

HUMAN RIGHTS ASSESSMENT GUIDANCE

VERSION 0.2 | OCTOBER 2020

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Introduction

Human rights violations often extend beyond projects, plantations, and concession boundaries, as their causes and ramifications relate to different levels of government, sectors, and stakeholders. Landscape-level assessment of human rights is therefore a useful contribution to managing for sustainability at scale.

Human rights assessment at this scale is an emerging field, as prior work has mainly consisted of broad-brush human rights risk assessments at the national scale or in-depth (but often un-replicable) assessments at the project, supply chain, plantation, or community level. LandScale's approach to landscape-scale human rights assessment (see Figure 1) is by no means exhaustive, and it should not replace the individual responsibilities and efforts of companies, governments, and other stakeholders in undertaking assessments at a smaller scale. However, assessing and tracking these issues at the landscape scale can complement and guide human rights impact assessments to identify human rights issues and their root causes and to understand the enabling conditions¹ that are necessary to address them.

Figure 1. LandScale's Human Rights Indicators

Goal 2.2 Respect, protect, and fulfill human rights			
Indicator	Description	Applicability	Performance metrics
2.2.1 Child labor	Incidence of child labor relevant to the economic activities of interest	Landscape-dependent	2.2.1.1 Assessor-defined metrics based on identified enabling conditions (required) 2.2.1.2 Estimated number of child laborers in economic activities of interest (recommended)
2.2.2 Forced labor	Incidence of forced labor relevant to the economic activities of interest	Landscape-dependent	2.2.2.1 Assessor-defined metrics based on identified enabling conditions (required) 2.2.2.2 Estimated number of forced laborers in economic activities of interest (recommended)

¹ Enabling conditions are laws, procedures, processes, social arrangements, and other factors and circumstances in a landscape that support (or could support) the protection and respect of human rights, and/or could address and mitigate actual and potential human rights impacts and their root causes. This includes but is not limited to human rights safeguards, which are precautionary measures that are intentionally adopted in order to prevent and mitigate human rights abuses.

2.2.3 Workers' rights	Respect for other workers' rights including freedom of association, working hour restrictions, protection from discrimination, and provision of safe working environments	Landscape-dependent	2.2.3.1 Assessor-defined metrics based on identified enabling conditions (required)
2.2.4 Other human rights	Status of other human rights potentially impacted by economic activities	Landscape-dependent	2.2.4.1 Assessor-defined metrics based on identified enabling conditions of other human rights (required)

Given the novelty of assessing human rights at a landscape scale, LandScale collaborated closely with Proforest and the IDH Verified Sourcing Areas team to develop the approach presented in LandScale version 0.2. Together, this group engaged with expert organizations and landscape initiatives to seek their input and feedback on critical elements of a landscape-level human rights assessment. The result of this work is an approach to identify and assess human rights issues at landscape scale. The following guidance is an adaptation of this approach to the scope and specifications of a LandScale assessment.

To support the application of this approach, we reference several existing methodologies and tools in the tables below to help the assessor undertake this process.² LandScale recognizes that information on human rights issues at a landscape level might not always be readily available and accessible. Given this constraint, the landscape approach places an increased emphasis on stakeholder consultation and desk-based research. The following guidance aims to provide a practical yet robust approach to identify actual and potential adverse human rights issues at the landscape level. LandScale will be testing this approach during the version 0.2 piloting phase and incorporating lessons learned for the version 1.0 launch in 2021.

LandScale's human rights assessment is a 4-phase process that accomplishes two objectives:

1. Determine whether landscape-dependent indicators are applicable in the selected landscape (Step 3 of the LandScale assessment guidelines).
2. Design and evaluate context-appropriate performance metrics based on local enabling conditions (Step 4 of the LandScale assessment guidelines).

² LandScale has identified a list of relevant tools and resources to assist the assessor in every phase of the assessment. These tools are highlighted in this document at the end of each phase and a full list is also available in the separate Pillar Resources document, available for LandScale Pilots.

The process follows the same steps and logic as the other indicators from the LandScale assessment framework, except that it entails a more in-depth process of consultation with rights-holders, experts, and other stakeholders. The process is described in more detail in figure 2 and table 1.

