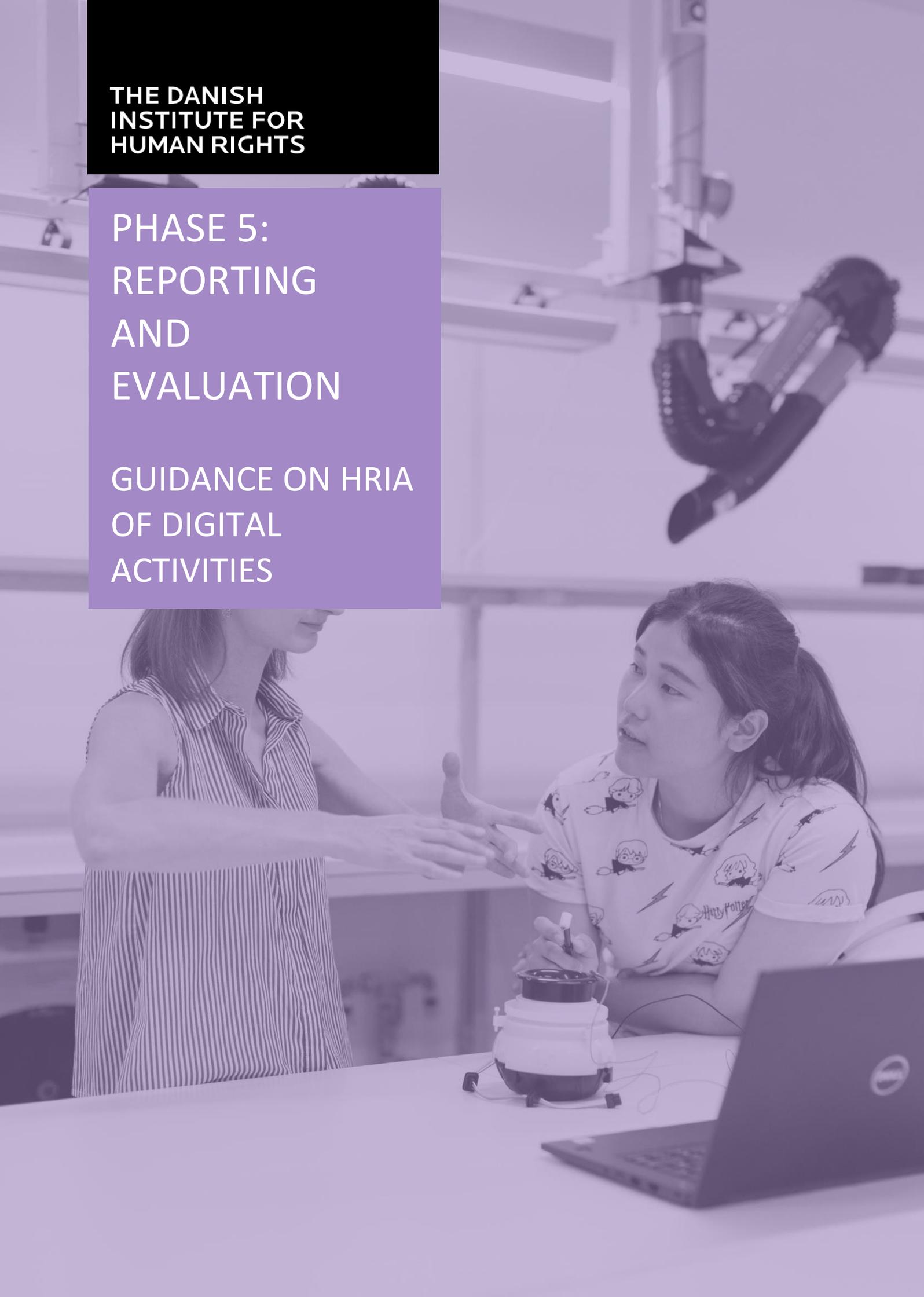


THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS

PHASE 5:  
REPORTING  
AND  
EVALUATION

GUIDANCE ON HRIA  
OF DIGITAL  
ACTIVITIES



## PHASE 5: REPORTING AND EVALUATION

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This document contains the Phase 5: Reporting and Evaluation section of the Guidance on Human Rights Impact Assessment of Digital Activities (the Guidance).

You can access the full version of the Guidance at:

<https://www.humanrights.dk/publications/human-rights-impact-assessment-digital-activities>

## A NOTE ON THIS VERSION

This first version of the Guidance on Human Rights Impact Assessment (HRIA) of Digital Activities (the Guidance) is based on DIHR materials and experiences, input from expert reviewers and practitioners, the UN Guiding Principles on Business and Human Rights and international human rights instruments, as well as public domain sources on impact assessment.

