September 2023

HRIA/HRDD Methodology Review

to inform the development of a

Community-Led Assessments of Rights Impacts in the Technology Industry
(CLARITI)

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1. Abbreviations

B2B	Business to Business
B2C	Business to Consumer
BSR	Business for Social Responsibility
BSR (Methodology)	Human Rights Assessment - Identifying Risks Informing Strategy (Methodology)
BSRDS	Human Rights Due Diligence Across the Technology Ecosystem
CBO	Community-based Organization
CLARITI	Community-Led Assessments of Rights Impacts in the Technology Industry
CSO	Civil Society Organization
DIHR	The Danish Institute for Human Rights
DIHR (Methodology)	Human Rights Impact Assessment Guidance & Toolbox (Methodology)
DIHRD (Methodology)	Guidance On Human Rights Impact Assessment of Digital Activities (Methodology)
DPIA	Data Protection Impact Assessment
EIA	Ethical Impact Assessment
EU	European Union
FIDH	International Federation for Human Rights
FOE	Freedom of Expression
GDPR	EU General Data Protection Regulation
GIR (Methodology)	Getting It Right (Methodology)
GNI	Global Network Initiative
GWULS	The George Washington University Law School
HRDD	Human Rights Due Diligence
HRIA	Human Rights Impact Assessment
HRIAM	Human Rights Impact Assessment and Management
IBLF	International Business Leaders Forum
IFC	International Finance Corporation
SWIA	Sector-Wide Impact Assessment
TA	Technology Assessment
UN	United Nations
UNGC	UN Global Compact
UNGPs	UN Guiding Principles for Business and Human Rights

2. Introduction

All duty bearers – companies, governments, and users alike – are responsible for ensuring that their activities do not violate human rights. Over the past decade or so, companies and governments in the Global North have increasingly adopted human rights in their policies, processes, and daily operations. Governments are increasingly mandating HRDD for companies within their jurisdiction and their activities, while the UN has released several principles and guidance on HRDD for duty bearers, most notably the UNGPs in June 2011.

However, companies and governments in the Global South have made slower progress in protecting and respecting human rights, particularly within authoritarian and semi-authoritarian contexts. Furthermore, pervasive digitization of all global activities and communications across societies has opened new avenues for promoting and violating human rights by companies, governments, and, increasingly, by individual users online, with follow-on impacts offline.

Over the past two decades, several pieces of guidance, tools, and methodologies have been developed to assess and mitigate, in varying forms, the human rights impact of a wide range of activities, including policies, laws, programs, and investment projects. While most methodologies primarily concern non-digital industries, recent years have seen several of these methodologies being adapted to cover digital industries.

While most of these materials are targeted towards governments or companies to conduct HRIAs, HRDDs, and other forms of impact assessment, the work of Rights & Democracy, FIDH, and Oxfam since 2004 has led to valuable tools and guidance for communities to hold companies accountable for potentially harmful consequences of their activities through community-based HRIAs. The community-based approach gives communities ownership to assess and document the potential human rights impacts that companies and their operations may create. However, there is currently no tool for communities to assess the human rights impacts of digital activities by companies.

This methodology review aims to inform the development of a robust methodology for a Community-Led Assessments of Rights Impacts in the Technology Industry (CLARITI), building on the existing body of HRDD/HRIA work and literature. By analyzing the similarities, differences, strengths, and weaknesses of the most relevant methodologies, the CLARITI aims to build on the strength of existing community-led methodologies, and mitigate some of their weaknesses. The tool also aims to use scalable modern technologies to deliver a user experience to communities to make the methodology as accessible, intuitive, and inclusive as possible.

3. Scope of CLARITI

Before embarking on the methodology review, it is essential to clearly define the scope of the CLARITI, since this impacts the materials that will be reviewed. The scope is defined in the table below:

Table 1: CLARITI Scope

Users	Community (Local NGOs / CBOs / Journalists, INGOs) Researchers Advocates
Rightsholders	End users of products and services of tech companies and telcos General public, especially vulnerable political dissidents, journalists, CSOs etc.
Rights considered	Primarily digital rights, and secondary consequential impacts on physical rights
Duty bearers	Tech companies and telcos
Phase of company operations	Operational
Companies	B2C telco + ISPs B2C social media B2C media sharing Other B2C services with significant FOE/privacy impact (search, e-commerce, app stores, e-sports, aggregators, ride-hailing)
Geographies	Authoritarian and semi-authoritarian contexts, with a focus on Myanmar, Vietnam, and China

4. Scope of Methodology Comparison

The guidance, tools, and methodologies that have been developed for members of the community and companies to assess the impact of duty bearers and their activities over the past two decades can be broadly classified into the following:

Assessment Type	Definition
HRIA	A process for identifying, understanding, assessing, and addressing the adverse effects of a duty bearer's activities on the human rights of rightsholders, in line with Principles 18 and 24 of the UNGPs.[1]
HRDD	Building upon an HRIA, an HRDD additionally includes processes for integrating, communicating, monitoring, and remedying adverse human rights impacts with which a duty bearer is involved, in line with the following UNGPs: • Principle 19: Recommendations from HRIA to be implemented within the company's operations to lead to change • Principle 20: Tracking/monitoring implementation of HRIA recommendations • Principle 21: External communication of HRIA findings, how companies plan to address them, and progress on this plan • Principle 22: Remediation of impacts caused or contributed by the company
Context-Specific HRIA	Assessing the impact of specific issues (e.g., AI, encryption), products/services (e.g., newsfeeds), activities (e.g., market entry/exit, launch of a new product), customers (geographies, use-cases), or country situation (e.g., conflict).

SWIA	Assessing the human rights impacts of a particular sector (e.g., ICT, mining, oil, and gas) within a country. The DIHR and Institute for Human Rights and Business (IHRB) developed the methodology[2].
DPIA	A requirement imposed by the GDPR that requires all data controllers serving customers within the EU to assess and mitigate risks to data subjects as rightsholders from data-related operations. While the GDPR and the European Data Protection Board provide some guidance, the data controller can determine the methodology[3].
EIA	An assessment where "an organization, together with stakeholders, considers the ethical issues or impacts posed by a new project, technology, service, program […], or other initiative, to identify risks and solutions" [4].
TA	"A scientific, interactive and communicative process, which aims to contribute to the formation of public and political opinion on societal aspects of science and technology"[5]. While TAs are intended to incorporate human rights impacts in their analysis, they are not regulated concerning internationally recognized standards.[3]

Based on the assessments above, the scope of literature that will be reviewed as part of the methodology comparison is explained below:

Literature for Assessment Type	In/ Out of Scope	Rationale
HRIA	In-scope	CLARITI is an HRIA, so all relevant HRIA methodologies shall be considered.
HRDD	In-scope	CLARITI should include post-HRIA recommendations for companies to ensure recommendations lead to results.
Context-specific HRIA	In-scope (if relevant)	Supplementary issues relevant to the tech platforms and telcos will be considered.
SWIA	In-scope (if relevant)	SWIA methodologies are in principle out of scope, as the focus of CLARITI is to assess the impact of individual companies. However, relevant industry-specific guidance may be added as needed.
DPIA	Out of scope	HRIA methodologies related to digital activities will necessarily cover data-related issues, and there is no clear methodology for DPIAs [6].
ETIA	Out of scope	Assessed by DIHR to be more flexible and less rigorous than the HRIA [7].
TA	Out of scope	Assessed by DIHR to be less rigorous than an HRIA - high flexibility for businesses may permit less accountability[8].

5. Methodology Comparison Process & Results

To select literature for a deep dive review, the following analytical steps were performed:

Part	Relevant Steps
Part 1: Selection of methodology review candidates	**Step A**: Identification of all publicly available resources **Step B**: Filtering of relevant methodology candidates for a deep dive review **Step C**: Final selection of methodologies for a deep dive review
Part 2: Selection of digital context-specific	**Step D**: Selection of relevant context-specific materials that could improve the quality of or engagement with the CLARITI

methodology enhancements	

The results of the following steps are indicated below:

a. Step A: Identification of all publicly available resources

To ensure an efficient and comprehensive literature review of HRIA/HRDD methodologies (and additional documents enriching said methodologies), reference was made to three compendiums, specifically selecting documents that are related to relevant and practical HRIA/HRDD guidance for the type of companies with the scope of the CLARITI:

- Nomogaia Human Rights Resource Compendium[9] (last updated 11 September 2018)
- Business & Human Rights Resource Center[10] (likely last updated in early 2022)
- Bibliography of Selected International and Comparative Sources for the Engaging Tech for Internet Freedom ("ETIF") Project by GWULS, which was not yet published at the time of writing (last updated in November 2022) [11]

To further ensure comprehensiveness, an additional literature search for resources that could be used in the development of a CLARITI was also conducted using the same search terms used by GWULS [11] ("digital rights," "internet freedom," "conflict," "conflict-affected areas," "technology," "freedom of expression," "privacy rights," "online speech," "censorship," "online restrictions"). This was to ensure that all 2023-published resources intended to augment an HRIA / HRDD methodology were included in this methodology review.

