, it is important to clarify terminology. At this moment the terminology is very confusing for business. Business has been performing impact assessments in the extractive industry for many years now. However these are completely different from the impact assessments they are asked to do now.

There was some hesitation as to the added value of the development of new instruments without showing results or knowing about results of existing instruments. The main reason for the lack of results is that HRIA is still a relatively new area of work. There has been an increase in the number of instruments that have been, or are being, developed. In order to assess the potential of these instruments, tests are being conducted. It will take at least another two to three years before any results from the use of the instruments can be shown.

*“We have to find a way to boil the tools and instruments down to something **feasible and easy to use**, especially if we want to **sell it to governments and business**”*

Though results are not clear yet, many expressed a clear interest in developing more instruments for specific contexts and thematic areas.

An example is the use of the Health Rights of Women Assessment Instrument (HeRWAI) developed by HOM. A number of organisations are developing impact assessment instruments using HeRWAI, but tailoring it to their specific needs and context. Instead of waiting for 2-3 years for the results of one instrument, development of new instruments needs to continue. However there needs to be a platform to gather and communicate good practices, such as the Human Rights Impact Resource Centre.

The costs vs. the benefits for the user need to be kept in mind. In particular there is an inevitable tendency to be precise, complete and almost academic in developing (and using) particular instruments and tools. This can be disadvantageous for the actual use and effectiveness of the tool. One of the questions was how to move from the being-too-precise-level toward strategies and advocacy.

*“Bottom line is: **would you recommend this product to a friend?**”*

Within that context the length of lists of indicators is an important issue to deal with. Long lists of indicators and elaborate checklists make the process of impact assessment unattractive and costly. At the same time the use of lists of indicators and checklists is intrinsically linked to the whole process of impact assessment and keeps it manageable. In sum there needs to be a way to develop key indicators that are strategic and make a difference to all stakeholders.

Cost-effectiveness remains an important issue for NGOs, governments and business alike. Making an instrument that does not include too many indicators, but is manageable, as well as developing a methodology that is clear and simple in its use, will enhance its credibility and attractiveness for intended users.

## 2) Strategic use

The **following issues** are included within this general heading:

- HRIA as **part of** wider impact assessment
- **Mainstreaming** HRIA
- **Sharing** methods and experiences
- Does the package **sell** the ‘human rights product’
- **Watering down** human rights aspects
- What about the baseline: what is the **minimum** for a rights approach?

*This issue was introduced by Gillian MacNaughton*

During the workshop ‘Right to Health and Human Rights Impact Assessment’ Gillian MacNaughton presented a study written by herself and Paul Hunt, UN special rapporteur on the Right to Health. The study presents seven general principles for performing a human rights impact assessment and proposes a methodology in six steps for integrating the right to health into existing impact assessments. Gillian MacNaughton and Paul Hunt recommend the incorporation of human rights impact assessment into existing impact assessments for two reasons:

- This would make it more likely for governments to adopt the ideas, than when an extra tool needs to be introduced;
- This strategy is conform the idea that human rights are to be mainstreamed in all government actions.

*“A **risk** of main-streaming HRIA in existing impact assessments is that it is in fact **forgotten**”*

To get a good idea of whether it is best to make a separate instrument or integrate HRIA in existing impact assessments a lot of interdisciplinary work still needs to be done. In addition both options should be tested, to see what works better.

*Discussion of some of the issues under the heading: ‘Strategic use’*

In order to make HRIA more appealing and acceptable to governments and business, the human rights community needs to emphasise the positive use of the human rights framework. For example, projects around issues such as the provision of water, food and education are not formulated as human rights projects. If that was the case it would be easier to show tangible results and make the provision of rights more positive for all stakeholders. It shows that rights can be realised.

*“You will need to **mainstream HRIA** in existing instruments to **sell** the idea of HRIA.”*

#### HRIA as part of wider impact assessment

Various workshops discussed the question whether HRIA should be integrated within existing instruments or whether in fact separate HRIA instruments need to be developed. Arguments of feasibility were discussed within this context. Those in favour of integrating HRIA within existing impact assessments argued this would make ‘selling’ the product easier and heighten its acceptability.