General considerations before starting the assessment:

- **Leverage assessments of Goals 2.1 and 3.1:** The assessor should seek opportunities and synergies whereby data sources from other LandScale indicators can inform the human rights assessment. For example, if primary data collection is required for poverty indicators under Goal 2.1, a household survey commissioned to collect this information might also be designed to incorporate questions related to human rights issues.
- **Engage relevant stakeholders throughout the process:** The typical groups to consider and include throughout the human rights assessment process include³:
 - Rights holders: All human beings are rights holders under the Universal Declaration of Human Rights. Engagement should prioritize groups whose human rights are not fully realized, respected or protected in the given context.
 - Duty bearers: Actors who have a particular obligation or responsibility to respect, promote, and realize human rights and to abstain from human rights violations. The term is most commonly used to refer to State actors, but non-State actors can also be considered duty-bearers.
 - Other parties that have specific knowledge and expertise on human rights: For example, NGOs and trade unions.⁴

³ As recommended by the Danish Institute on Human Rights and their [Guidance and toolbox on Human Rights impact assessments](#) (see page 6).

⁴ These definitions have been adapted from the [Danish Institute for Human Rights](#).

Figure 2. Overview of the Assessment Process for Human Rights Indicators

See table 1 for a summary of each phase and where it sits in relation to the overall LandScale assessment process specified in the assessment guidelines.

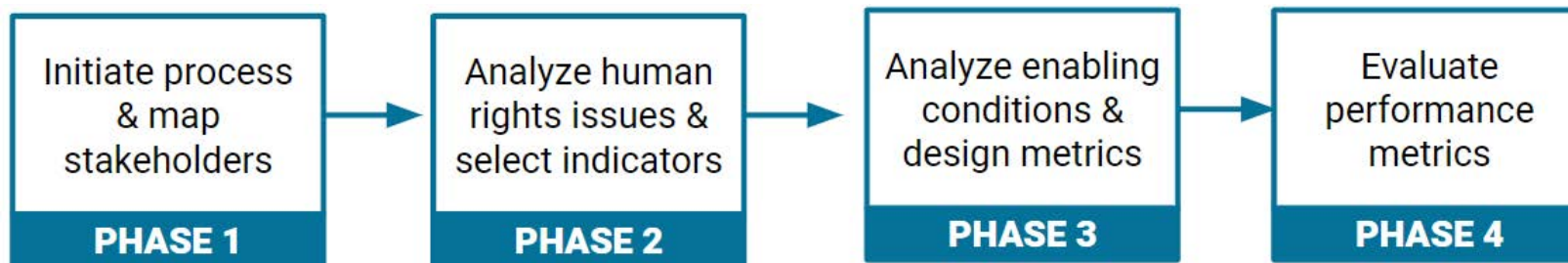


Table 1. Summary of the assessment process

Activities	Required outputs
Phase 1. Initiate process & map stakeholders⁵	
a. Compose the team that will conduct the assessment in accordance with the LandScale requirements (See section 1.1 of the assessment guidelines) b. Develop a basic understanding of the human rights issues through a desk-based study ⁶ c. Map key stakeholders and consult identified stakeholder groups and experts <i>This phase is linked to, and may be conducted in coordination with, Step 1 of the LandScale assessment guidelines (Preparation).</i>	1. Justification of the assessment team composition and capacity relevant to human rights 2. Stakeholder map 3. Summary documentation of stakeholder engagement during this phase 4. Summary and main conclusions from stakeholder consultation

⁵ Even though these preparatory tasks occur at the start of the process, the assessor is encouraged to complement and revisit the two analyses as often as needed.

⁶ Before this takes place, the assessor should have already narrowed down the scope of economic activities that the human rights assessment will cover (this is required as part of the Landscape Situation Analysis).

