



Discussion Paper

Overview of key elements for an approach to respect human rights related risks and issues within a landscape initiative

Disclaimer

This discussion paper has been produced by Proforest at the joint request of both The Sustainable Trade Initiative (IDH), and LandScale (a shared initiative of Conservation International, the Rainforest Alliance and Verra). The paper is based on a series of interviews with expert organisations: The Danish Institute for Human Rights (DIHR), The Institute of Development Studies (IDS), GIZ, ISEAL, *Lingkar Temu Kabupaten Lestari* (LTKL), Nature Conservation Research Centre (NCRC), OXFAM and many others.

This paper will further inform the SourceUp initiative led by IDH and the landscape sustainability assessment framework of LandScale and each initiative will integrate the concept independently and separately. For IDH, both the assessment as part of the design of the landscape initiative (Compact), as well as how the Compact addresses issues will be part of [SourceUp Compact](#) guidance. For LandScale, the focus is on how to “assess” human rights and specific guidance from LandScale is available on their [website](#).

Both IDH and LandScale are keen to pilot and invite interested parties to pilot test elements of the HRIA approach proposed in this discussion paper.

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Glossary

Adverse human rights impacts

Occurs when an action takes away or reduces the ability of a person to enjoy their human rights. For instance, a company that pollutes the water source of a community impacts on the rights to health, water and potentially life of people in that community. Respecting human rights therefore means not to cause harm to the human rights of individuals when an enterprise does business and adequately deal with situations in which harm has been done.

Rights-holders

Individuals or groups of people who are actually or potentially adversely affected by a proposed operation, product, project or programme. Rights-holders are entitled to enjoy and exercise their rights by virtue of being human, as well as to access effective remedy when their rights have been breached.

Affected Rights-holders

An affected rightsholder is an individual whose human rights may be affected by a company's operations, products or services. For specific impacts e.g. pollution of drinking water by, for example, chemical waste may apply to specific communities or groups.

Duty-Bearers

Duty-bearers are actors who have human rights duties or responsibilities towards rights-holders.

Household surveys

Those are questionnaires that are given to a sample of households in a community. Their primary aim is to better understand community needs, the resources available and the services that are still needed. The interviews with households in a community can be held in person or by providing written feedback. The information requested of respondents will help to address services that are needed the most.

Human Rights (HR)

the international human rights as listed and included in standards and principles captured in the International Bill of Human Rights (i.e. Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) and a selection of the eight International Labour Organization's (ILO) Core Conventions, which are outlined in the Declaration of Fundamental Principles and Rights at Work.

Human Rights Impact Assessment (HRIA)

The [Danish Institute for Human Rights](#) defines human rights impact assessments as "a process for identifying, understanding, assessing and addressing the adverse effects of a business project or activities on the human

rights enjoyment of impacted rightsholders such as workers and community members." Engagement with rightsholders and other stakeholders are essential in human rights impact assessments. Also, in the context of this paper, when reference is made to HRIA, we refer to both, the assessment of human rights as well as addressing them.

Remediation

Remediation refers to the act or process of correcting a fault or deficiency. In this context it refers to the actions undertaken to make good or compensate for an adverse human rights impact. It may take different forms like apologies, restitution, rehabilitation, financial or non-financial compensation, sanctions, injunctions or guarantees of non-repetition.

Salient human rights issues

Are those human rights issues that stand out because of their risk of the most severe negative impact through the company's activities or business relationships. For example, a food company might want to highlight labour rights in its supply chain as well as impacts related to water and land use. See <https://shiftproject.org/resource/video-introduction-to-salient-human-rights-issues/>

Sustainable Landscape Initiative (SLI)

a partnership between actors to collaborate in a specifically defined geographic area (can include a jurisdiction or otherwise defined boundaries) towards one or more shared goals to enhance landscape sustainability.

United Nations Guiding Principles on Business and Human Rights (UNGPs)

the UNGP is an instrument consisting of 31 principles implementing the United Nations' (UN) "Protect, Respect and Remedy" framework on the issue of human rights. The UN Human Rights Council endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011 (https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf).

1. Introduction

[SourceUp](#) and [the LandScale assessment framework](#) are initiatives that focus on assessing and addressing sustainability at the landscape level. Developing a sustainable landscape initiative entails building an alliance of local producers, governments, NGOs and other actors in a production area and agreeing on how to work together to achieve environmental and social sustainability goals for the landscape.

Often, a sustainable landscape initiative (SLI) starts with the focus and intention to protect nature and ecosystem values and improve production. To ensure that all aspects of sustainability are covered, it is essential to also understand the interaction between conservation, improved production and impacts on human rights of key stakeholders in the landscape. If not carefully designed and integrated into the design of landscape initiatives, these may be overlooked, and the SLI may miss the opportunity to also deliver positive impacts and address negative impacts on people in the SLI.

From the existing landscape projects, including pilots by IDH and LandScale, it has become clear that data related to social and human rights issues is less readily available and data collection is more resource intensive at the level of a landscape than for natural ecosystems or production. Data often typically exists at either country level or otherwise at the level of a community or one specific activity or project. Also, existing methodologies to assess human rights and social issues are mainly targeted at assessing impacts at project level or of specific activities (e.g. social impact assessments). For example, assessing the impacts of a new plantation or a new mining site on indigenous people, migrant workers or workers at a specific site. This lack of data and understanding of social related issues at a landscape level, provides challenges to ensuring that minimum safeguards are in place to protect, respect and remedy human rights.

Both IDH and LandScale have an interest in developing guidance for how stakeholders involved in a landscape initiative can **ensure human rights safeguards are embedded** within the design as well as implementation of their programme. Such guidance should cover how to identify and prioritise goals, outcomes and a set of indicators to monitor progress on human rights issues.

Box 1: About the thematic impact areas of SourceUp and LandScale

Under the SourceUp approach there are four core thematic areas: 'protection of forests and natural ecosystems', 'labour', 'land tenure' and 'improved local livelihoods'. 'Protection of forests and natural ecosystems' has a set of pre-defined goals and indicators. However, for the other thematic areas, IDH intends to explore tools that enable an approach for local identification of issues and prioritisation of the social and human rights goals, outcomes and indicators.

At the same time LandScale's assessment framework aims to assess and credibly communicate impact on sustainability at a landscape scale. The LandScale assessment framework and guidelines offer a credible and consistent means of tracking trends at landscape-level and measuring progress towards critical landscape sustainability goals. LandScale provides reliable information to design more effective landscape management policies, programs, and investments. The assessment framework consists of four pillars -Ecosystems, Human wellbeing, Governance, and Production.

Box 2: Examples of IDH Compact and LandScale landscape initiatives

[IDH Compact Aceh Tamiang](#) - IDH is supporting the district government in Aceh Tamiang, in North Sumatra, Indonesia, with the development of a new medium-term development plan for the district, combining forest protection in the Leuser ecosystem with opportunities for sustainable commodity development of palm and rubber smallholder farmers, and rural and forest communities. This is the first time that forest protection and commodity-based economic development are addressed in one plan that will be translated into a spatial plan for Aceh Tamiang. To achieve this, IDH is now working with public, private and civil society stakeholders towards defining common targets on forest and peat protection, good governance, labour, land tenure, and transparency.

[LandScale pilot Ghana](#) – LandScale has a pilot in the cocoa-producing areas of Juabeso-Bia and Kakum, in Ghana. In this pilot government, cocoa producers, companies sourcing cocoa and the government are collaborating to protect forests and produce climate smart cocoa. The Nature Conservation Resource Centre (NCRC) is a key partner supporting the implementation of the SLI. LandScale provides a way for all stakeholders involved to demonstrate they are meeting their ambitious commonly defined commitments. The LandScale assessment framework is being used to assess whether the public and private sector stakeholder involved in the various field activities are effectively addressing challenges such as ending deforestation, restoring forest areas, and ensuring cocoa producers can thrive.

1.1 Why this topic and objective of this discussion paper

This discussion paper aims to provide an initial framework for an approach to assess and address human rights at a landscape level. It suggests an overall framework for a human rights impact assessment to be applied in the context of a collaborative multi-stakeholder partnership at landscape level. The purpose is for this landscape level Human Rights Impact Assessment (HRIA) to form an integral part of designing and implementing a landscape initiative.

Due to lack of any existing methodologies specifically for the context of SLI, which are by nature multi-stakeholder collaborations, this paper aims the following:

1. Propose an overall approach and structure consisting of several phases and steps to take for assessing and addressing human rights, in such a way that the approach is inclusive, representative and transparent (see section 2 below).
2. Present an overview of relevant existing resources; for each proposed phase and the steps within it, the paper refers to relevant existing tools and methodologies that are considered useful and relevant guidance but apply at a different scale (section 3)
3. Provide general guidance of good practices for implementing the proposed step in the context of a SLI (section 3).

