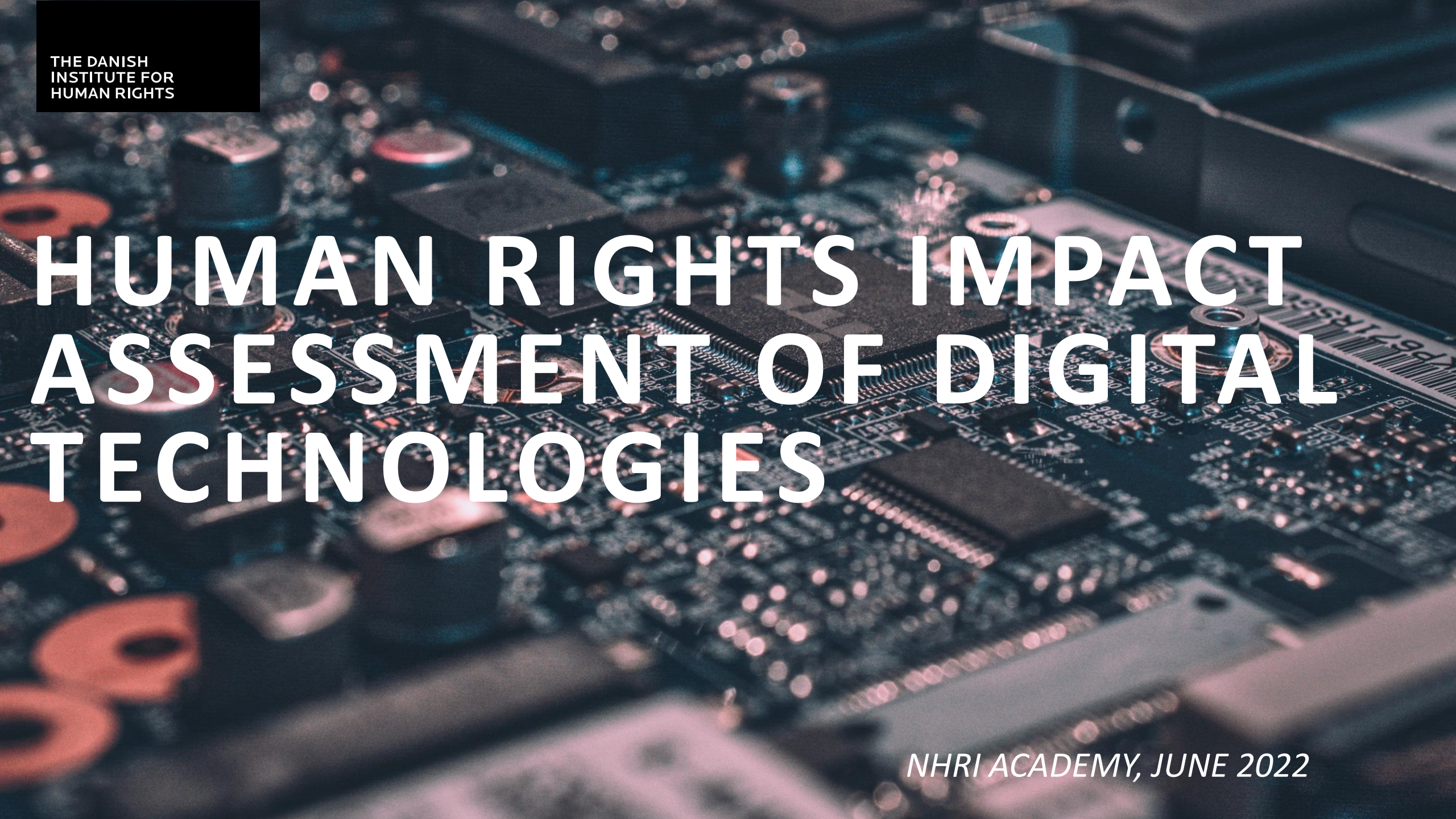


THE DANISH INSTITUTE FOR HUMAN RIGHTS

HUMAN RIGHTS IMPACT ASSESSMENT OF DIGITAL TECHNOLOGIES

NHRI ACADEMY, JUNE 2022

THE DANISH INSTITUTE FOR HUMAN RIGHTS