Using the above methods, the number of documents identified in Step A is summarized in the table below – the documents are listed in the Bibliography:

Table 2: Number of reviewed guidance/tools / methodologies

Scale	Description	Example(s)	No. of public guidance/ tools/ methodologies reviewed
Core Documents	Overarching documents that underpin the International Bill of Human Rights or the need for HRDD in businesses	UDHR[12], ICCPR[13], UNGP [1], Practical application of UNGP in tech companies[14], ICESC[15], CRC[16], CEDAW[17]	7
General - Company[1]	Assessing the impact of all products or services of a company	Company- or community-led HRIAs for new and existing investments	32
General - Sectoral	Assessing the impact of all companies within a sector	Extractive industries, tobacco industry, mining and metals industry, oil and gas companies/ industry, garment and footwear sector, palm oil companies, agricultural supply chains, financial sector	20
General - Issue + Others	Assessing the impact of specific issues across all companies	HRIA of trade & investment agreements, incorporating children's rights, conflict assessments, social water assessment, sexual orientation & gender identity, displacement & resettlement, gender impact, economic reform policies, high risk circumstances	23
Digital – Company, Issue or Sectoral	• Assessing the impact of digital issues on all companies • Assessing the impact of all issues on tech companies and telcos • Assessing the impact of all issues on the tech and telco sector	HRIA of AI, Investor human rights assessments of tech companies	40
TOTAL			**122**

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[1] Shift are renowned human rights consultants and co-authors of the UNGP and have their own methodology for conducting HRIA. However, this methodology is not made sufficiently public – it is deemed to be proprietary (i.e., intended to be used by the consultant only). Shift's methodology is thus excluded from all analyses.

b. Step B: Shortlisting and filtering of relevant methodology candidates for deep dive review

Given the large number of resources identified in Step A, it is necessary to narrow the review by using the following criteria to identify the most relevant guidance/tools/methodologies for the development of the CLARITI:

- Criteria A (Explicit HRDD or HRIA Methodology): a public and comprehensive guide for users to generate a complete HRIA as part of a full HRDD. This is evidenced by one or more of the following:
    - Step-by-step phasing of activities
    - Detailed description of sub-activities within phases
    - General - relevant to any sector (i.e., not sector or issue specific)
    - Ready-made templates or questions
- Criteria B (Updated): within the last 10 years to reflect recent developments in HRDD, such as:
    - UN Guiding Principles
    - Technology-driven human rights challenges and opportunities
- Criteria C (Relevant): selecting all methodologies for relevance based on the following criteria:
    - Community-based methodology
    - Methodology used in publicly available tech company and telco HRIAs
    - Evidence of dedicated tools for assessing digital activities

The table below illustrates the application of the filters above are demonstrated for those sources that, at a minimum, fit the definition of a "methodology":

Table 3: Shortlist of relevant candidates fulfilling the definition of a "methodology" for potential deep dive review

Methodology	Author(s)	Created / Updated (Year)	HRDD or HRIA?	Intended Users	Digital Sector Adden-dum (Year)	No. of public digital sector HRIAs / digital engagements	No. of private digital sector HRIAs known to Fellow	A: Method-ology?	B: Updated?	C: Relevant?
Getting It Right ("GIR") (and its offline predecessor) [18]	Rights & Democracy, Oxfam, FIHD, Poder	2004[19] / 2021	HRIA	CSOs representing community	None	0	0	✓	✓	✓
Human Rights Assessment – identifying risks, informing strategy[20] ("BSR")	BSR	2013[21] / 2021	HRDD	Companies, Consultants (incl. BSR)	2022[22]	10[23]	1	(✓)[2]	✓	✓
HRIA guidance & toolbox[24] ("DIHR")	DIHR	2001[25] / 2020	HRDD	Companies	2020[26]	1[25]	1	✓	✓	✓
NomoGaia Human Rights Impact Assessment Toolkit[27] ("NomoGaia")	NomoGaia	2012 / 2016	HRIA + Integration + Monitoring	Companies	None	0	0	✓	✓	(✓)
Article One methodology[28]	Article One	2021[3]	HRIA	Article One	None	5[29]	1	X	✓	✓
Guide to Human Rights Impact Assessment and Management ("HRIAM")[30]	IBLF / IFC/ UNGC	2011	HRDD	Companies	None	0	0	✓	X	(✓)[4]

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[2] Marginal – limited detail

[3] Based on year of Verizon human rights saliency assessment

[4] Marginal – over 10 years old with no subsequent updates

c. Step C: Selection of methodology candidates for deep dive review

The table above indicates that GIR naturally serves as the foundation of the CLARITI, as the only community-led HRIA methodology, in addition to recently being updated.

The BSR and DIHR methodologies are two strong candidates for a deep dive review that could inform the development of the community-led HRIA. Both make their general and more recent digital methodologies available. While DIHR's public methodology is far more comprehensive than BSR's, sufficient information is contained within BSR's public methodology to develop the CLARITI. It is also noted that many HRIAs of digital companies have been published using BSR's methodology.

The NomoGaia Human Rights Impact Assessment Toolkit is only marginally relevant as:

- There are no public digital sector HRIAs using its methodology.
- There are no digital sector updates or addendums for its methodology.

Furthermore, conducting a deep dive into both the NomoGaia and the DIHR methodologies may lead to duplication, as NomoGaia themselves state: "The DIHR Toolbox for HRIA aligns closely with the NomoGaia methodology and is well regarded by leading practitioners"[31]. It is therefore decided to exclude the NomoGaia methodology from the deep dive analysis, and to use the more updated and relevant DIHR methodology as a proxy. However, the NomoGaia toolkit proposes an offline report template and scoring system not used in any other methodology reviewed in Table 3. As these parts of its toolkit could aid ease of use for offline users, the usefulness of this approach will be evaluated. Any valuable features will be incorporated in the CLARITI as needed following the deep dive review even though the NomoGaia methodology will not be formally reviewed.

While the Article One methodology appears to be a suitable deep dive candidate, with public digital company HRIA reports second only to BSR, its methodology appears to be proprietary. While a six-phase approach is shown in its Facebook Sri Lanka HRIA report, and the methodology is both updated and relevant (being aligned with both the UN Guiding Principles and the GNI Principles), there is insufficient detail for a user to reliably replicate or assess its methodology based on the sparse information given. It is therefore decided to exclude the Article One methodology from the deep dive analysis.

Like the NomoGaia methodology, HRIAM is dated and only marginally relevant - it has not been updated since 2011, and:

- There are no public digital sector HRIAs using its methodology.
- There are no digital sector updates or addendums for its methodology.

Therefore, HRIAM will not be shortlisted for the deep dive methodology review.

In summary, the deep dive methodology review will therefore proceed with the following methodologies:

- Getting It Right (GIR)
- HRIA guidance & toolbox (DIHR) (including its digital sector addendum)
- Human Rights Assessment – identifying risks, informing strategy (BSR) (including its digital sector addendum)

d. Step D: Selection of relevant context-specific HRIA materials

The literature review in Step A identified a large body of material dedicated to specific issues that do not constitute a complete, end-to-end methodology but are designed to improve the understanding and quality of human rights risks assessments conducted within the framework of other methodologies.

While the types of issues addressed by this body of materials vary widely, given the digital focus of the CLARITI potentially within conflict environments such as Myanmar, the following additional materials will be reviewed to extend the comprehensiveness and quality of human rights risk assessment.

These are shown in the two tables below:

Table 4: Digital context-specific HRIA tools & guidance to be added to deep dive review

Organization	Material
Global Coalition for Digital Safety	Digital Safety Risk Assessments (May 2023)[32]
The Digital Trust & Safety Partnership (DTSP)	The Safe Framework: for Content-and-Conduct Related Risks (December 2021)[33]
GNI	GNI Assessment Toolkit (September 2018)[34]
Netsafe	Aotearoa New Zealand Code of Practice for Online Safety and Harms (December 2021)[35]
Crisp	Crisp, a Kroll Business Gaming Risk Framework (May 2023)[36]
Microsoft	Microsoft Responsible AI Impact Assessment Template (June 2022)[37]
B-Tech	Investor Engagement Tool (March 2023)[38]
Access Now, Business & Human Rights Resource Centre, and Heartland Initiative	Navigating the Surveillance Technology Ecosystem - A Human Rights Due Diligence Guide for Investors (March 2022)[39]
GNI and Global Partners Digital (GPD)	Engaging Tech Companies on Human Rights (October 2022)[40]
BSR	• Human Rights Assessments in the Decisive Decade: Applying UNGPs in the Technology Sector (February 2020)[41] • Applying the UNGPs to Technology: Our Point of View (March 2022)[42]
The European Center for Not-for-Profit Law (ECNL) and Access Now	Towards Meaningful Fundamental Rights Impact Assessments under the DSA (September 2023)[43]
Ranking Digital Rights	2020 RDR Corporate Accountability Index Research Indicators (June 2020)[44]

Table 5: Conflict context-specific HRIA tools & guidance to be added to deep dive review

Organization	Material
Shift	Human Rights Due Diligence in High-Risk Circumstances: Practical Strategies for Businesses (March 2015)[45]
SwissPeace	Enhanced Human Rights Due Diligence in Conflict-Affected and High-Risk Areas (November 2018)[46]
JustPeace Labs	• Technology in Conflict: Conflict Sensitivity for the Tech Industry (July 2020)[47] • Technology in Fragile Contexts (June 2021)[48]
JustPeace Labs & Toda Peace Institute	Comparing Guidance for Tech Companies in Fragile and Conflict-Affected Situations (March 2022)[49]
JustPeace Labs & BSR	Conflict-Sensitive Human Rights Due Diligence for ICT Companies (December 2022)[50]
United Nations Development Programme (UNDP)	Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts (June 2022)[51]

6. High-Level Overview of Scoped Methodologies

This section will briefly describe the background of the selected methodologies, followed by examining the similarities and differences among each methodology. The subsequent sections will discuss a comparative strength and weakness analysis between GIR as a community-led HRIA and DIHR/ BSR as a company-led HRIA methodology.

a. Background of the HRIA Tools
Getting It Right ("GIR")

First developed by a Canadian organization, Rights & Democracy, in 2004, this community-based human rights impact assessment tool allows community members and experts to raise their concerns on investment projects through systematic research, investigation and proposal to the company and the government. The tool also emphasizes community capacity building and embraces participatory and gender-based approaches, including the affected community members, the company, and the government.

