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| data collection and baseline development Practitioner supplement |
| Human Rights Impact assessment guidance and toolbox |

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| Phase 2: Data collection and baseline development |
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[1.1 Data collection checklist 2](#_Toc26958095)

[1.2 Selecting human rights indicators 6](#_Toc26958096)

[1.3 Examples of human rights indicators 8](#_Toc26958097)

[1.4 Resource overview for human rights indicators sources 13](#_Toc26958098)

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| **In** [**Phase 2: Data Collection and Baseline Development**](https://www.humanrights.dk/hria-toolbox/phase2) **you can find guidance on developing a HRIA baseline, sources for data collection and an introduction to human rights indicators.**  **In this Practitioner Supplement you will find:**   * **A checklist for data collection** * **Pointers for selecting human rights indicators** * **Examples of different types of indicators** * **A resource overview of indicator sources**   **This Practitioner Supplement is a part of the Human Rights Impact Assessment Guidance and Toolbox. You can find the full version here:** [**https://www.humanrights.dk/hria-toolbox/**](https://www.humanrights.dk/hria-toolbox/) |

## Data collection checklist

To enable thorough impact analysis, data collection should draw on a wide range of different types of sources. Field work, in particular interviews and engagement with rights-holders, are essential to facilitate understanding of impacts as they are experienced by the people who are impacted (see [Phase 2: Data Collection and Baseline Development](https://www.humanrights.dk/hria-toolbox/phase2) for a range of example data sources that can be used in HRIA; see [Stakeholder Engagement](https://www.humanrights.dk/hria-toolbox/stakeholder-engagement)  on the types of stakeholders to engage, considerations for engagement of different rights-holders and sample interview templates).

In collecting the necessary data, the assessment team should take steps to apply human rights principles in the data collection process. Table A, below, provides a checklist on the application of human rights principles in data collection.

| **Table A: Human rights-based approach to data collection checklist** | |
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| **Human rights principle** | **Example questions for the HRIA team** |
| **Non-discrimination** | Have we identified relevant rights-holder groups and ensured adequate identification of vulnerable individuals and groups? |
| Have we identified and considered different types of discrimination based on international human rights standards (e.g., sex, gender, disability and/or other status)? |
| Have we taken a gender-responsive approach to data collection, i.e., an approach that identifies gender biases and acts upon this by taking steps to improve gender equality? |
| Have we collected disaggregated data to detect patterns of inequality and discrimination? |
| Have we focused proactively on the inclusion of vulnerable individuals and groups in all aspects of the data collection? |
| Have we invested the time and resources needed to reach out to vulnerable individuals and groups, including the poorest of the poor, to ensure their realities and views are adequately reflected? |
| **Participation** | Have we included representative rights-holders, duty-bearers and other relevant parties in the data collection process? |
| Have we taken steps to support the active, free and meaningful participation of the different types of stakeholders in the data collection? |
| Have we ensured access for participants to relevant information, materials and public meetings related to the data collection? |
| Have we worked for local ownership of the collection, processing and use of data, e.g., through actively involving local stakeholders in the data collection processes as appropriate? |
| Have we taken steps to ensure the necessary provisions for privacy of data collected from rights-holders (and other stakeholders) where there are risks of retaliation or security? |
| **Data disaggregation** | Is data used and collected disaggregated by key characteristics identified in international human rights law (e.g., migration or displacement status, income, sexual orientation, gender identity, sex, age, ethnicity, religion, disability)? |
| When the HRIA team conducts primary research and engages with stakeholders, is data collected in a way that allows for later disaggregation, including by collecting information on personal characteristics such as religion and gender? |
| Does the data allow for analysis of disparities within and between population groups? |
| Have populations of interest been sampled in a way appropriate to the context (e.g., random sampling, targeted sampling, route sampling)? |
| Are the data recording systems able to incorporate new data items as needs arise? |
| **Self-identification** | Do individuals have the ability to disclose or withhold information about their personal characteristics? |
| Is data on personal characteristics kept safe and used only for the benefit of the groups it describes and society as a whole (in line with the principle of ‘do no harm’)? |
| Have we allowed populations of interest to self-define their personal identity characteristics, based on their own parameters? |
| Have we ensured our data collection does not create or reinforce discrimination, bias or stereotypes against population groups, including by not denying their self-defined identities? |
| Have all persons conducting interviews received appropriate training, including on issues such as gender, cultural awareness, and historical legacy? |
| **Transparency** | Is information about how the data is collected publicly available? |
| Have we ensured data will be disseminated as quickly as possible after collection? |
| Have we taken measures to make the data available in an accessible language and format, taking into account considerations such as literacy levels, cultural background, disability and language? |
| Have we clearly explained the methodology used and the purpose of the HRIA? |
| Have limitations on the HRIA process, including changes which may arise from the results, been clearly communicated? |
| **Privacy** | Have we taken steps to ensure information that identifies individuals or discloses personal characteristics is not made public? |
| Have we ensured that when personal data is released, it is only done with permission of the individual concerned or their appropriate representatives? |
| Do we have robust data protection mechanisms and procedures? |
| Have we established clear harm mitigation strategies in the case of data leaks (e.g., reporting obligations, compensation for data subjects, access to remedies)? |
| Do we have the appropriate resources to adapt to emerging data security threats? |
| **Accountability** | Have we included a range of sources of data, i.e., from rights-holders, events-based, surveys, human rights actors etc.? |
| Have we included both primary and secondary data? |
| Has our data collection identified the roles and responsibilities of different stakeholders, with a focus on duty-bearers? |
| Have we tried to establish dialogue and cooperation with government and private sector actors related to the business project or activities, through the data collection processes? |
| Have we taken steps to ensure viable access to information and transparency before and during data collection activities? |
| Have we ensured that rights-holders have access to a focal point or mechanism for raising grievance(s) related to data collection processes? |
| Source: Based on: Waterlex and Danish Institute for Human Rights (2015), *Training Manual: National Human Rights Institutions’ Roles in Achieving Human Rights-based Water Governance*, Geneva: Waterlex; Office of the United Nations High Commissioner for Human Rights (2018), *A Human Rights-Based Approach to Data*, Geneva and New York: OHCHR. | |