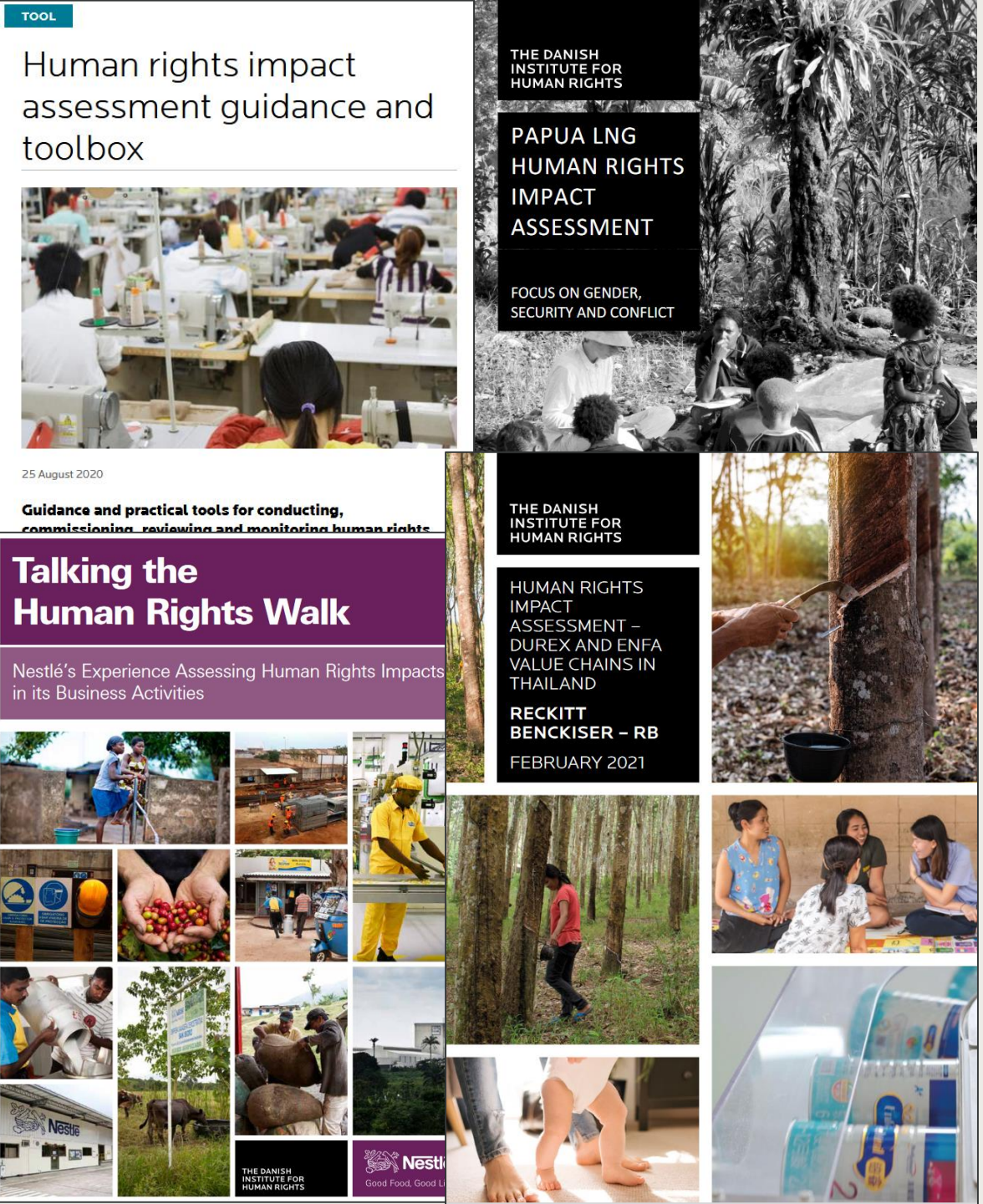
HUMAN RIGHTS IMPACT ASSESSMENT

Guidance for Digital Business Activities

Need for guidance: Applying the ‘UN Guiding Principles to digital technologies’