"... the Getting it Right tool is a dynamic participatory approach for analyzing the human rights impacts of private and public foreign investments. The tool starts with educating communities about their rights and translating the language of needs into the language of human rights. It enables communities and the organizations that support them to identify human rights impacts, propose responses, and engage government and corporate actors to take action to respect human rights. The tool focuses on local communities as experts and advocates. Getting it Right puts an incredibly powerful tool in the hands of communities."[52] (Oxfam)

The development of the tool can be summarized as follows:
- 2004 - First developed by a Canadian organization Rights & Democracy (R&D) and tested for 5 cases [53]
- 2009 - Oxfam, the International Federation for Human Rights (FIDH), partnered with R&D to further test and refine the tool through four cases [53]
- 2011 – The web version of the tool was developed [53]
- 2021 – The methodology was revised by Oxfam in collaboration with FIDH and PODER[18] to better incorporate gender diversity, indigenous rights, a reference to the UNGPs, and a power map analysis.

[18]The Rights & Democracy web version[54] and the 2021 Oxfam-revised web version[18] of the tool allow an online user to go through a step-by-step process with guiding questions to consider, or to act in line with international human rights norms. The user can click on buttons and tools for helpful tips, definitions, references, and suggested templates without interrupting the guide's flow.

HRIA Guidance & Toolbox[55] ("DIHR")

This methodology was developed by the Danish Institute for Human Rights for businesses to analyze the impacts of business activities on rightsholders such as workers, local community members, consumers, and others. It follows a human rights-based approach, integrating participation, transparency, involvement of rightsholders and non-discrimination into the assessment process. The methodology is consistent with UNGPs, and its entire process covers human rights due diligence requirements as defined by the UNGPs, such as assessing and prioritizing risks, managing impacts with effective resource planning

and monitoring, and communicating transparently to external stakeholders on the progress of mitigation and remediation efforts by the business.

The development of the tool can be summarized as follows:

- 2016 – A road-test version of the tool was developed [56]
- 2020 - the latest version was released [57] together with guidance on HRIA of Digital Activities [58]

Phase-by-phase guidance on using the tool is provided in PDF format, with supplementary materials such as checklists, templates, guides, and examples in Word Documents. HRIA of Digital Activities ("DIHRD"), which has been developed based on the "HRIA Guidance and Toolbox" follows similar phases and approaches with adaptations to the digital ecosystem. Case descriptions and example scenarios are all in a digital business context.

Human Rights Assessment – identifying risks, informing strategy ("BSR")

Business for Social Responsibility (BSR), a sustainable business network and consultancy shared its concise high-level Human Rights Assessment methodology in 2021[2020] as a first step to human rights due diligence framework, based on the UNGPs. By tailoring according to the company's specific risk context, BSR works with the companies it consults to identify and manage salient risks; it tracks and communicates transparently on the progress of rectifying the risks.

 "…Our HRIA approach is a framework that should be carefully tailored to a company's unique risk profile and operating context; it is not intended as a comprehensive, off-the-shelf tool or checklist…."[59] (BSR)

"Human rights assessments may be conducted either by companies themselves or by independent third-party experts. Our view is that capacity for internally led human rights assessment is critical to ongoing monitoring and management of human rights risks. We build awareness raising and capacity development into our approach in order to position company human rights leads to implement recommendations and to conduct future assessments, and we support company-led self assessments through development of tools (e.g., interview guides, analytical guidelines, and frameworks), training for staff, and analysis of findings."[60] (BSR)

In September 2022, BSR and Global Network Initiative (GNI) co-produced a resource called *Human Rights Due Diligence Across the Technology Ecosystem ("BSRDS")*. This resource aims to complement existing toolkits[61] and to map the technology ecosystem, with high-level human rights issues and due diligence "questions" for each segment of the ecosystem[62].

The resource also describes the stakeholders such as investors, government, regulators, intergovernmental and standard setters, CSOs, academics, media, users, and non-user rightsholders; and how these stakeholders impact human rights and how each ecosystem segment impacts these stakeholders[63]

The table below summarizes the methodologies' overview depicting their purposes, intended users, intended outcomes, and overall phases.

Table 6: Overview of the methodologies

Methodology	Approach	Intended Users	Intended Outcome	Phases of the methodology
GIR	Step-by-step human rights impact assessment guide on investment projects at the community level	CSOs representing community	Remediations from the company and government on the affected human rights	• Phase A: Preparation • Phase B: Legal Framework • Phase C: Adapting the Guide • Phase D: Investigation Process • Phase E: Analysis and Report • Phase F: Engagement, Monitoring and Follow-up
DIHR	Phase by phase human right impact assessment in line with UNGPs	Companies	• Prioritized human rights risks • Mitigation and remediations • Impact management with monitoring effectiveness • Communicating transparently on the progress	• Phase 1: Planning and Scoping • Phase 2: Data Collection and Baseline Development • Phase 3: Analyzing Impacts • Phase 4: Impact Mitigations and Management • Phase 5: Reporting and Evaluation
BSR	Phase by phase human right impact assessment in-line with UNGPs, and tailored to the company and risk context	Companies, Consultants (incl. BSR)	• Salient human rights risks • Mitigation and remediations– which will be integrated to tailored HRDD when companies work with BSR	• Phase 1: Immersion - Building background knowledge • Phase 2: Mapping - Identifying impacts • Phase 3: Prioritization - Assessing salience of impacts • Phase 4: Management - Developing recommendations for appropriate actions

b. Analysis of Similarities and Differences between Scoped Methodologies

This section closely looks at common and different characteristics of GIR, DIHR and BSR methodologies which later will be used as a basis for analyzing comparative strengths and weaknesses.

Similarities

All HRIA methodologies share similarities in intention, benchmarking against international human rights standards and norms (at a minimum, the IBHR), the activities within each phase of their respective HRIA/HRDD processes, highlighting the importance of stakeholder engagement and capacity building, and mitigating potential security risks to the assessment team and participating rightsholders.

*The **GIR*** methodology based its guiding questions primarily on the UDHR, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights[64], and other core international instruments[65] and core ILO Human Rights instruments.

The **DIHR**, **DHIRD,** and **BSR** (and **BSRDS** as a complement to existing toolkits) methodologies refer to the same international human rights standards and instruments as GIR[66], and are additionally aligned with the UNGPs[67]. Well-established frameworks such as OHCHR's Human Rights Indicator framework[68] and UNGP Reporting Framework[69] serve as the basis for data collection and impact analysis.

All the methodologies acknowledge stakeholder engagement as the core element of HRIA, and the importance of capacity building of stakeholders involved. They also highlight potential security risks to participating rightsholders and the assessment team and guide dealing with these risks.

Other significant similarities are that the overall phases constitute generally similar steps such as the study of country, industry, company, legal, and human right contexts where a business project is located; meeting with stakeholders; data analysis; producing the final report; communicating on the report; and follow up activities.

Differences

The key differences arise from what each methodology intends to achieve (i.e., rightsholders seeking remediation from the impact of a business' activities vs. businesses analyzing the impacts of their activities on rightsholders), whether the methodologies are intended to be an HRIA or an HRDD, whether the methodologies are stand-alone or are intended to be implemented by a consultant, and the users the methodology is intended for. Table 7 summarizes the key differences among the three methodologies.

