



THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

CROSS-
CUTTING:
STAKEHOLDER
ENGAGEMENT

HUMAN RIGHTS
IMPACT
ASSESSMENT
GUIDANCE AND
TOOLBOX

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Acknowledgments: The Road-testing and final versions of the HRIA Guidance and Toolbox were developed with input from a number of individuals and organisations who contributed their expertise, reflections and time on a voluntary basis, for which we are deeply thankful. We wish to extend our sincere thanks to: Désirée Abrahams, Day Associates; Manon Aubry, Sciences Po and Oxfam France; José Aylwin; Sibylle Baumgartner, Kuoni Travel Management Ltd.; Richard Boele; Caroline Brodeur; Jonathan Drimmer; Gabriela Factor, Community Insights Group; Alejandro González, Project on Organizing, Development, Education, and Research (PODER); Jasmin Gut and Heloise Heyer, PeaceNexus; International Alert; Human Rights Task Force members of IPIECA, the global oil and gas industry association for environmental and social issues; Madeleine Koalick, twentyfifty Ltd.; Felicity Ann Kolp; Serena Lillywhite, Oxfam Australia; Lloyd Lipsett, LKL International Consulting Inc.; Susan Mathews, OHCHR; Siobhan McNerney-Lankford; Geneviève Paul, FIDH; Grace Sanico Steffan, OHCHR; Haley St. Dennis; Sam Szoke-Burke, Columbia Center on Sustainable Investment; Irit Tamir, Oxfam America; Deniz Utlu, German Institute for Human Rights; Prof. Frank Vanclay, University of Groningen; Margaret Wachenfeld; Yann Wyss, Nestlé; Sarah Zoen, Oxfam America. The contribution of expert reviewers does not represent their endorsement of the content. We would also like to thank Flavia Fries for her contributions to the Guidance and Toolbox during her fellowship at DIHR.

Special thanks go out to the Danish International Development Agency (Danida) and the Swedish International Development Cooperation Agency (Sida) for their financial support to the development of the Guidance and Toolbox.

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STAKEHOLDER ENGAGEMENT

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In this document you will find the Guidance text on Stakeholder Engagement.

You can find the full version of the Human Rights Impact Assessment Guidance and Toolbox here: <https://www.humanrights.dk/hria-toolbox/>



What is Stakeholder Engagement?

Stakeholder engagement needs to be at the core of HRIA, and participation of rights-holders is crucial at all stages of the assessment process.

In the planning and scoping phase, the HRIA team will identify the stakeholders who should be engaged in the process. Some preliminary interviews with stakeholders may also take place. In the data collection and baseline development phase, interviews with rights-holders, duty-bearers and other relevant parties will be one of the main sources of primary data. Perspectives of rights-holders themselves will be used for assessing the severity of impacts in the analysing impacts phase. In the impact mitigation and management phase, stakeholders should be involved in designing and implementing actions that effectively prevent, mitigate and remediate adverse impacts, as well as in monitoring their implementation, potentially through participatory monitoring. Finally, stakeholders, especially rights-holders, should be informed about results in a meaningful and accessible way, and subsequently engaged in the evaluation process.

In short, ensuring the meaningful participation of those who are affected should be the prerequisite of a process seeking to assess human rights impacts. Participation in the HRIA should enable rights-holders to access information and better understand both the business project or activities and resulting impacts, but also to learn about their human rights and the respective responsibilities of duty-bearers to uphold these rights. If carefully done, participation can be a way to empower rights-holders. Lastly, the engagement of duty-bearers and other relevant parties in a HRIA is essential for ensuring a comprehensive assessment and fostering accountability.



Key Questions Addressed in This Section

- Why engage rights-holders and other stakeholders in HRIA?
- Who are the rights-holders, duty-bearers and other relevant parties that should be engaged in HRIA?
- How should rights-holders be engaged?

- **What types of considerations need to be made for the engagement of specific rights-holder groups? What is the role of capacity building in HRIA engagement and participation?**
- **At which points during a HRIA should stakeholders be engaged?**
- **What are some of the human rights-based principles and ethics that the assessment team should apply in stakeholder engagement?**

B.1 INTRODUCTION TO ENGAGING WITH STAKEHOLDERS IN HRIA AND PARTICIPATION OF RIGHTS-HOLDERS

Stakeholder engagement is critical in HRIA and has therefore been included as the key cross-cutting theme in this Guidance and Toolbox. The following sections provide guidance on how to engage with rights-holders throughout the HRIA process to ensure that they can meaningfully participate in the HRIA and influence the decision-making processes that impact their lives. These sections also provide guidance on engaging with stakeholders who have duties and responsibilities with regard to respecting the human rights of workers and community members.



The [Stakeholder Engagement Practitioner Supplement](#) describes what assessment teams should consider before and during interviews and meetings with stakeholders (see [Phase 2](#)). The supplement also includes information on stakeholder mapping (see [Phase 1](#)) and reporting back to HRIA participants (see [Phase 5](#)).

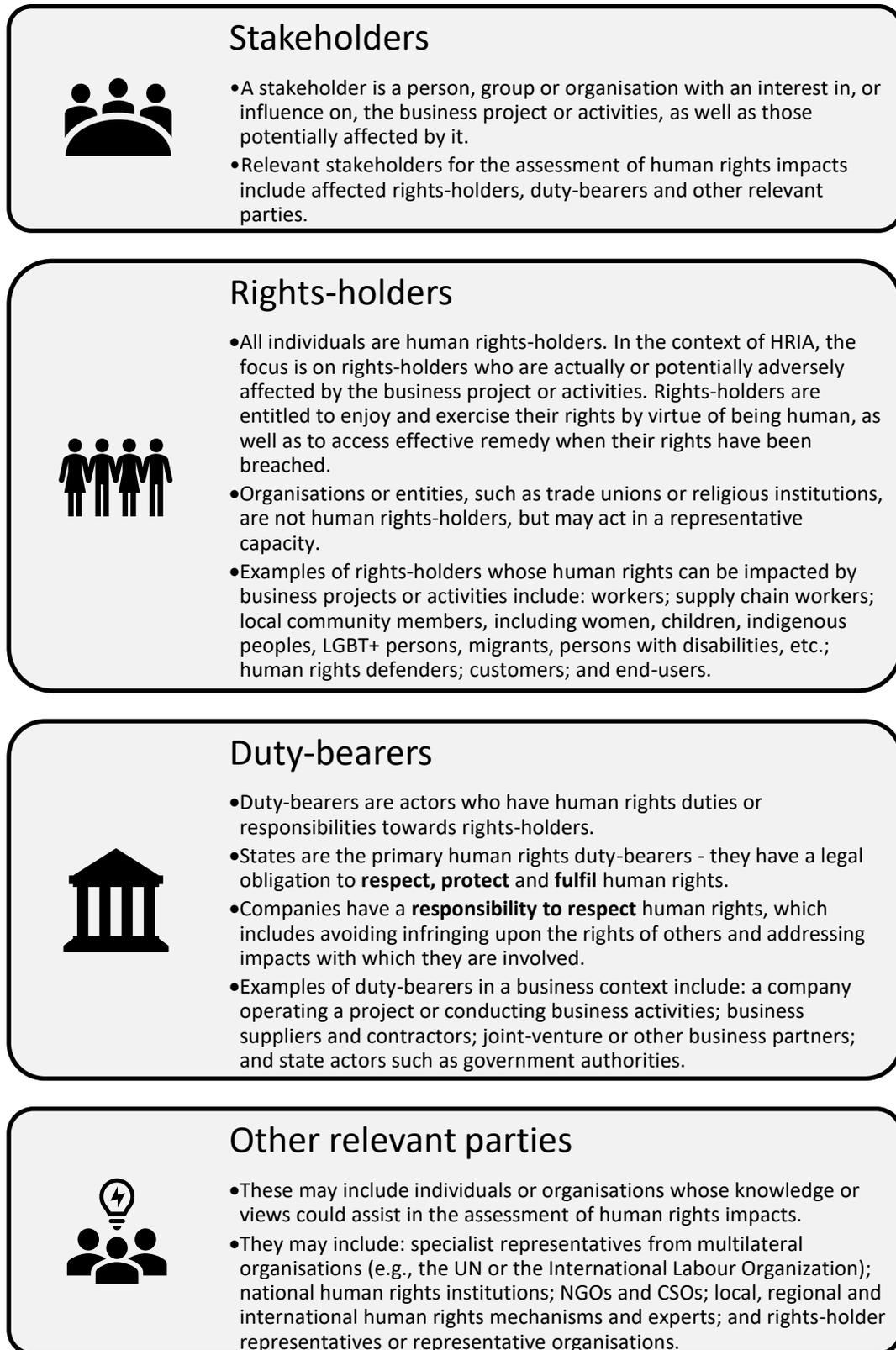
The [Stakeholder Engagement Interview Guide](#) provides example questions to assist those conducting interviews for the HRIA. The supplement includes questions targeted to community members, workers, company management, government representatives and other relevant parties.