This discussion paper will eventually inform the SourceUp Compact model of IDH and the landscape sustainability assessment framework of LandScale.

1.2 How was the approach developed?

One of the key pre-requisites of the approach was that it should 1) build on existing approaches and methodologies to assess and address human rights issues, 2) consider realities on the ground and learn from experience of existing landscape programmes and 3) align with the process recommended by the UN Guiding Principles on Business and Human Rights (UNGPs).

Therefore, a methodology was developed, which included the following:

1. Interviews with expert organisations on human rights and related issues, including community engagement, participatory action research, human rights impact assessments. These included national and international civil society organisations, sustainable development organisations, research institutions and experts in human rights and business.
2. Interviews with staff working on current landscape initiatives that have been applying IDH Protect Produce and Include (PPI) or LandScale frameworks.
3. Desk-based research of resources on assessing and addressing human rights, including tools and methodologies identified and recommended by the expert organisations interviewed.

1.2.1 Key findings from the interviews

In total 22 interviews were conducted between April and June 2020, including 8 interviews with 14 expert organisations and the pilots of landscape initiatives from IDH and LandScale. The interviews resulted in the following key findings:

- Several approaches and methodologies exist to assess adverse human rights impacts of business operations on both communities and workers. Tools range from household level surveys, to a HRIA assessment at company or project level to guiding principles for Trade and investment agreements.¹
- There are documented approaches to assessing human rights risks and impacts at project or site level, and some trials of application at sector and country level (see section 3 below for available existing tools and methodologies). However, all were found to require significant resources (cost and time) if scaled up to a LSI area. As such implementation at landscape level might require a lighter-touch approach (without compromising on robustness).
- There is not therefore a simple, affordable ‘off the shelf’ methodology or data sources that can be used at landscape level. But some valuable methodologies and good practice advice exists typically indicating the need to take the time for adequate consultation and participation of rights-holders or those that may be adversely affected.
- The engagement with experts highlighted an existing tension between ‘best practice’ approaches and tools (typically recommending a multiple year approach) and the desire to move quickly with limited resources. This presents challenges on how to provide a practical yet robust approach to identify actual and potential adverse human rights risks at landscape level.
- Working with organisations that already understand and have a good working relationship with local communities is a prerequisite to an effective assessment.
- Companies involved in the SLI must be prepared to build a long-term two-way engagement with communities, as a prerequisite to be able to effectively address human rights issues.
- Some ‘enabling’ conditions supporting the identification, mitigation and monitoring of adverse human rights impacts on workers and communities include operational level grievance mechanisms for workers and communities, inclusive decision-making processes and the existence of workers’ unions.

In addition, there seem to be some common themes emerging from the interviews that a landscape HRIA approach should be based on the following:

- It should include implementation of minimum safeguards, based on international human rights standards, to mitigate negative impacts

¹ See here for further guidance -

https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-59-Add5_en.pdf

- Recommendation of some good practices on systems and processes at each step/phase of the SLI to be in place at landscape level to address actual and potential adverse human rights issues
- Participatory stakeholder mapping and consultation for qualitative information is as important and relevant as quantitative data
- On the ground rights-holders interviews should be part of the approach and should include a combination of focus group discussions and individual interviews and surveys, allowing sufficient on the ground time to do this to avoid it becoming a ‘tick-box’ exercise
- Assessment team must involve local experts (e.g. NGOs or CSOs) and consider local culture, gender sensitivity and language
- Need to consider gender and include women focus group discussions throughout the process.

1.2.2 The UNGP framework

The proposed approach builds on the pillars of the UN Guiding Principles on Human Rights (UNGPs), which are structured around the 3 main pillars as presented in the figure below.



The principles, recognise the different roles and responsibilities to protect, respect and remedy human rights (https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf). For SLI to include these main principles, the Landscape HRIA should consider:

- a) There are existing obligations and a role for the local government involved in the SLI² to respect and protect the human rights and fundamental freedoms of people. The Landscape HRIA should support the government where needed to ensure that effective policies, legislation and regulations are in place to protect human rights and avoid abuses. For example, this could include requesting and monitoring that companies in the SLI to always conduct a human-rights due diligence³.
- b) The companies involved in the SLI have to respect human rights and comply with all applicable laws. This implies the companies involved in the SLI have to understand the existing and

²Source: Shift [Beginners Guide to UNGPs](#)

³In case the government is not part of the SLI itself, this would apply to the government authorities located in the SLI

⁴Even though this one of the pillars and responsibilities of companies under the UNGPs, in practice not all businesses apply this principle

potential risk of their operations to people as well as the risk that all other actors in their supply chain can have on people. At the level of a SLI, companies can consider how to collaborate on putting in place joint mechanisms that ensure minimum safeguards to respect human rights, capacity building efforts or in tackling shared priorities or concerns;

- c) That if there are any potential negative impacts identified on human rights as a result of the activities in the SLI, mitigation and remedial measures should be included as part of the SLI. An example to address this can be to set up a grievance mechanism.



NOTE

- The approach can NOT replace the individual responsibilities of companies operating and participating in the landscape programme that are committed to implement the United Nations Guiding Principles on Business and Human Rights (UNGPs)
- The approach should NOT replace the responsibilities of governments and their duty to respect and protect the human rights and fundamental freedoms of people.

1.3 Target audience of this paper

In general, a SLI is set up by a group of stakeholders, typically at minimum consisting of private sector, NGOs and the local government, that express an interest to collaborate in a specific area (a landscape) towards improved sustainability.⁴ This group of stakeholders, then starts a process to develop a structure and overall goals, outcomes and interventions for that SLI as well as a system to monitor and report on progress made against the commonly defined goals and outcomes.

This consortium of initiators of the SLI is the target audience of using and implementing the HRIA. It is this SLI consortium that is expected to initiate the HRIA as an integral part of their SLI design process and subsequent implementation.

In practice, the consortium often lacks the specific expertise, independence, and trust of the rights-holders and therefore it is recommended they work with specific experts that help them to conduct a HRIA.

As such, the target audience of using the HRIA at landscape level are:

- The multi-stakeholder consortium of a sustainable landscape initiative (SLI), to help them prepare on how to integrate human rights in their initiative.
- The person(s)/ organisation(s) that facilitate the process of the human rights impact assessment on behalf of the SLI consortium.



NOTE

It is assumed that the consortium that initiates the SLI already has a common understanding on the sector, commodity, producers and environmental objectives that the SLI will be structured around. Consequently, the SLI should at minimum clarify the geographic area/jurisdiction, sector, commodity, and companies/producers involved and also denote those not involved. This will form the basis of the scope of the HRIA. al freedoms of people.

⁵It should be noted that this is just an example and that in practice, landscape programmes can also exist of different stakeholder and for example not have a local government involved. Under the SourceUp Compact, the involvement of the local government is essential and thus required to be one of the partners, but for LandScale, this is not a specific requirement to qualify as a SLI.

1.3.1 Stakeholders involved in the HRIA

At the heart of wanting to understand human rights issues in a landscape initiative, is the desire to respect the rights of people, and be able to put in place strategies to address existing adverse impacts and prevent any new ones. Therefore crucial to the quality and effectiveness of both the assessment and of the strategies is the meaningful engagement of those people whose rights are most likely to be affected, those who have a duty to respect rights, and those that have specific knowledge that can inform the processes. People to consider and typically include throughout the entire HRIA process include⁵:

- A. **Rights-holders**; individuals or groups of people who are actually or potentially adversely affected by the proposed SLI and its activities and projects. Rights-holders are entitled to enjoy and exercise their rights by virtue of being human, as well as to access effective remedy when their rights have been breached. In the context of an SLI, examples of rights-holders are local communities, indigenous people, children, farmers, or workers in the entire supply chain, including permanent, contract and migrant workers.
- B. **Duty-bearers**; these are actors who have human rights duties or responsibilities towards rights-holders. Governments are the primary human rights duty-bearers - they have a legal obligation to respect, protect and fulfil human rights. In addition, companies have a responsibility to respect human rights. In the context of the SLI, this would include the local government (which can be at village level, municipality, district or province), companies, including small and medium enterprises
- C. **Other parties**, that have specific knowledge, expertise etc. For example, CSOs, trade unions, UN agencies, subject matter experts (e.g. gender, indigenous people), local research institutes, and other human rights actors.

Reference of parties and target audience throughout this document:



Rights-holders: those people and groups whose rights are or potentially are negatively impacted



Other stakeholders and experts



Neutral Expert(s) conducting and leading the HRIA



Initiators of the landscape initiative, the multi-stakeholder consortium or partnership



NOTE

The engagement with and feeding back to the rights-holders should be ensured throughout the entire approach and at all stages of the Human Rights Impact

⁶ As recommended by the Danish Institute on Human Rights and their [Guidance and toolbox on Human Rights impact assessments](#)

1.4 Scope of issues

The HRIA will cover both:

1. An assessment of the existing salient human rights issues that exist with the identified geographic area covered by the SLI. Including how to remediate identified human rights issues and impacted people and groups and roles and responsibilities of duty bearers and business.
2. An assessment of how new and proposed activities of the SLI may impact the human rights of rights-holders as well as roles and responsibilities for duty-bearers and business in how to prevent these from happening.