Potential EU requirement: ‘Fundamental rights impact assessments’ of AI Systems

Due diligence recommendations from UN special procedures and treaty bodies



Our work on HRIA

- With business since 1999
- HRIA experience for over a decade
- Guidance and toolbox (2016/2020) – developed based on our experience
- Award-winning – IAIA in 2018
- From the field of environmental, social and health impact assessments
- Also: human rights **in** impact assessments

HRIA of 'digital activities'

- Guidance published in 2020
- Need for guidance – expectations and demands on impact assessments regarding tech
- Developed based on previous experience
- Engagement with actors in the digital space – business, consultants, academics, civil society
- Considering the realities of the digital ecosystem – need for adaptation(!)
- Emphasis on **stakeholder engagement** and **local context**

CHALLENGES RELATED TO HUMAN RIGHTS DUE DILIGENCE OF DIGITAL TECHNOLOGIES

Lack of geographical boundaries

Stakeholder engagement

Assessment triggers/timing

Briefly on HRIA

What is it?

Methodology and a process

Relation to due diligence?

A key tool of human rights due diligence in contexts of severe potential and/or actual impacts

By who?

Internal, company-commissioned, civil society led…

Key criteria of HRIA

Process criteria

- Participation
- Non-discrimination
- Empowerment
- Transparency
- Accountability

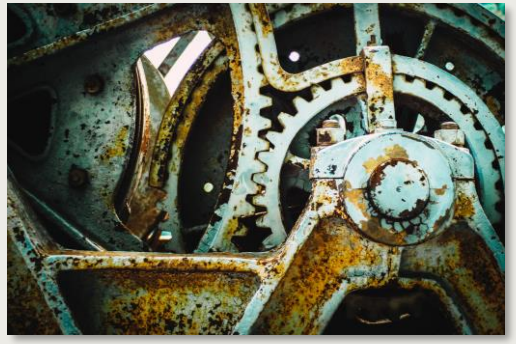
Content criteria

- Benchmark
- Scope of impacts
- Assessing impact severity
- Impact mitigation measures
- Access to remedy

HOW CAN YOU USE IT?

Companies: build rights-respecting technology solutions

The full picture of human rights risks is essential to build tools that can offer the most positive impacts



States: Improving the practices of suppliers/ developers

Use as a reference in conversations and contracts with suppliers of digital solutions, or conduct HRIA yourself

Others: Internal capacity-building and 'monitoring'

Use the guidance' examples of impacts and types of involvement as capacity building material, and use the guidance to analyze the work of companies