Stakeholders to be engaged in a HRIA include rights-holders, duty-bearers and other relevant parties. When assessing human rights impacts, it is important to recognise and engage the full range of relevant stakeholders, as well as to consider their different roles and responsibilities.

See Figure 3, below, for more details on these different types of stakeholders and examples.

Figure 3: Overview of the different stakeholders to engage in HRIA



People often ask the question: **what is the difference between a rights-holder and a stakeholder?** Essentially, rights-holders are a particular stakeholder group: the affected workers and community members (sometimes referred to as ‘impacted communities’ or ‘project-affected people’). These individuals are rights-holders, and the reason for recognising them as such (rather than as stakeholders) is to acknowledge that they have entitlements to have their rights respected, which includes addressing adverse impacts associated with business projects or activities.

Engagement should occur throughout the impact assessment process, as well as for the life of the business project or activities. It should be done early and in a proactive and ongoing manner. Stakeholder engagement is commonly used in the area of corporate social responsibility (CSR), and there are different forms of stakeholder engagement (see Box B.1, below, on typical CSR stakeholder engagement vs. HRIA stakeholder engagement).

Box B.1: CSR stakeholder engagement vs. HRIA stakeholder engagement

Stakeholder engagement is commonly used in the area of corporate social responsibility to refer to a process through which a business strives to ‘understand and involve stakeholders and their concerns in its activities and decisions’. There are different ways to engage stakeholders. Companies can inform stakeholders with the purpose of **providing information** about the project, which is considered one-way communication. A second mode of engagement is **consultation**, which is two-way communication focused on sharing information and collecting information to adequately understand the project’s context and the preferences, concerns and expectations of different parties, as well as to ensure that all parties understand and learn from one another’s perspectives. Connected to this, another form of engagement is **responding**, where companies take action in response to an issue, concern or certain information identified during consultation. Finally, **negotiation** is a form of two-way communication between the company and stakeholders, focused on sharing decisions with the objective of coming to a shared agreement.

One of the key elements for meaningful stakeholder engagement is ongoing engagement with stakeholders that is **two-way, conducted in good faith and responsive** to the views, experiences and expectations being exchanged.

Participation is often used as a synonym for meaningful stakeholder engagement.

Taking a point of departure in the human rights-based approach, HRIA stakeholder engagement focuses in particular on engagement with rights-holders as the key stakeholder group. Furthermore, HRIA identifies the

Box B.1: CSR stakeholder engagement vs. HRIA stakeholder engagement

entitlements of these stakeholders, as well as the respective responsibilities of duty-bearers, another central stakeholder group. Lastly, human rights organisations, mechanisms and experts have a particular role to play in HRIA engagement through contributing their human rights knowledge and expertise to the analysis.

Sources: AccountAbility, United Nations Environment Programme and Stakeholder Research Associates Canada (2005), *The Stakeholder Engagement Manual. Volume 2: The Practitioner's Handbook on Stakeholder Engagement*, London: AccountAbility; Organisation for Economic Co-operation and Development (2015), *Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractives Sector*, Paris: OECD.

In the context of HRIA, stakeholder engagement pays particular attention to rights-holders, including to their rights to be consulted and to participate. Consultation and participation of rights-holders in decision-making that affects them has been incorporated in a number of international legal instruments, as well as in national legislation (see section B.2.1, below). In the case of indigenous peoples, their right extends to consultation according to the principle of free, prior and informed consent (FPIC).

Participation of rights-holders in the HRIA process is key for identifying and analysing the impacts that they might be experiencing, as well as for discussing, understanding and designing actions that effectively prevent, mitigate and remediate these impacts. Ensuring the participation of those who are affected should thus be the prerequisite of a process seeking to assess human rights impacts.

Participation in the HRIA should enable rights-holders to access information and better understand both the business project or activities and resulting impacts. Through the HRIA process, rights-holders should also learn about their human rights and the respective responsibilities of duty-bearers to uphold these rights. If carefully done, participation can be a way to empower rights-holders. As highlighted in the Rights & Democracy Getting It Right Guide, 'A human rights impact assessment should not be just about gathering information, but also an exchange of knowledge between participants throughout the assessment process.'¹ Box B.2, below, provides an insight into how HRIA can act as a tool for rights-holder empowerment.

For more information on facilitating participation of rights-holders, see section 1.2 and 1.3 of the [Stakeholder Engagement Practitioner Supplement](#). The Stakeholder Engagement Interview Guide also provides questions for assessment teams to pose to rights-holders.



Box B.2: Community-based HRIA as a tool for rights-holder empowerment

Community-based HRIA is a method which gives affected communities ownership of assessing and documenting the potential or actual human rights impacts of a large-scale project.

For the assessment of impacts of private investment, the former Canadian organisation Rights & Democracy has designed such a step-by-step methodology to guide communities and NGOs.

‘Community-based HRIA assessments use a bottom-up approach, which contributes to empowering affected communities in claiming their rights and ensuring accountability. Such assessments help to voice the concerns of affected individuals and local communities, putting them on a more equal footing with the public and private actors involved.’

Experiences of community-based HRIAs in different countries have shown that such processes can help communities mobilise around their rights. It should, however, be acknowledged that community-based HRIAs have limitations, such as limited access to company representatives and internal company systems, which may hinder obtaining the full picture.

Source: Rights & Democracy (2011), *Getting it Right: Human Rights Impact Assessment Guide*. [online]. Available from: <http://hria.equalit.ie/en/index.html>

B.2.1 PARTICIPATION AND CONSULTATION IN INTERNATIONAL HUMAN RIGHTS LAW AND OTHER FRAMEWORKS

The right to public participation is enshrined in international human rights law. A number of treaties and conventions include provisions related to participation and consultation. For example:

- Article 25 of the International Covenant on Civil and Political Rights provides for the right of citizens to take part in political affairs, and Article 19 guarantees the right to freedom of expression, including the right to seek information; and
- UN treaty bodies have issued numerous general comments that point to government responsibility to inform and hear the opinions of groups affected by political decisions, in particular with regard to their economic, social and cultural rights.²

Furthermore, under international human rights law, certain groups have an explicit right to be heard and consulted.

- In the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169, it is stated that indigenous peoples have a right to be consulted according to the principle of free, prior and informed consent (FPIC).
- The Convention on the Rights of the Child (CRC) states that children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken, including within the family, the school and the community.
- The Convention on the Rights of Migrant Workers and Members of their Families (ICMW) demands consultation with, and participation of, migrant workers and their families in decisions concerning the life and administration of local communities.
- A call for consultation has also been built into the Convention on the Rights of Persons with Disabilities (CRPD).³
- The Convention against the Elimination of All Forms of Discrimination against Women (CEDAW) has also insisted on the importance of the right to participation of women.⁴

In recent years, participation has been reflected in the human rights-based approach to development as a goal, as well as a cross-cutting principle. For more information about the human rights-based approach, see section A.4 of the [Welcome and Introduction](#) and section 1.2 of [Phase 2: Data Collection and Baseline Development](#).

The obligation for businesses to consult those affected by their activities has also increasingly been defined. For example:

- UN Guiding Principle 18 explicitly points out that the process of identifying human rights impacts should involve ‘meaningful consultation with potentially affected groups and other relevant stakeholders’. In the associated commentary, it is specified that businesses should seek to understand the concerns of potentially affected stakeholders ‘by consulting them directly in a manner that takes into account language and other potential barriers to effective engagement. In situations where such consultation is not possible, business enterprises should consider reasonable alternatives such as consulting credible, independent expert resources, including human rights defenders and others from civil society.’⁵
- The OECD Guidelines for Multinational Enterprises (2011) also state that multinational enterprises should engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account during planning and decision-making, especially for projects or other activities that may significantly impact on local communities.⁶

- The International Finance Corporation (IFC) requires its clients to undertake a process of consultation in a manner that provides the affected communities with opportunities to express their views on project risks and impacts. The extent and degree of engagement required by the consultation process is commensurate with the particular project’s risks and adverse impacts.⁷

B.2 IDENTIFYING RELEVANT STAKEHOLDERS TO ENGAGE WITH

B.2.1 STAKEHOLDER IDENTIFICATION AND ANALYSIS

In order to engage with the relevant stakeholders as part of the HRIA process, it is first necessary to identify the different stakeholders in order to understand their situation and their relationship to the business project, as well as the power dynamics between them.