To define the scope of the HRIA, it is important to be clear on which human rights issues would need to be assessed. According to the UNGPs companies should respect all human rights. At the start of the HRIA, the scope of the HRIA would need to cover **the full range of human rights**. It should not be decided from the outset whether to focus on some rights and others not. Once the goals and design of the SLI are further advanced (see phase 4 below and section 3.4), and the preparation phase of the HRIA has been completed, the scope of human rights to consider can be narrowed down.

The figure below presents an overview of commonly identified human rights and how these link to what are considered typical issues related to human rights.⁶ It should be noted this table does not represent an exhaustive list of human rights nor of the issues, and we acknowledge that some may not be included. Therefore, each SLI should identify the full range of human rights that are relevant for their specific initiative and only use the table below as a reference.

When starting the process of the HRIA, it may be practical to structure the full spectrum of human rights identified around specific human rights related issues. At the same time, it is important to, not lose sight of the what the actual rights are.

Figure 2: Example of human rights and human rights issues

Human Rights related to the identified issues		Human Rights Issues
1. Freedom from economic exploitation of children	16. Right to adequate living standards	1. Child Labour
2. Right to work	17. Right to property	2. Forced Labour
3. Freedom from slavery	18. Right to housing	3. Freedom of Association & Collective Bargaining
4. Freedom from forced and compulsory labour	19. Right to water	4. Discrimination
5. Right to form and to join trade unions	20. Right to food	5. Sexual (gender based) harassment
6. Right to strike	21. Right to freedom of expression and information	6. Occupational Health and Safety
7. Freedom from discrimination	22. Right to an effective remedy	7. Wages
8. Right to equal treatment of men and women	23. Right to self-determination	8. Working Hours
9. Right to equal pay to equal work	24. Right to develop and maintain culture.	9. Employment status and related benefits
10. Right to equal opportunity of promotion		10. Land Tenure
11. Right to safe and healthy working conditions		11. Land Access and use
12. Right to just and favourable remuneration		12. Free, Prior and Informed Consent
13. Right to rest		
14. Right to social security		
15. Right to maternity leave		

⁷The human rights presented are those included in the international human rights standards and principles captured in the International Bill of Human Rights (i.e. Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) and of the eight International Labour Organization (ILO) Core Conventions, which are the codification of the ILO Declaration of Fundamental Principles and Rights at Work.

2. Proposed overall framework of the HRIA at landscape level

Based on the key findings identified as part of the interviews, it is proposed that the approach of a landscape level HRIA are structured around the framework and process that exist for HRIA for project specific activities or community level consultations, which include scoping/identification, analysis of findings, developing an action plan to address issues and monitor and report. The additional step required specifically for the context of a SLI is that the implementation of a Landscape HRIA should be embedded in the design process of an SLI.

To identify the role of the state, companies and other relevant stakeholders in the SLI to effectively protect, respect and remediate human rights, **the HRIA approach should help the consortium of initiators of a landscape initiative to:**

1. Buy-in to and agree to starting the HRIA at landscape level and commit to a process to define actions
2. Identification of the human rights related issues for workers and local communities
3. Analysis of data collected to define most salient human rights issues to address in the SLI
4. Define what are minimum enabling conditions to be in place at landscape level to prevent, mitigate or remediate adverse impacts for workers and local communities
5. Monitor and report on progress made on preventive or remedial action

Other key parameters that the approach has been structured around include:

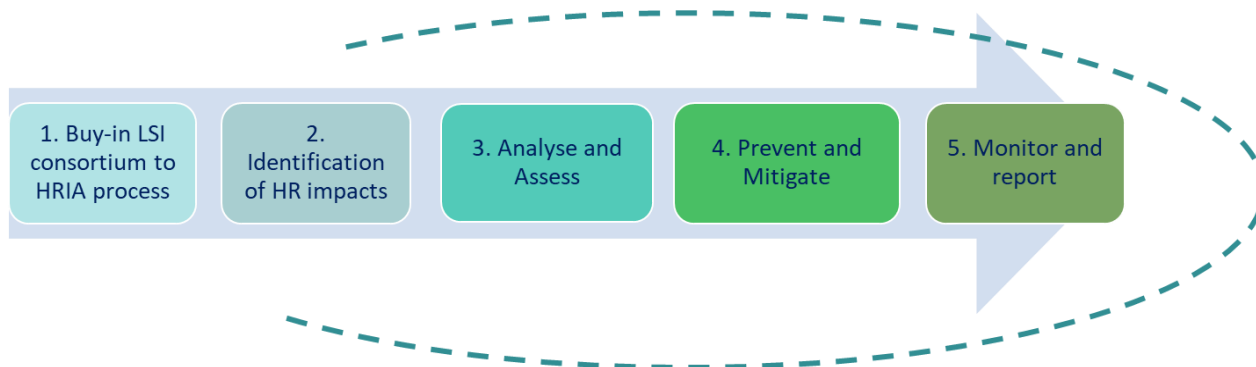
- Participatory and interactive communication and meaningful engagement with rights-holders
- Transparency
- Applicable at scale
- Robust; it should be of good quality from a human rights perspective and allow for enough time to meaningfully engage with all stakeholders and allow for on-the ground consultation
- Cost-effective, where the costs for a HRIA of at landscape level should be budgeted for in the design of a new SLI

Ultimately, the approach should ensure that the parties involved in the landscape initiative are throughout the entire process accountable for and transparent about how decisions and actions are taken and ensure that relevant stakeholder meaningfully participate. This implies the SLI should throughout the HRIA always apply the principle of Free Prior and Informed Consent (FPIC), which is linked to the human right that all peoples have the right to self-determination and self-governance and need to give their consent in decisions that affect them.

2. 1 Overview of proposed phases that a HRIA at landscape level should cover

This section presents a summary of the 5 proposed phases (see figure 3 below) and steps of the overall framework of the proposed HRIA for an SLI. Section 3 describes each phase in further detail.

Figure 3. Main phases human rights impact assessment approach for landscape level initiatives



<p>Phase 1 includes the following steps:</p> <ul style="list-style-type: none"> a) Aligning the SLI consortium – buy-in and commitment of the SLI consortium to the HRIA process b) Team composition – identify team member that will facilitate the HRIA 	<p>Phase 2: includes the following steps:</p> <ul style="list-style-type: none"> a) Identification and initial understanding of the key stakeholders, rights-holders and human rights issues through a desk-based study b) Consultation of the identified stakeholders: <ul style="list-style-type: none"> i) Interview the key stakeholders ii) field-based consultation of rights holders 	<p>Phase 3: Analyse data collection, including:</p> <ul style="list-style-type: none"> a) Analysis of the data and information collected during Phase 2 b) Identification of the most salient issues in the landscape, based on severity and likelihood of the negative impacts on human rights. 	<p>Phase 4: Ensure impacts are addressed and systems in place, including:</p> <ul style="list-style-type: none"> a) Identify minimum safeguards and enabling conditions that need to be in place b) Agree on actions to prevent, mitigate and remediate where needed, considering the root causes 	<p>Phase 5: Monitor progress on achieving desired outcomes. This includes:</p> <ul style="list-style-type: none"> a) Monitor progress on agreed interventions and outcomes, including the recommended good practices b) Being transparent and report on the progress against the action plan, including to affected rights-holders.
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It is estimated that after the initial preparation by the consortium of the SLI, the implementation of phases 2 to 4 take between half a year and one year.



NOTE

At the end of each phase it is essential to validate and verify the results and decisions made with the affected rights-holders and other relevant stakeholders identified to be part of the remediation. This requires continuous consultation with and participation of stakeholders throughout the entire process, by both the HRIA team as well as the SLI consortium. Assessment (HRIA).

3. Guidance for each of the phases of the HRIA approach

This section provides further detailed information and good practice guidance for each of the phases of the overall proposed HRIA framework.