The preparation of this Guidance included a workshop in Denmark in November 2019, during which 20 expert reviewers participated in a discussion on human rights impact assessment of digital activities i.e. digital projects, products and services.

It is anticipated that in 2020-2021, a Phase II of the project will focus on applying the Guidance in practice, the gathering and sharing of learning, and subsequently updating the Guidance based on experiences from practice.

As HRIA of digital activities is an emerging practice, this Guidance seeks to provide support to those working with HRIA of digital projects, products and services, but also to contribute to a platform for dialogue about HRIA practice and standards in the 'digital' business and human rights field. In this context, we welcome comments from stakeholders on the Guidance and on experiences with using it.

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# PHASE 5

## REPORTING AND EVALUATION

### WHAT HAPPENS IN PHASE 5?

Communicating and reporting on HRIA methods and findings are critical components of the assessment process. Through stakeholder engagement, communication about the HRIA will happen throughout the assessment. However, writing and publishing a final assessment report is also important. A detailed HRIA report that is available and accessible to rightsholders, duty-bearers and other relevant parties can foster dialogue and accountability by documenting the impacts that have been identified, the measures taken to address them and the processes for monitoring the effectiveness of measures. The report should be drafted with special consideration to challenges such as sensitivity of information.

If done carefully and acted upon, evaluation of the HRIA process, findings and outcomes can further contribute to continuous improvement of company due diligence and human rights outcomes.



### KEY QUESTIONS ADDRESSED IN THIS SECTION:

- Why is it important to publish a HRIA report?
- What are some of the common challenges when reporting on HRIA processes and findings, and how can these be addressed?
- What should be included in a HRIA report?
- How can evaluation of HRIA processes contribute to continuous improvement of business respect for human rights?

### 1.1 WHY REPORT ON HRIA?

**Access to information is both a human right and a key process principle of a human rights-based approach.** Communicating clearly to stakeholders about the process and findings of a HRIA, including through reporting, is an essential step

towards securing a transparent and accountable process. Additionally, it is also a way of ensuring that rightsholders, duty-bearers and other relevant parties can meaningfully participate by providing input on the findings.

Communicating and reporting on human rights due diligence (HRDD) processes, including on human rights impacts, is expected by both the UN Guiding Principles and the OECD Guidelines for Multinational Enterprises (see Box 1, below). Further, reporting requirements such as those under EU Non-Financial Reporting Directive or stock exchange regulators, the Global Reporting Initiative (GRI) Standards (currently under revision to further integrate human rights principles including those articulated in the UNGPs, and the UNGPs reporting framework<sup>1</sup>, increasingly set an expectation on companies to report on their HRDD efforts. Communicating and reporting are essential for fostering the accountability of businesses for addressing their adverse human rights impacts.

#### **BOX 1: REPORTING ABOUT HUMAN RIGHTS IMPACTS IN THE UN GUIDING PRINCIPLES AND OECD GUIDELINES**

##### **The UN Guiding Principles on Business and Human Rights**

According to the UN Guiding Principles: “In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating context pose risks of severe human rights impacts should report formally on how they address them”.<sup>2</sup>

The UN Guiding Principles also note that communications should always: “(a) Be of a form and frequency that reflects and enterprise’s human rights impacts and that are accessible to its intended audiences; (b) Provide information that is sufficient to evaluate the adequacy of an enterprise’s response to the particular human rights impact involved; (c) In turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality”.<sup>3</sup>

##### **The OECD Guidelines for Multinational Enterprises**

Section III of the OECD Guidelines set the expectation that enterprises “ensure that timely and accurate information is disclosed on all material matters regarding their activities, structure, financial situation, performance, ownership and governance”.<sup>4</sup> The definition of ‘material’ information relevant for disclosure includes issues regarding workers and other stakeholders. In addition, enterprises are encouraged to communicate additional information on, amongst other things, relationships with workers and other stakeholders.

Section III also outlines expectations regarding the quality and timeliness of disclosed information in order for the information disclosure to meet its intended purpose: to improve public understanding of enterprises and their interactions with society and the environment.<sup>5</sup>

**Publishing HRIA reports and associated impact management plans can be a way for businesses to demonstrate that they ‘know and show’ that they are undertaking human rights due diligence and exercising respect for human rights.** From a community, civil society and public interest perspective, a public HRIA report can be a basis for strengthening rightsholder strategies in demanding corporate accountability more broadly, taking a facts- and evidence-based approach.<sup>6</sup>

Reporting on HRIA processes and findings **can also provide a platform for internal and external dialogue** about the process and outcomes of the assessment, as well as foster relationship building between the different stakeholders involved.

