

Rapid Human Rights Due Diligence

During political and armed conflict

INTRODUCTION

This document guides human rights due diligence in situations when very little time is available, with a focus on situations of political and armed conflict. It is intended to be used predominantly as a discussion guide by company human rights teams as they think through human rights considerations during periods of rapid internal decision-making, such as during crisis.¹ For an overview of BSR's approach to human rights assessment, please see [here](#). For detailed guidance on how to conduct heightened human rights due diligence in conflict-affected and high-risk contexts, please see [here](#).

STEP ONE: DESCRIPTION OF THE SITUATION

These questions help clarify the human rights situation.

Question	Answer
What is the situation? <i>Provide a short description of the situation.</i>	
Is the Rule of Law being applied? <i>Consider: Is the action legal? Is legal due process being followed? Are human rights, property, contract, and procedural rights being maintained?</i>	
Does international humanitarian law apply? <i>Consider: Do additional legal obligations apply? Are involved parties acting in accordance with the Geneva Conventions and The Hague Conventions?</i>	
Who are the rightsholders in this situation (e.g., the people impacted by the company's operations, supply chains, products, and/or services)? <i>Examples: employees, supply chain workers, subcontractors, local communities affected by the Company's business, users, customers.</i>	

¹ A previous iteration of this tool was originally published on the BSR website in response to the outbreak of the COVID-19 pandemic in March 2020 and is available [here](#). This version was updated to reflect the outbreak of political and armed conflict in response to the Russian invasion of Ukraine in March 2022.

<p>Are vulnerable populations likely to be impacted by the situation?</p> <p><i>Examples: Children, human rights defenders, refugees, migrant labor, women and girls, elderly people, people belonging to low-income groups, LGBTQI+ people, Indigenous people, people belonging to racial, ethnic, and religious minority groups.</i></p>	
<p>How is or how might the company adversely impact rightsholders in this situation?</p> <p><i>Consider: How could the company either cause, contribute, or be directly linked to adverse human rights impacts (e.g., by putting local staff at risk, through partners or suppliers, through product use or misuse, by providing financial resources to entities committing human rights abuses)? What actual or potential adverse human rights impacts might the rightsholders face, drawing on international human rights instruments?²</i></p>	
<p>What is the severity of the actual or potential human rights impact?</p> <p><i>Consider: How many people may be impacted? How serious would the impact be for the victim? Can the impact be remediated later?</i></p>	
<p>What are the potential long-term implications of the situation?</p> <p><i>Consider: What are the geopolitical implications of the situation in the countries where the company is headquartered and does business? What are the implications for the company's industry (e.g., supply chain disruption)?</i></p>	

² The [Universal Declaration of Human Rights](#), the [International Covenant on Civil and Political Rights](#), the [International Covenant on Economic, Social, and Cultural Rights](#), the [ILO Fundamental Principles and Rights at Work](#), the [United Nations Convention against Transnational Organized Crime and the Protocols Thereto](#) (Trafficking in Persons and Smuggling of Migrants Protocols).

STEP TWO: COMPANY POLICIES, PROCESSES, AND PROCEDURES

These questions help clarify the relevant company policies, processes, and procedures that apply.

Question	Answer
<p>What policies or processes does the company have in place for situations like this? <i>Consider: Does the company have policies, processes, or crisis management or escalation procedures describing what to do in this type of situation? If not, does Company have leadership support or other internal governance mechanisms to enable it to take action? Is there an obligation to carry out extra due diligence and compliance checks on all partners or suppliers as well as on product use or misuse?</i></p>	
<p>Was this situation anticipated in prior human rights due diligence? <i>Consider: What does that due diligence say about the approach that should be taken now? How has the company responded to previous crises of a similar nature?</i></p>	
<p>Who within the company should be engaged to help address this situation? <i>Examples: Functions including sustainability, human rights, privacy, human resources, supply chain/procurement, public affairs team, legal/compliance, and security.</i></p>	

STEP THREE: EXTERNAL CONSULTATION

These questions help identify allies who may be able to provide rapid advice.