Table 7: Key differences of the scoped methodologies

No	Differences	GIR	DIHR + DIHRD	BSR + BSRDS
1	Intended Users	• Affected community members, • Civil societies, • Human rights practitioners	• DIHR: Companies, Consultants (incl. DIHR) • DIHRD: adds Public entities	• BSR: Companies, Consultants (incl. BSR) • BSRDS: Identical to above
2	User experience of methodology	• Interrupting the main guidance	• DIHR: Users click on each phase, and scroll through long guides in PDFs, supplements in MS Word documents. Users need to open several documents at the same time to cross-view. • DIHRD: The user only needs to click on each phase in the PDF.	• BSR: High-level guidance is downloadable as PDF. It is not possible for a user to easily replicate the methodology without assistance from BSR, as BSR tailors the tool according to the company and risk context when working with companies. • BSRDS: Companies can implement the additional questions posed in the document without further assistance from BSR
3	Wording and the language of methodology guides	• Participatory language with second person pronoun for easy	• DIHR: Formal, somewhat academic, neutral language	• BSR: Formal, less academic than DIHR, neutral language

		reading throughout the guide • Wording and tone in GIR and reports using its methodology reflect community sentiment towards the impacts caused by businesses	• DIHRD: Identical to above	• BSRDS: Identical to above
4	Timing of first community/ rightsholder engagement	• The assessment team meets with the community **before** in-depth information gathering to ensure active engagement and to understand community concerns over the project. [70]	• DIHR: The assessment team meets with the rightsholder **after** in-depth information gathering. The guide also mentions that the team may have a short trip to the assessment site(s) during in-depth information gathering [71] • DIHRD: Identical to above	• BSR: The assessment team engages with the stakeholders **after** in-depth information reviews. • BSRDS: N/A
6	Accessing internal company data	• The tool provides steps to obtain company internal information but acknowledges the potential inability to obtain information due to limited company involvement. [72] [73]	• DIHR: Phase 1 lists examples of internal documents to review.[74] Phase 2 uses OHCHR's Human Rights indicators which request the assessment team to review the company's policy, procedures, and outcomes. [75] • DIHRD: Identical to above. [76] [77]	• BSR: Does not list examples of internal documents as it is high-level guidance but mentions when internal documents should be reviewed (during Phase 1 and Phase 4). • BSRDS: As above but answering some questions will require access to internal documents. [78]
7	Accessing external data	• The tool suggests 9 publicly available sources. [72]	• DIHR: Lists examples of external sources such as media reports, NGOs/CSOs reports, documentation on industry standards, and stakeholder engagement information in Phase 1.[74] • DIHRD: Identical to above [79]	• BSR: High-level suggestion of external data such as recent news coverage, reports from civil society in Phase 1. • BSRDS: As above but answering some questions will require access to external sources. [80]
8	Impact Analysis	• Identify which human rights to focus on by consulting with the community. [81] • Based on two key questions[82] with no reference to the UNGPs o Identify the main impacts – Who did what?	• DIHR: Prioritization based on UNGP severity (scope, scale, irremediability). [83] • DIHRD: Identical to above[84]	• BSR: Salience assessment based on UNGP Reporting Framework – based on severity (scope, scale, remediability) and likelihood). • BSRDS: Provides questions to analyze the company's human rights impacts for each

				segment of the digital ecosystem, without providing a framework (likely because it is intended to be used alongside the main BSR methodology).
9	Recommendations	• Recommendations to the government and the company based on the impacted human rights identified in earlier steps.[85]	• DIHR: Recommendations/ mitigation measures are developed based on UNGPs impact categorization (caused, contributed, directly linked to)[86]; and mitigation hierarchy, and the company's leverage. • DIHRD: Identical to above[84]	• BSR: Recommendations/ mitigation measures are developed based on UNGP impact categorization (caused, contributed, directly linked to); and the company's leverage. • BSRDS: N/A

11	Post Recommendations Activities	• Follow-up actions based on who the campaign is against - the government or the company.[87]
		• Actions include:
		  o Distribution of the report to relevant stakeholders
		  o Lobbying, advocacy and/or media campaign
		  o Roundtable dialog with company and/or government
		  o Establishing a community-based monitoring system
		  o Engaging United Nations human rights bodies and mechanisms
			• DIHR: On-going impact management that aligns with UNGP requirement for an HRDD
			  o Managing impacts with cross functional collaboration
			  o Monitoring[88] and Operational-Level Grievance Mechanism [89]
			  o External communications as per UNGP requirements to demonstrate transparency and accountability. [90]
			• DIHRD: Identical to above [91]
				• BSR: On-going impact management that aligns with UNGP requirement
				  o Integration of impact management across internal functions
				  o Tracking (grievance mechanism included)
				Note: The above steps are to be integrated into *tailored HRDD* by the BSR team, which the company commissions.
				  o External communications as per UNGP requirements to demonstrate transparency and accountability.[92]
				• BSRDS: N/A

c. Comparative Strengths

This section will discuss the strengths of the DIHR, BSR, and GIR methodologies. The strengths of each methodology are drawn from the perspective of the development of CLARITI.

Strengths of the DIHR and BSR methodologies

Reference to UNGPs: The DIHR and BSR methodologies are consistent with and extensively reference the UNGP and its reporting framework, especially in severity and mitigation hierarchy. In addition to UNGPs, DIHR also based its data collection and analysis on OHCHR human rights indicators. Referring to the UNGPs, which were designed with companies in mind, combined with the 'moral weight' of OHCHR as a UN entity, may provide companies with the necessary impetus to make a positive change.

Taking a proactive perspective: Both DIHR and BSR methodologies position business responsibility to conduct HRIA and accountability to mitigate the salient human rights risk at the center of the process. This allows businesses to position themselves as being proactive in rectifying the negative impacts and making improvements for society.

Using business language: From a business perspective, using business language by DIHR and BSR (and public HRIA produced using the methodologies) may help businesses relate positively to HRIA and its recommendations.

Positive reinforcement: In addition to identifying impacts that have yet to be addressed by businesses, the methodologies encourage identifying measures that businesses have already put in place to mitigate known human rights impacts – this may encourage the businesses to make remediations recommended to them.

Strengths of the GIR methodology

Community empowerment: GIR empowers and builds the capacity of the community to identify human rights impacts and analyze the State and the company's obligations towards international human rights standards through participatory and gender-based approaches. The methodology also emphasizes engagement with the community at the beginning of the scoping process, compared to the same engagement being recommended after the scoping by both BSR and DIHR. If adhered to closely, GIR would create a report containing a comprehensive human rights impact analysis and recommendations to the State and company to remedy the impacts, allowing the community to take further actions.

Ease of use: An unequivocal strength of GIR lies in its power to guide the community comprehensively throughout the entire HRIA process, with a web-based, user-friendly tool with a step-by-step process using simple language, and even generating tailored interview questions based on the selected human rights. Additional supplements can be clicked while reviewing the main guide without scrolling through several lengthy academic documents. In addition to making the tool user-friendly, the Oxfam 2021 revised version offers capacity building to the assessment team before any meeting with the community. [93]

Conversational tone: Using second-person pronouns and simple, accessible wording through the methodology guide may make the tool more accessible and familiar for the audience it was designed for – the community.

d. Comparative Weaknesses

Weaknesses of the DIHR and BSR methodologies

Formal and technical writing: From a community perspective, the use of this style of writing by DIHR and BSR in the main body of the guide (including the somewhat technical language of UNGPs) may not be familiar. While this style of writing may allow the HRIA to be more familiar to companies, community capacity building will be required to follow this style of writing, if adopted in the CLARITI. The tools could

be more comprehensible if some criteria/ references could be suggested as additional guidance/readings or if the tool's main body is in conversational language, similar to GIR.

Challenging user experience: In DIHR methodology, multiple lengthy and largely academic documents are cross-referenced, which may challenge users unfamiliar with synthesizing a way forward from such documents. DIHR could use more user-friendly web functions such as tabs or icons to click on for in-depth discussions and references without slowing down the main guidance.

As for BSR methodology, the approach is to tailor the assessment according to the company's risk and operating context. The methodology framework is described concisely and does not offer comprehensive "off-the-shelf" guidance for public access. The intended user may need to work with BSR for tailored support, which is not accessible to the community.

Scope of the assessment: Businesses are given the flexibility to determine the assessment's scope; therefore, frontline communities, third parties or lower supply chain tiers may be excluded from the assessment. This may give an incomplete and possibly biased picture of human rights in practice.

Weaknesses of the GIR methodology

Potentially adversarial wording: GIR methodology could align its word choice with UNGPs, OHCHA, and other impact assessment literature, while maintaining its easy conversational language throughout, to achieve more neutrality in the language, raising the likelihood of positive engagement between rightsholders, their representatives, and duty-bearers.

Lacking Reference to UNGPs: GIR methodology was first developed in 2004 before the UNGPs were established in 2011. Therefore, the original version of the methodology doesn't refer to UNGPs. Although the Oxfam 2021 version referred to UNGPs in step 3 – Identifying Stakeholders, it does not incorporate the UNGP requirements in its later steps, especially in impact analysis, and mitigation plans. If the tool could closely align with UNGPs in its assessment, following its recommendations could give businesses a sense of fulfilling UNGP obligations.

e. Review of Supplementary Digital Context-Specific Documents

As mentioned earlier, the literature review in Step A identified a large body of material dedicated to digital rights issues that do not constitute a complete, end-to-end methodology in themselves, but instead are designed to improve the understanding and quality of human rights risk assessments conducted within the framework of other methodologies. This literature is generally more contemporary than the methodologies used in the deep dive review, thus reflecting the latest potential rights impacts and guidance on mitigating these impacts.