#### BOX 2: SUMMARY ON WHY IT IS IMPORTANT TO REPORT PUBLICLY ON HRIA

- Access to information is both a human right and a key process principle of a human rights-based approach.
- Communicating clearly is an essential step towards securing a transparent and accountable process.
- Reporting on HRIA is a way of ensuring that stakeholders can meaningfully participate by providing input on the findings and measures.
- Formal reporting is expected by the UNGPs when operations pose risks of severe human rights impacts.
- Reporting on HRIA is a key way for businesses to demonstrate that they ‘know and show’ that they are exercising respect for human rights. Public reporting can also help ensure that the results of the HRIA travels to the top of the company.
- Reporting on HRIA processes and findings can foster relationship building between the different stakeholders involved.

Reporting and communicating on the HRIA process and outcomes can be undertaken in different ways, depending on the precise circumstances, **“including in-person meetings, online dialogues, consultation with affected stakeholders, and formal public reports.”**<sup>7</sup> If possible, communicating about the HRIA process and findings should include a combination of dialogue and engagement-based strategies, in particular involving previously engaged

rightsholders and their proxies, as well as the publication of a HRIA report. Through this, the company can demonstrate commitment to transparency and engagement, as well as accountability. Engaging stakeholders in the reporting process is critical for ensuring that the HRIA reflects communities' experiences (see more below in chapter 1.2).

**A final impact assessment report should outline the impact assessment methodology including limitations and process, findings and mitigation measures, as well as a forward-looking plan for monitoring and evaluation.<sup>8</sup>**

**From a good practice perspective, the publication of a final HRIA report should be considered an integral component of a HRIA process.** Companies are increasingly disclosing their HRIA findings to increase transparency and provide a platform for ongoing dialogue with stakeholders. Additionally, legislation such as the EU Non-Financial Reporting Directive, the California Transparency in Supply Chains Act, the UK's and Australia's respective Modern Slavery Acts, the French Duty of Vigilance Law, and the Dutch Child Labour Due Diligence Law require companies to report on their human rights due diligence efforts, and publishing a HRIA report should be seen as taking actions in line with the spirit of such legal requirements<sup>9</sup> and stakeholder expectations.

**In cases where full disclosure may be harmful, however, (e.g. where it might cause risks to rightsholders or be counterproductive for engagement on human rights with business partners or the government), other alternatives to the publication of a full report may be considered.** Such alternatives may, **for example**, include conducting in-person or virtual meetings with stakeholders where findings are shared and/or publishing a summary report of key findings. **Ideally, such alternatives should be interim measures while companies work towards full disclosure of HRIA processes and findings.** In working towards disclosure of HRIA processes and findings, some companies have also published HRIA reports with aggregate data rather than country- and site-specific findings as an interim measure. Some examples of reporting on HRIA are provided in Box 3, below.

### BOX 3: PUBLIC REPORTING ON HUMAN RIGHTS ASSESSMENT IN THE TECH SECTOR

Reporting publicly on the HRIA process and findings can be important for demonstrating a commitment to transparency and accountability, as well as providing a platform for ongoing dialogue between the different stakeholders involved.<sup>10</sup> The following are **some examples of public reporting on HRIA:**

- The HRIA and Responsible Divestment Plan for Business Region Eurasia provides a summary of the HRIA related to Telia's plans to divest from Eurasia and the related potential human rights impacts. The HRIA includes

information about the methodology used, human rights policies and processes in Telia, identified risks and opportunities as well as recommendations on how to avoid and address identified impacts and risks.

- Facebook commissioned three HRIAs in 2018 for its activities in Sri Lanka, Indonesia and Cambodia. Facebook published executive summaries of the three HRIA reports, which include information on methodology, contextual analysis, human rights-related opportunities and risks, recommendations on how to address identified risks as well as information about Facebook's measures following the assessment.
- Google, together with BSR, published the executive summary describing the human rights assessment (which was the terminology used for this report) conducted in relation to Google's Celebrity Recognition API. The summary includes information about the digital product, the methodology used to identify future potential impacts, the related potential human rights impacts, and corresponding recommendations and actions taken by Google to prevent impacts. Considering the interplay of several digital products and services as well as the many actors in the sector, systemwide impacts were identified and were also given a separate section in the report.