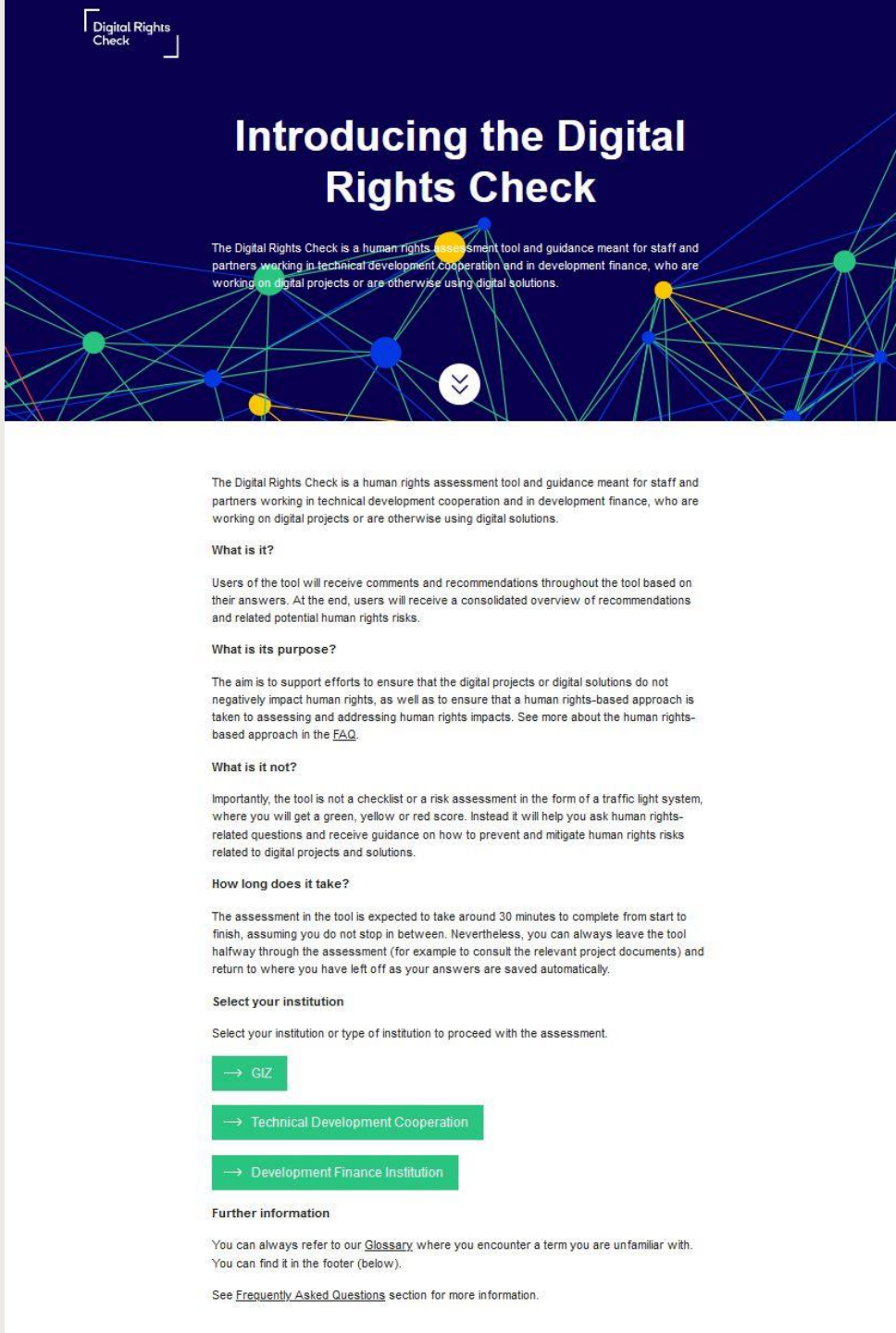
THE DANISH INSTITUTE FOR HUMAN RIGHTS

DIGITAL RIGHTS CHECK

A human rights assessment guidance tool for development projects

WHAT IS IT?

- Tool and guide for staff working with digital development projects
- A ‘dynamic questionnaire’ that helps staff identify potential issue areas and corresponding actions
- Objective to ensure that ‘digital for development’ projects fully consider the human rights risks



WHO IS IT FOR?

- Initially developed for GIZ
- Includes tracks for 1) technical development cooperation, and 2) development finance institutions
- New tracks can be added to existing page
- Whole tool can be repurposed for other organisations

The Digital Rights Check is a human rights assessment tool and guidance meant for staff and partners working in technical development cooperation and in development finance, who are working on digital projects or are otherwise using digital solutions.

What is it?

Users of the tool will receive comments and recommendations throughout the tool based on their answers. At the end, users will receive a consolidated overview of recommendations and related potential human rights risks.

What is its purpose?