A central question was how and if this should and could be done. There was no direct answer to this. It was suggested that perhaps something could be learned from the Dutch Ministry of Foreign Affairs, and the way it has integrated human rights within its Good Governance Handbook.

#### Sharing methods and experiences

It was mentioned that in environmental impact assessment, something similar to the 8 step HRIA Approach (of HOM) is used. These 8 steps are preceded by a scoping phase, to identify stakeholders. The strategy to make environmental impact assessment accepted and used by the Dutch government, is to try to strengthen the capacities of the Ministry of Environment in such a way that they can effectively use their position towards other ministries (such as Finance). Ideally, the Ministry of Environment should raise awareness within other Ministries, to enhance effective mainstreaming of environmental issues. The current problem is that the Ministry of Environment is pulling all work on environmental issues towards itself and protecting this.

*“Even if the process in itself does not have clear and concrete results, there is still **benefit** from **awareness raising** and **empowerment**”.*

Sharing results of the application of HRIA instruments was deemed extremely important. This point was raised several times in relation to different issues. One participant pointed out that the focus should not be purely on outcome as a result of applying HRIA. Even if the process

itself does not have clear and concrete results, there is still benefit from awareness raising and empowerment. This point is also linked to the potential benefits of participation.

**3) Participation**

- The following issues are included within this general heading:
- **Support** for process and outcomes
  - Finding **the right stakeholders**
  - Freedom to **express** needs/concerns?
  - **Independent** assessment
  - Agreement on **relevance of data**
  - Building a **coalition**

*The issue was introduced by Luisa Orza (International Community of Women Living with HIV/AIDS)*

During the workshop ‘Right to Health and Human Rights Impact Assessment’ ICW presented their monitoring tool: ‘Positive Women Monitoring Change’. This tool was developed **by** women with HIV/AIDS **for** women with HIV/AIDS. Thus participation was a major issue in the development process of the tool.

Usually those who have control over the project decide on how participation will be filled in. They decide who to invite and they set the agenda. As a consequence it is unclear whether those issues that are important to stakeholders of the project are in fact addressed. There is a risk that the issues addressed and discussions held are those the donor perceives as being important. Participation should adapt itself to the particular needs and issues of the stakeholders.

*Discussion of some of the issues under the heading: ‘Participation’*

Process of finding the ‘right’ stakeholders

This problem was taken up by those who participated in the Human Rights and Business workshop. The way business traditionally works, is to approach potential stakeholders for consultation. From those consultations they identify issues to work on. If business is to integrate human rights impact assessment into their work, they will have to work the other way around. This means they will have to identify problems and then identify the stakeholders affected by the problems. It remains a challenge for business to identify the right stakeholders.

*“Business does not identify problems and then looks for stakeholders. **They go to stakeholders and from those consultations they identify issues**”*

***“Projects belong to the people on the ground. We must only facilitate the process. We must be careful at conducting the process.”***

Support for process and outcomes

Projects belong to the people on the ground. Others (donors) should only *facilitate* the process and be careful not to *conduct* the process. It was mentioned several times that the *process* of participation is more important than the *result* of the assessment. Part of the challenge is to find the right stakeholders and to be able to access those stakeholders. Finding the right number of stakeholders is another part. The

process of participation must remain manageable. The number of stakeholders brought into the process by donors and others should therefore be limited.

Agreement on relevance of data

Challenges that remain in relation to the issue of data collection:

- How will data be collected? The Human Rights and Business workshop provided an example where difficulties in the retrieval of reliable information from workers was mentioned;
- How will the data be interpreted? And who will interpret it? Different stakeholders will have different interpretations of the data.

### **Wrap up**

A lot of work is being done in the practical application of Human Rights Impact Assessment. Many instruments and tools are being developed and tested in different fields. There is a lot of common ground to work on, this supports the community of people and organisations working on the issue of HRIA to formulate and address common challenges together. Some of these challenges have been formulated at the conference. The main challenges are:

- Instruments need to be as simple and easy to use as possible. It helps to 'sell' the concept to potential users: NGOs, governments and business. Also it keeps the process manageable;
- Experiences in the development process and testing results should be shared as widely as possible;
- Integration with existing impact assessment methodologies in other policy areas (such as Health Impact Assessment, Social Impact Assessment or Environmental Impact Assessment) should be investigated and tested;
- Participation of stakeholders is extremely important as the process of participation will add to empowerment and awareness raising. Important questions remain as to the timing of participation in the assessment process; who should participate; how to decide who participates; and how participation should be organised.