**Note:** *The above examples may not be fully aligned with this Guidance. However, considering HRIA in the digital space is an emerging practice, these could serve as a starting point for companies when conducting a HRIA and planning for public reporting as well as to illustrate the benefit of public reporting.*

Source: BSR (2016), "Human Rights Impact Assessments and Responsible Divestment Plan for Business Region Eurasia: Summary Project Report for Telia Company": <https://www.teliacompany.com/globalassets/telia-company/documents/about-telia-company/bsr-telia-company-hria-summary.pdf> [Accessed July 30, 2020]; Facebook (2020), "An Update on Facebook's Human Rights Work in Asia and Around the World": <https://about.fb.com/news/2020/05/human-rights-work-in-asia/> [Accessed July 30, 2020]; BSR (2019), "Google Celebrity Recognition API Human Rights Assessment: Executive Summary": <https://www.bsr.org/reports/BSR-Google-CR-API-HRIA-Executive-Summary.pdf> [Accessed July 30, 2020].

For more information about HRIA and examples of public reporting, see: Business & Human Rights Resource Centre, "Human rights impact assessments": <https://www.business-humanrights.org/en/un-guiding-principles/implementation-toolsexamples/implementation-by-companies/type-of-step-taken/human-rights-impactassessment> [Accessed July 30, 2020].

## 1.2 HOW TO ENSURE THAT THE HRIA REFLECTS RIGHTSHOLDERS' EXPERIENCES

Assessment processes such as HRIA need to involve continuous communication with relevant stakeholders, in particular affected rightsholders. Through this, an iterative engagement and dialogue is established, ensuring the sharing of information, experiences, perspectives and findings throughout the process of the assessment. Technical information should be communicated in an accessible format and in the language spoken by the stakeholders. HRIA practitioners should strive to ensure that stakeholder engagement is inclusive, culturally appropriate, and gender-sensitive. Finally, it should explicitly seek out the views of any vulnerable groups that may be adversely affected by the business project or activities.<sup>11</sup>

It should be noted, however, that while direct rightsholder engagement is generally time-consuming and sometimes challenging, this can be particularly true in relation to digital projects, products and services. **The challenges are increased in relation to digital activities mainly due to three factors<sup>12</sup>:**

- A. The potentially (very) significant amounts of users and other rightsholders (which can amount to millions or even billions of users).
- B. The diverse use-cases of any given product or service (the services provided by a telecommunications company can, for example, be used in many different ways and for many purposes).
- C. The wide geographic spread of the users and non-users potentially impacted.

While the challenges listed do not change the expectation on companies to engage directly with potentially affected stakeholders in order to understand their concerns<sup>13</sup>, there may be legitimate reasons for engaging with rightsholder proxies (or 'intermediary stakeholders') when such direct engagement is not possible.<sup>14</sup> For more on this topic, see the Stakeholder Engagement section of the Guidance.

**TABLE A: STEPS TO ENSURE HRIA REPORTS REFLECT RIGHTSHOLDERS' EXPERIENCES**

When reporting, the assessment team should take the following steps to ensure that the report accurately reflects the rightsholders' experiences:

**Examples**

<p><b>1. Engage key rightsholders, rightsholder groups and/or their proxies in the reporting process</b> by creating alliances and seeking experts with local context knowledge to contribute to the assessment. This approach will not only help to create strong relationships with various rightsholder groups, but also allow for critical and continuous communication.</p>	<p>If developing a social media platform targeting a specific country, engage with a local digital rights group specialised on e.g. internet freedom in the reporting process.</p>
<p><b>2. Establish shared objectives, expectations and goals on the assessment</b> by engaging in dialogue with rightsholders and/or their proxies. What is the desired outcome? Is the HRIA report seen as a goal in itself or is it a part of an on-going process to raise human rights knowledge amongst stakeholders?</p>	<p>Digital rights groups in a country might e.g. strongly support the publication and wide dissemination of the HRIA report in order to show good practice in relation to transparency around human rights processes.</p>
<p><b>3. Manage expectations</b> of rightsholders or their proxies, to avoid disappointment and frustration by recognising the changes the HRIA process initiates.</p>	<p>Make sure to discuss during the engagement with e.g. digital rights groups, what the HRIA can and cannot do. For example, in terms of change that can or cannot be guaranteed as part of the process.</p>
<p><b>4. Adapt human rights language to context-specific realities</b> by seeking ways to explain human rights in the specific context and in the terms of daily, practical realities of rightsholders. Use pedagogical techniques and media, such as visual aids or participatory exercises, tailored specifically to engage with individual rightsholders and rightsholder groups.</p>	<p>The HRIA report can be accompanied with a video animation that clearly illustrates how the digital product or service in question works and how mitigating measures taken can protect from e.g. biased outcomes related to an algorithm.</p>

