

Phase 3: Preparation

Step 3.1: Selection of stakeholders

Who are “legitimate representatives” of rights-holders to engage with?

When conducting a human rights impact assessment (HRIA), tourism companies should generally **directly engage with potentially affected groups**. Direct engagement with rights-holders provides valuable insights and enhances the legitimacy of the consultation processes. However, there are a few reasons that a company cannot or shouldn't engage with rights-holders directly, such as:

- Time limitations (meaningful consultations can be very time-consuming)
- Lack of access to relevant rights-holders
- Putting vulnerable people at risk through consultations: this might be the case when consulting a human rights activist in a repressive regime or talking to workers at a supplier company, which disclose critical information, e.g. on critical working conditions.

In these situations, it might be necessary to engage with rights-holders through **legitimate representatives** who can speak on their behalf. “Legitimate representatives” are individuals or organisations who may have sufficient knowledge and experience engaging with the rights-holder groups and can therefore convey potential concerns related to business activities on behalf of the affected persons. However, it is important to be aware that rights-holders’ representatives might not fully represent or understand the views and interests of the affected groups and that the needs of the most vulnerable persons in a community in particular might be excluded, e.g. women, children etc.¹

The Global Compact Network Germany identifies the following stakeholders as legitimate representatives of groups at higher risk of human rights abuses.

Overview of potentially affected groups and their legitimate representatives

Potentially affected groups	Potential areas of specific vulnerability	Possible representatives & experts (examples)
Children and young people	Might be more vulnerable to exploitation and affected/harmed more strongly than adults due to their physical size, developing bodies etc.	<ul style="list-style-type: none"> • International organisations (e.g. UNICEF) • Child rights organisations and NGOs (e.g. Save the Children, ECPAT) • Government representatives (e.g. ombudsman for children, ministries for education, youth, family affairs)
Women	Discriminated by laws; excluded from decision-making processes; subject to gender-specific violence and harassment	<ul style="list-style-type: none"> • UNIFEM, UN Committee on the Elimination of Discrimination Against Women • International NGOs (e.g. Human Rights Watch, Equality Now, International Women's Rights Action Watch) • Government representatives responsible for gender issues

¹ Danish Institute for Human Rights (2016): Cross-Cutting: Stakeholder Engagement. Human Rights Impact Assessment Guidance and Toolbox, https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/business/hria_toolbox/stakeholder_engagement/stakeholder_engagement_final_jan2016.pdf, p. 12-17.

Communities and indigenous people	Not speaking official languages, illiteracy; access to information; marginalization in access to services, education, jobs; livelihoods and environment threatened	<ul style="list-style-type: none"> • UN Special Rapporteur on the Rights of Indigenous Peoples • International NGOs (e.g. Survival International, Minority Rights Group International, Global Forest Coalition, Amazon Watch) • Government bodies for indigenous issues
Human and labour rights defenders and trade union activist	At risk from repressive regimes and para-military groups; discrimination by employers	<ul style="list-style-type: none"> • International Trade Union Federations (e.g. ITUC, UNI, IndustriALL) • NGOs (e.g. Amnesty International) • National and local trade unions
Informal and casual workers	Not protected by trade union representation; face particular risk of abusive working conditions	<ul style="list-style-type: none"> • Worker organisations representing informal workers • Some trade unions also focus on informal sector workers
Migrants, refugees and displaced persons	Insecure legal status; at risk of abuse and discrimination; might face difficulties accessing basic services	<ul style="list-style-type: none"> • International organisations (e.g. UNHCR, OCHA, IOM, ICRC, UN Special Rapporteur on the human rights of migrants, UN Committee on Migrant Workers) • NGOs (e.g. Migrants Rights International, Internal Displacement Monitoring Centre).
Minorities (e.g. national, ethnic, linguistic, religious, political)	Marginalized in society or by laws; at risk of becoming victims of violence, harassment or discrimination (e.g. in employment)	<ul style="list-style-type: none"> • UN independent expert on minority issues • International NGOs (e.g. Minority Rights Group International, Global Human Rights Defence, Society for Threatened Peoples International) • Research centres (e.g. European Centre for Minority Issues)
People living with HIV/AIDS or other diseases	Discrimination and marginalization within society; health related physical and psychological conditions that might complicate engagement in work and society	<ul style="list-style-type: none"> • WHO • UN Special Rapporteur on the Right to Health, • International NGOs (e.g. Medecins Sans Frontières, International Red Cross and Red Crescent Movement, Care International, Oxfam)
People with disabilities	Societal/cultural discrimination; physical and psychological conditions that might complicate engagement in work and society	<ul style="list-style-type: none"> • International organisations (UN Committee on the rights of persons with disabilities, ILO Global Business and Disability Network), • NGOs (e.g. International Disability Alliance, Christian Blind Mission, Handicap International, Inclusion International) • Government representatives for people with disabilities
Elderly people	Physical and psychological conditions that might complicate engagement in work and society	<ul style="list-style-type: none"> • NGOs (e.g. HelpAge International) • Elderly people associations.
Lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals	Discrimination and exclusion; victims of violence and harassment	<ul style="list-style-type: none"> • International NGOs working on sexual orientation (e.g. ARC International, Amnesty International, Human Rights Watch, Global Action for Trans*Equality, The International Gay and Lesbian Human Rights Commission, International Lesbian, Gay, Bisexual, Trans and Intersex Association).