#### **Some main challenges:**

- Instruments need to be **simple** and **easy** to use;
- **Share experiences** of development and tests;
- **Investigate** and **test integration** into existing IA;
- Further **develop** the concept of **participation** in the context of HRIA.

## **PART II Follow-up to the conference**

There were some *suggestions regarding follow-up* to the conference:

- It is important to have more practical evidence on how methodologies work. There must be follow-up discussions that include the question whether instruments worked. Practical evidence should be made available;
- This also includes testing various types of inclusion of HRIA in existing impact assessments to see whether this has added value;
- We should engage in peer-reviewing each other's methodologies.
- There should be more thinking on the meaning, levels and process of participation in the context of HRIA;
- We must acknowledge that measuring impact on civil and political rights on the one hand and measuring impact on economic, social and cultural rights on the other hand may result in different approaches and assessment techniques;
- The use of each other's instruments must be better promoted and financed.

Some points regarding the *potential use of the Human Rights Impact Resource Centre* were brought up:

- We should use the Resource Centre as a platform for exchange of experiences in the use of HRIA instruments;
- We should get business involved in the Resource Centre. There should be some sort of collaboration between the HRIRC and the Business and Human Rights Resource

Centre ([www.humanrightsandbusiness.org](http://www.humanrightsandbusiness.org)). Providing tailor-made information for business should also be considered.

John Lannon outlined some of the *potential of the Resource Centre* and *possibilities for others to engage*.

- The Resource Centre now has a separate section on case studies and attempts to link those case studies to the 8 steps of the HOM HRIA Approach. Within the section on case studies HOM provides information on the particular relevance of the case study, the tool(s) or instrument(s) used and the implementer of the case study;
- In 2007 HOM will develop a secure place on the HRIRC where groups can be formed to discuss particular tools or instruments, or experiences with HRIA, or any other relevant issues. These 'so-called' collaborative workspaces will enhance exchange of information and collaboration on HRIA-related issues, Anyone interested in forming such groups can inform the Resource Centre-team at HOM;
- HOM is also looking into ways of making tailor-made information directly available for particular actors (such as business), or on particular themes (such as Right to Health or Human Rights of Women).

Some **future plans** for the Resource Centre:

- **Multiple content editors** on different themes and/or geographical areas;
- Development of **secure places for discussion groups** and **collaborative workspaces** (including possibility of online workshops);
- Provide **tailor-made information** on specific themes or for specific groups.
- Avoid duplication of materials by **linking up with other resource centres**

Stakeholders can engage in the HRIRC in various ways. They can influence the general direction, particular features and content of the Resource Centre. In summary the following ways were identified ([click here for a detailed description of these points](#)):

- **Send content** and content suggestions to HOM;
- Participate in **content editing groups**;
- Become a member of the **advisory group**;
- Participate in **needs assessments**, give feedback and answer annual survey;
- In the future, participate in **discussion groups, online workshops and training**.

### **Evaluation of the conference**

Before the conference was closed by Chair Frans Huijnen evaluation forms were handed out and some time was allocated for final remarks by participants. In providing feedback through the forms and during the conference participants sent a clear message, namely that the conference:

- Is worthwhile to follow up in 2007. Some suggestions were also made to improve the conference for 2007:
  - More information on conceptual issues underlying HRIA;
  - The programme should be less demanding as to allow more time for discussion;
  - Even more practical examples of how specific tools are developed and how these work in practice.
- Provided a useful platform for exchange of ideas, lessons learned and information on HRIA;

- Gave the opportunity to make many new contacts with organisations and people active in HRIA in different fields and on different levels;
- Allowed for good exposure of different kind of projects and initiatives of the participants in the field of HRIA;
- Provided a great opportunity to get acquainted with a variety of instruments and to share lessons about the use of those instruments.