Source: Rights & Democracy and Oxfam America (2010), *“Community-based human rights impact assessment: Practical Lessons”*, Québec: Rights & Democracy and Oxfam America; BSR & Center for Democracy and Technology (CDT) (2014), *“Legitimate and Meaningful: Stakeholder Engagement in Human Rights Due Diligence: Challenges and Solutions for ICT Companies”*: [https://www.bsr.org/reports/BSR\\_Rights\\_Holder\\_Engagement.pdf](https://www.bsr.org/reports/BSR_Rights_Holder_Engagement.pdf)

### 1.3 CHALLENGES WHEN REPORTING ON HRIA PROCESSES AND FINDINGS

**Reporting on human rights impacts and HRIA can pose a number of challenges for rightsholders, businesses, assessment teams and other stakeholders. For example,** businesses may be hesitant to report on HRIA processes and findings in operating environments where such reporting may be perceived as critical of business partners or the host-country government. As HRIA is an emerging practice, businesses may also be hesitant to commit to full disclosure while methodologies and practices are developing. That being said, HRIA emphasise transparency and disclosure of findings as part of a human rights-based approach.

**HRIA assessment teams and businesses should carefully balance transparency with the necessary protections for rightsholders in terms of confidentiality and sensitivity of information.** It is of utmost importance that HRIA reporting does not pose risks to rightsholders involved, for example, through the disclosure of sensitive information that could result in retaliation against participating rightsholders. Even when rightsholders give informed consent, HRIA teams should evaluate risk of harm to rightsholder participants in the HRIA process. The business should have well-reasoned, defensible justifications for excluding information from the HRIA report. **Even if some information is withheld from the public HRIA report, it may still be appropriate to share this information with rightsholders, investors and regulators.**<sup>15</sup> Further, in determining the best means of communication and reporting, the timeframe in which a HRIA is conducted can also be identified as a challenge.

Clearly, there are real and important aspects to consider when advocating for the disclosure of HRIA reports. Table B, below, outlines some examples of challenges and possible approaches relating to HRIA reporting in more detail.

**TABLE B: EXAMPLES OF CHALLENGES AND APPROACHES FOR HRIA PRACTITIONERS IN RELATION TO HRIA REPORTING**

CHALLENGE	POSSIBLE APPROACH OF HRIA PRACTITIONER/TEAM
<p>Business concern that full disclosure might lead to criticism from business partners or the host-government or to litigation.</p>	<ul style="list-style-type: none"> <li>• Engage in constructive and on-going dialogue with the business involved, thereby building trust and further commitment towards full disclosure.</li> <li>• Engage with relevant government and state agencies prior to, and as a part of, conducting the HRIA.</li> <li>• Understand the government’s stance on human rights to help the assessment team evaluate any potential risks as well as to develop strategies to address such risks.</li> <li>• Ensure formal commitment to make public the results of the HRIA at the outset of initiating the HRIA, which often leads to increased engagement from senior management in the HRIA process and thereby a better understanding of the process itself.</li> </ul>
<p>Ensuring that the HRIA report is known to interested stakeholders, in particular affected rightsholders and their representatives.</p>	<ul style="list-style-type: none"> <li>• Ensure that the HRIA report is available in relevant local languages and non-technical summaries as necessary.</li> <li>• Ensure that the HRIA report includes a dissemination strategy that is tailored to the relevant context and spans relevant stakeholders involved.</li> <li>• Where possible and appropriate, include stakeholders who have been involved in the HRIA process in the communication about the HRIA report, for example, arrange for a meeting between the assessment team, company representatives and rightsholder representatives where the HRIA findings are presented and discussed.</li> <li>• Ensure that the report is disseminated via diverse means and media, such as in-person and virtual meetings, printed copies, Internet and so forth, as appropriate in the relevant context.</li> </ul>