## Selecting human rights indicators

Human rights indicators for a HRIA should be selected based on the scoping, to ensure that all key issues in the particular context are adequately covered in the data collection and subsequent assessment. There are a number of existing resources that provide indicators that can be used in HRIA (see Section 1.4, below). Drawing on existing and established indicators can be useful in providing a basis for comparative analysis between different business projects and activities, across different HRIAs and across time.

When selecting indicators for a HRIA, practitioners may find it useful to bear in mind the RIGHTS criteria, outlined in Table B, below. Essentially, the RIGHTS criteria for indicators are the human rights equivalent of the SMART framework (SMART stands for: specific, measurable, attainable, relevant and time-related).

Indicators are a tool, they can provide information that can contribute to identifying and analysing adverse human rights impacts. However, caution should be taken, as indicators merely provide information they cannot in themselves actually confirm human rights impacts. In order to meaningfully assess human rights impacts, qualitative research methods need to be used. Essentially, indicators can be helpful in providing HRIA practitioners with so-called ‘red flags’, which should then ultimately be further investigated using qualitative methods, i.e., consulting relevant rights-holders, duty-bearers and other relevant parties in order to fully understand any actual and potential human rights impacts.

| **Table B: RIGHTS criteria for indicators** | |
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| **R** | **Relevant and Reliable**   * Relevant, in that the indicator is able to effectively measure what it is intended to measure and that it captures stakeholders’ own experiences. * Reliable in terms of the accuracy/validity of the data, i.e., if a question is asked for a second time to the same person a reliable indicator would yield the same response. A valid indicator is one which actually measures what it purports to measure. |
| **I** | **Independent** in its data collection methods from the subjects  Monitored, i.e., the HRIA team needs to be independent from the business as well as the government. |
| **G** | **Global** and universally meaningful but also amenable to  contextualisation and disaggregation by prohibited grounds of  discrimination.   * Participatory in that they have been selected or developed together with relevant stakeholders, e.g., rights-holders from affected communities. * Able to facilitate cross-checking and comparison with other data and other contexts. * Interpretable and communicable to people. * Diverse and disaggregated so that the different issues of different rights-holders (especially women and vulnerable groups) are considered. |
| **H** | **Human rights standards-centric;** anchored in the normative framework of rights   * Indicators need to relate to specific human rights, i.e., normative content of the rights. * AAAQ criteria should be used to help elaborate economic, social and cultural rights such as the right to water or adequate housing. |
| **T** | **Transparent** in methods, **timely** and **time-bound**   * Timely in order to be an effective tool in tracking effectiveness and for monitoring change. * Transparency in how data was collected for the indicators as well as areas where data was missing and/or unavailable. |
| **S** | **Simple** and **specific**   * An indicator ought to be simple and specific, meaning it is well defined and easy to understand and apply. * While specific, it should also be amenable to new data that may arise. |
| Source: Adapted from: Office of the United Nations High Commissioner for Human Rights (2012), *Human Rights Indicators: A Guide to Measurement and Implementation,* Geneva and New York: OHCHR, HR/PUB/12/5. | |