<p>Phase 2. Analyze HR issues & select indicators</p>	
<p>a. Analyze the information collected during the stakeholder consultation from the previous phase</p> <p>b. Determine the severity of human rights issues in the landscape and select the applicable indicators</p> <p><i>This phase is linked to, and may be conducted in coordination with, Step 3 of the LandScale assessment guidelines (Indicator Selection).</i></p>	<ol style="list-style-type: none"> 1. Selection of applicable indicators 2. Justification and evidence for non-applicable indicators 3. Summary documentation of stakeholder engagement during this phase
<p>Phase 3. Analyze enabling conditions & design metrics</p>	
<p>a. Understand the root causes of actual and potential adverse human rights impacts and identify the enabling conditions that need to be in place at landscape level to address these impacts</p> <p>b. Design performance metrics for the most relevant enabling conditions the most important of these enabling conditions and design performance metrics to measure the status of, or progress toward, achieving these enabling conditions to prevent, mitigate, and remediate human rights issues</p> <p><i>This phase is linked to, and may be conducted in coordination with, Step 4 of the LandScale assessment guidelines (Metric Selection & Assessment).</i></p>	<ol style="list-style-type: none"> 1. List of identified enabling conditions for each applicable indicator 2. List of proposed performance metrics with their respective desired status or outcomes 3. Summary documentation of stakeholder engagement during this phase
<p>Phase 4. Evaluate performance metrics and report results</p>	
<p>a. Assess the selected performance metrics</p> <p>b. Report and validate results with key stakeholders, especially rights holders</p> <p><i>This phase is linked to, and may be conducted in coordination with, Step 4 (Metric Selection & Assessment) and Step 5 (Reporting Results) of the LandScale assessment guidelines.</i></p>	<ol style="list-style-type: none"> 1. Results of the assessment of each performance metric 2. Summary documentation of stakeholder engagement during this phase

Phase 1: Initiate Process & Map Stakeholders

Activities	Guidance
1a. Composition of the assessment team	
<ul style="list-style-type: none"> → Identify assessment team composition and capacity; → Explain and discuss field and survey methodologies; → Agree on responsibilities within the team; → Agree on recording and write up methods. 	<ul style="list-style-type: none"> ● Following the requirement from section 1.1 of the assessment guidelines, at minimum include a capable local partner with relevant expertise. This person/organization should: <ul style="list-style-type: none"> ○ Speak the local language; ○ Be committed to an objective and inclusive assessment, including willingness to engage separately with marginalized or vulnerable groups to the extent necessary to properly understand their perspectives; ○ Understand the key human rights issues affecting local people and communities; ○ Have knowledge and experience related to human rights issues and impact assessments; ○ Have experience conducting household surveys, interviews, focus groups, and other types of engagements with local communities; ○ Have a general understanding and knowledge of local culture, context, and politics. <p>All of the above are essential elements for building trust and ensuring stakeholders are comfortable speaking up and sharing information.</p>

1b. Desk-based scoping study	
<p>The desk-based study, including subject matter expert interviews, provides input into the selection of human rights indicators. This study should include:</p> <ul style="list-style-type: none"> → For each of the human rights indicators, understand the minimum requirements of national and international law; → For each human rights issue, characterize customary practices in the landscape; → For each issue, identify main organizations to consult to gain an initial understanding of actual and potential adverse human rights impacts, and which rights holders are most vulnerable; → For each issue, develop an initial characterization of the presence or absence of enabling conditions and safeguards to protect human rights. 	<ul style="list-style-type: none"> ● Identify expert organizations through multiple channels, including consulting with international organizations to help identify regional or local organizations. The assessor should strive to include expert organizations from at least these categories: <ul style="list-style-type: none"> ○ Human rights experts and/or CSOs that understand and work locally ○ Indigenous peoples experts/CSOs that work locally ○ Union organizations and/or labor rights NGOs ○ Farmer and local business associations ○ International Labour Organization (ILO) offices or government labor departments ● Consult local and national government departments, local or national human rights institutions, international agencies, CSOs, representatives of indigenous peoples, rights holders’ advocates, universities, and trade/worker unions to determine the level of risks and issues related to all human rights indicators. If there are gaps in landscape level information revealed by these consultations, use national or sector data as a proxy and starting point. To the extent that data gaps are found to exist, identify priorities for primary data collection (e.g., a rapid landscape-level assessment) to help fill them. ● Characterize customary practices and rights holders’ situations for the economic activities covered with presence in the landscape (e.g. what are the typical worker recruitment processes; are workers generally permanent versus seasonal or contracted; to what extent is migrant labor used; and to what extent are women and other vulnerable groups included or excluded). ● Document any known or suspected human rights violations or land conflicts associated with recent land use change. Describe the consequences of these for local communities. This assessment should draw on information in the landscape situation analysis and related to indicators in Pillars 1 and 3. ● Analyze the legal and regulatory setting. ● As part of the legal and regulatory context analysis, country rankings on human rights issues can also be a good indication of whether landscape-dependent indicators are applicable in a given context.
1c. Stakeholder mapping and consultation	
<ul style="list-style-type: none"> → Map rights holders that are or could be affected by existing and planned/future 	<p>With an initial understanding of human rights issues and the legal and regulatory setting based on the desk study, the assessor should proceed to conduct stakeholder mapping and interview stakeholders and rights holders to gain a deeper understanding of these issues. The primary objective of the interviews is to identify salient human rights issues</p>