The identification of relevant stakeholders will depend on various factors, such as the nature of the business project or activities, the impacts anticipated, geographic location and so forth. There is no set list of stakeholders that applies universally to every context. However, it is essential that the stakeholders identified and included in the HRIA include the impacted rights-holders, responsible duty-bearers and other relevant parties (see Figure 3, above, for further explanation of these different types of stakeholders). During the HRIA, further stakeholders might be identified which were not included at the outset of the process. The HRIA team should therefore remain flexible and open to including such stakeholders during the HRIA process.

The identification of different stakeholders will assist the assessment team in understanding who the relevant individuals, groups and organisations are and what the relationships are between them. It will also provide insight into stakeholders’ interests in relation to the business project or activities, as well as their knowledge and capacity to engage. This, in turn, will enable the HRIA team to identify where capacity building may be necessary to ensure meaningful participation. In understanding how different rights-holders might be impacted, it is important to be especially mindful of any vulnerable or marginalised individuals and groups requiring specific attention (see further in section B.3).

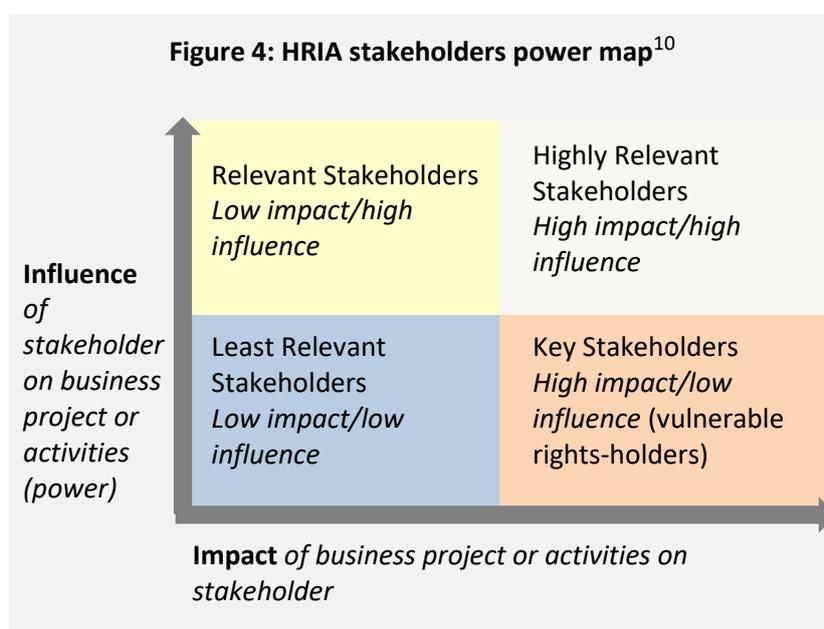


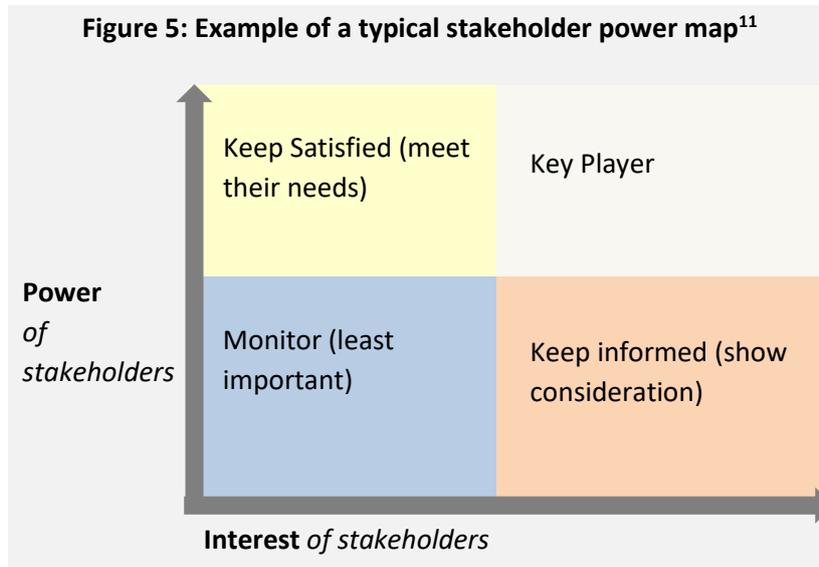
Section 1.1 of the [Stakeholder Engagement Practitioner Supplement](#) can be used during the initial stakeholder identification and mapping process for HRIA.

After identifying the relevant stakeholders and their various rights, interests and obligations with regard to the impacts of the business project or activities, it will be necessary to map the stakeholders to determine which stakeholders to

engage with in the HRIA and how. There are different methods for mapping stakeholders, for example, through a table, chart, grid or zoning map. Dimensions used in such stakeholder mapping and analysis exercises include power, influence, rights, interests, proximity and needs.⁸ The use of a 'power map' can help determine which stakeholders are most vulnerable and affected by the business project or activities. Stakeholders are placed in a matrix with two axes: influence of the stakeholder on the business project or activities (influence/power axes), and impact of the business project or activities on the stakeholder (impact axes) (see Figure 4, below).

Stakeholder mapping for HRIA requires a different approach to that which is typically taken in stakeholder mapping (see Figure 5, below). While HRIA mapping focuses on the risk to rights-holders, typical stakeholder mapping focuses on the risk to business. In HRIA stakeholder mapping, special attention is given to stakeholders in the bottom right corner; these vulnerable or marginalised rights-holders are categorised as having the least influence yet are highly impacted by the business project or activities. By contrast, typical stakeholder mapping would focus more on those in the top right corner; these are highly relevant stakeholders that are both highly impacted and have high influence over the business project or activities.⁹





In sum, an effort should be made at the outset to identify and contact all stakeholders, including groups or individuals with different or opposing views. When key stakeholders do not agree or cannot participate in the impact assessment for various reasons, it is important to mention this in the final HRIA report to demonstrate that an effort has been made to take into consideration the perspectives of all relevant stakeholders.¹²

B.2.2 ENGAGEMENT WITH RIGHTS-HOLDERS

Engagement and participation opportunities should prioritise potentially affected rights-holders and/or their legitimate representatives, with particular attention to vulnerable individuals and groups.¹³

Table B.A, below, provides some examples of different rights-holders, as well as considerations for their engagement in HRIA.

Table B.A: Examples of rights-holders and HRIA engagement considerations	
Rights-holders	Considerations for engagement
<p>Potentially impacted community members</p> <p>These can include residents living near the project, land owners, farmers, indigenous peoples,</p>	<ul style="list-style-type: none"> Identifying the communities affected by the business project or activities requires a good understanding of the local context. It is important to consider that not all communities or individuals within a community are affected in the same way. Nor are all community members likely to share the same point of view of a business

Rights-holders	Considerations for engagement
community associations/ organisations, community or religious leaders, schools, local interest groups and community members living downstream from operations or in the supply chain.	<p>project or activities. Some may support the business project, while others may oppose it. These different perspectives should be represented and analysed during the assessment.</p> <ul style="list-style-type: none"> ● It is important to take the time to engage and consult with as many different rights-holders within communities as possible in order to identify precisely who is affected, how and to what degree. It may not always be possible to include everyone at each stage of the assessment or to ensure that all views are represented. In these cases, consultation with legitimate representatives could be a viable solution. If some groups are left out, the reasons for this must be justified and clearly stated in the assessment findings. ● Care should be taken to identify any differences in how impacts are experienced by women, men and children, including through taking gender-sensitive and child-rights approaches to engagement. ● Rights-holders should be engaged directly in the impact assessment process. However, in cases where this is not possible or appropriate, it may be necessary to engage through rights-holder representatives or representative institutions. Where this is the case, care needs to be taken to try to establish that representatives present a faithful account of rights-holders' views, interests and concerns. In some situations, it may also be appropriate for the HRIA process to provide for the creation of, or capacity building of, representative organisations. ● HRIA engagement strategies should be cognizant of the particular rights to participation and consultation that some community members may be entitled to. For example, HRIA teams should pay particular attention to free prior and informed consent in the case of indigenous peoples, as well as the principles for engagement with children