The review will first identify all the supplementary learnings that arise from each source. Given the high potential for duplicate learnings between the reviewed sources, the review will identify unique learnings that will be considered in the CLARITI methodology.

i. Review of Digital Safety Risk Assessments (Global Coalition for Digital Safety – May 2023)[32]
The following series of assessments will be considered for the CLARITI:

- Identifying risk
- Reducing risk
- Mitigating harm
- Remedying harm

- Reporting

ii. Review of the Safe Framework: for Content-and-Conduct Related Risks (The Digital Trust & Safety Partnership (DTSP – December 2021))[33]

The following checklists will be adapted for the CLARITI:

1. Is the company a participant of DTSP?
2. How does the company ensure DTSP requirements are implemented?
3. Does the company have terms of service, policies, and community guidelines?
4. Does the company have any form of community-led self-regulation (e.g., forums or tools moderation)?
5. How does the company conduct content-and-conduct-related risk assessment during product development?
6. What technological safeguards does the company have to prevent risk?
7. Does the company provide training to content and conduct risk reviewers?
8. Does the company evaluate the accuracy and effectiveness of policies/ operations?
9. How is internal and external feedback used to evaluate the accuracy and effectiveness of policies/ operations?
10. How often does the company assess and manage emerging risks?
11. Does the company provide any grievance or remedy mechanism for users directly affected by moderation decisions?
12. How does the company notify users about an update on terms of service, policies and community guidelines, and action taken to them relating to their content or conduct?
13. How and how frequently does the company make transparency reports available to the public and other external stakeholders?
14. How does the company collaborate with academics and other researchers to share data/insights?

iii. Review of GNI Assessment Toolkit (GNI – September 2018)[34]

The following checklists will be adapted for the CLARITI:

1. Is the Company a participant of GNI?
2. Does it have a policy on the implementation of GNI principles?
3. Does the company have a policy on freedom of expression and privacy endorsed by senior management?
4. How does the company identify potential risks to freedom of expression and privacy?
5. Does the company conduct HRIA?
6. Does the company incorporate the results of the HRIA into its policies, and procedures?
7. How does the company revisit issues to capture product, market, or relationship changes?
8. How does the company mitigate freedom of expression and privacy risks identified by its due diligence processes?
9. In relation to government requests, does the company policy and procedure:

Legality

a) require governments to follow established domestic legal processes?
b) request clear written communications from governments substantiating legal basis for a restriction or demand?
c) address how the company will respond when a government fails to provide a written directive or adhere to legal procedure?
d) require clarification or modification of government restrictions or demands that appear inconsistent with the law.

Proportionality

e) require the narrow interpretation of government requests, to minimize impacts on its users?

Other

f) require detailed records of all incoming government requests to be maintained?
g) require seeking assistance from relevant government authorities, international human rights bodies, and NGOs when faced with such demand.

10. Does the company mitigate the risks associated with collecting, storing, and retaining personal information in the jurisdiction where it operates?
11. How does the company train its personnel on freedom of expression and privacy-related risks?
12. Is a company grievance mechanism available for users to respond to government restrictions and demands?
13. How does the company communicate its general approach to freedom of expression and privacy risk to its shareholders and stakeholders?
14. How are users notified of the company's policies about personal information collected, policies and laws that the company needs to adhere to, and its policies and procedures to respond to government requests?
15. How and when does the company notify the users about the content that has been blocked, removed by the government request, or disclosed to a government agency?
16. How does the company encourage governments and international institutions to adopt policies, practices, and actions consistent with and promote the GNI Principles?

iv. Review of Aotearoa New Zealand Code of Practice for Online Safety and Harms (Netsafe – December 2021)[35]

The following checklists will be adapted from Section 4: Commitments, outcomes, and measures for the CLARITI:

1. Does the company have a policy on preventing or reducing harmful content online (e.g., Child sexual exploitation and abuse, Cyberbullying, or harassment, Hate speech, Incitement of violence, Violent or graphic content, Misinformation, Disinformation)?
2. Does the company help users make more informed decisions on the content they see?
3. Does the company promote accurate and credible information about highly significant issues of societal importance and relevance to the digital platform's user community (e.g., public health, climate change, elections)?
4. How does the company support or maintain programs that educate users on preventing or stopping the spread of harmful content?
5. Does the company publish and make accessible information on relevant policies, processes, and products that aim to reduce the spread and prevalence of harmful content online?
6. Does the company publish periodic transparency reports with KPIs/metrics?
7. Does the company support or participate in initiatives undertaken by researchers, civil society, and other relevant organizations (such as fact-checking bodies, or convene such events?

v. Review of Crisp, a Kroll Business Gaming Risk Framework (Crisp – May 2023)[36]

The following checklists will be adapted from Digital Safety Risk Assessment in Action for the CLARITI:

1. What mechanisms are the game platforms provide to protect children from harmful online behaviors (flagging mechanism, age-verification, user registration, parental control, content moderation)?

2. What mechanisms are the game platform providing to mitigate risks associated with monetization, in-game purchase, or in-game wealth creation?
3. Does the platform have a fraud protection or anti-money laundering (AML) function?
4. What mechanisms are used to detect the misuse of the game platform such as child grooming, human trafficking, surveillance, and data theft?

vi. Review of Microsoft Responsible AI Impact Assessment Template (Microsoft)[37]

The following checklists will be adapted from Microsoft Responsible AI methodology Impact Assessment for the CLARITI:

1. Does the company have a policy on responsible use of AI?
2. Does the company conduct an impact assessment on AI?
3. Does the company define the intended use of the technology?
4. Does the company have mechanisms to ensure the technology is fit for purpose?
5. How does the company mitigate risks identified by its responsible AI impact assessment?
6. Does the company provide human oversight and control over decisions made by AI?
7. What mechanisms are employed to prevent data privacy breaches, discrimination, and exposure to harmful content due to algorithmic decision making?
8. What processes are available to address complaints/appeals, which provide avenues for support and guidance?
9. Does the company communicate to the customers about the use of AI/ algorithm, and provide a mechanism to control/ restrict the use of AI?
10. Does the company communicate to the customers when AI wrongly makes a decision and provide a mechanism to restore/ remedy the situation?

vii. Review of Investor Engagement Tool (B-Tech and UNOHCHR– March 2023)[38]

The following checklists will be adapted for the CLARITI:

1. Does the company evaluate the human rights risks associated with the company's operations?
2. Does the company incentivize behaviors that undermine respect for human rights?
3. Does the company have mechanisms to raise, assess, and mitigate harms associated with the most severe potential human rights risks?
4. Does top management review and approve all company political engagement to ensure they do not cause business model-related human rights risks?
5. Does the company consider human rights associated with the company's decision-making algorithms?
6. Does the company evaluate the human rights impact of high-risk customers or end-users?
7. Does an executive oversee regular assessments of the human rights risks?
8. Does the company take steps to mitigate human rights risk?
9. Does the company provide access to remedy for individuals that are exposed to the most severe human rights risks?
10. Does the company collaborate with relevant stakeholders, peer companies and/or experts to mitigate risks to human rights?

viii. Review of Navigating the Surveillance Technology Ecosystem - A Human Rights Due Diligence Guide for Investors (Access Now, Business & Human Rights Resource Centre, and Heartland Initiative - March 2022)[39]

The following due diligence guideline will be heavily adapted to cater to the potential dual use of technologies in line with the scope of the CLARITI (e.g., a B2C platform not intended for but could be repurposed for government surveillance of opponents and dissidents):

1. Does the company have a human rights unit or other entity tasked with monitoring, enforcing, and/or reporting on policy and practice?
2. Does the company conduct HRIA and regularly publish and discuss the findings?
3. Could the company's technology be intentionally or unintentionally used for surveillance?
4. Has there been a documented history of the company's technology used in human rights violations?
5. Is the company's technology designed so that its use is intended to go undetected by the target of potential surveillance?
6. What are the potential salient human rights issues associated with the use that the technology is designed for?
7. Does the company regularly test and modify its products/services to prevent rights-violating behavior?
8. Does the company conduct customer due diligence to prevent using its products/services in conflict-affected and high-risk areas (CAHRA) and/or who have a record of misusing technologies to violate human rights?
9. Does the company build in contractual and technological safeguards designed to monitor, inspect, and govern customers' use of its technology?
10. Does the company regularly train management and employees to identify/ mitigate human rights risks?
11. Does the company have a safe and effective grievance/ remedy mechanism accessible to all internal and external stakeholders and rightsholders?
12. Does the company ensure its legal and litigation activities do not adversely impact human rights, and instead advance the rule of law and respect for human rights, online and offline?
13. Does the board and senior management proactively engage with external and internal stakeholders to address salient human rights issues?
14. Does the company regularly gather information about the misuse of products/services through research and consultation with civil society organizations?

ix. Review of Engaging Tech Companies on Human Rights (GNI and GPD - Oct 2022)[40]

The following actions will be considered for CLARITI from this resource:

• Guiding users on how to engage tech companies
• Providing users with a basic understanding of corporate structures

x. Review of Human Rights Assessments in the Decisive Decade: Applying UNGPs in the Technology Sector (BSR - February 2020)[41]

The CLARITI will incorporate some of the noted challenges of human rights assessments in the technology sector.

xi. Review of Applying the UNGPs to Technology: Our Point of View (BSR - March 2022)[42]

The following checklists will be adapted for CLARITI:

1. Does the company publish human rights due diligence results in its "sustainability" disclosures?

2. Does the company integrate human rights considerations into developing products, services, and technology?
3. When conducting human rights due diligence, does the company engage with non-user rightsholders who might also be impacted by the company product/services?