<p>economic activities in the landscape;</p> <ul style="list-style-type: none"> → Decide who to consult to identify actual and potential human rights adverse impacts; → Design the survey sample and interview methods; → Conduct interviews with the selected rights holders and other key stakeholders; → For each human rights issue, assess whether rights holders perceive the issue in the same way that they have been characterized by human rights experts and documentation (from step 1b above). 	<p>(including actual and potential adverse human rights impacts) and assess their severity in the landscape. Once interviews have been conducted, the assessor should determine the extent to which rights holders' perspectives on human rights match those identified by the desk-based study in step 1b. If there is significant divergence, then interviews with additional right holders and stakeholders may be warranted to further clarify the situation.</p> <p>For the stakeholder mapping:</p> <ul style="list-style-type: none"> ● Initial identification of who are likely to be the most vulnerable and marginalized rights holders among workers and local communities (e.g. migrant workers, youth, and women); ● To the extent possible, conduct at least one interview with all identified and relevant stakeholder groups from the mapping exercise. If the stakeholder mapping identifies numerous stakeholder groups, the assessor should prioritize at least 10 groups to interview. ● Include at least one representative from each identified group of rights holders and duty bearers linked to the scope of the focal economic activities (selected in the Landscape Situation Analysis); ● Ensure diversity across the set of groups interviewed and that vulnerable groups are engaged; ● To assess the range of workers' rights issues and scenarios, consult with representatives of permanent workers, seasonal workers, contracted workers, and migrant workers. Consider the following criteria when defining the study sample for workers' representatives: <ul style="list-style-type: none"> ○ Include female workers; ○ Include workers engaged in economic activities that are more likely to pose risks of human rights abuses (e.g. workers handling pesticides). ● Consider the following criteria when defining the study sample for employers (one group of duty bearers): <ul style="list-style-type: none"> ○ Include managers involved with procuring, selecting, and managing workers (e.g. human resources and line supervisors); ○ Include managers responsible for community relations (e.g. CSR or sustainability managers); ○ Include managers responsible for the areas where vulnerable workers are employed. ● Consider the following criteria when defining the study sample for local communities: <ul style="list-style-type: none"> ○ Include communities closest to the focal economic activities;
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	<ul style="list-style-type: none"> ○ Include individuals, groups, or communities that sold land or were forced to move or to cede land ownership or use to make space for business operations; ○ Include vulnerable groups within the communities (e.g. people with disabilities, youth, and women). <p>For the survey sample and interview methodology:</p> <ul style="list-style-type: none"> ● To ensure a range of relevant perspectives, use stratified sampling or a similar approach that covers variation in relevant criteria such as age groups, cultural background, religion, level of income, gender, and area of the landscape⁷; ● Interviews may be conducted with individuals and/or in focus groups. Consider conducting focus group discussions to capture perspectives that have not been included in, or forthcoming through, individual interviews. Regardless of the format used, follow good practices for semi-structured interviews on social topics. Design interviews to cover all relevant LandScale indicators on which the interviewee has a relevant perspective or legitimate information to share. ● Seek to collect both quantitative data (e.g. number of land rights conflicts, data on wages) as well as qualitative data. ● At the end of each interview or focus group, validate the information recorded to ensure accurate reporting of the respondents' views. <p>General good practice and steps to prepare:</p> <ul style="list-style-type: none"> ● Ensure effective communication with the community leaders, workers, managers, and other stakeholders being interviewed. This includes introducing the team members, explaining the purpose of the assessment, and clarifying expectations related to it. Look for signs of “research fatigue” and consider interviewing other stakeholders if prospective interviewees do not welcome the conversation or do not seem inclined to provide candid information. ● Ensure that rights holders are aware of their rights so that they can effectively participate in conversations about these rights.
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⁷ The selection of the sampling approach will depend on the landscape boundary and distribution of key socio-economic components across the landscape area, such as communities' location. If the assessor wants to prioritize geographical representation, a grid sampling could be performed. This essentially entails dividing the landscape into a grid and selecting communities and relevant stakeholders and rights holders from each square (or a random subset of squares). It's important to mention that a purely random sample may not properly capture viewpoints of different kinds of communities. The latter becomes an issue when there are only a few communities in the landscape or communities vary widely in the way they interact with the landscape.

