



# TOWARDS MEANINGFUL HUMAN RIGHTS IMPACT ASSESSMENTS

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From supermarket commitments  
to best practice action

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This discussion paper focuses on the commitments that Dutch, German and UK supermarkets made as part of the Behind the Barcodes campaign to conduct human rights impact assessments (HRIAs). To understand whether supermarkets are meaningfully implementing those commitments and to support learning, this paper analyses the HRIAs that supermarkets have published in the past four years and identifies best practice efforts and points of improvement. Oxfam also outlines key recommendations for supermarkets and other food companies to improve HRIA processes to ensure that the rights of people making our food are better protected and respected.

### **Oxfam Discussion Papers**

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Cover photo: Rafael, with coffee beans, Minas Gerais State, Brazil. Credit: Tatiana Cardeal / Oxfam Brasil.

# SUMMARY

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Exploitation of people and the planet continues to be rampant in the production of food. Supermarkets are powerful players in international food value chains, which is why Oxfam called on supermarkets to take responsibility for human rights in their supply chains in the Behind the Barcodes campaign. Between 2018 and 2022, Oxfam ranked large supermarkets based on their policies and practices to address human rights in their food supply chains in the global Supermarket Scorecard. Responding to the campaign, several Dutch, German and UK supermarkets made commitments and started to put in place human rights and environmental due diligence (HREDD) processes and gender policies. One key tool within HREDD is conducting human rights impact assessments (HRIA) – research studies to identify negative human rights impacts of business activities. These in-depth assessments can help companies to understand where and how their operations or sourcing activities are harming people, and subsequently to establish and implement action plans to address those negative impacts.

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Several large Dutch, German and UK supermarkets committed to conducting and publishing HRIAs and subsequent action plans to mitigate and prevent negative human rights impacts in their value chains. **Asda**, **EDEKA** and **Rewe** have not made a commitment to conduct HRIAs and have not published any assessments so far. **Albert Heijn** (subsidiary of Ahold Delhaize), **Aldi Nord**, **Aldi Süd**, **Jumbo**, **Lidl**, **Morrisons**, **PLUS**, **Sainsbury's** and **Tesco** have each published one or more HRIA reports. To understand whether they are meaningfully implementing their commitments to conduct HRIAs and support learning towards best practices, this research analyses the HRIAs and action plans the supermarkets published in the past four years.

As supermarkets continue on their human rights and environmental due diligence journey, it is key that they ensure that their HRIAs are in line with best practices to make these processes meaningful and impactful. *However, in analysing the HRIAs that these supermarkets have published so far, it is clear that there are several gaps with best practices.* Important gaps include not prioritizing high-risk supply chains, limited scope of human rights considered, lacking internal and external capacity and expertise in the research teams, failing to engage rightsholders in a meaningful way or to implement gender-responsive approaches, overlooking vulnerable rightsholders, and inadequately addressing root causes such as purchasing practices as part of the analysis.

In addition, a major crux in the HRIA process is the translation of the assessment and its recommendations into an action plan which is designed to mitigate the identified human rights impacts in a meaningful way. *Supermarkets often downplay their own potential impact and leverage for change, fail to formulate effective actions that actually address the negative*

Supermarkets often downplay their own potential impact and leverage for change, fail to formulate effective actions that actually address the negative impacts, such as measures on purchasing practices, do not consult rightsholders in the design and implementation of action plans, and are not transparent about the progress on implementation.

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*impacts, such as measures on purchasing practices, do not consult rightsholders in the design and implementation of action plans, and are not transparent about the progress on implementation.*

Ultimately, the goal of an HRIA should be to identify and mitigate the negative impacts that people experience from business activities. *Without a robust HRIA, supermarkets cannot formulate effective action plans, and without a strong commitment to address human rights risks through effective action, the HRIA process will not lead to change.* For HRIAs to be a meaningful and constructive tool within companies' HREDD processes, supermarkets should make significant improvements in line with best practices:

- **Make and implement commitments to conduct HRIAs** as one of the strategies to identify and mitigate negative impacts on human rights embedded into the broader HREDD processes. Companies should be committed to gender-responsive HRIAs in line with best practices, focusing on the most salient human rights risks, and publishing the findings.
- Plan and scope an HRIA
  - ✓ **Assemble a skilled, experienced and independent research team.** Companies need to invest in internal capacity with dedicated resources and expertise on human rights, and work with independent and qualified third-parties to conduct HRIAs.