## Annex 1: Agenda of the Conference

### Agenda

#### Day One - Thursday 23 November 2006

- 09.00 – 10.00      Arrival and Registration
- 10.00 – 10.45      **Plenary Session**
- Welcome by the *Conference Chair, Frans Huijnen*, Board Member HOM
  - Introduction to the conference by *Marike Radstaake* – Programme Manager Human Rights Impact Assessment, HOM
  - Introduction of participants: speed dating
- 10.45 – 11:00      Coffee Break
- 11:00 – 12:00      **Plenary Session**
- Presentation of HOM's Human Rights Impact Resource Centre (HRIRC) by *John Lannon* (University of Limerick), one of the developers of the Resource Centre and *Jan de Vries*, Staff Member Human Rights Impact Assessment Programme, HOM.
- Focus on the development process of the Resource Centre, the way it works, results so far, possibilities for users and future plans. After the presentation there will opportunity for feedback and suggestions.
- 12.00 – 13.30      Lunch
- 13.30 – 17.30      **Parallel Workshops**
- The workshops on day one and two can be followed independently. This allows you to attend workshops on two different themes. A detailed description of the workshops is included in the Outlines of the Workshops.
- HRIA and Health Rights  
*Chair Renée Römkens* – Board Member HOM
  - Business and Human Rights  
*Chair Sune Skadegård Thorsen* – Lawhouse DK
  - HRIA and Human Rights Based Approach  
*Chair Ria Brouwers* – Board Member HOM
  - Approaches towards measuring human rights and strategy development  
*Chair Piet van Reenen* - Netherlands Institute of Human Rights
- 18.00 – 19.00      **Your Space - A Marketplace for HRIA**
- Do you have a particular initiative, case study, idea for an instrument or else? In *Your Space* you can present and discuss them in an informal setting. You are welcome to bring materials on a specific issue or project, such as brochures, hand-outs or a poster presentation.

19.30 Dinner

## ***Day Two - Friday 24 November 2006***

9.00 – 12.30

### **Parallel Workshops**

The workshops on day one and two can be followed independently. This allows you to attend workshops on two different themes. A detailed description of the workshops is included in the Outlines of the Workshops.

- HRIA and Health Rights  
*Chair Renée Römken* – Board Member HOM
- Business and Human Rights  
*Chair Sune Skadegård Thorsen* – Lawhouse DK
- HRIA and Human Rights Based Approach  
*Chair Margaret Wachenfield* – UNICEF
- Open workshop  
Possibility to discuss a subject relevant to HRIA, which is not sufficiently addressed in the other workshops. HOM can provide facilities, including a meeting room.

12.30 – 14.00

Lunch

14.00 – 16.00

### **Plenary Session** *Chair Frans Huijnen*

- Feedback from Workshops
- Discussion of results and recommendations
- Suggestions for follow up, including the opportunities provided by the Human Rights Impact Resource Centre
- Closure by *Martha Meijer* – Director of HOM

16.00 – 17.00

Informal Gathering and Drinks

## Annex 2: List of participants

Helen Banos Smith  
Save the Children  
1, St. John's Lane 0  
EC1M 4AR LONDON  
United Kingdom  
E-mail: h.banossmith@savethechildren.org.uk

Sylvia Bluck  
Department for International Development  
1, Palace Street  
SW1E 5HE LONDON  
United Kingdom  
E-mail: s-bluck@dfid.gov.uk

Caroline Brodeur  
Rights and Democracy  
1001 boul. Maisonneuve E., bureau 1100  
H2L 4P9 MONTREAL Qc  
Canada  
E-mail: cbrodeur@dd-rd.ca

Johan Brons  
Netherlands Commission for Environmental  
Assessment  
P.O. Box 2345  
3500 GH UTRECHT  
Netherlands  
E-mail: jbrons@eia.nl

Marjolein Brouwer  
Oxfam Novib  
P.O.Box 30919  
2500 GX THE HAGUE  
Netherlands  
E-mail: marjolein.brouwer@oxfamnovib.nl