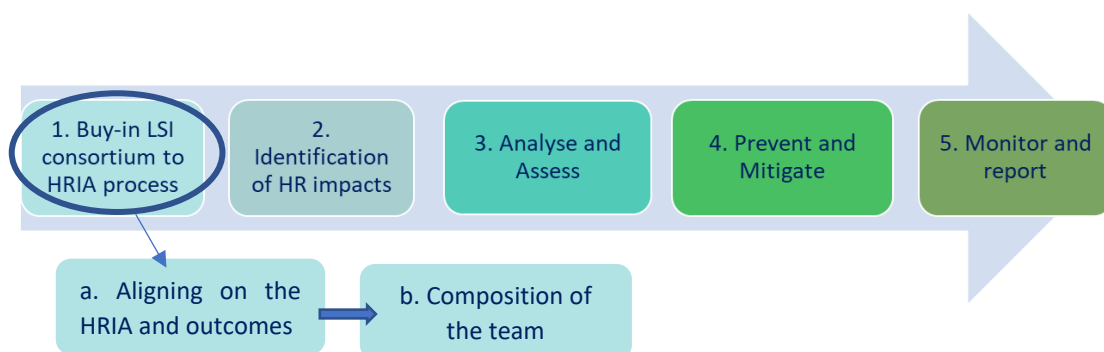
1. Phase 1: Getting started with the SLI consortium / initiators

The multi-stakeholder consortium or partnership of the SLI will need to consider how and by who the HRIA will be conducted as well as resources needed. Because a multi-stakeholder structure is typically already in place for a SLI (which can range from very informal joint meetings to a formal governance structure or MoU), the HRIA should build on this participatory platform.

Before starting the HRIA process, it is essential for all participants in the SLI consortium to buy into assessing and addressing human rights as part of their initiative and also ensure the HRIA process benefits of their already existing partnership structure.

To get started with the HRIA, the first phase includes:

- a) Step 1: **Aligning of the SLI consortium on the HRIA.**
- b) Step 2: **Composition of the HRIA team**



Step 1 – Aligning on the HRIA

This includes:

- a) Ensure there is a general level of awareness of the importance of assessing and addressing human rights exists for all members of the consortium/partnership. What does it entail and what is needed at the level of the SLI?
- b) Commitment to hiring an independent team to conduct the HRIA for the area covered by the SLI. This includes commitment by the members of the consortium/partnership to acting on the outcomes from the HRIA.
- c) Discuss and identify with the existing members of the SLI consortium or partnership, their knowledge on already existing negative impacts and human rights issues as well as where gaps of knowledge exist. This can include:
 - Sharing knowledge on risks and groups that are or can be impacted negatively by the SLI
 - Perception of existing roles and capacities of both rights-holders and duty-bearers in the SLI in terms of respecting, protecting and remediating HR. What do each of the SLI consortium/partnership members see as their role and capacity?
 - Known structures that exist to respect and protect human rights and how effectively they function in avoiding negative impacts on human rights. E.g. what systems and

processes do the members of the SLI have in place and is there potential to scale these up?

- a) Discuss and consider how to ensure that voices from the rights-holders are embedded and integrated in the assessment and decision making from the start and avoid top-down identification and addressing of issues, where rights-holders are only asked to verify and validate findings. So define what does 'meaningful participation and engagement' with rights-holders involve?
 - a. Who will conduct the HRIA?
 - b. How to ensure dialogues between the stakeholders and (potentially) affected people?
 - c. How and by whom decisions are made, including which actions to take on the findings, etc.

Step 2: Composition of the team to conduct the HRIA

It is the responsibility of the SLI consortium to engage with an independent team to conduct the subsequent phases of the HRIA. This includes:

- Composition and hiring of the team, this includes identifying the team members, which typically include a lead researcher; local research assistant and facilitator; community gatekeeper (someone either formally or informally recognised by community to represent them) if possible; translator if necessary.
- Agree on responsibilities in the team. Discuss how to address issues in case they come up, who has what responsibility.
- Discuss and agree on the field and survey methodology.
- Agree on recording, write up and reporting back methods.

Where feasible, align and integrate with already existing and ongoing systems and processes. For example, Environmental Impact Assessment, HCV assessment, etc.

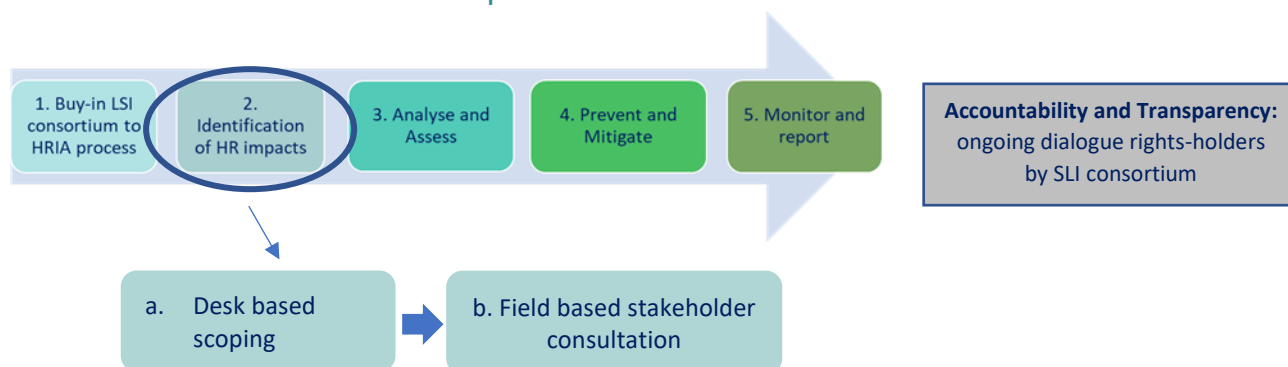
Guidance on team composition

At minimum include capable and local partner and expert in the team that conducts the assessment. To build trust and ensuring stakeholders are comfortable speaking up and sharing information, good practices for the team are that they:

- Speak language and understand impacted people and local communities
- Have knowledge and experience related to HI issues and impact assessments
- Have level of trust by affected rights-holders that are being interviewed. This may require different people in the team or different team compositions depending on the person/group being interviewed
- Ideally have general understanding and knowledge of local culture, context, and politics
- Are independent (e.g. not receive any specific funding from partners in the SLI or known as having a specific interest/benefit) and no gender-bias
- Ideally include a HRIA expert from international organisation as part of the team, to make linkages to internationally accepted approaches

In some cases you may need a GIS/land demarcation expert


3.2 Phase 2: Identification of impacts



The second phase in the approach is to map and get a clear understanding of all stakeholders that can be impacted by proposed scope of activities of the SLI. This includes the following:



- Desk based scoping:** Initial understanding - Preparation through desk-based study and interviews to understand the situation and collect initial baseline information
- Field based consultation of the stakeholders** - collection of more detailed information, based on gaps identified during the desk-based study, through:
 - Interview the key stakeholders (CSOs, NGOs, research institutes etc) on what they consider key issues and actual and potential human rights issues.
 - Field-based consultation of rights holders that are or could be affected by the existing and planned activities – through focal group discussions and interviews with individuals.

Phase 2 – Identification of impacts and data collection


Steps	What does it entail?	Good practices
2a. Scoping – initial understanding through desk-based study ⁷ 	Preparation and baseline understanding include: <ol style="list-style-type: none"> For each of the main human rights identified understand what is at minimum required by national and international law, what are customary practices and what are gaps in the country level regulation compared to international law? For each main topic, identify main organisations to approach and engage with to get an initial understanding on actual and potential adverse impacts, and which rights-holders are most vulnerable For each main topic, understand how rights-holders perceive the ‘human rights issues’ and how this relates to how human rights experts perceive them (e.g. is child labour indeed seen as an issue?) Collection of information on existence of ‘enabling conditions’ and safeguards in place to protect 	<ul style="list-style-type: none"> • Consult (local) government departments, local or national human rights institutions, international agencies and civil society groups, representatives of indigenous people council, universities or trade/worker unions to determine level of risks and issues related to full scope of HR. If there are data gaps at landscape level, use endemic sector wide issues as a proxy and starting point. In case data gaps exist, identify as follow up action that a rapid landscape level data assessment needs to be collected.⁸ • Identify and map expert organisations (<i>can as first step reach out to international organisations that can help identify regional or local organisations</i>). Make sure these at least include: <ul style="list-style-type: none"> ○ Human rights experts/CSOs that understand and work locally. ○ Indigenous people experts/CSOs, that understand and work locally ○ Union organisations and/or labour rights CSOs ○ Sector level experts ○ Farmer and local business associations ○ ILO offices or government labour departments, ensuring these include departments working on child rights and gender

⁸ Depending on the expertise and capacity of the landscape initiative initiators, it may make sense to start with the team composition (step b below) prior to the desk-based study.