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Diana holds out rice produced in Bangladesh. Credit: Fabeha Monir/Oxfam.

- ✓ **Focus on high-risk suppliers where salient risks have been identified.** HRIAs should be primarily focused on the risks for rightsholders in terms of saliency and severity of (potential) rights violations. Companies may also consider other factors, such as the degree of leverage or practical considerations, but the interests of rightsholders needs to be the main consideration.
- ✓ **Invest in internal engagement to enhance effectiveness,** including the engagement of higher management and buying departments, as well as other relevant internal stakeholders, particularly those involved in implementing mitigation measures.
- Collect data and analyse impacts
  - ✓ **Apply human rights categories and legal frameworks consistently.** HRIAs should not start from a pre-selected list of relevant rights or salient issues but take a broad approach to identifying all risks to internationally recognized human rights, at a minimum those in the International Bill of Human Rights, the nine core UN human rights treaties, and the principles on fundamental rights set out in the ILO Declaration on Fundamental Principles and Rights at Work.
  - ✓ **Conduct meaningful engagement with rightsholders.** This should involve the people directly affected by the company's activities, be timely and ongoing, inclusive and gender sensitive, and use the most appropriate approaches given specific contexts. Engagement should be empowering to rightsholders with access to the right information and resources, foster accountability and ensure their safety.
  - ✓ **Apply a gender-responsive approach.** Companies need to ensure HRIA processes are gender responsive by design. This includes having gender expertise in the research team, engaging women and women's organizations, and actively considering gendered impacts of business activities and purchasing practices during all stages of the process, including in recommendations.
  - ✓ **Include vulnerable rightsholders meaningfully in the HRIA process,** which requires companies to identify groups that may be at heightened risk of marginalization. These vulnerable groups need to be actively considered and engaged, while ensuring their safety and security in the process.
  - ✓ **Triangulate, validate and substantiate evidence of human rights impacts** and avoid relying on a single source, particularly when findings are contradictory.
  - ✓ **Focus on 'do no harm' and negative impacts first** to identify and mitigate human rights risks. When positive impacts are also identified, mitigating harm should take priority.
  - ✓ **Prioritize risks based on saliency.** Prioritization should be in line with the United Nations Guiding Principles on Business and Human Rights (UNGPs), with severity of a (potential) negative impact being the main indicator.
  - ✓ **Address root causes and the company's own contribution to impacts, including purchasing practices.** This includes structural drivers of human rights abuses and the company's impact on those drivers.
- Design and implement action plans
  - ✓ **Commit internally and externally to the implementation of an effective and appropriate action plan, and prioritize the mitigation of the identified negative impacts on human rights.**
  - ✓ **Embed the creation of timebound action plan in the HRIA process.** Rather than decoupling the two processes, taking action should be a core purpose of the HRIA and therefore integrated into the process, including by drawing on expertise from the research team and engaged stakeholders.
  - ✓ **Be transparent about the HRIA and the action plan.** Companies should publish HRIAs and action plans (while protecting the anonymity of rightsholders) and actively share and socialize findings and planned actions with stakeholders.

- ✓ **Involve rightsholders and stakeholders in the design and implementation of actions.** Stakeholders should not only be consulted in the HRIA data collection phase, but also be included in the action planning and implementation to ensure actions are meaningful and effective.
- ✓ **Monitor progress on action plan implementation,** including through continuing dialogue with stakeholders and (representatives of) rightsholders. Continuous monitoring also allows companies to adjust actions when contexts change or when actions have a different impact than expected.
- Advocate for binding legislation
  - ✓ **Advocate for and support implementation of binding legislation on human rights and environmental due diligence.** This legislation should require companies to conduct meaningful engagement with rightsholders to mitigate negative impacts, with HRIAs as one of the tools.

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