Ria Brouwers  
P.O. Box 29776  
2502 LT THE HAGUE  
Netherlands  
E-mail: brouwers@iss.nl

Marie Busck  
Danish Institute for Human Rights  
Wilders Plads 8H  
1401 COPENHAGEN  
Denmark  
E-mail: mab@humanrights.dk

Karin Dawidson  
Swedish Agency for Development Evaluation  
P.O. Box 1902  
SE-651 19 KARLSTAD  
Sweden  
E-mail: karin.dawidson@sadev.se

Gauthier De Beco  
Catholic University of Louvain  
CPDR – Faculté de Droit, Collège Thomas  
More, Place Montesquieu 2  
1348 LOUVAIN-LA-NEUVE  
Belgium  
E-mail: gauthier.debeco@cpdr.ucl.ac.be

Maria De Bruyn  
Ipas  
P.O. Box 5027  
NC 27514 CHAPEL HILL  
United States of America  
E-mail: debruynm@ipas.org

Lies De Fretes  
IKV / Pax Christi  
Godebaldkwartier 74  
3511 DZ UTRECHT  
Netherlands  
E-mail: ldefretes@ikv.nl

Kathryn Dovey  
Business Leaders Initiative on Human Rights  
Twenty Fifty LTD  
5, Torrens St  
EC1V 1NQ LONDON  
United Kingdom  
E-mail: kathryn.dovey@twentyfifty.co.uk

Zaira Drammis  
Amnesty International  
1, Easton Street  
WC1X 0DJ LONDON  
United Kingdom  
E-mail: zdrammis@amnesty.org

Caroline Ersmarker  
International Business Leaders Forum  
15-16, Cornwall Terrace, Regents Park  
NW1 4PU LONDON  
United Kingdom  
E-mail: caroline.ersmarker@iblf.org

Nicolas Fasel  
Office of the High Commissioner for Human  
Rights  
UNOG-OHCHR  
CH-1211 GENEVA 10  
Switzerland  
E-mail: nfasel@ohchr.org

Emilie Filmer-Wilson  
UNDP  
Borgatta 2B  
N-0650 OSLO  
Norway  
E-mail: emilie.filmer-wilson@undp.org

Diane Frey  
London School of Economics and Political  
Science  
9, Rewley Road  
OX1 2RA OXFORD  
United Kingdom  
E-mail: D.F.Frey@lse.ac.uk

Asako Hattori  
World Health Organization  
20, Avenue Appia  
CH-1211 GENEVA  
Switzerland  
E-mail: hattoria@who.int

Peter Hellmers  
Office of the High Commissioner for Human  
Rights  
Palais Wilson  
52, rue des Pâquis  
1201 GENEVA  
Switzerland  
E-mail: phellmers@ohchr.org

Frans Huijnen  
Ministry of Health Welfare and Sport  
P.O. Box 20350  
2500 EJ THE HAGUE  
Netherlands  
Fc.huijnen@minvws.nl

Henri Jorritsma  
Ministry of Foreign Affairs  
P.O. Box 20061  
2500 EB THE HAGUE  
Netherlands  
E-mail: hej.jorritsma@minbuza.nl

Susan Kemp  
Solidaridad / Impunity Watch  
Goedestraat 2  
3572 RT UTRECHT  
Netherlands  
E-mail: susan.kemp@solidaridad.nl

Margriet Kuster  
Ministry of Foreign Affairs  
P.O.Box 20061  
2500 EB 'S-GRAVENHAGE  
Netherlands  
E-mail: margriet.kuster@minbuza.nl

Helena Lagerlof  
European Commission / EuropeAid  
EC, AIDCO 04, EIDHR  
200, Rue de la Loi L-41 02/07  
1049 BRUSSELS  
Belgium  
E-mail: helena.lagerlof@cec.eu.int

John Lannon  
University of Limerick  
Kemmy Business School  
Schuman Building Room S1-20  
LIMERICK  
Ireland  
E-mail: john.lannon@ul.ie

Sofia Lascurain Sánchez de Tagle  
Universidad Iberoamericana  
Santísimo 27 Col. San Angel  
CP 01000 MEXICO DF  
Mexico  
E-mail: sofitas@yahoo.com