Table B.A: Examples of rights-holders and HRIA engagement considerations	
Rights-holders	Considerations for engagement
	outlined in the Convention on the Rights of the Child. (For more on engaging with specific rights-holders, see section B.4, below).
<p>Workers and trade unions (as their representatives)</p> <p>These include workers presently working for the company in question, employees, former workers, workers in the company’s supply chain, outsourced labour and casual/informal workers. National and local unions or site-level workers’ organisations should also be consulted as the representatives of these rights-holders.</p>	<ul style="list-style-type: none"> ● Workers can provide crucial information about human rights issues in the workplace and may have important information on the functioning of the company. ● Where they exist, independent trade unions should be consulted as the legitimate representative organisations of workers. ● Workers should be directly consulted (individually and/or in groups) to understand their concerns and any actual or potential impacts that they experience. ● HRIA teams should ensure that workers are protected in their anonymity when giving their statement, as they might face pressure from other workers or superiors. ● Care should be taken to identify any differences in how impacts are experienced by women and men, including through taking gender-responsive approaches to engagement. ● Worker representatives may have insights into potential impacts not only on workers themselves, but also on local communities, since workers often come from these communities. ● To better understand the impacts of a business project or activities on workers, HRIA teams may also consult national trade union federations, as well as international trade union federations (e.g.: International Trade Union Confederation (ITUC); The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF); UNI Global Union; IndustriALL). ● In countries where trade unions are prohibited by law, it is important to take into consideration the

Table B.A: Examples of rights-holders and HRIA engagement considerations	
Rights-holders	Considerations for engagement
	<p>sensitivities regarding this topic and the risks associated with consultations. Assessors should find alternative means to obtain data regarding workers' rights and freedom of association. This could include adaptation of the language regarding freedom of association and trade unions when engaging with workers.</p>
<p>Consumers, clients, customers and end-users</p> <p>This rights-holder group includes individuals who buy and/or use products and/or services of the company in question. They can include direct and indirect consumers. Consumer protection groups and user groups may act as representatives of these rights-holders.</p>	<ul style="list-style-type: none"> ● Consumers can be adversely affected when a product or service they acquire is of inadequate quality and has negative impacts (e.g., the plastics used to manufacture children's toys contain chemicals that are harmful to the physical development of children). ● Depending on the sector and product/service, consumers or consumer protection groups should be consulted to understand the actual and potential impacts of the business activities on the human rights enjoyment of consumers.
<p>Human rights defenders, including trade union or labour activists</p>	<ul style="list-style-type: none"> ● Human rights defenders concerned about the business project or activities can be at risk of retaliation from repressive host-government agencies, paramilitary groups, etc. ● Trade union activists may be at risk of discrimination by employers. ● Human rights defenders are likely to have valuable insights into potential and actual impacts of the business project or activities on workers and communities.

While care should be taken to engage with rights-holders directly, in some circumstances, it might not be possible to fully involve all rights-holders in the impact assessment. For example, it may be difficult to reach out to certain rights-holders, especially in situations where there is a lack of trust between rights-holders and the business in question. Another example could be a HRIA in a conflict-affected area where the security of both rights-holders and the assessment team is at stake. Additionally, in countries with repressive governments, interviewing rights-holders might put them at risk.

It is important that the assessment team take all necessary precautions to make sure that the rights-holders who are engaged in a HRIA process are safe. If the risk of engaging rights-holders directly is high, or when direct engagement with rights-holders proves impossible or inappropriate (e.g., when engagement may interfere with certain processes, including collective bargaining or consultation of indigenous peoples conducted by the government), it may be useful to consider alternatives. In such cases, it may be necessary to engage with credible representatives or representative organisations. These are third parties or interlocutors such as CSOs, trade unions and experts who may have sufficient knowledge and experience engaging with the rights-holder groups, and can therefore convey the potential concerns related to the business project or activities on their behalf.

Practical reasons, such as financial and time constraints or infrastructural challenges, might also impede participation of some individuals and/or groups in a HRIA process. In some circumstances, certain rights-holders might not be willing to participate, in particular if there have previously been conflicts with the business and/or if the HRIA is commissioned by the business. They might also fear repercussions from the government when giving certain statements. Another challenge is when rights-holders or CSOs experience consultation fatigue or have been disappointed about the outcomes of similar processes. Furthermore, within a community there may be conflicting interests; certain community members may be in favour of a business project or activities (e.g., because they are employed by the company in question and are dependent on their salary), while other community members may oppose the project. There might also be conflicting interests among different rights-holders. Lastly, and critically, no individual should be coerced to take part in a HRIA against her/his will.

In all cases, **HRIA practitioners should take care to identify any potential limitations**, be transparent about them in the assessment process and explain the steps that have been taken to overcome them.

With regard to rights-holder representatives, it should be noted that **sometimes it is difficult to identify legitimate representatives of rights-holders**. An NGO, a member of parliament, or a community leader might claim to represent a certain rights-holder group; however, those persons/organisations might be involved in the business project or activities and/or not represent the opinions of the community members who they claim to represent. Knowledge of the local context is essential for understanding such dynamics. When consulting with indigenous communities, it is important to understand the cultural and organisational characteristics of indigenous peoples and the hierarchy of authorities in order to engage with the right people at the right time.

With these considerations in mind, HRIA teams should take care to report back to rights-holders on their findings. See section 1.4 of the [Stakeholder Engagement Practitioner Supplement](#) for more information.



See the [Stakeholder Engagement Interview Guide](#) for example questions to ask rights-holders such as community members and workers.

Box B.3, below, outlines some further potential challenges for HRIA practitioners in conducting effective stakeholder engagement with rights-holders. The box also offers some suggestions for how these might be addressed.

Box B.3: Challenges for HRIA practitioners in conducting effective stakeholder engagement with rights-holders

The presence of company representatives in meetings with rights-holders

HRIA practitioners should be independent and have full control over the interview process with rights-holders; as such, they should be able to engage with rights-holders without interference (e.g., from company representatives). However, there may be circumstances where the company's headquarters or the local team commissioning the assessment does not agree to this provision and/or where the impact assessment team will require some assistance and presence from the company because of security or logistical constraints.

Even if the company representative(s) are not present during the meeting, the HRIA team should be aware of the perceptions of stakeholders. For instance, if the community members see the team dining with company representatives or being driven in the company vehicle, this may be negatively perceived by the community. Additionally, having the company representative(s) close by may inhibit creating a safe space for rights-holders, even if they stay outside the meeting.

Box B.3: Challenges for HRIA practitioners in conducting effective stakeholder engagement with rights-holders

On the other hand, in some circumstances, the presence of the company representative(s) for some of the consultations might be an advantage, as it allows them to hear directly from rights-holders on what their experiences are rather than reading it from a report. This can be invaluable in sensitising company representatives and incentivising them to act on the HRIA findings. In the case of ex-ante assessments, when the business project or activities have not been concretised, this might be especially important. Additionally, the presence of company representative(s) at the beginning of a focus group discussion with a group of community members can be vital to engage stakeholders who suffer consultation fatigue by demonstrating that the company is committed and clearly communicating about planned follow-up action(s).

It should, however, be acknowledged that in a company-commissioned HRIA, the relation between the assessor(s) and company representative(s) will inherently be close, given that the HRIA is commissioned by the company, and this proximity could lead to criticism. Specific recommendations to be considered by HRIA practitioners to ensure and demonstrate independence include:

- Agreeing with the company representative(s) beforehand on the respective roles of the assessment team and the company representative(s) in stakeholder engagement activities
- Informing the people engaged with clearly about who is on the assessment team and who is the company representative(s), and explaining their respective roles in the impact assessment process; and
- Ensuring that the majority of stakeholder engagement activities occur without any company representative(s) present. This will also help to validate the findings.