	<ul style="list-style-type: none"> ● Consider interpersonal dynamics (including gender dynamics) when designing interview methods and focus groups to ensure that women, minorities, and potentially vulnerable persons are able to voice their perspectives without constraint. ● Take all necessary means to ensure that involvement in the assessment does not have any negative repercussion on the respondents or participants. These include strict respect for the confidentiality of responses and anonymity of respondents. Data should be anonymized to protect individually identifiable information and must never be reported in a manner that enables identifying or inferring information about individuals. ● Interviewers should be well trained and given enough time for their work to ensure that stakeholder interactions are of the highest possible quality and yield reliable information. <p>Important precautions to consider:</p> <ul style="list-style-type: none"> ● Interviewers should be trained specifically on data collection on human rights issues, including precautions to avoid any adverse effects on participants. Such precautions typically include selecting a safe place for interviews outside the area of work, avoiding use of loaded terms such as ‘forced labor’ and ‘trafficking’ during conversations, avoiding false expectations from participation in the survey, and providing appropriate treatment of child respondents. ● As human rights assessments can often impose risks, especially in the area where human rights violations are occurring, interviewers' training should also include procedures for dealing with situations of danger.⁸
<p>Stakeholder engagement:</p> <ul style="list-style-type: none"> ● Stakeholder mapping and stakeholder engagement is an essential part of Phase 1 to gain initial understanding of human rights issues in the landscape. For this part of the process, in-person engagement is optional: it is acceptable to conduct all engagement remotely if the assessment team judges this to be an effective way to obtain the needed information. However, assessors are encouraged to meet in-person with key stakeholders and especially rights holders as early as possible in the process. 	

⁸ Adapted from: International Labour Organization ILO. (2018). *Guidelines concerning the measurement of forced labour*. 20th International Conference of Labour Statisticians. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf

Required outputs of phase 1:

1. Justification of the assessment team composition and capacity relevant to human rights.
2. Stakeholder map (can be updated throughout the assessment).
3. Summary documentation of stakeholder engagement during this phase.
4. Summary and main conclusions from stakeholder engagement.

Relevant tools to assist the development of this phase:

- [Guidance by International Alert](#) on understanding how to do thorough human rights assessments, including understanding of root causes, at different levels (macro, regional and local)
- [Human rights impact assessment and guidance toolbox](#) by the Danish Institute on Human Rights – [phase 1](#) and [phase 2](#)
- [The Getting it Right tool – A Human Rights Impact Assessment Guide](#): useful tips and guidance on conducting HRIAs
- [Social licence platform](#): guidance on identifying experts to be part of HRIA team
- [Sector Wide Impact Assessment \(SWIA\)](#) by the Danish Institute on Human Rights and the Myanmar Centre for Responsible Business
- [Guidance](#) by Landesa on free, prior and informed consent (FPIC) and how to engage women and vulnerable groups in this process
- [Applying a Social-Ecological Inventory](#): a workbook for identifying and engaging key stakeholders
- [Handbook for monitoring and evaluation of child labor in agriculture](#): a resource for measuring impacts of agricultural and food security programs on child labor in family-based agriculture
- [Stakeholder engagement interview guide](#) by the Danish Institute for Human Rights
- Socio-Cultural, Environmental, and Livelihoods Survey from NCRC Ghana (available for the LandScale Pilots)
- [Community-Based Human Rights Impact Assessment](#) by Oxfam
- [Landesa tool and platform](#): connects companies and investors with localized expertise to guide investments in land

Phase 2: Analyze Human Rights Issues & Select Indicators

Activities	Guidance
2a. Analysis of the collected data	
<p>→ Analyze the information collected during the desk-based study and interviews with expert organizations and stakeholders;</p>	<ul style="list-style-type: none"> • Analyze information collected in phase 1 and prepare a synthesis characterization of human rights issues, actual and potential adverse impacts, and the persons and groups in the landscape that they affect. This characterization should consider both actual and potential (future) negative impacts, as well as cumulative impacts. • Ensure to identify and highlight differences and similarities in responses across stakeholder groups. • Consult rights holders and other key stakeholders to validate the synthesis.
2b. Determine the severity human rights issues in the landscape and select applicable indicators for these issues	
<p>→ Evaluate the severity of the actual or potential adverse impacts to each relevant human right by considering:</p> <ul style="list-style-type: none"> • Gravity (scale) of the identified negative impact. • Scope of the adverse impact identified (number of people affected); • Irremediability of impact.⁹ <p>→ Organize a dialogue (virtual or in-person) between rights holders, duty bearers, and human rights specialist organizations to discuss and agree on the selection of applicable indicators.</p>	<ul style="list-style-type: none"> • Consult rights holders and other stakeholders to inform the severity determinations and indicator selection. Include groups that are typically vulnerable or marginalized, including women, indigenous peoples, and migrant workers. • If any of the indicators 2.2.1 through 2.2.4 are determined to be ‘not applicable’ in the landscape, the assessor should provide thorough evidence to justify this determination.