⁹ This would include all points listed under 1.a

	<p>human rights of workers and communities</p> 	<ul style="list-style-type: none"> • Map local communities’ histories, cultural beliefs, values, religion, traditions, land-use systems, and livelihood practices as well as understanding the power dynamics within the community and the roles of women and vulnerable groups • Understand the workers situation for the sector covered by the SLI, e.g. what is recruitment process, type of workers (permanent versus seasonal and contracted, smallholder farmers) and whether or not migrant labour is being used (from within or outside of region or country) as well as whether women are included or excluded • In case there are unions, are these considered truly independent or ‘yellow’ unions.⁹ • Get an understanding about land tenure practices and laws (statutory and customary), land-use and land-use change over the preceding years, including identifying any existing or historical land conflicts, as well as deforestation over past decade and the consequences that has had for local communities. Identify and determine the root causes of the HRs issues identified, and ensure it includes land rights and use. • Find out about existence of ‘enabling’ conditions’ to prevent adverse human rights impacts: <ul style="list-style-type: none"> ○ Effective grievance mechanisms open to workers, contractors, local communities and other stakeholders and full spectrum of human rights (see also Figure 2) ○ Trade unions or workers committees ○ Work with CSOs engaged at landscape level with understanding of its context ○ Register for land disputes including information on the nature of the dispute (Tool/sources: Environmental Justice Atlas, Land Matrix). This is not an enabling condition in itself, but a first step to identify issues in land-use. • Data that exist on poverty, household income, culture, land rights and use, typical type of workers related to sectors addressed by the SLI, how workers are typically recruited and where they come from • Initial identification of who are likely to be the most vulnerable and marginalised rights-holders among workers and local communities (e.g. migrant workers, youth, women and gender and sexual minorities)
<p>2.b Consultation of the stakeholders – due diligence and scoping of HR</p> 	<p>Decide who to engage with to identify actual and potential human rights adverse impacts of the proposed SLI</p> <p>a) Map rights-holders that are or could be affected by the existing ongoing and planned activities (in general this implies, more sustainable production and limitation in use of natural resources/protection of forest and natural ecosystems)</p>	<p>For the stakeholder mapping:</p> <ul style="list-style-type: none"> • Include all identified rights-holders and duty-bearers linked to the scope of the landscape initiative • Ensure diversity in groups interviewed/consulted and that vulnerable groups are engaged • Make sure to cover rights-holders with statutory, customary and historic land ownership and uses • For workers: make sure to include permanent workers, seasonal workers, contracted workers as well as migrant workers (both in country or foreign migrants). In addition, below some useful criteria to consider in selecting workers: <ul style="list-style-type: none"> ○ Include female workers;

¹⁰ Yellow union is a union that has been established by the government or an employer, or one that is not sufficiently independent from an employer. Such yellow unions can undermine the right to collective bargaining rights. See also [CNV guidance on Trade Unions](#).

	<p>b) Agree on interview and survey approaches for identified workers and community groups</p> <p>c) Decide and agree sampling approach -of rights-holders and other stakeholders.¹⁰ How and who to select for interview</p> <ul style="list-style-type: none"> It is good practice to cross check and verify whether the issues of rights-holders identified by the desk study match with those identified by interviews and field mapping. If not, add to list of right-holders to talk to 	<ul style="list-style-type: none"> Workers engaged in activities more likely to be at risk of human rights abuses (e.g. workers handling pesticides, workers in the community); Some useful criteria to choose managers: <ul style="list-style-type: none"> Managers involved with procuring, selecting and managing workers (e.g. human resources, line supervisors and environmental management); Managers involved in the interactions with communities (e.g. CSR, community engagement or sustainability managers); Managers responsible of the areas where vulnerable workers are employed Some useful criteria to choose communities: <ul style="list-style-type: none"> Communities closest to and within the proposed SLI Individuals/ groups that sold land or were evicted to leave space for business operations Community members that work in the companies involved in the SLI Communities recognised as Indigenous Peoples Vulnerable groups within the communities (e.g. people with disabilities, youth, women, sexual and gender minorities, migrants etc) <p>For the interview and surveys:</p> <ul style="list-style-type: none"> Agree on sampling, based on stratified approach, where ensure that samples selected cover variation in the following: a) age groups, b) cultural background; c) religion, d) level of income; e) gender; f) area Conduct interview: <ul style="list-style-type: none"> Through focus group discussions Through individual interviews at a 'trusted/safe' location, e.g. off site from manager in the case of workers. Make sure to collect quantitative (e.g. number of land rights conflicts, data on wages) as well as qualitative data <p>General good practice and steps to prepare:</p> <ul style="list-style-type: none"> Ensure formal permission and consent given by communities for research to commence – if participatory land mapping and/or other assessments planned this will require the Free, Prior, Informed Consent of communities Determine interest at worker/community level – has there been similar research before, any research 'fatigue'? Never force anybody to participate. Introduce project and ideas - ensure to talk to opinion leaders, use general assembly as well as breakout groups for marginalized communities if needed Introduction of team members to community leaders/workers/ managers/ stakeholders being interviewed. Team explains objectives and approach of research and ensures transparency with rights-holders on what can realistically be done and what not.
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¹²What constitutes a relevant sample may differ from context to context. It is important to be transparent about how many people are being interviewed and what possible limitations of the sampling are.

		<ul style="list-style-type: none"> • Assess the level of awareness among the rights-holders on what their rights are and how they may be impacted by the initiative. Awareness is key to allow participation and ensure that rights-holders effectively contribute to the process. Allow enough time to raise awareness if levels are low. Similarly, ensure the assessment team is aware of perception rights-holders. • Discussion of same topics/ use same questionnaires with selected communities/workers. • Do not just think about livelihoods and income, but also understand cultural importance and safeguarding of it as well as gender-power dynamics and the impact on existing rights and systems) <p>For the focal group discussions¹¹:</p> <ul style="list-style-type: none"> • Conduct focus group discussions, especially to capture any perspectives that have not been included through individual interviews, NGOs or CSOs. Ensure there is a trusted environment where people feel safe to speak freely in the group. • It is recommended to hold separate male and female focus groups and perhaps for age groups so as to capture gender and age issues and dynamics. • Important to at the end validate info collected with interviewees
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Tools:

- [A Human Rights Based Approach to Data – Leaving No One Behind in the 2030 Agenda for Sustainable Development – By the Office of the United Nations High Commissioner for Human Rights \(OHCHR\)](#): The report provides a practical human rights guidance to data collection and disaggregation to improve the quality, inclusiveness, relevance and use of data and statistics which is consistent with international human rights standards, norms and principles.
- [Stakeholder engagement interview guide – by The Danish Institute of Human Rights \(DIHR\)](#): This tool provides a list of questions targeted to community members, workers, company management, government representatives and other relevant parties. The questions are meant to assist those conducting interviews for the HRIA
- [Community-based Human Rights Impact Assessment Initiative - by Oxfam](#): It highlights the importance of adopting a community-based human rights impact assessment approach allowing affected communities to drive a process of information gathering and participation, framed by their own understanding of human rights.
- [Human Rights Impact assessment and guidance toolbox Phase 1 – by The Danish Institute of Human Rights \(DIHR\)](#): Phase 1 of the toolbox highlights the importance of planning and scoping to ensure that a HRIA is effectively conducted.
- [Human Rights Impact assessment and guidance toolbox Phase 2 – by The Danish Institute of Human Rights \(DIHR\)](#): Phase 2 refers to data collection and baseline development and emphasises fieldwork, interviews and other types of stakeholder engagement conducted by the HRIA team to identify actual human rights impacts and predict future ones.
- [The Getting it Right tool – A Human Rights Impact Assessment Guide – by The International Centre for Human Rights and Democratic Development](#). This guide is a step-by-step process that allows assessment teams to take stock of the positive and negative human rights impacts of an investment project.
- [Social licence platform: The Social License Platform \(SLP\)](#) connects companies and investors with localized expertise to make smarter and more successful investments in land while promoting better outcomes for local communities.
- [Sector Wide Impact Assessment \(SWIA\)– by The Danish Institute on Human Rights, The Institute for Human Rights and Business and The Myanmar Centre for Responsible Business](#) – The SWIA looks at the actual and potential impacts of a specific business sector in a particular geographic context through several different levels of analysis in order to build a complete picture of the potential impacts of an entire sector on society and human rights.
- [Free Prior Informed Consent – by Landesa](#): This guidance describes the four key elements of Free, Prior and Informed Consent (FPIC), and provides detailed steps that business enterprises and governments can take to ensure compliance with FPIC.
- [Gender Primer – by Landesa](#): This guidance outlines step-by-step what is required to ensure that women, as well as men, are aware of and benefit from a proposed land transaction.