xii Review of Towards Meaningful Fundamental Rights Impact Assessments under the DSA (The European Center for Not-for-Profit Law (ECNL) and Access Now)[43]

The following checklists will be adapted for CLARITI:

1. Does the company incorporate EU's Digital Services Act (DSA) requirements, especially Article 34(1)b, to assess negative fundamental rights in its policy?
2. Does the company broadly define all adverse effects on human rights in its policy by including all adverse effects caused by, contributed by, or directly linked to the company's services or products?
3. Does the company assess **all negative effects** it *contributes to* through the design or functioning of its systems and those *directly linked to* its services due to how other actors use or experience their services?
4. Does the company assess **the entire service** and consider each service's impacts on fundamental rights, not just functionalities that host user-generated content or enable recipient interaction?
5. Does the company consider not only recipients of the service - i.e., account holders or service users - but also other potentially affected communities in its assessment?
6. How can the proportionality and necessity of actual and potential adverse effects on each impacted right be balanced against a specific measure's goals?
7. Which criteria are considered when deciding whether it is appropriate to continue developing or using a certain practice or technical functionality, given actual or potential harmful effects?
8. Does the company consider the following factors in its impact prioritization?
   - Severity - based on how many people are impacted, scale of impact, irreversibility, remendability.
   - Probability - likelihood that the impact will occur based on previous cases
   - External factors such as geopolitical or emergencies (e.g., services in conflict zones or in countries with upcoming elections)
   - Heightened impacts on vulnerable service recipients (e.g., content policies or content moderation systems target or disproportionately harm vulnerable people)
   - Prior restraints on fundamental rights via automated means.
9. Does the company engage external stakeholders meaningfully, not just "participating washing", and purely "performative"?

The following actions will be added as tips for the user in the company context analysis section.

- A detailed description of the company service's structure for the assessor and other stakeholders to understand.
- A detailed description of an automated content moderation system (if any)

xii Review of 2020 Ranking Digital Rights Corporate Accountability Index Research Indicators[44]

Given the comprehensiveness of the document and the substantial number of questions posed within the methodology, any non-overlapping questions will be added to the CLARITI methodology.

As shown above, there is a large overlap in the additional issues to be assessed by the CLARITI. The non-overlapping issues that need to be assessed within the CLARITI are summarized as follows:

Area	Issues to be assessed in CLARITI
Governance	1. Is the company a participant of DTSP, GNI or a signatory of any Code of Practice for Online Safety and Harms? 2. How does the company implement the requirements of any Codes of Practice they have signed onto? 3. Does the company broadly define all adverse effects on human rights in its policy by including all adverse effects caused by, contributed by, or directly linked to the company's services or products? 4. Does the company have policies on: • preventing harmful online content and behavior? • on freedom of expression and privacy? • responsible use of AI? • human rights commitments that are consistent with the International Bill of Human Rights, UNGPs and other human rights treaties? 5. Does the company have community guidelines? 6. Does the company have any form of community-led self-regulation? 7. Does the company have a human rights unit or other cross-departmental entity tasked with monitoring, enforcing, and/or reporting on policy and practice that are supervised by board members or executive management? 8. Does the company regularly train management and employees to identify/ mitigate human rights risks about freedom of expression and data privacy? 9. Does the company maintain detailed records of all incoming government requests?
Assessment (Identify risk and impact)	1. Does the company conduct HRIA? 2. Does the company assess risks to human rights from the company's decision-making algorithm? 3. Does the company assess risks to human rights from high-risk customers or end-users? 4. Does the company assess **all negative effects** it *contributes to* through the design or functioning of its systems and those *directly linked to* its services due to how other actors use or experience their services? 5. Does the company assess **the entire service** and consider each service's impacts on fundamental rights, not just functionalities that host user-generated content or enable recipient interaction? 6. Does the company consider not only recipients of the service - i.e., account holders or service users - but also other potentially affected communities in its assessment 7. Does the company assess human rights risks from using its technologies in conflict-affected and high-risk areas (CAHRAs)? 8. Does the company assess risks to human rights from using the company's technologies by end-users with whom the company has limited leverage? 9. How does the company revisit issues to capture product, market, or relationship changes? 10. Does the company define the intended use of its technologies?

	11. Does the company have mechanisms to ensure the technology fits its intended use?
	
	12. Is there a documented history that the company's technology has been used in surveillance and human rights violations?
	
	13. Is the technology designed so that its use is intended to go undetected by potential surveillance targets?
	
	14. Does the company's policy and procedure assess the legality, necessity, and proportionality of government requests? (defined as follows):
	
	Legality
	
	15. Do governments follow established domestic legal processes?
	
	16. Are there clear written communications from governments substantiating the legal basis for a restriction or demand?
	
	17. How will the company respond when a government fails to provide a written directive or adhere to legal procedure?
	
	18. Does the company seek clarification or modification of government restrictions or demands that appear inconsistent with the law?
	
	Necessity
	
	19. Are the government's actions aligned with and necessary to achieve its stated objectives?
	
	Proportionality
	
	20. Does the company use the narrowest possible interpretation of government requests to minimize impacts on its users?
	
	9. Does the company consider the following factors in its impact prioritization?
	    • Severity - based on how many people are impacted, scale of impact, irreversibility, remendability.
	    • Probability - likelihood that the impact will occur based on previous cases
	    • External factors such as geopolitical or emergencies (e.g., services in conflict zones or in countries with upcoming elections)
	    • Heightened impacts on vulnerable service recipients (e.g., content policies or content moderation systems target or disproportionately harm vulnerable people)
	    • Prior restraints on fundamental rights via automated means.

Prevention/ Mitigation	1. What technological safeguards or mechanisms does the company have to prevent risks online?
	
	The CLARITI will guide users with the following examples:
	
	    a. *user control mechanisms such as blocking or reporting.*
	    b. *user control over the content such as ads, sponsored content, graphic content etc.*
	    c. *moderation by system or human*
	    d. *account restrictions, banning, etc.*
	    e. *preventing exposure to harmful content due to algorithm*
	    f. *age-verification (gaming)*
	    g. *user-registration (gaming)*
	    h. *parental control (gaming)*
	    i. *fraud detection and anti-money laundering (gaming)*

	j. preventing unauthorized access to and theft of data _k. preventing bias in biometric recognition software_ _l. provide human oversight and control over decisions made by AI_ _m. disable technology when misused (surveillance)_ _n. ensure attribution by rights-violating customers (surveillance)_ _o. prevention of data breaches_ 2. How does the company mitigate risks identified by its impact assessment? 3. What mechanisms are the game platform providing to mitigate risk associated with monetization, in-game purchase or in-game wealth creation, child grooming, human trafficking, surveillance, and data theft? 4. Does the company have contractual safeguards to monitor, inspect, and govern its customers' use of its technology? 5. Does the company promote accurate and credible information about highly significant issues of societal importance and relevance to the digital platform's user community? 6. Does the company support or maintain programs that educate users on preventing or stopping the spread of harmful online content? 7. Does the company ensure its legal and litigation activities do not adversely impact human rights? 8. How can the proportionality and necessity of actual and potential adverse effects on each impacted right be balanced against a specific measure's goals? 9. Which criteria are considered when deciding whether it is appropriate to continue developing or using a certain practice or technical functionality, given actual or potential harmful effects?
Tracking/ Integrating	1. Does the company incorporate the result of HRIA into its policies, and procedures? 2. Does the company evaluate the accuracy and effectiveness of policies/ operations?
Grievance	1. Does the company have a safe and effective grievance/ remedy mechanism accessible to all internal and external stakeholders and rightsholders?
Communication/ Transparency	1. Does the company communicate to the public on its approach and results in managing human rights risks? 2. Does the company publish and discuss the findings of its HRIA regularly? 3. How does the company notify users about an update on terms of service, policies, and community guidelines; action taken to them relating their content or conduct? 4. How are users notified of what personal information the company collects, policies and laws that the company needs to adhere to, and the company policies and procedures for responding to government requests? 5. How does the company notify users about government requests (blocked / removed content, personal data requests)? 6. How does the company notify users about using AI/algorithms? 7. How does the company notify users when AI wrongly makes a decision?

Engagement	1. Does the company seek assistance from relevant government authorities, international human rights bodies, NGOs when faced with illegal, unnecessary, or disproportionate government orders? 2. Does the company support or participate in initiatives undertaken by researchers, civil society, and other relevant organizations? 3. Does the company collaborate with relevant stakeholders, peer companies and/or experts to mitigate risks to human rights? 4. Does the board and senior management proactively engage with external and internal stakeholders to address salient human rights issues? 5. Does the company engage external stakeholders meaningfully, not just "participating washing", and purely "performative"?

f. Review of Supplementary Conflict Context-Specific Documents

UNGP Principle 7 states that the risk of human rights violations and adverse contributions to conflict from business activities are heightened in conflict situations, requiring heightened or enhanced due diligence (eHRDD), which combines conflict and human rights-impact analyses. Conflict context-specific documents were reviewed for their ability to enrich the CLARITI where conflict issues are relevant within its scope, such as in Myanmar.

As in the review of digital context-specific sources, the review will first identify all the supplementary learnings that arise from each source. Given the high potential for duplicate learnings between the reviewed sources, the review will identify unique learnings that will be considered in the CLARITI methodology.