The presence of government representatives in meetings with rights-holders

As mentioned, HRIA practitioners should be independent from company and government stakeholders and should have full control over stakeholder engagement processes in HRIA, without interference. In some cases, however, government representative(s) insist on being present during the HRIA or attending interviews (e.g., for security reasons). In these cases, it should be explained to the government representative(s) that they can introduce themselves and their role, as well as the purpose of the assessment, but cannot be present during the interviews themselves. However, there may be cases where asking government representatives to leave could lead to them

Box B.3: Challenges for HRIA practitioners in conducting effective stakeholder engagement with rights-holders

no longer supporting the presence of the HRIA team, which could undermine the entire process. This could be the case in areas where there is ongoing conflict or where the military is powerful. In such cases, it may be preferable to allow the government representatives to be present rather than to abandon the HRIA process altogether; however, the assessors should take this into consideration (e.g., by leaving out any sensitive questions to rights-holders which could lead to retaliation). The assessors should try to obtain such information through other means, such as through representatives or off-site interviews at another time when/where there is no government presence. Finally, all such limitations must be clearly explained and justified in the HRIA report.

B.2.3 ENGAGEMENT WITH DUTY-BEARERS

The human rights framework places particular emphasis on accountability, including through the recognition of rights-holders’ entitlements and the corresponding obligations of duty-bearers to uphold these rights. It is therefore important that duty-bearers and their obligations are identified in HRIA stakeholder analysis and engagement. This includes recognising and differentiating between the expectation that businesses respect human rights, and State duty-bearers’ obligations to respect, protect and fulfil human rights. It should be noted that duty-bearers can also be rights-holders; for example, company managers can be held accountable for human rights impacts, but can be negatively impacted themselves, as well.

Table B.B, below, provides an illustrative list of the different types of duty-bearers that should be engaged in HRIA, including points for consideration when engaging with them.

Table B.B: Examples of duty-bearers and engagement considerations in HRIA	
Duty-bearers	Considerations for engagement
<p>Host-government actors</p> <p>These could include national authorities, local government representatives of</p>	<ul style="list-style-type: none"> • In certain contexts, negative impacts arise through relationships with government actors. Therefore, it is important to identify such relationships. For example, the company in question could be in a joint-venture with a government body; the government could have

Table B.B: Examples of duty-bearers and engagement considerations in HRIA	
Duty-bearers	Considerations for engagement
specific government agencies or departments, policy-makers and regulators.	<p>granted access to land where people have been forcefully evicted; or public security forces stationed to protect company assets may be engaged in human rights abuses.</p> <ul style="list-style-type: none"> ● Engagement with host-government actors can take place at various stages in the impact assessment and can have advantages as well as disadvantages. ● Government authorities can be useful to consult as they have access to documents, contracts, concessions, maps and so forth which may be relevant for the impact assessment. ● Access to government authorities might be difficult, especially when the government is not favourable on the topic of human rights. In such cases, it can be helpful to ask UN agencies like the ILO and UNICEF to facilitate contact in order to get access.
<p>Company representatives</p> <p>These include company representatives at the Head Office and country operations level, including top management, middle-management, various business unit managers, department representatives and subject matter experts.</p>	<ul style="list-style-type: none"> ● Dialogue with internal stakeholders from the company can provide a good understanding of the nature of the business project or activities, which can help HRIA practitioners understand and potentially predict human rights consequences. ● Engagement with internal company staff is also an excellent opportunity to gain buy-in for changes that may be needed as an outcome of the impact assessment. HRIA teams should make sure to include staff members from different departments and provide anonymity. ● Local management should be involved to ensure ownership, capacity and resources for follow-up at the project or site level.
Business partners, including joint-venture partners,	<ul style="list-style-type: none"> ● It is important to identify any business partners involved in or linked to the business activities through business relationships, as well as the key

Table B.B: Examples of duty-bearers and engagement considerations in HRIA	
Duty-bearers	Considerations for engagement
suppliers and subcontractors	<p>people within these businesses, in order to understand how they might contribute to or be directly linked to human rights impacts. HRIA teams should also consider business partners' processes for identifying and managing impacts.</p> <ul style="list-style-type: none"> ● Suppliers and subcontractors hired by the business to perform certain jobs, as well as the suppliers who sell goods and services to the company, should also be engaged.
Investors and shareholders	<ul style="list-style-type: none"> ● Investors and shareholders in companies should also be considered duty-bearers. ● Investors have the responsibility to respect human rights and undertake appropriate human rights due diligence. The UN Guiding Principles and the OECD Guidelines for Multinational Enterprises both consider investors as entities that have a business relationship and can therefore be linked to adverse impacts of companies they invest in. ● Investors and shareholders have an interest in the human rights track record of the businesses they invest in; therefore, it is important to consult them and hear their views. They have often gathered social and environmental data with regard to the business project or activities in question, which can be useful information for the assessment team.

In externally facilitated HRIA, **company representatives** should be consulted at the headquarters level, as well as at the operations level. When conducting stakeholder interviews in the area of operations, it can be beneficial to consult with relevant business representatives early in the process in order to get a better understanding of the business's operations and country context. This may be helpful for predicting potential impacts before speaking to affected rights-holders and other stakeholders. On the other hand, it can also be beneficial to engage with company representatives after having consulted with affected rights-holders. Thus, the assessment team is in the position to ask more targeted

questions related to specific priority issues to company representatives based on the findings from interviews with rights-holders.

As opinions can vary within the company, it is also important to meet with people from various departments or business units. The person in charge of Human Resources will share a different perspective than the CSR manager, while the Operations Manager may have yet another view. Furthermore, the assessment team should provide company representatives with the opportunity to speak privately so that they may express their opinion freely, without fear of retaliation.

Overall, these nuances indicate that stakeholder engagement in HRIA should be an iterative process and occur not just once, but throughout the impact assessment process.

The assessment team will also need to engage with **government actors** at various stages of the impact assessment. In countries where the government may not be favourable towards organisations working on human rights, direct engagement with the government may pose a challenge. In some cases, the government could perceive HRIA of business activities as an assessment of government policies and practices rather than of a business's impacts. Points to take into consideration include:

- HRIA practitioners must carefully consider how the impact assessment and its purpose are presented to government authorities. In some countries, local permits or local visas are required to enter as a foreigner. The host-government may not appreciate foreign assessors traveling to certain high-risk areas, which could lead to denial of local visa permits.
- Engagement with national and local government entities also takes place at other stages of the assessment. Government officers should be consulted in the assessment process. They may possess specific subject matter expertise and relevant company information. Government officers also have access to specific regulations and policies, maps, environmental reports, information on concessions and so forth. In certain contexts and cultures, it is also necessary to meet with national-level government actors or local government officers as part of an impact assessment as a matter of courtesy. Where it is difficult to get direct access to ministries and local government officials, UN agencies such as the ILO, UNDP and UNICEF may be able to facilitate contact.



The [Stakeholder Engagement Interview Guide](#) includes example questions to ask duty-bearers such as company management and government representatives.

B.2.4 ENGAGEMENT WITH OTHER RELEVANT PARTIES

In addition to the above rights-holders and duty-bearers, there are a number of other relevant parties that can inform HRIA assessment teams, and as such, should be engaged in the process. These stakeholders may include individuals whose rights are not impacted by the project, but who may nevertheless usefully inform the HRIA (e.g., representatives from civil society, experts or journalists) and/or organisations that hold relevant and important information for the HRIA. It is particularly important to engage human rights actors as part of the HRIA. These could include: NGOs and/or CSOs working on specific human rights issues; intergovernmental agencies such as the Office of the UN High Commissioner for Human Rights in the specific country, as well as other agencies working on specific rights issues (e.g., the ILO on labour rights or UNICEF on children’s rights); national human rights institutions; and independent human rights experts. Involving such actors in HRIA can help to ensure that essential human rights information and analysis from different perspectives are included in the assessment.

Examples of relevant parties for engagement in HRIA are listed in Table B.C, below.