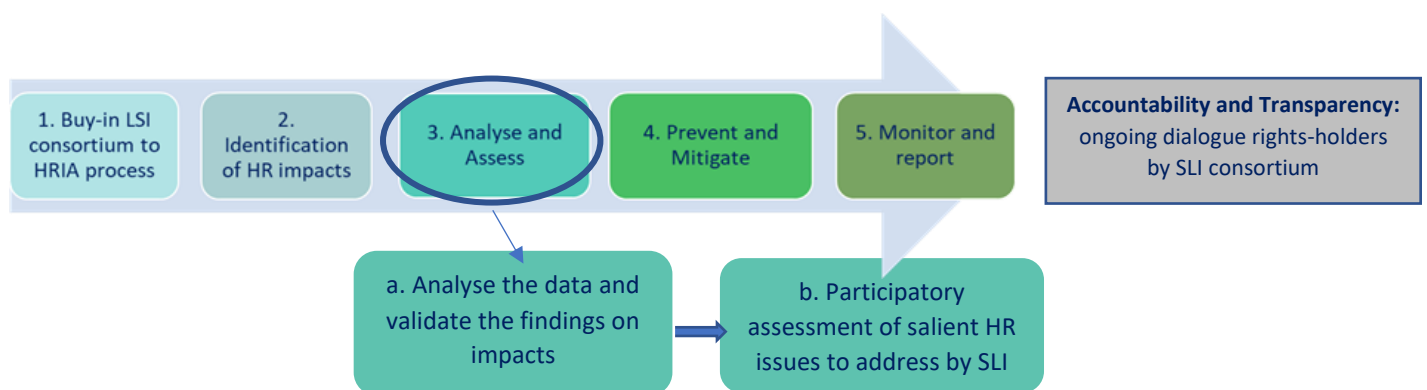
¹¹ As recommended, focus group discussions (FGD) should be combined with interviews and discussions with individuals. FGD can particularly useful to get a deeper understanding and also to verify people’s stated preferences in individual interviews, as experience shows that many people provide answers what they think the questioner wants to hear, rather than their actual opinion.


- Vulnerable Groups – by Landesa: The primary purpose of this guidance is to outline the importance of identifying and engaging with vulnerable groups, who often have weak claims to land rights and are particularly susceptible to negative impacts from changes in land use.
- Applying a Social-Ecological Inventory – by Stockholm Resilience Centre: This tool identifies the ecological values of a region, but also the key actors involved and sustain these values, through monitoring, management, and continuous learning.
- Handbook for monitoring and evaluation of child labour in agriculture – by the Food and Agriculture Organisation of the United Nations (FAO): This guidance measures the impacts of agricultural and food security programmes on child labour in family-based agriculture

3.3 Phase 3: Analyse and Assess

During this phase, the data collected from the interviews and surveys conducted in Phase 2 will be analysed and help understand the root causes and severity of human rights issues identified. Phase 3 includes the following steps:

- Analysis of the data and information collected during the desk-based study, the interviews with expert organisations and the field-based consultations and surveys.
- Identification of the most salient issues in the landscape, based on severity (i.e. gravity, number of individuals involved and irremediability) and likelihood of the impacts.



Phase 3 Analyse and assess		
Steps	What does it entail?	Good practices and Relevant Tools
3.a Analysis of the data 	<ul style="list-style-type: none"> • Analysis of the data and information collected during i) desk-based study, ii) interviews with expert organisations and iii) field-based consultations and surveys • Validation and verification of initial findings with stakeholders consulted and rights-holders 	<ul style="list-style-type: none"> • Identified team/ facilitator of HRIA assesses and analyses data and presents first synthesis • Ensure meaningful participation of rights-holders and other key stakeholders identified in Phase 2, at minimum through validation of findings and whether it aligns with perception rights-holders. Ensure that findings are adapted accordingly. • Ensure to spell out and express differences in interests as well identify common denominator – can have different interests but agree to collaborate on x, y, z <p>Note: Agree on a process to assess and process large amount of data. A software may be needed.</p>

3.b Prioritisation of issues to address



- Consider the **severity** for each of the identified human rights issues at risk or being violated through:
 - Scope of the adverse impact identified (number of people affected)
 - Scale of the identified negative impact (gravity of the impact)
 - Irremediability – (how feasible it would be to restore the enjoyability of the right before the abuse)
- Consider likelihood of the adverse impact to occur
- Facilitator organises a dialogue between rights-holders, the initiators of the landscape programme, duty-bearers and human rights specialist organisations to discuss and agree on how to weigh scope, scale and remediability
- **Key principle: people identified to be affected by the existing or planned activities of the SLI should have a voice in the decision-making process**
- Include human rights expert or trusted person or organisation to facilitate the assessment of severity (e.g. ideally the same organisation or person(s) involved in phase 2 of the HRIA, the identification)
- The assessment of severity should be done in consultation with rights-holders and other stakeholders. The consultations/workshops with the different rights-holders and stakeholders should be conducted separately in order to get open opinions
- In particular, consider and engage groups that are typically vulnerable, including women, indigenous peoples, and migrant workers
- Engagement of rights-holders is guided by the local context, including where possible through using the community’s preferred mechanisms (e.g. modes of communication)

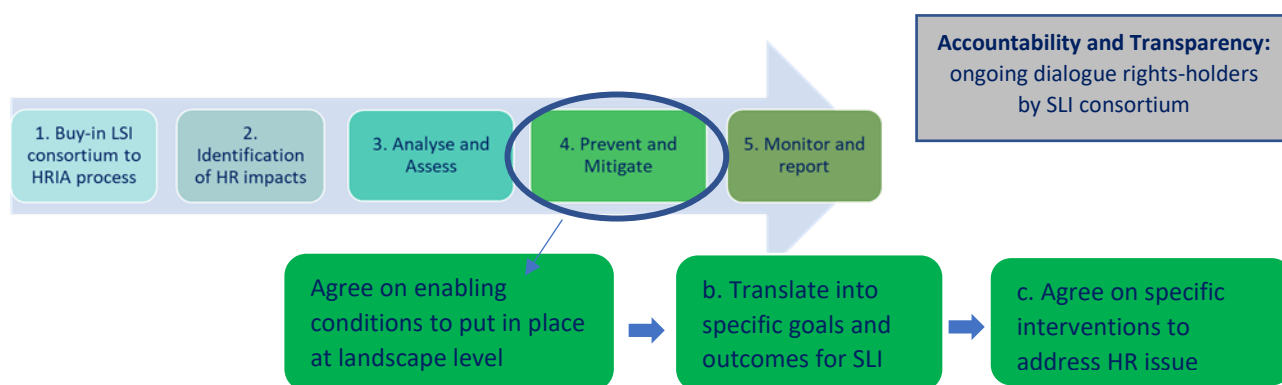
Tools:



- [Human Rights Impact assessment and guidance toolbox Phase 3](#) – **by The Danish Institute of Human Rights (DIHR)**: Phase 3 of this guidance involves analysing the data that has been collected during scoping and data collection in order to identify any business-related impacts and assess their severity.
- [Living Incomes Benchmarks](#) – **by The Living Income**: This tool compiles a record of credible wage and income benchmarks as a bridge solution to calculate or approximate a living income
- [Guiding Steps Towards Living Income in the Supply Chain](#) – **by The Living Income**: This guidance provides steps to mainstream living income in companies’ activities.
- [Guidelines for participatory planning, monitoring and evaluation of multi-stakeholder platforms in integrated landscape initiatives](#) - **by Tropenbos Institute**: This tool presents practical guidelines to identify and facilitate multi-stakeholder collaboration at the landscape through participatory planning, monitoring and evaluation workshops.
- [Community-based Participatory Research](#) – **by Community Tool Box**: The community-based participatory research adds to or replaces academic and other professional research with research done by community members, so that research results both come from and go directly back to the people who need them most and can make the best use of them.
- [The Business Case for Social Dialogue](#) – **by the Office of the United Nations High Commissioner for Human Rights (OHCHR)**: this guidance is intended to stimulate and structure the discussion on social dialogue with a view to identifying priorities to focus on for future research.
- [A Guide to Gender Impact Assessment for the Extractive Industries](#). – **by Australian Aid & Oxfam Australia**: This tool aims to ensure that women’s voices are meaningfully included in project decision-making for the extractive industry.
- [Balancing the Scales: Using Gender Impact Assessment in Hydropower Development](#) – **by Australian Aid, CGIAR & Oxfam Australia**: The manual provides resources and basic tools for hydropower developers and government to incorporate gender impact assessment more comprehensively in their project cycles
- [Preparing in Advance for Potential Investors](#) – **by Namati & the Columbia Center for Sustainable Investment**: These guides provide recommendations for how advocates and community leaders can best support communities to prepare for, and, if they so wish, engage in empowered contract negotiations with investors seeking to use community lands and natural resources for their businesses
- [Salient Human Rights Issues](#) – **by the UN Guiding Principles Reporting Framework**: This guidance clarifies what salient human rights issues are and how companies can identify and report on these.

3.4 Phase 4: Prevent and Mitigate

Phase 4 is about ensuring that actual and potential adverse human rights impacts are addressed in designing goals, outcomes and interventions for the landscape initiative. It includes the following steps:



- a) Identify minimum safeguards and enabling conditions that need to be in place at landscape level to address the actual and potential adverse human rights impacts identified → translate into the goals and desired outcomes for the SLI
- b) Agree on actions to prevent, mitigate and remediate where needed, considering the root causes and underlying drivers of the issues identified.