The aim is to support efforts to ensure that the digital projects or digital solutions do not negatively impact human rights, as well as to ensure that a human rights-based approach is taken to assessing and addressing human rights impacts. See more about the human rights-based approach in the FAQ.

What is it not?

Importantly, the tool is not a checklist or a risk assessment in the form of a traffic light system, where you will get a green, yellow or red score. Instead it will help you ask human rights-related questions and receive guidance on how to prevent and mitigate human rights risks related to digital projects and solutions.

How long does it take?

The assessment in the tool is expected to take around 30 minutes to complete from start to finish, assuming you do not stop in between. Nevertheless, you can always leave the tool halfway through the assessment (for example to consult the relevant project documents) and return to where you have left off as your answers are saved automatically.

Select your institution

Select your institution or type of institution to proceed with the assessment.

→ GIZ

→ Technical Development Cooperation

→ Development Finance Institution

Further information

You can always refer to our Glossary where you encounter a term you are unfamiliar with. You can find it in the footer (below).

See Frequently Asked Questions section for more information.

WHAT DID WE DO?

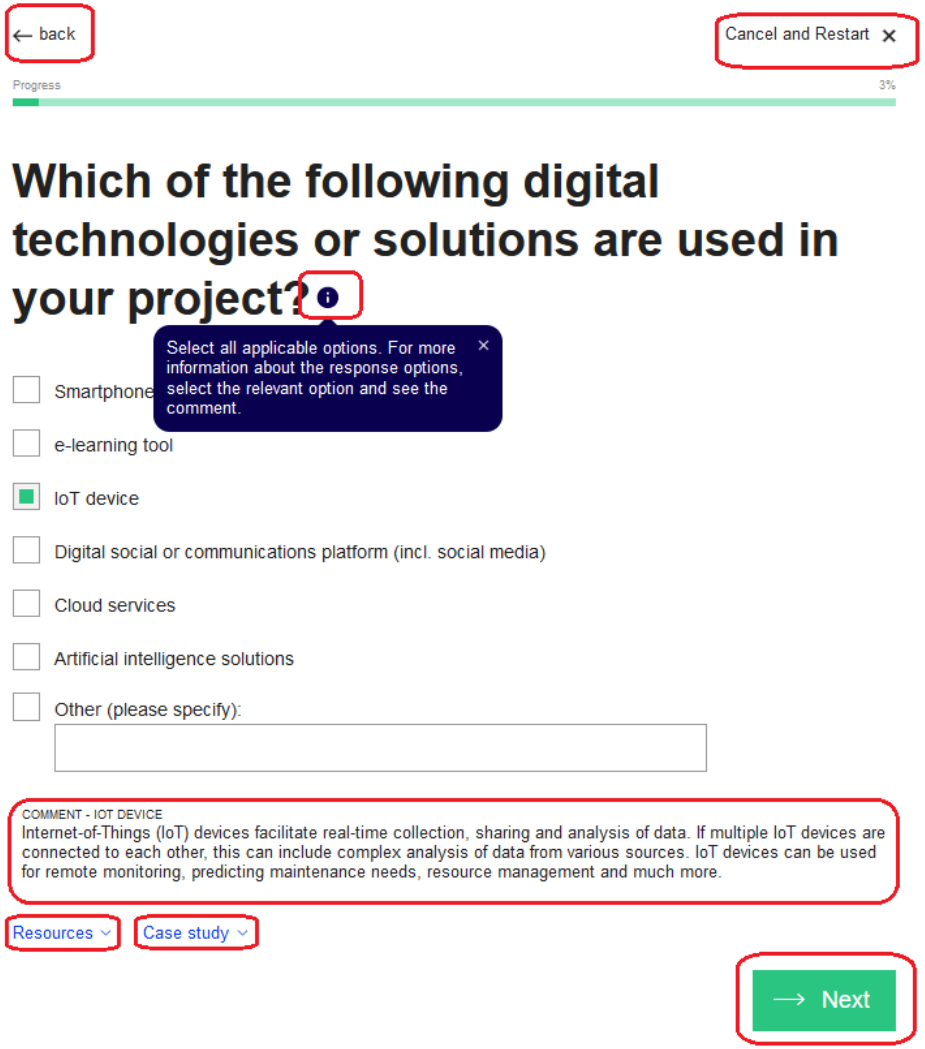
- Mapped out the kind of technologies that are used in ‘Digital for development’ projects
- Built a map of all relevant questions to ask, incl. conditioned follow-up questions
- Identified resources that can help the user
- Comments or recommendations for each specific answer