Table B.C: Examples of other relevant parties and engagement considerations in HRIA	
Stakeholder group	Considerations for engagement
<p>Civil society organisations (CSOs)</p> <p>These can include international and local non-governmental organisations (NGOs), community-based organisations, faith-based organisations, labour unions, etc.</p>	<ul style="list-style-type: none"> ● Engaging with CSOs can help to understand the human rights legal framework and landscape relevant for the project. ● They can provide insights on specific human rights topics. ● They can facilitate contact with, or act as interlocutors, to potentially affected rights-holders.
<p>International organisations</p> <p>These can include UN agencies such as the International Labour Organization, United Nations Development Programme</p>	<ul style="list-style-type: none"> ● International organisations can provide insights on specific topics relevant for the impact assessment (e.g., UNICEF on children’s rights or the ILO on labour issues). ● The ILO might be useful for helping to connect with local governments and/or

Table B.C: Examples of other relevant parties and engagement considerations in HRIA	
Stakeholder group	Considerations for engagement
and UNICEF. Other relevant organisations include regional bodies such as the European Union, African Union and Association of Southeast Asian Nations, as well as financial institutions such as the World Bank.	<p>trade unions in the case of the ILO tripartite structure.</p> <ul style="list-style-type: none"> • These organisations might be able to provide data in the scoping phase, as well as for baseline development.
<p>Home-government actors</p> <p>These could include home-government embassies in the host-country.</p>	<ul style="list-style-type: none"> • Embassies of the home-country of the company in question can provide useful information, as they can be strongly connected to the company and/or have existing networks for engagement with the company.
<p>Public security</p> <p>This could include police, military or specialised public security forces.</p>	<ul style="list-style-type: none"> • Public security forces may be able to provide useful information about the security situation in the project area, which could be particularly relevant for projects in conflict-affected regions.
<p>National human rights institutions (NHRIs)</p> <p>An NHRI is an autonomous body established by the State with a constitutional or legislative mandate to promote and protect human rights. Common institutional forms include commissions, advisory institutes, ombudsman offices and public defenders' offices.</p>	<ul style="list-style-type: none"> • The NHRI of the country of operation may provide valuable information on the general human rights situation in the country, as well as on specific regions, projects or affected rights-holder groups. • NHRIs may also be able to provide support in identifying and getting in touch with affected rights-holders, in particular vulnerable or marginalised individuals and groups.
<p>Experts and journalists</p>	<ul style="list-style-type: none"> • Engaging with experts can help to provide insights on specific topics relevant to the sector, country or assessment in general

Table B.C: Examples of other relevant parties and engagement considerations in HRIA	
Stakeholder group	Considerations for engagement
<p>These could include subject matter experts, including academics and journalists versed on specific human rights issues, as well as experts engaged in the business sector or technical issues.</p>	<p>(e.g., water or environmental experts, mining experts).</p> <ul style="list-style-type: none"> ● Journalists can serve as an important source of information on issues related to the business project or activities. They can also be helpful in identifying other stakeholders. When engaging with journalists, clear agreements have to be made between the assessment team and the journalist on the purpose of the engagement (e.g., whether the journalist may publish something or whether they are only being consulted for information gathering purposes).
<p>Industry</p> <p>These include industry peers, competitors, and industry associations.</p>	<ul style="list-style-type: none"> ● Other companies in the sector and industry associations can be consulted in order to better understand the sector, as well as human rights issues associated with the sector and/or the particular region of operation. ● It is worth mentioning so-called sector-wide impact assessments (SWIA), which look at the impacts of a sector as a whole rather than the impacts of one company. Such assessment reports can be a useful reference for a project-level HRIA.¹⁴ ● Industry associations sometimes also provide detailed guidance and good practices. ● In order to have a bigger impact in mitigating impacts, collective action by the sector may be necessary. Therefore, it is important to involve industry peers at an early stage.

B.3 CONSIDERATIONS FOR ENGAGING WITH RIGHTS-HOLDERS: NON-DISCRIMINATION, VULNERABILITY AND MARGINALISATION

A human rights-based approach to impact assessment requires that engagement of rights-holders is conducted in a **non-discriminatory manner** and that the **prioritisation of especially vulnerable or marginalised individuals and/or groups** (e.g., women, elderly, children and youth, minorities and indigenous peoples) is taken into consideration.

In addition to the cross-cutting right and principle of non-discrimination, as flagged above, there are a number of rights-holder groups who enjoy **specific protection under international human rights law**, including children, women, indigenous peoples, and persons with disabilities. This is based on the recognition that specific individuals may have particular characteristics that warrant attention and protection. For example, HRIA teams should consider the particular needs and rights of women with regard to reproductive health, the fact that children's bodies react differently to environmental pollutants, or the special relationships of indigenous peoples to their lands, territories and natural resources. These protections are also based on a recognition that such rights-holders may be subject to systemic and entrenched discrimination in certain contexts. As such, international human rights standards and principles recognise that there is a need to ensure not only 'formal' equality (i.e., treating people the same), but also to take special measures to foster 'substantive' equality (i.e., recognising that equal access does not always equate to equal opportunities). For example, measures to improve formal equality may include making sure all people have the same access to employment opportunities; while measures to improve substantive equality may ensure that where systemic discrimination exists, it needs to be addressed through affirmative action or positive measures. In the context of HRIA, it is therefore important that stakeholder engagement facilitates:

- Taking into account the particular participation rights that specific rights-holder groups may be entitled to; and
- Taking steps to identify and address discrimination, vulnerability and marginalisation in engagement processes.

Box B.4: Defining vulnerability, marginalisation and discrimination

- **Vulnerability** of individuals or groups refers to being 'at a higher risk of being unable to anticipate, cope with, resist and recover from project-related risks and/or adverse impacts [...]. Vulnerable individuals or groups

Box B.4: Defining vulnerability, marginalisation and discrimination

may include women, children, the elderly, the poor, ethnic, religious, cultural or linguistic minorities, or indigenous groups.'

- **Marginalisation** can be defined as 'a form of acute and persistent disadvantage rooted in underlying social inequalities.' Moreover, 'poverty, gender, ethnicity and other characteristics interact to create overlapping and self-reinforcing layers of disadvantage that limit opportunity and hamper social mobility.' Essentially, marginalisation describes those individuals or groups that are limited or even excluded from certain benefits that others have access to and benefit from. This can include certain rights, opportunities, and resources which are not available to those who are marginalised. Individuals or groups that may be marginalised in certain contexts can include women and girls, minorities, indigenous peoples, rural populations, migrants, refugees and internally displaced people, and persons with disabilities. Such exclusion can limit the participation of marginalised individuals in society in terms of political, economic and/or social dimensions.
- **Discrimination**, according to the UN Human Rights Committee overseeing the International Covenant on Civil and Political Rights, 'should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.'

Sources: European Investment Bank (2013), *Environmental and Social Handbook*, Volume I: EIB Environmental and Social Standards, Standard 7: Rights and Interests of Vulnerable Groups, Luxembourg: EIB; Human Rights Committee (1989), CCPR General Comment 18 on Non-discrimination, *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, HRI/GEN/1/Rev.1 (1994), para. 6; United Nations Educational, Scientific and Cultural Organization (UNESCO) (2010), *EFA Global Monitoring Report 2010: Reaching the Marginalized*, Paris and Oxford: UNESCO and Oxford University Press, pp.135-6.

Vulnerability or marginalisation is not the same as discrimination; however, vulnerability can often be caused or exacerbated by discrimination. See Box B.4, above, for definitions of vulnerability, marginalisation and discrimination.

Vulnerability can stem from an individual's status or characteristics (such as race, colour, sex, language, religion, national or social origin, property, disability birth, age or other status) or from their circumstances (such as poverty or economic disadvantage, dependence on unique natural resources, illiteracy or ill health).

These vulnerabilities may be reinforced through norms, societal practices or legal barriers. See Table B.D, below, for some examples of factors that may contribute to vulnerability.

Vulnerable or marginalised individuals can experience adverse impacts more severely than others. They may require specific consultation and mitigation measures to ensure that they do not face adverse impacts in a disproportionate manner. Specific methods of engagement can help in identifying, avoiding, mitigating and remediating such impacts.

Table B.D: Examples of factors contributing to vulnerability	
Factors	Probable implications
Discrimination in access to employment and equal wages	High levels of unemployment and inadequate standard of living
Restrictions on land ownership; land tenure insecurity	High levels of landless and homeless people; high crime rates; low incentives for investment; inadequate standard of living
Inaccessibility to or inadequate level of public services or employment	Lower health levels and life expectancy; higher levels of child and maternal mortality; higher rates of unemployment; lower levels of education; less trust in government institutions
Less access to education and higher rates of illiteracy across generations	Low employment skills; less capability to access and participate in political affairs; inadequate standard of living; high levels of social insecurity
Unequal or unfair treatment before the law; poor law enforcement	Weak rule of law; social insecurity; high crime rates; less trust in government institutions; heightened risk of third party human rights violations; weaker social cohesion; lower human capital. This may have an impact on decision-making capacity and participation.
Poor political representation and low participation in democratic processes	Undemocratic development decision-making; increased inequality; less trust in government and other institutions

Table B.D: Examples of factors contributing to vulnerability

Source: Based on: United National Development Programme (2010), <i>Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit</i> , New York: UNDP.
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Vulnerable or marginalised individuals or groups may be illiterate, physically handicapped or not accustomed to certain modes of engagement (e.g., certain languages or workshop formats) that would typically be used in stakeholder engagement. Local context and human rights experts can play an important role in designing appropriate engagement methods for these individuals and groups, which can include children, women, indigenous peoples, minorities and workers. It should be noted that engaging with vulnerable or marginalised individuals and groups may require more time and resources, which should be anticipated and taken into consideration in the design of HRIA.