⁹ According to the UN Guiding Principles Reporting Framework, a negative human rights impact is severe by virtue of one or more of the following characteristics: its scale, scope or irremediability. Scale means the gravity of the impact on the human right(s). Scope means the number of individuals that are or could be affected. Irremediability means the ease or otherwise with which those impacted could be restored to their prior enjoyment of the right(s).

Stakeholder engagement:

Stakeholder engagement for phase 2 is generally expected to be conducted remotely. LandScale encourages the use of surveys, online workshops, online focus groups, and other virtual activities, in order to carry out the activities as efficiently and cost-effectively as possible. However, in those cases where landscape stakeholders such as vulnerable and/or marginalized groups cannot participate virtually, the consultation will need to take place in-person.

Required outputs of phase 2:

1. Selection of applicable indicators.
2. Justification and evidence for non-applicable indicators according to step 3 of the LandScale assessment guidelines.
3. Summary documentation of stakeholder engagement during this phase.

Relevant tools to assist the development of this phase:

- [MSP Tool Guide](#): guidance for multi-stakeholder partnerships by Wageningen University (see tools 10, 11, and 18)
- [Toolkit and guidance for multi-stakeholder consultation workshop](#) by Tropenbos and EcoAgriculture Partners
- [Guidance for companies on how to identify most severe HR issues](#) from the UN Guiding Principles Reporting Framework
- [Guidelines for participatory planning, monitoring and evaluation of multi-stakeholder platforms in integrated landscape initiatives](#): a tool to identify and facilitate multi-stakeholder collaboration at the landscape scale
- [Community Toolbox](#): guidance on participatory research with communities
- [Guidance for social dialogue](#) by ILO and OECD
- [A Guide to Gender Impact Assessment for the Extractive Industries](#): tools and processes to conduct Gender Impact Assessments for the extractive industry
- [Balancing the Scales: Using Gender Impact Assessment in Hydropower Development](#): resources and tools for hydropower developers and government to incorporate gender impact assessment more comprehensively in their project cycles
- [Guidance to support and empower communities to decide on investment proposals](#) by Namati and Columbia Center for Sustainable Investment
- [Analysing HR impact](#) by the Danish Institute for Human Rights

Phase 3: Analyze Enabling Conditions & Design Metrics

Activities	Guidance
3a. Identify locally relevant enabling conditions	
<ul style="list-style-type: none"> → Identify enabling conditions that can help prevent and mitigate human rights violations in the landscape; → Invite rights holders and other key stakeholders to participate in the following for each of the human rights indicators that were selected as applicable: <ul style="list-style-type: none"> • Identify the landscape-level enabling conditions or minimum safeguards that need to be in place to prevent, mitigate, and remediate adverse impacts to each human right, and • If certain enabling conditions are in place but are only partially effective, identify how these existing systems would need to be adapted or improved to effectively prevent, mitigate, and remediate adverse impacts to each human right. 	<ul style="list-style-type: none"> • As noted earlier, enabling conditions are laws, procedures, processes, social arrangements, and other factors and circumstances in a landscape that support (or could support) the protection and respect of human rights, and/or could address and mitigate actual and potential human rights impacts and their root causes. This includes but is not limited to human rights safeguards, which are precautionary measures that are intentionally adopted in order to prevent and mitigate human rights abuses. • As a starting point, the assessor should review the lists of common enabling conditions provided in Annex 4 and determine which of these are most relevant to the selected human rights indicators. • The assessor should then propose additional enabling conditions, as necessary, to identify the set of conditions or actions needed to properly prevent, mitigate, and remediate the significant human rights issues in the landscape. The assessor should consider enabling conditions in each of the following four categories: <ul style="list-style-type: none"> • Prevention: Prevention shall address a wide range of socio-cultural, economic, legal, and political factors that influence human rights. • Protection: Protection should ensure that people already lacking human rights are able to recover from the violations. • Remedy: The remedy component must provide those subjected to human rights violations with access to justice and compensation for injury, loss, or harm -material or moral-. • Enforcement: Enforcement refers to strengthening the administration of labor and criminal justice to prevent the degeneration of human rights violations, identify more cases, and bring perpetrators to justice.¹⁰ • The process of identifying enabling conditions should include consultation with stakeholders and experts engaged in phase 1, and with additional rights holders and stakeholders that are or may be affected by focal economic activities that are ongoing or planned.