**TABLE B: EXAMPLES OF CHALLENGES AND APPROACHES FOR HRIA PRACTITIONERS IN RELATION TO HRIA REPORTING**

CHALLENGE	POSSIBLE APPROACH OF HRIA PRACTITIONER/TEAM
<p>Reporting on HRIA findings in local or regional contexts where this may put rightsholders at risk.</p>	<ul style="list-style-type: none"> <li>• Engage with rightsholders, their representatives and proxies, civil society and NHRIs before commencing the HRIA and throughout the HRIA process, to identify any potential risks and to determine the suitable means for information disclosure necessary to avoid any potential risks to rightsholders, for example through taking steps to ensure anonymity.</li> <li>• Take extra care to ensure that the team conducting the HRIA has good context knowledge and that in-person and virtual interviewing ethics are applied throughout the assessment.</li> <li>• Where necessary to protect rightsholders against retaliation, a summary report highlighting the main findings may be considered as an alternative to a full HRIA report.</li> </ul>
<p>Disagreement between the company and impact assessment team regarding what should be reported and how.</p>	<ul style="list-style-type: none"> <li>• Agree on reporting formats from the outset, including by clearly specifying the reporting requirements associated with the HRIA in the TOR (e.g. that the company may review the report and correct factual errors and suggest general improvements, whereas HRIA team retains editorial control of the content).</li> </ul>
<p>Reporting on certain impacts might expose information that is not appropriate to disclose (e.g. where it might cause risks to rightsholders or be counterproductive for engagement on human rights with business partners or the government).</p>	<ul style="list-style-type: none"> <li>• Ensure thorough and extensive stakeholder engagement throughout the assessment process to identify any information that may not be appropriate to include in the public HRIA report.</li> <li>• Ensure that the impact assessment team has the requisite expertise to identify and address any instances where the identification of an impact and the mitigation measure would be most appropriately communicated to only a specific rightsholder or stakeholder group.</li> </ul>

### 1.3.1 CONSIDERATIONS FOR REPORTING BACK TO HRIA PARTICIPANTS

One particular challenge when reporting on HRIA is how, exactly, to report back to HRIA participants. **Reporting procedures should include careful consideration of how the HRIA findings should be published and communicated to rightsholders, rightsholder proxies and other stakeholders in order for them to be able to meaningfully utilise the HRIA report for ongoing dialogue, monitoring and evaluation.** Challenges include ensuring adequate accessibility of the report to rightsholders, by for example addressing language, literacy and physical accessibility, as well as information complexity. See cross-cutting section on Stakeholder Engagement for further considerations on the engagement with rightsholders, as well as Table C, below, for specific considerations when reporting back to HRIA participants.

TABLE C: CONSIDERATIONS FOR REPORTING BACK TO HRIA PARTICIPANTS		
ACTIVITY	STEPS	AREAS FOR FURTHER ATTENTION AND CONSIDERATIONS
1. Reporting back	<ul style="list-style-type: none"> <li>• <b>Share with HRIA participants</b> what the main findings and lessons learnt of the process are and ensure that their views are adequately reflected in the report.</li> <li>• <b>Discuss possible mitigation measures</b> and ensure these reflect preferred mitigations measures of rightsholders.</li> <li>• <b>Manage expectations</b> of participants regarding the report to avoid disappointment and frustration.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Consider using various means of engaging with participants on the HRIA report</b>, i.e. through media such as visual aids, orally or through participatory exercises, tailored specifically to engage with the participants.</li> <li>• <b>Consider benefits of virtual or in-person report back</b>, focusing especially on vulnerable and marginalised groups' possibilities to meaningfully participate in report back sessions.</li> <li>• <b>Consider holding separate meetings</b> for specific groups of stakeholders to ensure that they have the opportunity to express themselves on the recommended mitigation</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure that the report is available in <b>relevant languages</b> and shared with participants in an accessible manner; if necessary through a summarized report.</li> <li>• Ensure that the <b>impact management plan</b> adopted by the company is <b>communicated</b> to rightsholders.</li> </ul>	<p>measures—e.g. holding women only meetings where they can speak freely, or talking specifically to experts on online safety for children.</p> <ul style="list-style-type: none"> <li>• <b>Set a reasonable deadline</b> for receiving comments to the HRIA report from participants, given the extensive time it could take to receive comments from all participants.</li> </ul>
<p><b>2. Continuous engagement</b></p>	<ul style="list-style-type: none"> <li>• Support the establishment of <b>participatory monitoring mechanisms</b> to allow rightsholders to be continuously engaged in the follow-up to the report.</li> <li>• Suggest <b>regular meetings are held between the company and HRIA participants</b> to discuss progress in the implementation of mitigation measures as well as the impact management plan.</li> </ul>	<ul style="list-style-type: none"> <li>• Encourage the company to request <b>ongoing feedback</b> on impacts from HRIA participants, for example through the company’s internal and external grievance mechanisms.</li> <li>• Encourage the company to <b>publicly report on progress</b> made on the implementation of the mitigation measures in an <b>ongoing manner</b>.</li> </ul>

## 1.4 CONTENT OF A HRIA REPORT

**The introduction** of an assessment report should outline the main purpose of the report in a clear manner, including a background explanation of the HRIA's objectives, the funding source and the authors.

