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Part 1

About This Guide

About This Guide

Objectives of the Guide

This Guide applies the [UN Guiding Principles on Business and Human Rights](#) (“Guiding Principles”) to the specific context of the information and communication technologies (“ICT”) sector. Recognising that each company is different, it is intended to help ICT companies “translate” respect for human rights into their own systems and cultures. It summarises what the Guiding Principles expect, offers a range of ideas and examples for how to put them into practice, and links the user to additional resources that can support their work. It does not propose a set management system but rather leaves companies the flexibility they need to implement the Guiding Principles in their own particular circumstances. The Guide’s various sections can be referred to as and when needed during the on-going process of implementation. The Guide is not intended to be legally binding.

The Guiding Principles were unanimously endorsed by the UN Human Rights Council in 2011 and are now the authoritative global reference point on business and human rights. They are based on the three pillars of the [UN “Protect, Respect and Remedy” Framework](#), which recognise the complementary but distinct roles of states and business in protecting and respecting human rights. The three pillars are:

- ▶ The **state duty to protect** against human rights abuses by third parties, including businesses, through effective policies, legislation, regulations and adjudication;
- ▶ The **corporate responsibility to respect** human rights, meaning that companies should avoid infringing on the rights of others and address negative impacts with which they are involved;
- ▶ The need for **greater access to effective remedy** for victims of business-related human rights abuses, through both judicial and non-judicial means.

Since this Guide is intended for companies, it focuses on implementation of the [corporate responsibility to respect human rights](#). It builds on the [Interpretive Guide](#) developed by the Office of the UN High Commissioner for Human Rights with the support of Professor Ruggie, the author of the Guiding Principles. It takes the reader through the key steps expected of companies, from setting out their commitment to respect human rights, to identifying and addressing their [human rights risks](#), to providing remedy where actual harms occur.

The Guide also takes into account, wherever possible, the role of states in ensuring the rule of law and meeting their duty to protect human rights through effective laws and policies and by investigating, punishing and redressing any abuses that occur. States’ obligations and companies’ responsibilities are independent of each other. However, the Guide recognises that where governments are unwilling or unable to meet their own human rights obligations, this makes it more challenging for ICT companies to avoid being involved in harm to individuals’ human rights.

“No one size fits all” when it comes to putting respect for human rights into practice. Most ICT companies will not start with a “blank slate” – they are likely to have a range of existing policies and processes that are relevant to respecting human rights, as well as an established corporate culture or set of values that guide the company’s actions. Operating environments differ widely and it is important that ICT companies develop locally appropriate solutions that are consistent with human rights when responding to local impacts.

Finally, the Guide recognises that implementing respect for human rights across a company’s activities and business relationships is not simple. It takes commitment, resources and time to embed respect for human rights in the ways that a workforce thinks and acts. Moreover, companies rarely control all the circumstances in which

Background to the UN Guiding Principles

The Guiding Principles and UN Framework were developed by the former [Special Representative of the UN Secretary-General for Business and Human Rights](#), Harvard Professor John Ruggie, over the six years of his mandate from 2005-2011. Based on extensive research and consultations with representatives from government, business, and civil society (including trade unions, NGOs and legal and academic experts) across all continents, they gained broad acceptance and support. A new expert [UN Working Group](#) is now the UN body responsible for promoting implementation of the Guiding Principles and UN Framework.

There are several important international standards that draw directly on the Guiding Principles including: the revised [OECD Guidelines for Multinational Enterprises](#), the [IFC Performance Standards](#), and the [ISO 26000 Social Responsibility Guidance](#). What does this mean for business? Convergence around the Guiding Principles should lead to fewer conflicting standards and consistent expectations.

they operate; those contexts may change rapidly; and serious human rights dilemmas may arise. Implementation of the Guiding Principles is therefore a process of continuous improvement, and this Guide itself reflects learning that will continue to evolve.

Scope of the Guide

- ▶ **Whole of sector:** The Guide covers actors and activities ranging from telecommunications and Web-based services through software, and electronic device and component manufacturing (see [Part 2](#) below for more on the terms this Guide uses). Most existing sectoral initiatives focus on only one or some of these aspects. This Guide looks at the sector and its potential impacts as a whole.
- ▶ **Human rights content:** The Guide covers respect for all [internationally recognised human rights](#), including human rights of workers, and the rights of individuals or groups in a position of heightened vulnerability or marginalisation (which, in the ICT sector, may include women, children, migrant workers, human rights defenders, journalists and others).
- ▶ **Companies' activities and business relationships:** The Guide applies to ICT companies' own activities and to their [business relationships](#) with third parties. This includes companies' direct relationships and those that are one or more steps removed in the value chain.
- ▶ **Companies of all sizes:** The Guide should be useful to all sizes of ICT companies, with varying types of ownership and structure. Wherever possible, attention is given to approaches that may be more appropriate for smaller companies in the sector.
- ▶ **Global applicability:** The Guide takes particular account of the experience of EU companies, but aims to be as globally applicable as possible. It is relevant to EU companies operating inside and outside the EU, recognising that some non-EU contexts may raise the greatest challenges. It should also be useful to companies whose headquarters are outside the EU.

Audience of the Guide

This Guide is for those practitioners in ICT companies who have the lead responsibility for human rights issues, whatever function or department they sit in, at the corporate, business unit, country or site level. It offers a range of approaches that they can take and tailor to the needs of different departments, functions and individuals within their companies, in ways that make sense within their own systems and cultures.

This Guide should also be of use to those who are interested in promoting respect for human rights in the ICT sector, including trade unions, NGOs, human rights defenders, journalists, representatives of affected customers and users, investors, industry associations, multi-stakeholder initiatives, governments, and consumer organisations.

Structure of the Guide

The Guide is divided into the following parts:

- ▶ Part 1: About this Guide
- ▶ Part 2: Human Rights and the ICT Sector
- ▶ Part 3: Putting Respect for Human Rights into Practice - which explores implementation of each of the six core elements of the corporate responsibility to respect. For each element, the Guide addresses the same key points:
 - “What do the Guiding Principles Expect?”
 - “Why is this Important?”
 - “What are the Steps Involved?”, with each step supported by “Key Points for Implementation”, and a range of “Possible Approaches” that draw on good practice
 - “Where to Start” guidance for companies that are just beginning to engage with these issues
 - “Questions to Ask” to test consistency of a company’s approaches with the Guiding Principles
- ▶ Annexes: [Key Resources](#) and [Key Concepts](#)