THE STRUCTURE

- A range of questions that helps scope the remainder of the tool
- Helps the user consider technology- and context-specific risks
- Focuses on human rights-based approach to risk assessments
- A results page at the end, containing the key input, identified human rights risks and recommendations for actions

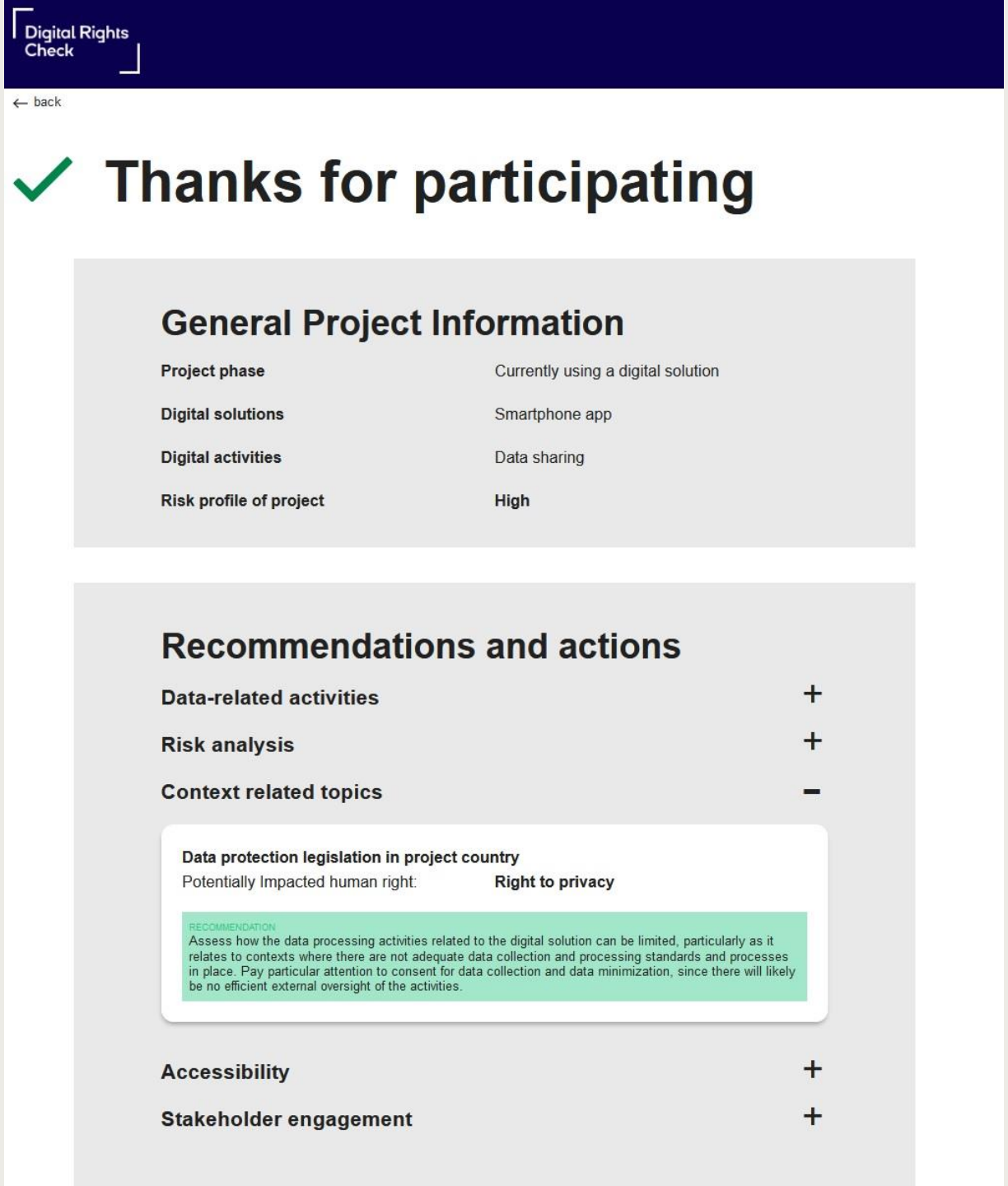
Digital technologies and solutions used

Identify where you are in the in your digital project (e.g. design or implementation phase) or where you are in relation to the use of digital solutions and tools (e.g. planned use, or currently using a digital solution).