## Examples of human rights indicators

To facilitate a thorough analysis, the indicators selected for a HRIA should include structural, process and outcome indicators. In short:

* **Structural (policy) indicators** are commitment indicators; that is, they seek to establish the level of intent and commitment of a company for respecting human rights. This may include company policies and position statements.
* **Process (procedure) indicators** seek to measure the level of effort by the business in respecting human rights and implementing their structural-level human rights commitments. These indicators primarily focus on company processes (such as monitoring efforts) and resource flows. Examples can include inputs such as financial, human, material, technological and information resources, as well as outputs such as training efforts or construction of infrastructure.
* **Outcome (impact) indicators** assess impacts, thereby evaluating whether company efforts in meeting their responsibility to respect human rights have been effective or not. These may be quantitative (such as statistics on number of workplace accidents) or qualitative (such as descriptions of quality of company-provided housing).

Table C, below, provides some examples of these different types of indicators. For further indicators see the Danish Institute for Human Rights [Human Rights Indicators for Business](http://business-humanrights.org/en/platform-for-human-rights-indicators-for-business-hrib), the OHCHR Human Rights Indicator Guide, as well as the resources outlined in Table D in Section 1.4, below.

| **Table C. Examples of different types of indicators for HRIA** | | | | |
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| **Right being measured** | **Right to an adequate standard of living** (Universal Declaration of Human Rights, Art. 25) | **Right to just and safe working conditions** (Universal Declaration of Human Rights, Art. 23) | **Right to work** (Universal Declaration of Human Rights, Art. 23) | **Right to non-discrimination** (Universal Declaration of Human Rights, Arts. 1,2 and 7) |
| **Attribute of the right being measured** | **Protection from forced resettlement** | **Protection from unsafe working environment** | **Protection from forced labour** | **Equality of opportunity to participate in consultation** |
| **Structural indicator (policy)** | Existence of a company policy committing to protection from forced resettlement.  International human rights law sources that might be referenced as informing this commitment could include:   * Universal Declaration of Human Rights (1948), Articles 13, 17 and 25 * International Covenant on Civil and Political Rights (1966), Article 12(1) * ILO Indigenous and Tribal Peoples Convention (C169, 1989), Articles 15(2), 16 and 17 | Existence of a company policy committing to protection from an unsafe working environment.  International human rights law sources that might be referenced as informing this commitment could include:   * Universal Declaration of Human Rights (1948), Article 25 * International Covenant on Economic, Social and Cultural Rights (1966), Articles 7(b) and 12(2b) * ILO Occupational Health and Services Convention (C161, 1985), Article 5(b) * Tripartite Declaration on the Responsibilities of Transnational Corporations (1977), Article 38 | Existence of a company policy committing to ensuring that the company does not use, contribute to or benefit from forced labour practices.  International human rights law sources that might be referenced as informing this commitment could include:   * Universal Declaration of Human Rights (1948), Article 4 * International Covenant on Civil and Political Rights (1966), Article 8 * International Covenant on Economic, Social and Cultural Rights (1966), Article 7(b) * ILO Forced Labour and Servitude Convention (C29, 1930), Articles 2.2.C, 12 and 13 * ILO Abolition of Forced Labour Convention (C105, 1957) | Existence of a company policy committing to respecting equality of opportunity to participate in consultation.  International human rights law sources that might be referenced as informing this commitment could include:   * Universal Declaration of Human Rights, Articles 2 and 23 * Convention on the Elimination of all Forms of Racial Discrimination (1965), Article 1 * Convention on the Elimination of All Discrimination Against Women (1979), Article 11 |