Phase 4 - Prevent and Mitigate		
Steps	What does it entail?	Good practices and Relevant Tools
<p>4.a Agree on the long-term goals, outcomes to cover as part of human rights</p> 	<ul style="list-style-type: none"> Identify ‘enabling conditions’ or systems that can generally be considered as ‘minimum safeguards’ that human rights can be addressed and prevented from occurring – what are recommended good practices to address the potential and actual adverse impact at a landscape level? <p>HR expert (or team) to facilitate, rights-holders and other key stakeholders to participate in the following:</p> <ul style="list-style-type: none"> For each of the severe negative human rights impacts identified, discuss whether and what landscape level ‘enabling conditions’ or minimum safeguards would need to be in place to prevent, mitigate or remediate impacts and how (where relevant) existing systems would need to be adapted Decide if it is effective and desirable to set a goal and outcomes at landscape level or not to address HR issues identified, e.g. where local systems and processes exist and are effective this may not be desirable If agreed that it is feasible to address the identified human rights issue at landscape level, agree on and define desired outcome 	<ul style="list-style-type: none"> Key principle: people identified to be affected by the existing or planned activities of the SLI should have a voice in the decision-making process Involve the affected groups in identifying what would work well in their area to address the negative impacts Identified enabling conditions that are recommended as good practices to establish at landscape level to prevent and mitigate adverse human rights impacts include: <ul style="list-style-type: none"> Effective Operational level Grievance Mechanism (OGM) at landscape level to address complaints before they escalate and provide remediation at an early stage. For an OGM to be effective there is the need to comply with the eight criteria spelled out in the UNGPs (p.33), including: <ol style="list-style-type: none"> Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes; Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access; Predictable: providing a clear and known procedure with an indicative time frame for

		<p>each stage, and clarity on the types of process and outcome available and means of monitoring implementation;</p> <ol style="list-style-type: none"> 4. <i>Equitable</i>: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms; 5. <i>Transparent</i>: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake; 6. <i>Rights-compatible</i>: ensuring that outcomes and remedies accord with internationally recognized human rights; 7. <i>A source of continuous learning</i>: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms; 8. <i>Based on engagement and dialogue</i>: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances. <ul style="list-style-type: none"> ○ Use of systems to promote active engagement of rights-holders at landscape level. Where relevant this can be done through technology based consultation. Such engagement (with or without technology), can be used i) in combination with trade unions and ii) with CSO, iii) farmers associations and other stakeholders to help monitor and report issues (see tools below for example of both). Such technology system would need to be connected to mechanism or interventions for engagement. Examples of using technology to promote engagement include worker voice systems and community-based monitoring. ○ Community Based Monitoring at the landscape; this can be used as an approach for verifying the implementation of activities proposed by the SLI. The monitoring of on the ground performance is done in collaboration with local communities – local communities provide information and data for ongoing assessments. This can ensure buy-in from local communities and ensuring their active involvement in the initiative. ○ Capacity Building of rights-holders (i.e. workers and community members), duty barriers (e.g. companies management, those involved in the SLI consortium/partnership) and other stakeholders (e.g. CSOs, trade unions) on
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		<p>selected human rights issues. Increased knowledge of rights and responsibilities improves participation and management in human rights due diligence processes. Examples where various stakeholders can contribute to building capacity include:</p> <ul style="list-style-type: none"> ▪ Companies: Allocation of funds (e.g. to local CSOs and/or ILO local office) to build knowledge and understanding of labour rights of rights-holders, company's management the labour inspection department (see point 3) ▪ Local authorities: Provide labour inspectors with a living wage and/or a system of incentives to lower the turnover of inspectors. ▪ Assist communities with documenting and mapping existing land uses and land tenure that can be used by government as the basis for a formal registry. ▪ CSOs: Deliver human rights capacity-building trainings to companies' managers, workers and local communities' members and local authorities. <ul style="list-style-type: none"> ○ Landscape level monitoring of land use and register of conflicts; the local government or a neutral party can establish and operate an open and accessible register for reporting on land uses and disputes. The land-use register would clarify unclear and overlapping use. The conflict register should include information on the nature of the dispute, when it was filed and linked to a transparent process and reporting on progress in resolving listed land disputes. This can be combined with efforts of local government to help clarify and facilitate obtaining legal land titles where these are still pending or not common. ○ Free Prior and Informed Consent (FPIC) at landscape level – Forest People Programme has been part of a pilot (see tools) <ul style="list-style-type: none"> • Ensure co-creation of defining the goals and desired outcomes. The decision making should: be participatory and at minimum include i) affected rights-holders and ii) duty-bearers/ actor(s) that has been allocated responsibility to remediate. Ensure within this process that the power balance is respected by all the stakeholders. • Be as concrete as possible in who is mainly responsible and accountable to deliver the desired outcome and what they need to commit to. This includes identifying where action and solutions are required beyond landscape level, e.g. issues identified need to be addressed at national level. • Validate and specify the activities and deliverables you agree on, seeking specific approval from affected groups/rights-
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		holders through means they understand (language, appropriate format etc.)
<p>4.b Agree on interventions/ Action plan</p> 	<p>SLI consortium partners to agree (if possible in close consultation with the HR team), on the following:</p> <ul style="list-style-type: none"> • What are the underlying drivers of the severe HR issues identified that need to be addressed (identified in phase 2) • Organise a workshop format (or other participatory approach) with rights-holders and other key stakeholders, to jointly design the plan¹² • A plan and activities to mitigate and address identified actual and potential negative human rights impacts 	<ul style="list-style-type: none"> • Ensure that interventions are realistic and feasible; what can realistically be done and achieved and that SLI is the group empowered and responsible for doing them • Validate identified underlying drivers and root causes of human rights issues. Can they be addressed at landscape level or the actors within it, or does it require interventions at national level or beyond? • Who is empowered and trusted to realise it? <ul style="list-style-type: none"> ○ If drivers are associated with the sector and practices of production the interventions focus on sector partners. ○ If rather embedded in legal systems or cultural norms interventions should include other stakeholders, e.g. government. • Inclusive decision making – consensus • Validate and specify the activities and deliverables you agree on, seeking specific approval from groups/stakeholders where feasible • Clearly communicate and share the agreed prevention, mitigation and remediation activities as well as timeframes to all relevant stakeholders in a clear and timely manner • Provide clarity and share with all impacted stakeholders who has been assigned responsibility to prevent/mitigate/mediate agreed intervention, including who will provide financial resources.

Tools:

- [LandScale Assessment Framework criteria and indicators](#) – **by LandScale**: This new approach is used for assessing and communicating sustainability performance at landscape scale
- [Guidelines on Incorporating Human Rights Standards and Principles¹³](#) – **by The German Government**: It provides guidelines to help develop a human rights-based approach throughout all priority areas and sectors of development cooperation and provide assistance with the mandatory appraisal of human rights risks and impacts.
- [Integrating New Data to Assess Risks of Forced Labour in Agriculture](#) – **by ISEAL & Ergon**: It uses subnational risk mapping to provide an overview of relative geographic risks and use this knowledge to focus further investigative efforts and to better detect vulnerable workers at the workplace level
- [Guidelines for participatory planning, monitoring and evaluation of multi-stakeholder platforms in integrated landscape initiatives](#) - **by Tropenbos Institute**: This tool presents practical guidelines to identify and facilitate multi-stakeholder collaboration at the landscape through participatory planning, monitoring and evaluation workshops.
- [RIPL \(Responsible Investments in Property and Land\)](#) - **by Landesa**: This guidance translates international guidelines and best practices for responsible investments in agricultural land into user friendly guidebooks, with one designed for businesses, one for communities, and one for governments.
- [Multi-stakeholder policy formulation and action planning for sustainable urban agriculture development \(MPAP\)](#) – **by RUAF Foundation**: The working paper highlights the importance of multi-stakeholder processes in policy design, action planning and implementation.
- [Free Prior Informed Consent Protocols](#) – **by ENIP & GIZ**: These FPIC protocols ensure that consultation processes address the specific actions needed to guarantee respect for indigenous peoples' rights.

¹² Note that in some contexts it may not be feasible or recommended to use the participatory approach due to power imbalance. In these cases, the stakeholders should be engaged with separately.