B.4 TOOLS AND GUIDANCE FOR ENGAGING WITH SPECIFIC RIGHTS-HOLDERS

Table B.E, below, describes a number of areas for attention that should be taken into consideration in order to ensure that engagement with specific rights-holders, including individuals or groups who may be vulnerable or marginalised, is conducted in an appropriate and meaningful manner.

Table B.E: Engagement with specific rights-holders¹⁵					
E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
Children and Young people	<ul style="list-style-type: none"> ● Child labour ● Product design and advertising ● Behaviour of staff/subcontractors towards children ● Community resettlement ● Relocation of schools ● Pollution of water ● Scarcity of food 	<ul style="list-style-type: none"> ● Conduct consultation with children in coordination with child participation experts to facilitate participation respecting ethical standards ● Design the process so it is accessible, inclusive and meaningful for children ● Ensure voluntary participation in child-friendly environment 	<ul style="list-style-type: none"> ● Convention on the Rights of the Child (CRC) 	<ul style="list-style-type: none"> ● ILO Programme on the Elimination of Child Labour ● United Nations Children’s Fund (UNICEF) (2014), Engaging stakeholders on Children’s Rights: A Tool for Companies, Geneva: UNICEF. ● Business and Human Rights Resource Centre Business and Children Portal 	<ul style="list-style-type: none"> ● UN Committee on the Rights of the Child (2013), General Comment No.16 ● Parents/carers ● Professionals in contact with children (e.g., teachers, doctors, health workers, lawyers, child protection and/or social workers) ● Child protection experts
Women and girls	<ul style="list-style-type: none"> ● Women and girls may be 	<ul style="list-style-type: none"> ● Consult women separately in a 	<ul style="list-style-type: none"> ● Convention on the Elimination of 	<ul style="list-style-type: none"> ● International Labour 	<ul style="list-style-type: none"> ● UN Women

Table B.E: Engagement with specific rights-holders ¹⁵					
E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
	<p>disproportionately affected by resettlement due to lack of recognised land rights/titles and exclusion from compensation schemes</p> <ul style="list-style-type: none"> ● Increased (domestic) workload because of environmental impacts / absent men working for company ● Health and security impacts due to in-migration of male workforce in community, including sexual intimidation, 	<p>gender-responsive manner</p> <ul style="list-style-type: none"> ● Include women HRIA team members ● Include HRIA team members with knowledge of the particular rights and experiences of women and girls ● Exclude male team members from certain interviews ● Provide safe and comfortable space for interviews ● Include particularly vulnerable sub-groups (e.g., female heads of household, children) 	<p>All Forms of Discrimination Against Women (CEDAW)</p>	<p>Organisation Bureau for Gender Equality</p> <ul style="list-style-type: none"> ● UN Women ● UN Global Compact, Women's Empowerment Principles ● Sector specific resources, e.g., Christina Hill (2009), Women, Communities and Mining: The Gender Impacts of Mining and the Role of Gender Impact Assessment, Melbourne: Oxfam Australia; Rio 	<ul style="list-style-type: none"> ● Women's rights NGOs ● Women's associations ● Business and Human Rights Resource Centre Gender Portal

Table B.E: Engagement with specific rights-holders¹⁵					
E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
	harassment and/or rape <ul style="list-style-type: none"> • Violence, including sexual violence, associated with increased use of alcohol and drugs in the community due to company presence • Lack of consultation and participation of female-headed households 			Tinto (2010), Why Gender Matters: A Resource Guide for Integrating Gender Considerations into Communities Work at Rio Tinto , Australia and United Kingdom: Rio Tinto. <ul style="list-style-type: none"> • UNWG, Gender lens to the UNGPs 	
Indigenous peoples	<ul style="list-style-type: none"> • Resettlement and relocation • Risks to rights to lands, territories and resources which might be polluted/changed 	<ul style="list-style-type: none"> • Include HRIA team members with knowledge of indigenous peoples' rights and local context (including any regulatory 	<ul style="list-style-type: none"> • UN Declaration on the Rights of Indigenous Peoples (UNDRIP) • ILO Convention No. 169 	<ul style="list-style-type: none"> • DIHR Indigenous Peoples Due Diligence Guidance (2019) 	<ul style="list-style-type: none"> • UN Special Rapporteur on the situation of human rights and fundamental freedoms of

Table B.E: Engagement with specific rights-holders¹⁵

E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
	<p>by the business project or activities</p> <ul style="list-style-type: none"> ● Destruction of tangible and intangible cultural heritage ● Risks to livelihoods 	<p>requirements for engagement specific to indigenous peoples)</p> <ul style="list-style-type: none"> ● Respect indigenous representative institutions; be sure to understand the cultural and organisational characteristics of indigenous peoples and hierarchy of authorities in order to engage with the right people in the right order and manner ● Use appropriate language for the context 	<ul style="list-style-type: none"> ● Indigenous peoples’ rights under customary law (e.g., intellectual property rights and rights of indigenous peoples) ● Convention on Biological Diversity, Article 8(j) – Traditional Knowledge, Innovations and Practices. 	<ul style="list-style-type: none"> ● International Work Group for Indigenous Affairs ● Sector specific resources, e.g., International Council on Mining and Metals (ICMM) (2010), Good Practice Guide: Indigenous Peoples and Mining, London: ICMM. ● International Work Group for Indigenous Affairs (IWGIA) (2014), Interpreting the UN Guiding Principles for Indigenous 	<p>indigenous peoples</p> <p>International, regional and local indigenous peoples rights organisations, e.g.,</p> <ul style="list-style-type: none"> ● International Working Group for Indigenous Affairs (IGWIA) ● Minority Rights Group International ● Cultural Survival ● Forest Peoples Programme ● Asia Indigenous Peoples Pact ● Indigenous Peoples of Africa Coordinating Committee

Table B.E: Engagement with specific rights-holders¹⁵					
E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
				Peoples , Copenhagen: IWGIA.	
Workers and trade unions	<ul style="list-style-type: none"> • Forced labour • Increased vulnerability of migrant workers and/or undocumented workers • Threats to freedom of association • Discrimination towards trade union members 	<ul style="list-style-type: none"> • Make sure to meet different categories of workers and trade union leaders (e.g., by gender, position, unionised vs. non-unionised) • Include informal workers in HRIA • Fix a time that suits their work schedule • Consider interviewing workers outside of company premises and outside working hours 	<ul style="list-style-type: none"> • ILO Core Conventions (No. 87, 98, 39, 105, 138, 182, 100, 111) 	<ul style="list-style-type: none"> • Business and Human Rights Resource Centre - labour rights • ILO – International Trade Union Confederation’s documents 	<ul style="list-style-type: none"> • UN Special Rapporteur on the rights to freedom of peaceful assembly and of association • International Labour Organization • Trade union confederations • Labour rights groups
Minorities (national, ethnic,	<ul style="list-style-type: none"> • Marginalised in society or by law 	<ul style="list-style-type: none"> • Minorities may speak another language than the 	<ul style="list-style-type: none"> • International Covenant on Civil 	<ul style="list-style-type: none"> • UN Development Programme 	<ul style="list-style-type: none"> • UN Special Rapporteur on minority issues

Table B.E: Engagement with specific rights-holders¹⁵

E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
linguistic, religious or political)	<ul style="list-style-type: none"> At risk of becoming victims of violence, harassment or discrimination (e.g., in employment and access to basic services) 	<p>national language; engagement with minority groups should be conducted in a language they understand and feel most comfortable communicating in</p> <ul style="list-style-type: none"> Engagement should be culturally appropriate Given the different characteristics of specific minority groups, it can be useful to include an anthropologist in the team who has expertise in engaging with the minority group in question 	<p>and Political Rights (Article 27)</p> <ul style="list-style-type: none"> United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 	<p>(2015), Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit, New York: United Nations.</p>	<ul style="list-style-type: none"> NGOs such as Minority Rights Group International or Society for Threatened Peoples International UN independent expert on minority issues NGOs focusing on specific minority groups Associations of people from specific minorities