| **Process indicator (procedure)** | * Land acquisition procedure requires community consultations prior to the purchase, lease and/or use of land, including special measures to include women of all local ethnic groups. * Number of agreements with affected community members to establish a joint plan of use, management and conservation of any natural resources which affect livelihoods. * Appointment of company focal point for evaluating compliance of land acquisition and resettlement processes with international human rights law. | * Number of adjustments to company monitoring process guidelines that have been made as a consequence of the documentation of workplace accidents. * Number and frequency of routine monitoring activities undertaken of production processes, machinery and equipment in a 12-month period, to ensure that they are safe and in good working condition. * Proportion of staff trained in ensuring safe and non-hazardous working conditions. * Proportion of complaints resolved through a company grievance mechanism that have been concluded to resolve health and safety issues in the workplace. | * Employment and recruitment procedures in place to ensure the company does not use or contribute to forced or bonded labour practices such as compelled overtime, human trafficking, lack of free movement, debt bondage or retention of personal documents. * Proportion of employees with a signed employment contract in place that ensures conditions are in accordance with international labour law standards. * Supplier monitoring procedure in place includes checks on measures to address risks and instances of forced and bonded labour in the supply chain. | * Company stakeholder engagement operating procedure includes specific measures to address direct and indirect discrimination in consultation practice. * Percentage of community relations staff trained in non-discrimination and how to ensure a fair and inclusive environment in consultation. * Percentage of budget allocated per project for consultation and engagement activities specifically targeting vulnerable or marginalised groups. * Proportion of community members that report awareness of the company grievance mechanism, disaggregated by gender, age and other relevant factors. |
| **Outcome indicator (impact)** | * Proportion of submitted grievances regarding resettlement that have been concluded or resolved. * Proportion of affected communities expressing satisfaction with processes applied for resettlement grievance resolution. * Proportion of community representatives involved in consultations on land acquisition in a 12-month period that did not consent to land acquisition. | * Incidences of occupational accidents, including acts of violence, personal injury, disease or death. * Proportion of third party staff reporting satisfaction with how occupational health and safety is managed. | * Recorded incidences of forced labour disaggregated by gender, ethnic group and age. * Periodic worker surveys confirm employees are not working excessive hours without rest, and there is no indication of use of coercion by the company. | * Number of complaints regarding consultation and participation, disaggregated by relevant factors. * Number of community members participating in consultation activities, disaggregated by age, ethnicity, gender and other relevant factors. * Proportion of women reporting that their concerns have been responded to in community consultation activities. |
| Source: Adapted from: Office of the United Nations High Commissioner for Human Rights (2012), *Human Rights Indicators: A Guide to Measurement and Implementation,* Geneva and New York: OHCHR, HR/PUB/12/5. | | | | |