Additional considerations for CLARITI from a review of relevant conflict context-specific documents are as follows:

i. Review of Human Rights Due Diligence in High-Risk Circumstances: Practical Strategies for Businesses (Shift - March 2015)[45]
The following actions and checklists will be adapted for the CLARITI:

1. Adapting Shift's tools (incl. diagnostic questions) to identify high-risk circumstances (Annex A)
2. How does the company prioritize the human rights risk of its activities?
3. Does the company prioritize due diligence on the company's highest risk activities?
4. Does the company conduct additional engagement, communication and transparency when underlying risks to human rights are greater?

ii. Review of Enhanced Human Rights Due Diligence in Conflict-Affected and High-Risk Areas (SwissPeace – November 2018)[46]
The following checklists will be adapted for the CLARITI:

1. Does the company publish a commitment to act in a conflict sensitive way?
2. Does the company adopt conflict-sensitive business practices (CSBP)? (e.g., analysis of conflict environment, how business activities impact conflict, mitigation to minimize negative impacts and maximize positive impacts)
3. Does the company train staff and business partners in conflict sensitive business practices (CSBP)?

4. Does the company assess conflict impact assessment alongside human rights impacts of a HRIA, and the interconnection between the two?
5. Does the company take measures to prevent adverse conflict and human rights impacts?
6. Does the company take measures to remedy adverse conflict and human rights impacts?
7. Does the company track the impact of business activities on conflict?
8. Does the company report measures taken to address conflict impacts in a way that does not cause harm?

iii. Review of Technology in Conflict: Conflict Sensitivity for the Tech Industry (JustPeace Labs - July 2020)[47]

The following checklists will be adapted for the CLARITI:

1. Does the company conduct enhanced/heightened HRDD in conflict environments? (e.g., conflict-sensitivity assessments & mitigation in the design and operation of all products/services, protection of rightsholders during the HRDD process, conflict lens in grievance mechanisms)
2. Does the company conduct internal capacity building to heighten conflict awareness?
3. Does the company participate in multi-stakeholder engagements on responsibility, remediation, and proportionality? Do these engagements include vulnerable & excluded groups?

iv. Review of Technology in Fragile Contexts (JustPeace Labs - June 2021)[48]

The following points will be considered for the CLARITI

Community considerations:

1. Focus on commonalities - create shared opportunities and possibilities for joint learning and problem solving
2. Articulate specific goals to measure "progress" in engagements with tech companies
3. Coordinate approaches within civil society, breaking down silos wherever possible

CLARITI considerations

1. Does the company have technology-in-conflict policy frameworks or implementation guidance?
2. Are there multi-stakeholder processes in conflict zones? Does the company participate?
3. How inclusive is the company's engagement with local communities in conflict zones?
4. To what extent does the company have internal capacity for inclusive community engagements in conflict situations?

v. Review of Comparing Guidance for Tech Companies in Fragile and Conflict-Affected Situations (JustPeace Labs & Toda Peace Institute - March 2022)[49]

The following guidelines will be considered for the CLARITI:

1. Does the company conduct enhanced HRDD in conflict situations?
2. Are there community-based processes for anticipating and analyzing tech impacts and harms? Does the company engage in them?
3. Are there community-based processes for developing appropriate remedy? Does the company engage in them?
4. Does the company reward employees that illustrate best practices in ethics, human rights, conflict sensitivity and human security?

5. Does the company conduct any activities to help reduce the impact of conflict on rightsholders (e.g. lobbying the government, making humanitarian donations, speaking out against violence, adhering to industry codes)?

vi. Review of Conflict-Sensitive Human Rights Due Diligence for ICT Companies (JustPeace Labs & BSR - December 2022) [50]

The following checklists will be adapted for the CLARITI:

1. Does the company have a formal eHRDD policy?
2. Does the company have the capacity within its internal teams to conduct an e-HRDD?
3. Does the company embed eHRDD processes to complement existing HRDD processes?
4. Has the company defined triggers and thresholds for an eHRDD to be conducted?
5. Does the company conduct conflict assessments?
6. Does the company conduct eHRDD?
7. Does the company take steps to minimize negative conflict impacts and maximize positive impacts?

vii. Review of Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts (UNDP – June 2022)[51]

The following checklists will be adapted for the CLARITI:

1. Is the company aware of when to conduct heightened due diligence?
2. Does the company regularly carry out conflict analysis? Is this analysis linked to the company's business activities?
3. Does the company carry out a human rights impact assessment?
4. Does a company design its business activities to minimize adverse impacts on conflict and human rights?

As shown above, there is a large overlap in the additional potential conflict-related issues to be assessed by the CLARITI; the non-overlapping issues are summarized as follows:

Area	Issues to be assessed in CLARITI
Governance	• Does the company publish a commitment to act in a conflict-sensitive way? • Does the company have a formal policy to conduct eHRDD in conflict zones? • Does the company embed eHRDD processes to complement existing HRDD processes?
Preparation	• Does a company design its business activities to minimize adverse impacts on conflict and human rights? • Does the company build internal capacity to heighten conflict awareness and conflict-sensitive business practices (including eHRDD)?
Identification	• Has the company defined triggers and thresholds for an eHRDD to be conducted?
Engagement	• To what extent does the company have internal capacity for inclusive community engagements in conflict situations? • How inclusive is the company's engagement with local communities in conflict zones? • Are there multi-stakeholder processes in conflict zones? Does the company participate?
Assessment	• Does the company conduct conflict assessments alongside an HRIA?

	• Does the company participate in community-based processes for anticipating and analyzing tech impacts and harms?
Post-Assessment Action	• Does the company minimize negative conflict impacts and maximize positive impacts from its business activities? • Beyond its business activities, does the company conduct any activities to help reduce the impact of conflict on rightsholders (e.g., lobbying the government, making humanitarian donations, speaking out against violence, adhering to industry codes)? • Does the company track the impact of business activities on conflict? • Does the company report measures taken to address conflict impacts in a way that does not cause harm? • Does the company take measures to remedy adverse conflict and human rights impacts?
Continuity	• Does the company regularly carry out conflict analysis?

7. Key Learnings for CLARITI Methodology

Based on the learnings from the comprehensive methodology review, some common themes emerge to ensure the CLARITI is inclusive, accessible, and effective in engaging companies and holding them accountable for their human rights impacts, as summarized in the table below.

Table 8: Key Learnings

No.	Key Learnings	Proposed CLARITI Approach
KL1	Ensure meaningful participation from stakeholders at every stage of HRIA is essential	• Engage stakeholders in a non-discriminatory manner. • Prioritize vulnerable or marginalized individuals and/or groups (e.g., women, elderly, children and youth, minorities, and indigenous peoples) in the assessment. • Ensure the safety of the team and rightsholder throughout the assessment.
KL2	Meet rightsholders before commencing an HRIA	• It is critical to ensure the community is actively engaged in HRIA, and to have an initial understanding of their concerns over the project. • Prepare the team with broad questions to ask at the meeting to ensure effective discussion and outcomes. • Meet women community members/rightsholders separately to encourage their sharing, which otherwise may not share in the presence of other members.

KL3	Ground in international business and human rights standards	• Extensive reference to international treaties, conventions, and declarations; regional human rights instruments; State legislations on human rights.
		• Apply human rights indicators based on the OHCHR Human Rights Indicator framework.
		• Frame recommendations in line with business responsibility to respect and remedy rights impacts in line with UNGP.
		    o Analyze human rights impacts that are caused, contributed to, and directly linked to a business.
		    o Prioritize risks based on scope, scale, and remediability (UNGP reporting framework).

KL4	Capacity building of assessment team to ensure effective assessment	• Include the following in the training:
		    o Basic understanding of human rights and human rights principles
		    o Requirements, criteria, and process of an effective HRIA
		    o Basic understanding of corporate structures
		    o Basic project management
		    o Basic understanding of digital ecosystem/ digital business context
		    o Case study-based training with an interactive tool to learn the CLARITI methodology end-to-end

KL5	Capacity building of frontline community	• Training should include a basic understanding of human rights and human rights principles for meaningful participation
KL6	Focus on ease of use to ensure universal accessibility	• Guide the assessment team step by step through the process, avoiding digressive mandatory readings and the necessity for self-synthesis • Curate additional reading materials where needed (rather than providing a bibliography)

		• Tailor questions and templates based on country context (e.g., conflict zones), company type and impacted human rights • Maintain a conversational tone within the tool as seen in GIR • Offer differing levels of interactivity depending on digital literacy and accessibility – offline guide and web tool • Translate into local languages
KL7	Neutral report writing tone toward companies	• Use terminology from UNGPs, OHCHAs, and other impact assessment tools to achieve neutrality to ensure buy-in from businesses • Assist the assessment team through pre-populated templates, optionally supported by generative AI (subject to human review)
KL8	Evidence-based	• Assist the assessment team in gathering the required evidence to justify every assessment using a combination of pre-curated external sources/suggestions, optionally supported by generative AI (subject to human review) • Use a scoring system for impacted rights to help prioritize critical rights and recommendations
KL9	Actionable recommendations	• Assist the assessment team by suggesting targeted, actionable recommendations based on impact analysis, using a combination of pre-programmed responses and optionally, generative AI (subject to human review) • Recommendations to focus on encouraging the company to fulfil the requirements of a full HRDD in line with the UNGPs, instead of limiting strictly to the scope of an HRIA
KL10	Adopt collaborative approach	• Positive reinforcement of the company's current achievements. • Co-creation of recommendations and joint mitigation where possible to foster collaboration
KL11	Measure success based on tangible reduction in human rights impacts	• Methodology to suggest an action plan for constructive engagement with the company • Propose means to measure success of engagement with CLARITI • Escalation plan in case the company does not respond favorably

These key learnings will be explored further and incorporated into the development of the CLARITI.

