

# Rapid Human Rights Due Diligence

## INTRODUCTION

This document guides human rights due diligence in situations when very little time is available.

## STEP ONE: DESCRIPTION OF THE CHALLENGE

These questions help clarify the human rights challenge.

Question	Answer
<p><b>What is the situation?</b> Provide a short description of the challenge.</p>	
<p><b>Is the rule of law being applied?</b> Consider: Is the action legal? Is due legal process being followed?</p>	
<p><b>If emergency powers are being used, are there clear limitations?</b> Consider: Are actions consistent with the <a href="#">Syracusa Principles</a>, such as being of limited duration?</p>	
<p><b>Who are the rightsholders in this situation?</b> Examples: Users, customers, employees, workers at a supplier, local communities.</p>	
<p><b>Are vulnerable populations potentially impacted?</b> Examples: Children, human rights defenders, refugees, migrant labor, women, elderly, low-income groups, LGBTI people, indigenous people.</p>	
<p><b>What actual or potential adverse human rights impacts will be faced by the rightsholder?</b> Consider: The <a href="#">Universal Declaration of Human Rights</a>; the <a href="#">International Covenant on Civil and Political Rights</a>; the <a href="#">International Covenant on Economic, Social, and Cultural Rights</a>; the <a href="#">ILO Fundamental Principles and Rights at Work</a>.</p>	
<p><b>What is the severity of the actual or potential human rights impact?</b> Consider: How many people may be impacted? How serious would the impact be for the victim? Can the impact be remediated later?</p>	

## STEP TWO: COMPANY POLICY, PROCESSES AND PROCEDURES

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

Question	Answer
<b>What is the Company policy?</b> <i>Consider: Does Company have a policy, process or escalation procedure describing what to do in this situation? What does it say?</i>	
<b>What does previous human rights due diligence say?</b> <i>Consider: Was this situation anticipated in prior human rights due diligence? What does that due diligence say about the approach that should be taken now?</i>	
<b>Who at Company HQ am I required to call? Who should I turn to for assistance?</b> <i>Examples: Sustainability team, human rights team, privacy team, supply chain sustainability team, public affairs team, legal team.</i>	

## STEP THREE: EXTERNAL CONSULTATION

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

Question	Answer
<b>Are there potentially impacted stakeholders I can consult with directly?</b> <i>Consider: If not, are there reasonable alternatives, such as independent expert resources? Examples include civil society organizations, subject matter experts, academics, other companies.</i>	
<b>Is it appropriate to contact them in this case?</b> <i>Consider: What is your relationship with the external organization or expert? Do you have a trusting relationship based on previous interactions? What are the risks and opportunities of making contact now? Would I be placing the stakeholder or rights holder at risk by contacting them?</i>	

## STEP FOUR: ACTION PLAN

These questions help create a plan of action.

Question	Answer
<p><b>What can we do to avoid, prevent, or mitigate the actual or potential human rights impact?</b> <i>Consider: Can the government demand or request be narrowed? Can we reduce the number of rightsholders actually or potentially impacted?</i></p>	
<p><b>What leverage do we have to affect change in the wrongful practices of an entity causing harm?</b> <i>Consider: Can we make our views known publicly, e.g. on matters of law, regulation, or public policy? Can we stipulate certain requirements? Can we collaborate with other companies facing a similar challenge? Can we collaborate with civil society organizations or other stakeholders?</i></p>	
<p><b>What transparency should we provide?</b> <i>Consider: Can we notify relevant rights holders, such as users, employees, or customers? Can we issue a customer notice or make a public statement? Are there any legal or business reasons to restrict transparency? Are there any human rights reasons to restrict transparency, such as putting rights holders at risk?</i></p>	
<p><b>If we can't be transparent now, what alternatives exist?</b> <i>Consider: Can we be transparent at a later date? Are there specific organizations or individuals we should communicate with?</i></p>	
<p><b>What records should exist?</b> <i>Consider: Can we ask for the demand or request to be made in writing? What written record should we keep?</i></p>	