## Resource overview for human rights indicators sources

| **Table D: Examples of tools using human rights indicators** | | |
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| **Tools and initiatives** | **Description** | **How the tools are used in practice** |
| [Danish Institute for Human Rights: Indicators for Business (also known as the Human Rights Compliance Assessment Tool)](http://business-humanrights.org/en/platform-for-human-rights-indicators-for-business-hrib) | Purpose: Provides indicators designed to assess and improve the human rights performance of companies.  Content: The tool incorporates a database of 2000 indicators which can be used to measure the implementation of human rights in corporate policies and procedures. | How the tool is used:  The tool can be used by all actors who seek to improve the human rights practices of businesses.  Examples of assessments that have used this framework:   * [Nestlé HRIA White Paper](http://www.humanrights.dk/files/media/dokumenter/udgivelser/nestle-hria-white-paper.pdf) * [Stora Enso Report](http://assets.storaenso.com/se/com/DownloadCenterDocuments/0502HRA_2015_DIHR_REPORT.pdf)   Additional case studies can be found on the platform here: <http://business-humanrights.org/en/platform-for-human-rights-indicators-for-business-hrib> |
| [Danish Institute for Human Rights: Respecting the Rights of Indigenous Peoples: A Due Diligence Checklist for Companies](https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/respecting_the_rights_of_indigenous_peoples_-_a_due_diligence_checklist_for_companies.pdf) | Purpose: This checklist seeks to provide companies with operational guidance on how to conduct due diligence when operating in areas where projects may affect indigenous peoples.  Content: The checklist features key questions that assessors should consider when working with indigenous communities, as well as comments and references for each item on the checklist. Questions correspond to four steps: screening, impact assessment, consultation, and implementation and monitoring. | How the tool is used:  Companies and assessors can use the checklist in conjunction with their other due diligence methods and tools. Questions include:   * Are there indigenous peoples who may be potentially affected by the project? * Does the assessment team include indigenous peoples’ experts? * Do the indigenous peoples and communities in the broad project area have formally recognised and demarcated land and resource rights? |
| [NomoGaia: Human Rights Impact Assessment Toolkit](http://nomogaia.org/tools/) | Purpose: Written for practitioners in order to provide both guidance and practical templates for conducting a HRIA.  Content: The toolkit provides a four-phase process starting with data gathering and scoping, and ends with a set of rights scores contrasting baseline human rights conditions and impacts. Phase II, Human Rights Topics Catalogues, specifically identifies the baseline human rights conditions in the project area, against which project impacts can be compared. Human rights issues are then divided into more than 300 topics and subtopics, or indicators. Each subtopic is associated with an impact score for the intensity and extent of impact likely to result from project activities. | How the tool is used:  Offers comprehensive guidance on developing a baseline, human rights issue areas and sources.  Examples of assessments that have used this framework:   * [Paladin Energy’s Kayelekera Uranium Project](http://nomogaia.org/2010/03/paladin-kayelekera-uranium-malawi/) * [Dole Fresh Fruit](http://nomogaia.org/2010/12/dole-fresh-fruit-hria-sample/) * Others can be found here: <http://nomogaia.org/work/> |
| [Rights & Democracy: Getting it Right: Human Rights Impact Assessment Guide, a community-based human rights impact assessment initiative](http://hria.equalit.ie/en/) | Purpose: A guide for communities and the civil society organisations they work with, but also others including business. It looks to assist communities in assessing the human rights impacts of foreign investment projects as they are experienced.  Content: Offers a step-by-step guide (web format) which includes five phases. It also provides a sampling of research questions with references to various indicators for each right (which have been developed by various organisations). | How the tool is used:  Among other things, it offers information on quantitative and qualitative data, a list of existing indictors by rights, as well as other necessary data that should be collected.  Examples of assessments that have used this framework:   * [Oxfam America and partner organisations case studies](http://policy-practice.oxfamamerica.org/work/private-sector-engagement/community-based-human-rights-impact-assessment-initiative/) * [FIDH and partner organisations case studies](https://www.fidh.org/en/issues/globalisation-human-rights/business-and-human-rights/community-based-human-rights-impact-assessments) |
| [UNICEF and DIHR: Children’s Rights in Impact Assessments Guide](http://www.unicef.org/csr/css/Children_s_Rights_in_Impact_Assessments_Web_161213.pdf) | Purpose: A guide for integrating children’s rights into impact assessments and taking action for children. The guide provides a tool for companies to assess their policies and processes as they relate to their responsibility to respect children’s rights and their commitment to support children’s rights.  Content: There are 58 primary criteria in the tool, addressing company policies and practices relevant to children’s rights, and covering the 10 Children’s Rights and Business Principles. | How the tool is used:  Offers specific indicators which pertain to child’s rights, for example:   * Does the company recognise children as stakeholders when it carries out stakeholder and community consultations? * Does the company have a process in place for monitoring, reporting and managing cases where children below the minimum age are discovered? |
| [International Alert: Voluntary Principles on Security & Human Rights: Performance Indicators](http://www.international-alert.org/sites/default/files/publications/VoluntaryPrinciplesOnSecurityHumanRights.pdf) | Purpose: The principles provide guidance to companies operating in conflict-affected areas or fragile states so that they can ensure that security forces – public or private – protecting the companies’ facilities and premises operate in a way that protects the company’s assets while respecting human rights and fundamental freedoms.  Content: The principles are divided into three categories – risk assessment, interactions with public security, and interactions with private security. | How the tool is used:   * Indicators 1–3look at Human Rights Risk and Impact Assessment. * Indicators 4-7 ensure that the adequate legal, contractual and training measures are in place. * Indicators 8-9 deal with monitoring and oversight. * Indicator 10 evaluates equipment transfers to security forces. * Indicator 11 documents human rights incidents on company property and actions taken in response. |