**The methodology section** should include a statement about the overall assessment design—which methods and approaches to rightsholder engagement were used, how ethics were approached throughout the assessment, how a human rights-based approach was applied, and so forth. These points could be presented through an overview of each of the process phases and their respective outputs, with clear statements about the goals, tasks and key findings of each phase. It is also important to include the limitations of the applied methodology and decisions made to narrow or broaden the scope of the assessment.<sup>16</sup>

**The context description section** should include clear explanations of the digital project, product or service in question as well as key concepts related to it. This should be described in a language that non-experts and laymen could understand. This can be highly important given the significant complexity of the issues at hand. It should also include information about the human rights context, the relevant stakeholders and rightsholders, and so forth.

**Key findings and actions** should be reflected through a presentation either covering each of the human rights separately or in a thematic form such as 'privacy issues', 'women's rights' or 'discriminatory impacts'. Each section should clearly state the context of the impacts, their severity, the mitigation measures proposed, as well as the timeline and who is responsible for implementing the mitigation measures.<sup>17</sup>

The report should also include a **description of the role of ongoing stakeholder engagement processes and grievance mechanisms** as part of the impact management.<sup>18</sup>

For more detailed comments about what type of information to include in a HRIA report, and on how the information may be presented, see [HRIA toolbox and guidance](#) practitioner supplement for Phase 5.<sup>19</sup>

## 1.5 EVALUATION AND CONTINUOUS IMPROVEMENT

Undertaking a HRIA is to be recognised as a commitment to human rights, and as such, the process is not concluded with the publication of a final report. Human rights situations are dynamic, and it is therefore important that the HRIA includes measures for evaluation and continuous improvement.<sup>20</sup>

The evaluation stage consists firstly of **an assessment of the HRIA process itself**. The objective of the evaluation is to identify and determine to what extent the HRIA has met the initial objectives.

The second stage of the HRIA evaluation process should be initiated after the publication of the final report. The evaluation should **consider unforeseen impacts, substantial changes made to the company's policies and practices, and significant changes in the relevant local context**. This can take the form of assessment reports on the actual implementation of measures to address the impacts, with rightsholders and duty-bearers consulted about the effectiveness and outcomes of the interventions. Systematically monitoring and reporting back to affected rightsholders on the steps taken will encourage on-going follow-up reports, as well as secure transparency throughout the life span of a project, product or service. It also provides the opportunity of looking back at lessons learned, thereby facilitating on-going improvement of HRIAs as well as other HRDD processes.<sup>21</sup>

It is important to ensure the **continuous improvement of the company's performance**. The assessment team will, in most cases, only be involved until all initial issues have been assessed and suitable systems have been put in place to address them.<sup>22</sup> However, good practice would include follow-up calls at certain intervals after the initial assessment as well as potential follow-up assessment where the assessment team engages again with the same stakeholders to assess the progress as well as the effectiveness of the measures taken. To overcome potential claims of bias in an ex-post HRIA, the company might find it useful to seek verification from a suitable and qualified third party (e.g. an external consultant or an organisation with a proven record of working on improving companies' human rights due diligence processes).<sup>23</sup>

Periodic review of the digital project, product or service will facilitate addressing any issues that may arise after the assessment. Periodic review conducted at regular intervals, depending on the scope of the project or use of the product or service, also serves the purpose of determining if the HRIA methodology used is up to date with current international good practice.<sup>24</sup>

# END NOTES

<sup>1</sup> Shift & Mazars, “UN Guiding Principles Reporting Framework”: <https://www.ungpreporting.org/> [Accessed Oct 28, 2020].

<sup>2</sup> UN Guiding Principle 21.

<sup>3</sup> Ibid.

<sup>4</sup> OECD (2011), “*OECD Guidelines for Multinational Enterprises*”, Paris: OECD Publishing.

<sup>5</sup> Organisation for Economic Co-operation and Development (2011), “*OECD Guidelines for Multinational Enterprises*”, Paris: OECD Publishing, Section III, p.27-30.

<sup>6</sup> Gonzales (2014), “*Evaluating the Human Rights Impacts of Investment Projects: Background, Best Practices, and Opportunities*”: <https://www.projectpoder.org/wp-content/uploads/2015/01/PODER-HRIA-Best-Practices-Dec-2014.pdf> [Accessed July 30, 2020].

<sup>7</sup> UN Guiding Principle 21 and commentary.