3b. Design performance metrics for the most relevant enabling conditions

<ul style="list-style-type: none"> → Select the most important of the identified enabling conditions for each human rights indicator; → Design performance metrics to measure the status of, or progress toward, achieving these enabling conditions to prevent, mitigate, and remediate human rights issues; → For each indicator, the assessor should select at least one structural metric, at least one process metric, and at least one outcome metric (each indicator should have at least 3 performance metrics in total); → Carry out this selection and design process in a participatory manner, striving for consensus to the extent possible. 	<ul style="list-style-type: none"> • Use a participatory process to select enabling conditions and design performance metrics, involving the same groups mentioned in the guidance for step 3a above. This process should be integrated with the assessor’s own technical analysis to identify which enabling conditions are most critical for addressing the underlying drivers and root causes of human rights issues, and which are most realistic and feasible to institute or improve. • Enabling conditions that can be established or influenced at the landscape level are generally most suitable as the basis for LandScale performance metrics, but when key human rights impacts or root causes require action at different scales, these enabling conditions should also be included to provide a valid and balanced assessment of progress (or lack thereof) to addressing impacts and their causes. • It is recommended to use both quantitative and qualitative performance metrics. • As part of the participatory process, the proposed performance metrics should be validated with stakeholders to ensure that they are considered valid ways to assess the factors and enabling conditions necessary to prevent, mitigate, and remediate the human rights issues covered by the selected indicators. <p>Criteria for performance metrics: At least one performance metric should be included from each of the following three categories¹¹:</p> <ol style="list-style-type: none"> a. Structural metrics (commitments) include the ratification and adoption of legal instruments and the existence as well as the creation of basic institutional mechanisms necessary for the promotion and protection of human rights. <i>Example:</i> International human rights and ILO treaties relevant to the right to work ratified by the State. b. Process metrics (efforts) measure the duty bearers’ efforts to transform their human rights commitments into the desired results by taking specific actions toward this end. <i>Example:</i> Proportion of informal-sector workers shifted to formal-sector employment in the reporting period.
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¹⁰ These components have been adapted from: International Labour Organization. (2018b). Ending forced labour by 2030: A review of policies and programmes. ILO. https://www.ilo.org/wcmsp5/groups/public/--ed_norm/--ipec/documents/publication/wcms_653986.pdf

¹¹ Definitions and examples are drawn from: United Nations Human Rights Office of the High Commissioner. (2012). *Human Rights Indicators: A Guide to Measurement and Implementation*. OHCHR. https://reliefweb.int/sites/reliefweb.int/files/resources/Human_rights_indicators_en.pdf

	<p>c. Outcome metrics (results) should capture individual and collective attainments that reflect the state of enjoyment of human rights in a given context. An outcome indicator consolidates, over time, the impact of various underlying structural and process improvements. Outcome metrics can be slow moving and less sensitive to capturing momentary changes than process metrics.¹²</p> <p><i>Example:</i> Incidence of occupational incidents, including acts of violence, personal injury, disease or death.</p>
<p>Stakeholder engagement: Phase 3 involves the most specific and consequential decisions about the design of the human rights assessment approach for the given landscape. Therefore, in-person consultation efforts should be prioritized for this phase. Ideally, all consultations for phase 3 should be conducted in person. However, if this is not possible, the assessor may use a hybrid approach, with some stakeholders and groups being consulted remotely.</p>	
<p>Required outputs of phase 3:</p> <ol style="list-style-type: none"> 1. List of identified enabling conditions for each applicable indicator. 2. List of proposed performance metrics with their respective desired status or outcomes. 3. Summary documentation of stakeholder engagement during this phase. 	
<p>Relevant tools to assist the development of this phase:</p> <ul style="list-style-type: none"> • LandScale Annex 4 on Human Rights Enabling Conditions <p>Operational Grievance mechanism (OGM)</p> <ul style="list-style-type: none"> • Guidance on good practices grievance mechanisms by Business Respect for Human Rights • Guiding principle 31: on 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 <p>Use of technology to engage</p> <ul style="list-style-type: none"> • Guidance on Worker Engagement Supported by Technology principles (WEST principles) by Humanity United and Labor link by Good World Solutions • Info note on Worker Voice Technologies by Proforest • Use of local CSOs to help with independent monitoring of negative impacts by Earthworm. This includes the 'Kumacaya' tool, which is based on an online survey (Signal) for CSOs, workers, smallholders and local communities who can report positive and negative issues (See also Kumacaya, Signal) <p>Guidance related to FPIC</p> <ul style="list-style-type: none"> • FPIC Guide for RSPO members 	