¹³ Including Gender, in Programme Proposals









Operational Grievance mechanism (OGM)

- Remediation and Grievance Mechanism – by the Business Respect for Human Rights: This tool provides guidance on good grievance and remediation practices and highlights the critical role that grievance mechanisms have in addressing human rights abuses and violations
- Guiding principle 31 shares good practices and an effective Operational Grievance Mechanism (OGM) by the UN Guiding Principles on Business and Human Rights.
- Guide on Effective OGM – report on what constitutes an effective OGM, by a team from the International Commission of Jurists with the advice, support and guidance from an Expert Panel

Other tools and relevant resources

- Use of local CSOs to help with independent monitoring of negative impacts – by Earthworm. The ‘Kumacaya’ tool is based on an online survey (Signal) for CSOs, workers, smallholders and local communities who can report positive and negative issues. The tool looks at child labour, worker’s living conditions, welfare and accommodation, land rights, deforestation, peatland, fires, illegal logging, wildlife, water pollution, waste management and community livelihood. The programme is piloted in Riau and East Kalimantan in Indonesia. See also Kumacaya, Signal: <https://signal.kumacaya.org/#/survey>
- Guidance on main principles of a worker driven social responsibility network – this includes reference to a briefing note on the main principles of Worker Driven Social Responsibilities (WSR) as well as some case studies.
- Preliminary findings on case studies on addressing human rights at landscape level - by the Forest Peoples Programme: This case study outlines the recommended actions necessary to ensure that the Seruyan Jurisdictional Approach will recognise the full extent of indigenous peoples’ land rights, and is part of a series of detailed case studies accompanying the report Upholding Human Rights in Jurisdictional Approaches: Some emerging lessons, which includes cases in Ecuador and Malaysia

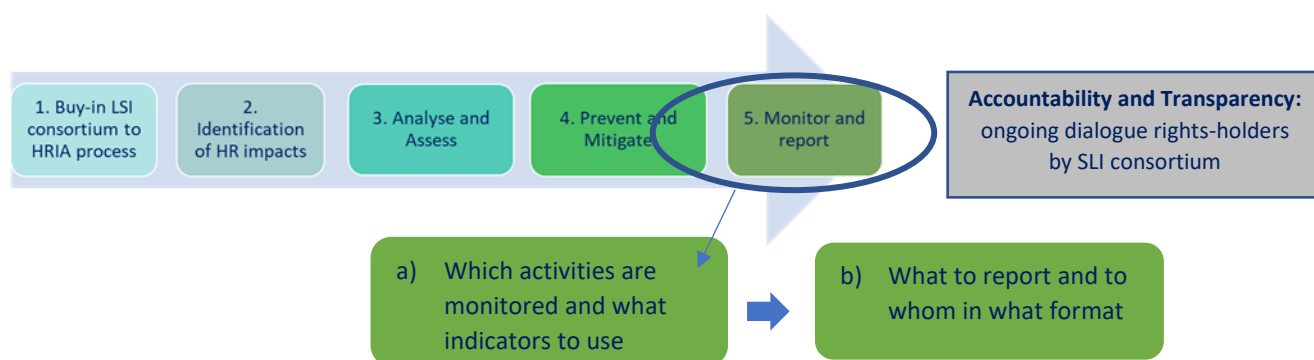
The table below presents the interlinkages between how the identified enabling conditions (in the table above) can be linked to the human rights and possible issues related to human rights (see figure 2 in section 1.4). The enabling conditions that can be introduced at landscape level could potentially serve as minimum safeguard to protect human rights and mitigate or the prevent the issues.



Human rights issues	Forced & child labour	Discrimination	Working Hours & Employment status	Land rights and access	FPIC	Freedom of Association & Collective Bargaining	Wages	Health and Safety
Human rights	Freedom from economic exploitation of children	Freedom from discrimination	Right to rest	Right to property	Right to self-determination	Right to form and to join trade unions	Right to just and favourable remuneration	Right to safe and healthy working conditions
	Freedom from slavery	Right to equal treatment of men and women	Right to equal opportunity of promotion	Right to housing	Right to an effective remedy	Right to strike	Right to adequate living standards	Right to equal treatment of men and women
	Freedom from forced and compulsory labour	Right to equal pay to equal work	Right to social security	Right to water	Right to develop and maintain culture	Right to freedom of expression and information	Right to equal pay to equal work	Right to rest
	Right to work	Right to equal opportunity of promotion	Right to maternity leave	Right to food	Right to freedom of expression and information			
	Right to rest	Right to work	Right to work	Right to develop and maintain culture.				
								
Enabling conditions	Operational Grievance level mechanism	Capacity Building	Operational Grievance level mechanism	Landscape level and land conflict register	Landscape level and land conflict register	Operational Grievance level mechanism	Operational Grievance level mechanism	Operational Grievance level mechanism
	Capacity Building	Operational Grievance level mechanism	Technology for engagement	FPIC at landscape level	FPIC at landscape level	Technology for engagement	Technology for engagement	Technology for engagement
	Technology for engagement	Technology for engagement	Trade Union	Operational Grievance level mechanism	Capacity building	Trade Union	Capacity Building	Capacity Building
	Others?	Others?	Capacity building	Technology for engagement	Others?	Others?	Others?	Others?
			Others?	Capacity Building	Others?			


3.5 Phase 5: Monitor and report

The final phase is to monitor progress on achieving desired outcomes in a systematic way and being transparent in the communication about how impacts are addressed. This includes the following steps:

- a) Monitor progress on agreed interventions and outcomes, including the recommended good practices to remediate actual and potential adverse impacts
- b) Be transparent and consult the affected rights-holders and other relevant stakeholders on the action plan and report. SLI initiators should report on the progress and timeline of the action plan, agree how the results are presented and guarantee the accessibility in a format that is understandable and user friendly.



Phase 5 - Account for and report		
Steps	What does it entail?	Good practices and Relevant Tools
5.a Monitor progress on agreed interventions and outcomes, including the recommended good practices identified 	<ul style="list-style-type: none"> • Agree with the SLI initiators on: <ul style="list-style-type: none"> • What to monitor – process or specific activity, both? • How to monitor • How frequent • Who is responsible and to what level? • Data validation • Process on identifying and agreeing on mitigation measures in case of lack of progress • Monitoring system should be embedded into institutional framework so that can easily identify the responsibility of key actors • Validate with rights-holders and other identified key stakeholders  	<ul style="list-style-type: none"> • What to monitor should be linked to identified HR prevention/mitigation measures agreed. Consult with communities and workers to identify the appropriate approach and tools to measure progress/impact – where possible include bottom up approaches and self-audit systems • Where relevant and feasible, train local communities/workers or local CSOs to be involved in monitoring, including training on i) observation, ii) simple samplings and iii) data collection • Explore option to set up and use Monitoring Committee and ensure independence of data collection from decision-makers • It is recommended to use both quantitative and qualitative indicators and disaggregate the data collected by gender to effectively understand if the indicators selected are the appropriate ones. • Essential to measure and validate rights-holders perceptions to verify if the indicators used are appropriate. • Adapting a monitoring system based on the country and the local context is crucial as a standardised one may not work in every landscape. For instance, stakeholders may feel more comfortable with having focus group discussions while others in filling out forms. Therefore,

		<p>where relevant, explore the possibility of co-creating a monitoring system and indicators with the key stakeholders to effectively measure progress</p>
<p>5.b Be transparent and report to affected rights-holders and other relevant stakeholders</p> 	<ul style="list-style-type: none"> • SLI initiators report on whether on track or delays against agreed timelines • Agree to whom results will be presented • Agree how results are presented – accessibility of results in format understandable • Seek feedback from rights-holders on progress made • Discuss whether assumptions made regarding interventions and progress hold • Agree on mitigation measures or adjustment of project(s) in case of lack of progress 	<ul style="list-style-type: none"> • Results of monitoring should at minimum be shared with rights-holders and relevant stakeholders • Where relevant monitoring results should be reported and shared with duty-bearers and those who have been allocated responsibilities to prevent, mitigate and remediate. • Communication and reporting to affected groups and rights-holders takes into account and responds to the local context. This implies information is made available in relevant languages and formats, and a way that it is accessible to stakeholders • Stakeholder, especially rights-holders, should be informed about results in a meaningful and accessible way and subsequently engaged in the evaluation process • Regularly validate with the rights-holders the information provided and ensure that they are able to access any mechanism in place and feel comfortable using it. • Organise a follow up session with interviewees 6 months/1 year after initial interview to understand how respondents feel their rights have been/are being met and affected by the SLI. This discussion can be structured around: <ul style="list-style-type: none"> • How stakeholders and rights-holders engage perceive the effectiveness of the consultation process; • Whether they feel their interests are being addressed/considered to date, • Clear focal points could be established at different levels to facilitate the validation process and ensure that the outcomes meet the affected stakeholders’ rights

Tools

- [LandScale – Driving improvements in sustainability across landscapes](#) - by **LandScale**: It provides measurable indicators of the state and trajectory of sustainability at the landscape level across environmental, social, and economic dimensions.
- [The Sustainable Development Goals](#) (SDGs) – by **the United Nations**: It provides 169 targets to monitor progress on the 17 goals and on the outcomes
- [So Pact](#): It is a software that allows to easily measure and manage the social and environmental impact. It is designed for investors, grant makers, public agencies, non-profits and businesses
- [Human Rights Impact assessment and guidance toolbox Phase 5](#) – by **The Danish Institute of Human Rights (DIHR)**: Phase 5 of this guidance highlights the importance and steps of effectively communicating and reporting on HRIA methods and on the findings.

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