Deborah Leipziger  
Foundation Social Accountability International  
Van Boetzelaerlaan 73  
2581 AD THE HAGUE  
Netherlands  
E-mail: thehague@wanadoo.nl

Gillian MacNaughton  
University of Oxford  
St. Antony's College  
62 Woodstock Road  
OX2 6JF OXFORD  
United Kingdom  
E-mail: g.macnaughton@kellogg.oxon.org

Adriane Martin Hilber  
Institute of Social and Preventive Medicine  
Finkenhubelweg 11  
CH-3012 BERN  
Switzerland  
E-mail: amartinhilber@ispm.unibe.ch

Kristin Maskow  
German Institut for Human Rights  
Zimmerstrasse 26/27  
10969 BERLIN  
Germany  
E-mail: maskow@institut-fuer-  
mensenrechte.de

Jeffrey Mecaskey  
Save the Children  
1 St. Johns Lane  
EC1M 4AR LONDON  
United Kingdom  
E-mail: mecaskey@gmail.com

Nazmoon Nahar  
Naripokkho  
Road no.13-A, House no.46, Dhamondi R/A  
1209 DHAKA  
Bangladesh  
E-mail: convenor@pradeshta.net

Phindile Andile Nhleko  
International Community of Women Living with  
HIV/AIDS Swaziland  
P.O. Box 2107  
MBABANE  
Swaziland  
E-mail: andziep@yahoo.com

Bert Noordergraaf  
ICCO  
P.O. Box 8190  
3503 RD UTRECHT  
Netherlands  
E-mail: bert.noordergraaf@icco.nl

Luisa Orza  
International Community of Women Living with  
HIV/AIDS  
Unit 6 Canonbury Yard  
190 A new North Road  
N17BJ LONDON  
United Kingdom  
E-mail: luisa@icw.org

Chris Maina Peter  
HAKIELIMU  
P.O. Box 35093  
DAR ES SALAAM  
Tanzania  
E-mail: peter1404@gmail.com

Marlou Pijnappel - Clark  
ICCO  
P.O. Box 8190  
3503 RD UTRECHT  
Netherlands  
E-mail: marlou.pijnappel@icco.nl

Linde Rachel  
Independent consultant  
P.O. Box 25372  
Providence  
02905 RHODE ISLAND  
United States of America  
E-mail: lrachel@aol.com

Claire Reichenbach  
Amnesty International  
1, Easton Street  
WC1X 0DJ LONDON  
United Kingdom  
E-mail: creichen@amnesty.org

Renée Römken  
University of Tilburg  
Faculty of Law / INTERVICT, Room M 925  
P.O. Box 90153  
5000 LE TILBURG  
Netherlands  
r.romkens@uvt.nl

Ignacio Saiz  
Centre for Economic and Social Rights  
Marques de Cubas 6  
28014 MADRID  
Spain  
E-mail: isaiz@cesr.org

Hans-Otto Sano  
Danish Institute for Human Rights  
Strandgade 56  
1401 COPENHAGEN  
Denmark  
E-mail: hos@humanrights.dk

Liesbeth Sijssling  
Dutch Coordination European Women's Lobby  
Rijnstraat 212-1  
1079 HT AMSTERDAM  
Netherlands  
E-mail: lmsijssling@planet.nl

Marlies Stappers  
Solidaridad / Impunity Watch  
Goedestraat 2  
3572 RT UTRECHT  
Netherlands  
E-mail: marlies.stappers@solidaridad.nl

Dirk Steen  
Amnesty International  
P.O. Box 1968  
1000 BZ AMSTERDAM  
Netherlands  
E-mail: d.steen@amnesty.nl

Raul Suarez de Miguel  
OECD - DCD Metagora  
2, Rue André Pascal  
75775 PARIS  
France  
E-mail: Raul.SUAREZ@oecd.org

Ana Maria Suarez Franco  
FIAN International  
Willy Brandt Platz 5  
D-69115 HEIDELBERG  
Germany  
E-mail: suarez-franco@fian.org