Question	Answer
<p>Who can the company consult to understand how rightsholders are being impacted and what they need? <i>Consider: Can the company contact impacted rightsholders directly? Can the company join any existing dialogues? What are the risks and opportunities of making contact now? Would the company be placing the rightsholder at risk by contacting them? Are there reasonable alternatives, such as independent expert resources (e.g., civil society organizations, subject matter experts, academics, other companies)? If these alternatives</i></p>	

<p><i>exist, what is the company's relationship with the external organizations or experts?</i></p>	
<p>Are there peer companies that are taking action that the company can consult with directly? <i>Consider: Is there an alignment of corporate priorities and values? Would acting in concert help to foster coherence and corporate respect for human rights across the industry?</i></p>	
<p>Are there diplomatic actors that the company can consult with directly? <i>Consider: Have diplomatic actors in the region where the company is headquartered or does business spoken out on the role of business related to the situation? What is the company's relationship with the diplomatic actor?</i></p>	
<p>Are there external service providers that Company can consult with directly? <i>Consider: Are service providers (e.g., International SOS, insurance, medical providers, security companies, IT providers) needed and able to provide rapid advice (particularly related to mitigation and response)? Has the company relied on these providers in the past?</i></p>	

STEP FOUR: ACTION PLAN

These questions help create a plan of action.

Question	Answer
<p>What can the company do to avoid, prevent, or mitigate the actual or potential human rights impacts? <i>Consider: Can the company take actions to protect local staff and other rightsholders? Can the company support relief efforts either financially or logistically? How is the company taking into account the views of rightsholders in defining what actions to take? How does the response to the situation fit into the company's current priorities? If other priorities are set aside, is there a plan to resume activities as soon as the situation is resolved?</i></p>	
<p>What leverage does the company have to bring about change in the wrongful practices of an entity causing harm? <i>Consider: Can the company make its views known publicly, for example on matters of law, regulation, or</i></p>	

<p><i>public policy? Can the company express support for rule of law? Can the company stipulate certain requirements for maintaining presence in the region? Can the company advocate for targeted economic sanctions? Can the company collaborate with other companies facing a similar situation? Can the company collaborate with civil society organizations or other rightsholders?</i></p>	
<p>What transparency should the company provide? <i>Consider: Can the company notify relevant rightsholders of its actions related to the situation? Can the company issue a customer notice or make a public statement? Are there any legal or business reasons to restrict transparency? Are there any human rights considerations mandating that the company restrict transparency, such as the likelihood of putting rightsholders at risk? Can transparent disclosure of the company’s action plan help mobilize peers and other actors to end the ongoing harm?</i></p>	
<p>If the company can’t be transparent now, what alternatives exist? <i>Consider: Can the company be transparent at a later date? Are there specific organizations or individuals that the company can and should communicate with even if the company is unable to be more transparent with the broader community?</i></p>	
<p>What records should exist? <i>Consider: Can the company document potential human rights abuses and/or requests from the government for later disclosure or use in potential investigations or criminal tribunals? If the company does receive requests from government actors, can the company ask for the demand or request to be made in writing? What written records should the company keep? Can the company document its due diligence outcomes and prevention/mitigation measures?</i></p>	

<p>Would it be responsible to continue operating in the environment?</p> <p><i>Consider: Would the company’s continued presence enable the situation directly or indirectly, either by maintaining a physical or financial presence? What actions are needed to ensure that a continued presence is responsible (e.g., advocacy and collective action)? How can the company continue to monitor the situation as it evolves?</i></p>	
<p>If exit is being considered, what actions should be taken to exit responsibly?</p> <p><i>Consider: Has human rights due diligence been conducted on both the exit and the successor (if applicable)? Does the due diligence consider impacts to all rightsholders? Are prevention/mitigation measures being put in place to address the impacts? How are rightsholders being consulted in the exit process and informed of the decision? Is remedy being provided for impacts related to the exit?</i></p>	
<p>How can the company provide support during the situation?</p> <p><i>Consider: Are there positive actions that the company can take to support people impacted by the situation, either using the company’s business model or by providing resources? Is there a way to facilitate employee support for the situation (e.g., creating a company facilitated way employees can get involved)?</i></p>	
<p>How can lessons learned from this experience be extracted for other situations going forward?</p> <p><i>Consider: Where might similar situations erupt, and what practices undertaken here might be relevant elsewhere? Can the company engage in “futures thinking” and scenario planning to anticipate changes like this going forward? Has the company archived relevant actions and decisions to inform future actions?</i></p>	