Table B.E: Engagement with specific rights-holders¹⁵					
E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
People with disabilities	<ul style="list-style-type: none"> • Societal or cultural discrimination • Engagement can be challenging as persons with disabilities may be ‘invisible’ due to social taboos • Their physical and/or psychological conditions may require specific engagement methods 	<ul style="list-style-type: none"> • When engaging with people with physical or psychological disabilities, ensure that the location for meetings is accessible and measures are taken to make engagement meaningful (e.g., providing a sign language interpreter, having documents available in braille) 	<ul style="list-style-type: none"> • Convention on the Rights of Persons with Disabilities 	<ul style="list-style-type: none"> • Business and Human Rights Resource Centre – disability discrimination 	<ul style="list-style-type: none"> • UN Special Rapporteur on the rights of persons with disabilities • NGOs such as International Disability Alliance and Handicap International • UN Committee on the rights of persons with disabilities • ILO Global Business and Disability Network
Elderly people	<ul style="list-style-type: none"> • Their physical and/or psychological conditions may require specific 	<ul style="list-style-type: none"> • When engaging with elderly people, ensure that the location for the meetings is 	<ul style="list-style-type: none"> • United Nations Principles for Older Persons • ILO Convention No. 128 	<ul style="list-style-type: none"> • UN OHCHR- Human rights of older persons • Independent Expert on the 	<ul style="list-style-type: none"> • NGOs such as HelpAge International • Caregivers

Table B.E: Engagement with specific rights-holders ¹⁵					
E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
	engagement methods	accessible to them (e.g., wheelchair-friendly access)	concerning Invalidity, Old-Age and Survivors' Benefits	enjoyment of all human rights by older persons	<ul style="list-style-type: none"> Elderly people associations
Migrants, refugees and displaced persons	<ul style="list-style-type: none"> Insecure legal status At risk of abuse and discrimination Due to their status, they might face difficulties in accessing basic services 	<ul style="list-style-type: none"> Due to their insecure legal status, individuals belonging to this rights-holder group, especially those without a residence permit, may be hesitant to speak openly, fearing that they may be arrested; it is important to provide a safe space when engaging with migrants, refugees and/or displaced persons 	<ul style="list-style-type: none"> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 18 December 1990 ILO, Migration for Employment Convention (Revised), 1949 ILO, Recommendation No. 86 concerning Migration for Employment (Revised 1949) 	<ul style="list-style-type: none"> Business and Human Rights Resource Centre – Migrant and immigrant workers UNHCR – The UN Refugee Agency 	<ul style="list-style-type: none"> UN Special Rapporteur on the human rights of migrants UN Committee on Migrant Workers NGOs working on migrant issues such as Migrants Rights International, Internal Displacement Monitoring Centre, International organisations,

Table B.E: Engagement with specific rights-holders¹⁵					
E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
		<ul style="list-style-type: none"> While for engagement with rights-holders it is in general imperative to keep identities of interviewees confidential, for this group confidentiality requires extra special attention 	<ul style="list-style-type: none"> ILO, Convention No. 143 concerning Migrant Workers ILO, Recommendation No 151 concerning Migrant Workers (1975) Convention relating to the Status of Refugees 		<p>e.g., Office of the United Nations High Commissioner for Refugees (UNHCR), UN Office for the Coordination of Humanitarian Affairs (OCHA), International Organization for Migration (IOM)</p>
Lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals	<ul style="list-style-type: none"> May experience discrimination and exclusion They can become victims of violence and harassment both in the workplace and in the community 	<ul style="list-style-type: none"> Assessors should be appropriately trained on LGBTI issues when engaging with them Ensure that LGBTI people feel comfortable to provide information by ensuring that the 	<ul style="list-style-type: none"> The Yogyakarta Principles 	<ul style="list-style-type: none"> UN OHCHR - Combating discrimination based on sexual orientation and gender identity 	<ul style="list-style-type: none"> UN Special Rapporteur Combating discrimination based on sexual orientation and gender identity Regional, national and

Table B.E: Engagement with specific rights-holders ¹⁵					
E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
		collected data remains confidential			local LGBTI organisations, <ul style="list-style-type: none"> ● International Gay and Lesbian Human Rights Commission ● International Lesbian, Gay, Bisexual, Trans and Intersex Association
Persons living with HIV & AIDS or other diseases	<ul style="list-style-type: none"> ● May experience discrimination and marginalisation within society ● May face health related physical and/or psychological conditions that may require specific 	<ul style="list-style-type: none"> ● Assessors should be appropriately trained and sensitive to health issues related to HIV & AIDS or other diseases depending on the persons' conditions when engaging with them ● Clear understanding prior to consultation 	<ul style="list-style-type: none"> ● International Covenant on Economic, Social and Cultural Rights: art. 12 ● International Convention on the Elimination of All Forms of Racial Discrimination: art. 5(e)(iv) 	<ul style="list-style-type: none"> ● World Health Organization 	<ul style="list-style-type: none"> ● UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health ● International health NGOs

Table B.E: Engagement with specific rights-holders¹⁵					
E.g. rights-holders group	E.g. discrimination or vulnerability	E.g. engagement considerations	E.g. treaty protections	E.g. tools and resources	E.g. organisations, experts or proxies
	engagement methods	<p>on the local context (e.g., are there workplace health and safety issues that put such individuals more at risk?)</p> <ul style="list-style-type: none"> • Discuss issues such as hiring discrimination or companies requiring personal health information during job applications and/or interviews, which can be a form of discrimination 	<ul style="list-style-type: none"> • Convention on the Elimination of All Forms of Discrimination against Women: arts. 11(1)(f), 12 and 14(2)(b) • Convention on the Rights of the Child: art. 24 • Convention on the Rights of Persons with Disabilities (2006): art. 25. 		<p>such as Medecins Sans Frontieres, The International Red Cross and Red Crescent Movement,</p> <ul style="list-style-type: none"> • Community health organisations • Caregivers

ENDNOTES

- ¹ Rights & Democracy (2011), *Getting it Right: Human Rights Impact Assessment Guide*. [online]. Available from: <http://hria.equalit.ie/en/index.html>
- ² See in particular: The Committee on Economic, Social and Cultural Rights General Comments No. 4 and 7 on the right to housing; General Comment No. 14 on the right to health; and General Comment No.15 on the right to water.
- ³ For more details, see Danish Institute for Human Rights (2013), *The Right to Public Participation: A Human Rights Law Update*, Issue Paper, Copenhagen: DIHR.
- ⁴ See, e.g., Committee on the Elimination of Discrimination Against Women, General Recommendation 23.
- ⁵ UN Guiding Principle 18 and commentary.
- ⁶ Organisation for Economic Co-operation and Development (2011), *OECD Guidelines for Multinational Enterprises*, Paris: OECD Publishing, Part I, Chapter II General Policies, para A.14.
- ⁷ International Finance Corporation (2012), *Performance Standards on Environmental and Social Sustainability*, Washington: IFC, Performance Standard 1.
- ⁸ GIIRS Ratings and Analytics for impact investing, *GIIRS Emerging Market Assessment Resource Guide: Stakeholder Engagement*, p.3.
- ⁹ Shift (2013), *Bringing a Human Rights Lens to Stakeholder Engagement*, Shift Workshop Report No.3, New York: Shift, p.6.
- ¹⁰ Adapted from: Shift (2013), *Bringing a Human Rights Lens to Stakeholder Engagement*, Shift Workshop Report No.3, New York: Shift, p.6.
- ¹¹ Adapted from: Mindtools, *Stakeholder Analysis, Step 2 Prioritize your Stakeholders Figure 1*. [online]. https://www.mindtools.com/pages/article/newPPM_07.htm
- ¹² Rights & Democracy (2011), *Getting it Right: Human Rights Impact Assessment Guide*. [online]. Available from: <http://hria.equalit.ie/en/index.html>
- ¹³ Danish Institute for Human Rights and IPIECA (2013), *Integrating Human Rights into Environmental, Social and Health Impact Assessments: A Practical Guide for the Oil and Gas Industry*, Copenhagen: IPIECA and DIHR.
- ¹⁴ For more information about sector-wide impact assessments, see the Myanmar Centre for Responsible Business at: <http://www.myanmar-responsiblebusiness.org/swia/>
- ¹⁵ Adapted from The Global Compact Network Germany and TwentyFifty Ltd. (2014), *Stakeholder Engagement in Human Rights Due Diligence: A Business Guide*, The Global Compact Network Germany and TwentyFifty Ltd. pp.36-38.

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