¹² United Nations Human Rights Office of the High Commissioner. (2012). *Human Rights Indicators: A Guide to Measurement and Implementation*. OHCHR. https://reliefweb.int/sites/reliefweb.int/files/resources/Human_rights_indicators_en.pdf

- [UN-REDD Guidelines on Free, Prior and Informed Consent](#)
- [UNDP guidance Info note #6, Indigenous Peoples Guideline](#)
- [FAO Guide on respecting free, prior and informed consent](#)

Other tools and relevant resources

- [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, including cases in Indonesia and Ecuador
- [Guidelines on Incorporating Human Rights Standards and Principles](#): provides guidelines to help develop a human rights-based approach throughout all priority areas and sectors of development cooperation and to provide assistance with the mandatory appraisal of human-rights risks and impacts
- [Integrating New Data to Assess risks of forced labor in agriculture \(ISEAL – Ergon\)](#): uses subnational risk mapping to provide an overview of relative geographic risks and to use this knowledge to focus further investigation and to better detect vulnerable workers at the workplace level
- [Free Prior Informed Consent Protocols](#) by the European Network on Indigenous Peoples

Phase 4: Evaluate Performance Metrics

Activities	Guidance
4a. Assess selected performance metrics	
<p>→ In addition to ensuring that the selected performance metrics address all the previously mentioned criteria, the assessor must:</p> <ol style="list-style-type: none"> 1. Agree on and define desired outcomes (i.e. targets, goals) to address human rights issues for each metric; 2. Disaggregate the desired outcomes into a series (ideally 3 but no more than 5) of milestones (stages marking a significant change in development towards the desired outcome). The milestones will be the metric results. 	<p>Performance metrics should be specified by defining the desired outcome (or status) related to each enabling condition or factor identified in the prior sub-step (3a). Assessment of the metric then focuses on evaluating the present condition or progress relative to this outcome. The following is an example of a desired outcome and milestones (metric results) for potential performance metrics.:¹³</p> <p>Desired outcome: Laws and regulations promote worker safety</p> <p>Scenarios for performance metrics:</p> <ul style="list-style-type: none"> • Regulations concerning worker safety are in place with evidence of effective enforcement. • Laws and regulations exist but do not cover all land use workers (such as temporary/informal agricultural workers) or no evidence of effective enforcement • Laws and regulations do not exist or no evidence of enforcement.
4b. Report and validate results with key stakeholders	
<p>→ Review the assessment results with the rights holders consulted earlier in the process to validate findings and adjust if necessary;</p> <p>→ Report final assessment results in accordance with the guidance for step 5 of the assessment process.</p>	<p>Draft results should be made available to the stakeholders and rights holders in accessible formats and languages for review and validation. Based on this review, the assessor should adjust the assessment results if necessary, to reflect new or more accurate information furnished through the review process that was not previously factored into the assessment.</p>

¹³ These examples are drawn from the [Sustainable Landscapes Rating Tool \(SLRT\)](#) criteria on enabling conditions.

Stakeholder engagement:

In-person consultation efforts should be prioritized for this phase. However, if this is not possible, the assessor may use a hybrid approach, with some stakeholders and groups being consulted remotely.

Required outputs of phase 4:

1. Results of the assessment of each performance metric.
2. Summary documentation of stakeholder engagement during this phase.

Relevant tools to assist the development of this phase:

- [Human Rights Indicators](#) by The Office of the United Nations High Commissioner for Human Rights (OHCHR)
- [So Pact](#): software and resources designed for investors, grant makers, public agencies, nonprofits and businesses to easily measure and manage social and environmental impacts
- [Human Rights Impact Assessment guidance and toolbox](#) Phase 5 includes guidance on how HRIA practitioners should ensure that the HRIA reflects the communities' experience, as well as to engage stakeholders in the evaluation process