

## “Making the right impact?”

### Expert workshop on evaluating Human Rights Impact Assessments (HRIAs) in trade and investment regimes

#### Concept note

#### Why conduct this workshop?

Human Rights Impact Assessments (HRIAs) are an increasingly adopted tool for evaluating the impact of policies, programs, projects, legislation and any other interventions on human rights. For trade and investment, HRIAs offer an objective, scientific method to analyse their impacts on human rights.

In the area of HRIAs, there are no common methodologies and no uniform content and the assessments depend largely on the nature, size, type of actor carrying out the assessment and the objectives of the assessment. In the trade and investment contexts, a variety of checklists, tools and guidance for HRIAs are available but there is **no meta-assessment of whether HRIAs work, or which elements work and which do not**. This proliferation of tools and guidance does not facilitate easy analysis of what gaps actually exist in HRIA practice and what future assessments should look like so as to be more participatory, effective and actually influence policy and decision-making. In addition, it is also not clear at what level or scale HRIAs should be conducted for best value.

HRIAs of trade and investment agreements, which can be ex ante and/or ex post are not perfect tools of evaluation, however they offer tangible benefits and also pose risks to be taken into consideration when thinking critically about the present state and future of HRIAs. The workshop will combine the discussion on HRIAs around trade and investment but while the two regimes are interconnected it is important to note that they also lend themselves to context-specific analysis and guidance.

This workshop, organized by OHCHR jointly with FES, aims to create an opportunity for more in-depth assessment of how HRIAs in trade and investment work in practice and what opportunities exist for future assessments.

#### Key objectives

##### This workshop will:

- provide a platform to assess the inherent benefits and values of HRIAs as well as the risks and challenges, specifically in the fields of trade and investment
- review and critically analyse how HRIAs are undertaken in practice with special focus on existing methodologies, checklists and content of different HRIA tools in the context of development

- exchange good practices in HRIAs, specifically in the fields of trade and investment, including issues of training, organizing expert HRIAs training teams wishing to undertake HRIAs and quality control of HRIAs by independent experts
- explore whether context-specific forms of guidance should be developed in the areas of trade and investment and how actors such as OHCHR, other international organisations and non-governmental organisations could play a more vibrant role
- build outreach towards trade and investment communities regarding HRIAs

## Format of workshop

### *Explain, exercise, debrief*

This workshop will be conducted over two days, with an emphasis on interactive engagement amongst participants. There will be three main sessions organized around three core questions. Each session will begin with a few short presentations to lead the discussion and will be guided by a moderator. This will be followed by break-out sessions where participants will work in smaller groups to come up with practical suggestions and inputs, with the aid of facilitators chosen from the group. Following the break-out session, participants will discuss the key outcomes in plenary.

The workshop will be organised around three main questions:

1. What are human rights impact assessments and how do they fit within the universe of impact assessments?
2. Why are HRIAs an issue of concern, specifically in the fields of trade and investment? What is the current situation in HRIAs of trade and investment? What challenges and opportunities exist in the use of HRIAs that may influence their utility and effectiveness in these fields?
3. What is the way forward for future assessments in trade and investment? How should different actors, including OHCHR and non-governmental organisations design their active engagement in this field, and what are the specific tools and context-specific guidance and/or training and quality control that could be successfully developed?

## Outcomes

As a concrete outcome of the workshop, a workshop report will be prepared and published. The report will focus on an assessment of current HRIA practice and make recommendations as to how best to move forward in future HRIAs, in terms of building expertise and developing tools and context-specific guidance and/or training and quality control in the areas of trade and investment. The report of the workshop will be disseminated online at the websites of OHCHR and FES. The outcome will also contribute to the implementation of the SG/HC's mandate on the right to development.