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89	Digital – Company, Issue or Sectoral	Access Now, Business & Human Rights Resource Centre, and Heartland Initiative	Navigating The Surveillance Technology Ecosystem: A Human Rights Due Diligence Guide for Investors	2022	https://respect.international/wp-content/uploads/2022/05/Navigating-the-surveillance-technology-system-A-human-rights-due-diligence-guide-for-investors-.pdf

90	Digital – Company, Issue or Sectoral	GNI	The GNI Principles	2017	https://globalnetworkinitiative.org/wp-content/uploads/2018/04/GNI-Principles-on-Freedom-of-Expression-and-Privacy.pdf
91	Digital – Company, Issue or Sectoral	BSR	Human Rights Assessments in the Decisive Decade: Applying UNGPs in the Technology Sector	2020	https://www.bsr.org/en/blog/human-rights-assessments-in-the-decisive-decade-ungp-challenges-technology
92	Digital – Company, Issue or Sectoral	BSR	Applying The UNGPs To Technology: Our Point of View	2022	https://www.bsr.org/en/blog/applying-the-ungps-to-technology-our-point-of-view
93	Digital – Company, Issue or Sectoral	Global Partners Digital (GPD) & GNI	Engaging Tech Companies on Human Rights	2022	https://globalnetworkinitiative.org/wp-content/uploads/2022/11/Engaging-Tech-Companies-on-Human-Rights_-A-How-To-Guide-for-Civil-Society-1.pdf
94	Digital – Company, Issue or Sectoral	The Digital Trust & Safety Partnership	The Safe Framework	2021	https://dtspartnership.org/wp-content/uploads/2021/12/DTSP_Safe_Framework.pdf
95	Digital – Company, Issue or Sectoral	GNI	GNI Assessment Toolkit	2018	https://globalnetworkinitiative.org/wp-content/uploads/2019/11/GNI-Assessment-Toolkit.pdf
96	Digital – Company, Issue or Sectoral	Netsafe	Aotearoa New Zealand Code of Practice for Online Safety and Harms	2021	https://netsafe.org.nz/wp-content/uploads/2021/12/Aotearoa-New-Zealand-Code-of-Practice-for-Online-Safety-and-Harms-public-feedback-draft.pdf

97	Digital – Company, Issue or Sectoral	The Australian eSafety Commissioner	Safety by Design – The Australian eSafety Commissioner's Safety by Design Start-up Assessment Tool	Unclear	https://netsafe.org.nz/wp-content/uploads/2021/12/Aotearoa-New-Zealand-Code-of-Practice-for-Online-Safety-and-Harms-public-feedback-draft.pdf
98	Digital – Company, Issue or Sectoral	Microsoft	Microsoft Responsible AI Impact Assessment Template	2022	https://blogs.microsoft.com/wp-content/uploads/prod/sites/5/2022/06/Microsoft-RAI-Impact-Assessment-Template.pdf
99	Digital – Company, Issue or Sectoral	ECNL, Access Now	Towards Meaningful Fundamental Rights Impact Assessments under the DSA	2023	https://www.accessnow.org/wp-content/uploads/2023/09/DSA-FRIA-joint-policy-paper-September-2023.pdf
100	Digital – Company, Issue or Sectoral	Global Coalition for Digital Safety	Digital Safety Risk Assessments	2023	https://www3.weforum.org/docs/WEF_Global_Coalition_Digital_Safety_Risk_Assessments_2023.pdf
101	Digital – Company, Issue or Sectoral	DIHR	Submission on Freedom of Expression and the Private Sector in the Digital Age	2016	https://www.ohchr.org/sites/default/files/Documents/Issues/Expression/PrivateSector/DanishInstitute.pdf
102	Digital – Company, Issue or Sectoral	DIHR	Human Rights Impact Assessment of Digital Activities	2020	https://www.humanrights.dk/publications/human-rights-impact-assessment-digital-activities
103	Digital – Company, Issue or Sectoral	DIHR	Guidance on HRIA of Digital Activities (Phase 1: Planning and Scoping)	2020	https://www.humanrights.dk/files/media/document/Phase%201_Planning%20and%20Scoping_ENG_accessible.pdf

104	Digital – Company, Issue or Sectoral	DIHR	Guidance on HRIA of Digital Activities (Phase 2: Data Collection and Context Analysis)	2020	https://www.humanrights.dk/files/media/document/Phase%202_Data%20Collection%20and%20Context%20Analysis_ENG_accessible.pdf
105	Digital – Company, Issue or Sectoral	DIHR	Guidance on HRIA of Digital Activities (Phase 3: Analysing Impacts)	2020	https://www.humanrights.dk/files/media/document/Phase%203_%20Analysing%20Impacts_ENG_accessible.pdf
106	Digital – Company, Issue or Sectoral	DIHR	Guidance on HRIA of Digital Activities (Phase 5: Reporting and Evaluation)	2020	https://www.humanrights.dk/files/media/document/Phase%205_Reporting%20and%20Evaluation_ENG_accessbile.pdf
107	Digital – Company, Issue or Sectoral	Article One	Assessing The Human Rights Impact of Facebook's Platforms in Indonesia	2018	https://about.fb.com/wp-content/uploads/2020/05/Indonesia-HRIA-Executive-Summary-v82.pdf
108	Digital – Company, Issue or Sectoral	Article One	Assessing The Human Rights Impact of The Facebook Platform in Sri Lanka	2018	https://about.fb.com/wp-content/uploads/2020/05/Sri-Lanka-HRIA-Executive-Summary-v82.pdf
109	Digital – Company, Issue or Sectoral	Article One	Assessing The Human Rights Impact of Meta's Platforms in the Philippines	2020	https://about.fb.com/wp-content/uploads/2021/12/Meta-Philippines_HRIA_Executive-Summary_Dec-2021.pdf
110	Digital – Company, Issue or Sectoral	Amazon	Human Rights Impact Assessment: Amazon Devices	2020	https://sustainability.aboutamazon.com/amazon-devices-hria.pdf

111	Digital – Company, Issue or Sectoral	Verizon	Saliency Assessment	2021	https://www.verizon.com/about/sites/default/files/saliency-assessment-executive-summary.pdf
112	Digital – Company, Issue or Sectoral	BSR	Human Rights Impact Assessment: Meta's Expansion of End-to-End Encryption	2022	https://www.bsr.org/reports/bsr-meta-human-rights-impact-assessment-e2ee-report.pdf
113	Digital – Company, Issue or Sectoral	BSR	Human Rights Impact Assessment: Facebook in Myanmar	2018	https://about.fb.com/wp-content/uploads/2018/11/bsr-facebook-myanmar-hria_final.pdf
114	Digital – Company, Issue or Sectoral	BSR	Human Rights Impact Assessment: Facebook in Cambodia	2019	https://about.fb.com/wp-content/uploads/2020/05/BSR-Facebook-Cambodia-HRIA_Executive-Summary2.pdf
115	Digital – Company, Issue or Sectoral	BSR	Human Rights Review: Facebook Oversight Board	2019	https://www.bsr.org/reports/BSR_Facebook_Oversight_Board.pdf
116	Digital – Company, Issue or Sectoral	BSR	Human Rights Due Diligence of Meta's Impacts in Israel and Palestine in May 2021: Insights and Recommendations	2022	https://www.bsr.org/reports/BSR_Meta_Human_Rights_Israel_Palestine_English.pdf
117	Digital – Company, Issue or Sectoral	BSR	Google Celebrity Recognition API Human Rights Assessment	2019	https://www.bsr.org/reports/BSR-Google-CR-API-HRIA-Executive-Summary.pdf
118	Digital – Company, Issue or Sectoral	BSR	Human Rights Impact Assessments	2017	https://www.teliacompany.com/en/news-articles/human-rights-impact-assessments
119	Digital – Company, Issue or Sectoral	BSR	Twitch Human Rights Impact Assessment	2023	https://www.bsr.org/reports/BSR-Twitch-Human-Rights-Impact-Assessment-Report_2.pdf

120	Digital – Company, Issue or Sectoral	BSR	Human Rights Assessment of the Software-as-a-Service Sector	2022	https://www.bsr.org/reports/BSR-Human-Rights-Assessment-Software-as-a-Service_Sector-Report.pdf
121	Digital – Company, Issue or Sectoral	BSR	Human Rights Assessment: Global Internet Forum to Counter Terrorism	2021	https://www.bsr.org/reports/BSR-GIFCT-Report.pdf
122	Digital – Company, Issue or Sectoral	Ranking Digital Rights	2020 RDR Index methodology	2020	https://rankingdigitalrights.org/wp-content/uploads/2020/06/2020RDRIndicators.pdf

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