<sup>8</sup> World Bank & Nordic Trust Fund (2013), “*Human Rights Impact Assessments: A Review of the Literature, Differences with other forms of Assessments and Relevance for Development*”: <http://documents1.worldbank.org/curated/en/834611524474505865/pdf/125557-WP-PUBLIC-HRIA-Web.pdf> [Accessed July 30, 2020].

<sup>9</sup> European Coalition for Corporate Justice (2018), “*Key Features of Mandatory Human Rights Due Diligence Legislation*”: [https://corporatejustice.org/documents/publications/eccj/2018eccj-position-paper-mhrdd-final\\_june2018.pdf](https://corporatejustice.org/documents/publications/eccj/2018eccj-position-paper-mhrdd-final_june2018.pdf) [Accessed July 30, 2020].

<sup>10</sup> For more information about HRIA and examples of public reporting, see: Business & Human Rights Resource Centre, “*Human rights impact assessments*” : <https://www.business-humanrights.org/en/un-guiding-principles/implementation-tools-examples/implementation-by-companies/type-of-step-taken/human-rights-impact-assessments> [Accessed July 30, 2020].

<sup>11</sup> Abrahams & Wyss (2010), “*Guide to Human Rights Impact Assessment and Management*”: <https://www.unglobalcompact.org/library/25> [Accessed July 30, 2020].

<sup>12</sup> BSR & Center for Democracy and Technology (CDT) (2014), “*Legitimate and Meaningful: Stakeholder Engagement in Human Rights Due Diligence: Challenges and Solutions for ICT Companies*”: [https://www.bsr.org/reports/BSR\\_Rights\\_Holder\\_Engagement.pdf](https://www.bsr.org/reports/BSR_Rights_Holder_Engagement.pdf)

<sup>13</sup> UN Guiding Principle 18 and commentary.

- <sup>14</sup> BSR & Center for Democracy and Technology (CDT) (2014), *“Legitimate and Meaningful: Stakeholder Engagement in Human Rights Due Diligence: Challenges and Solutions for ICT Companies”*: [https://www.bsr.org/reports/BSR\\_Rights\\_Holder\\_Engagement.pdf](https://www.bsr.org/reports/BSR_Rights_Holder_Engagement.pdf)
- <sup>15</sup> DIHR (2017), *“Human Rights Impact Assessment and Legal Advisory Work: Frequently Asked Questions”*, Copenhagen: The Danish Institute for Human Rights.
- <sup>16</sup> Drawing on: Vanclay, Esteves, Aucamp & Franks (2015), *“Social Impact Assessment: Guidance for assessing and managing the social impacts of projects”*: [https://www.rug.nl/research/portal/files/17534793/IAIA\\_2015\\_Social\\_Impact\\_Assessment\\_guidance\\_document.pdf](https://www.rug.nl/research/portal/files/17534793/IAIA_2015_Social_Impact_Assessment_guidance_document.pdf) [Accessed July 30, 2020].
- <sup>17</sup> Ibid.
- <sup>18</sup> Ibid.
- <sup>19</sup> Danish Institute for Human Rights, *“Human rights impact assessment guidance and toolbox”*: <https://www.humanrights.dk/business/tools/human-rights-impact-assessment-guidance-toolbox>
- <sup>20</sup> UN Guiding Principle 18 and commentary.
- <sup>21</sup> Vanclay, Esteves, Aucamp & Franks (2015), *“Social Impact Assessment: Guidance for assessing and managing the social impacts of projects”*: [https://www.rug.nl/research/portal/files/17534793/IAIA\\_2015\\_Social\\_Impact\\_Assessment\\_guidance\\_document.pdf](https://www.rug.nl/research/portal/files/17534793/IAIA_2015_Social_Impact_Assessment_guidance_document.pdf) [Accessed July 30, 2020].
- <sup>22</sup> Drawing on: Ibid.
- <sup>23</sup> Abrahams & Wyss (2010), *“Guide to Human Rights Impact Assessment and Management”*, p.59: <https://www.unglobalcompact.org/library/25> [Accessed July 30, 2020].
- <sup>24</sup> Drawing on: Vanclay, Esteves, Aucamp & Franks (2015), *“Social Impact Assessment: Guidance for assessing and managing the social impacts of projects”*: [https://www.rug.nl/research/portal/files/17534793/IAIA\\_2015\\_Social\\_Impact\\_Assessment\\_guidance\\_document.pdf](https://www.rug.nl/research/portal/files/17534793/IAIA_2015_Social_Impact_Assessment_guidance_document.pdf) [Accessed July 30, 2020].

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