Helen Sullivan  
Shell International BV  
P.O. Box 162  
2501 AN THE HAGUE  
Netherlands  
E-mail: h.sullivan@shell.com

Roos Terhorst  
International Federation for Health & Human  
Rights Organisations  
SIM p/a Janskerkhof 3  
3512 BK UTRECHT  
Netherlands  
E-mail: r.terhorst@law.uu.nl

Sune Skadegard Thorsen  
Lawhouse.dk  
Sortmosen 6  
DK-3520 FARUM  
Denmark  
E-mail: sst@lawhouse.dk

Janine Tijhoff  
Peace Brigades International  
Nieuwe Herengracht 29  
1011 RL AMSTERDAM  
Netherlands  
E-mail: janine.Tijhoff@gmail.com

Eelco Tinga  
Context International cooperation  
Amersfoortsestraat 18  
3769 AR SOESTERBERG  
Netherlands  
E-mail: et@developmenttraining.org

Artien Utrecht  
HIVOS  
Raamweg 16  
2596 HL THE HAGUE  
Netherlands  
E-mail: a.utrecht@hivos.nl

Ana Uzelac  
Solidaridad / Impunity Watch  
Goedstraat 2  
3572 RT UTRECHT  
Netherlands  
Ana.uzelac@solidaridad.nl

Karin Van den Belt  
Netherlands Insitute for Southern Africa  
P.O. Box 10707  
1001 ES AMSTERDAM  
Netherlands  
E-mail: karin.van.den.belt@niza.nl

Ada Van der Linde  
Health Net TPO  
Tolstraat 127  
1074 VJ AMSTERDAM  
Netherlands  
E-mail: avdlinde@healthnettpo.org

Teyo Van der Schoot  
HIVOS  
Raamweg 16  
2596 HL THE HAGUE  
Netherlands  
E-mail: teyo@hivos.nl

Pieter Van Reenen  
University of Utrecht  
Janskerkhof 3  
3512 BK UTRECHT  
Netherlands  
E-mail: vanreen@attglobal.net

Klaartje Vest  
TNT N.V.  
Neptunusstraat 41-63  
2132 JA HOOFDORP  
Netherlands  
E-mail: klaartjevest@tnt.com

Margaret Wachenfeld  
UNICEF  
14, rue Montoyer  
B-1000 BRUSSELS  
Belgium  
E-mail: mwachenfeld@unicef.org

Ellen Weaver  
Freelancer  
11, de Burgh Terrace  
BT48 7LQ DERRY  
Northern-Ireland  
E-mail: ellenweaver@gn.apc.org

Marcel Zwamborn  
mZet - research and advice  
Prins Hendriklaan 80  
3584 ER UTRECHT  
Netherlands  
E-mail: solon@euronet.nl

## HOM Participants

Saskia Bakker	Programme Manager Women's Human Rights	s.bakker@hom.nl
Marieke van den Berg	Communications Officer	m.vandenberg@hom.nl
Marina d'Engelbronner	Programme Manager Business and Human Rights	m.dengelbronner@hom.nl
Dave Hardy	Programme Officer Linking Solidarity	d.hardy@hom.nl
Jessie Hexspoor	Programme Officer Women's Human Rights	j.hexspoor@hom.nl
Geerte Meertens	Volunteer Programme Human Rights Impact Assessment	N/A
Martha Meijer	Managing Director	m.meijer@hom.nl
Marloes van Noorloos	Intern Programme Human Rights Impact Assessment	m.vannoorloos@hom.nl
Hansje Plagman	Programme Officer Business and Human Rights	h.plagman@hom.nl
Ewoud Plate	Programme Officer Linking Solidarity	e.plate@hom.nl
Marike Radstaake	Programme Manager Human Rights Impact Assessment	m.redstaake@hom.nl
Hélène Ruys	Fundraising Officer	h.ruys@hom.nl
MarieCecile Schouwenaar	Intern Programme Business and Human Rights	N/A
Henriette Stulen	Secretariat	h.stulen@hom.nl
Jan de Vries	Programme Officer Human Rights Impact Assessment	j.devries@hom.nl
Marjolein Wijnand	Programme Officer Human Rights Impact Assessment	N/A