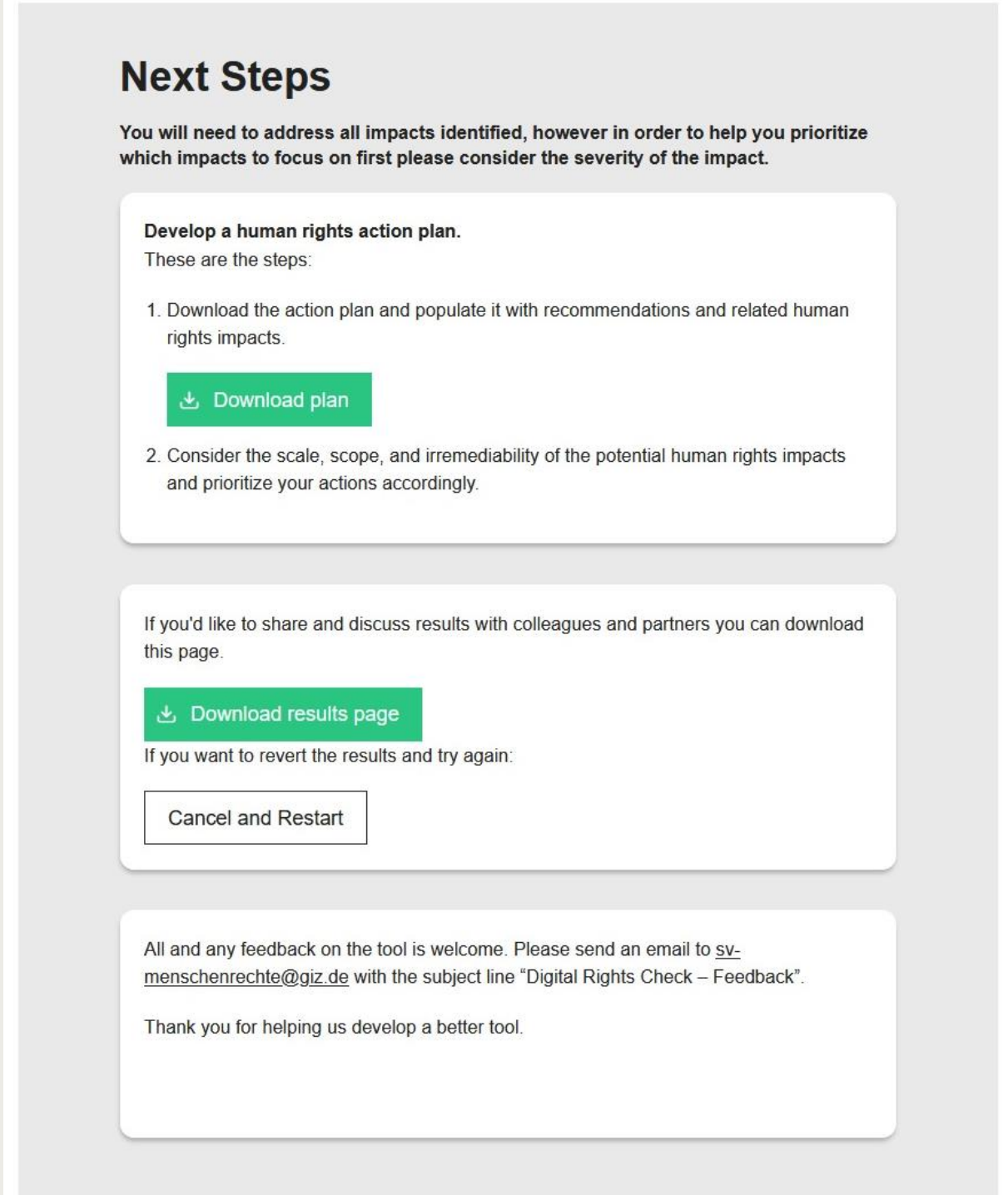
FEATURES

- Multiple response options (select one/multiple)
- Information to help the user respond to the question
- Comments or recommendations to the user depending on the chosen option
- Resources with further relevant guidance
- Case study that can help illustrate e.g. a relevant human rights issue



RESULTS PAGE

- General project information
- Recommendations specific to different categories of the tool
- Highlighted potentially impacted human rights



RESULTS PAGE

- Next steps, illustrating how the user can take the work forward
- Option to download an action plan, incl. the recommendations
- Option to download a pdf version of the results page
- Data saved locally, allowing user to continue
- Option to clear the data and restart the tool

	A	B	C	D	E	F	G	H	I	J	K
1	**Project [add name] - Human rights action plan**										
2	**Category**	**Question Heading**	**Recommendation**	**Human right(s) at risk**	**Scale (A, B or C)**	**Scope (A, B or C)**	**Irremediability (A, B or C)**	**Priority**	**Responsible**	**Status**	**Timeline**
3	**Data-related activities**	Responsible data handling	Ensure that the solution is assessed from a responsible data perspective, as soon as possible.		B - Medium	A - High	C - Low	Medium-high			
4		Informed consent	Review the efforts to inform individuals of how their data is used, as well as the processes in place for them to provide consent. Engage with individual users or other contributing with data to assess how these efforts can be improved. If informed consent cannot be guaranteed, cease the processing of personal data.	Right to privacy, right to freedom information and right to participation	A - High						
5		Cybersecurity	Assess the security of the data that collected and shared via digital solution in question. Ensure that sufficient safeguards are in place to keep the data secure.								
			Heightened attention will need to be paid to all kinds of data processing, AI applications etc., particularly with regard to groups that are vulnerable in the specific context. Any country context analysis performed during the project design phase should be updated with the								

A: May cause death or adverse mental or physical health effects that could

A: >20% of total population in area of impact or >50% of identifiable

The ability to restore impacted individuals to a situation at

Which person and/or function should be responsible for this

ACTION PLAN

- For the user to take forward
- Scale, scope and irremediability to be identified by user
- Support in prioritization of actions
- Identify responsible functions or individuals **AND** timeline

THE DANISH INSTITUTE FOR HUMAN RIGHTS

RESOURCES

- **Guidance on HRIA of digital activities:** https://www.humanrights.dk/publications/human-rights-impact-assessment-digital-activities
- **Digital Rights Check:** https://digitalrights-check.toolkit-digitalisierung.de/
- **Tech giants and human rights – Investor expectations:** https://www.humanrights.dk/publications/tech-giants-human-rights-investor-expectations
- **The Tech Sector and National Action Plans on Business and Human Rights:** https://www.humanrights.dk/publications/tech-sector-national-action-plans-business-human-rights
- **Digital Ethics Compass**: https://ddc.dk/tools/toolkit-the-digital-ethics-compass/

QUESTIONS OR COMMENTS?

Line Gamrath Rasmussen:
lira@humanrights.dk
www.humanrights.dk