Annexes
Annex 1: Key Resources

The resources below provide further information and approaches to addressing the issues covered in the Guide. The inclusion of guidance and tools in this Annex should not be taken to imply that they are necessarily fully consistent with the UN Guiding Principles.

Overarching Resources

International and Regional Human Rights Standards and Instruments

Instruments Setting Out Internationally-Recognised Human Rights

- United Nations (UN), International Bill of Human Rights, comprised of:
  - The Universal Declaration on Human Rights: www.ohchr.org/EN/UDHR/Pages/UDHRIindex.aspx
  - The International Covenant on Economic, Social and Cultural Rights: www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx
  - The International Covenant on Civil and Political Rights: www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx


International Labour Organization (ILO) Standards

In addition to the Declaration on Fundamental Principles and Rights at Work above, these include:

- C029 – Forced Labour Convention, 1930 (No.29)
- C087 – Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- C097 – Migration for Employment Convention (Revised), 1949 (No. 97) and Recommendation No. 86
- C098 – Right to Organise and Collective Bargaining Convention, 1949 (No.98)
- C100 – Equal Remuneration Convention, 1951 (No.100)
- C105 – Abolition of Forced Labour Convention, 1957 (No.105)
- C111 – Discrimination (Employment and Occupation) Convention, 1958 (No.111)
- C138 – Minimum Age Convention, 1973 (No.138)
- C143 – Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and Recommendation No. 151
- C181 – Private Employment Agencies Convention, 1997 (No. 181)
- C182 – Worst Forms of Child Labour Convention, 1999 (No.182)
- C189 – Domestic Workers Convention, 2011 (No. 189)
- Maritime Labour Convention (MLC), 2006

All are available at: www.ilo.org/dyn/normlex/en

Key International Human Rights Instruments Applying to Potentially Vulnerable or Marginalised Groups

- The Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Elimination of All Forms of Discrimination Against Women
- The Convention on the Rights of the Child
- The Convention on the Rights of Persons with Disabilities
The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
All are available at: www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx

The Declaration on the Rights of Indigenous Peoples: www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx


Regional Human Rights Standards


Key Resources on Business and Human Rights

UN Guiding Principles and Implementation

- UN:

Information Resources on Business and Human Rights

- Business and Human Rights Resource Centre: http://business-humanrights.org
- ILO:
  - Help Desk for business on international labour standards: www.ilo.org/business
  - Normlex, for information on ILO standards, comments of the supervisory bodies and specific country profiles: www.ilo.org/normlex

Other Relevant International and Regional Standards and Instruments

Relevant European Standards and Processes

- European Commission:
• Exchange Platform for organisations promoting or implementing Diversity Charters: http://ec.europa.eu/justice/discrimination/diversity/diversity-charters/index_en.htm

European Union (EU):

Other Relevant International Standards
• International Finance Corporation (IFC), Performance Standards: www1.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publications/publications_handbook_pps
• ISO 26000 Guidance on Social Responsibility: www.iso.org/iso/home/standards/iso26000.htm

Resources Relevant to ICT Companies
Key Sector-Specific Statements and Reports
• BSR:
• Ministry of Foreign Affairs of Sweden, “Enhancing Internet Freedom and Human Rights Through Responsible Business Practices”: www.government.se/sb/d/574/a/190560

Relevant ICT Initiatives
• Electronic Industry Citizenship Coalition (EICC): www.eicc.info
• Global e-Sustainability Initiative (GESI): http://gesi.org
• Global Network Initiative (GNI):
Resources for Each Specific Section of the Guide

I. Developing a Policy Commitment

- BLUHR, OHCHR, UN Global Compact, “Policies” section in “A guide for integrating human rights into business management”: www.integrating-humanrights.org/policies_home

II. Assessing Human Rights Impacts

- UN Global Compact:

Country Risk Analysis

- Human Rights Watch, World Reports: www.hrw.org/publications
ILO, Country information: [www.iolo.org/normlex](http://www.iolo.org/normlex)
Family Online Safety Institute (FOSI), The Grid, Impacts on children: [www.fosigrid.org](http://www.fosigrid.org)
US State Department, Annual Human Rights Reports: [www.state.gov/j/drl/rls/hrrpt/](http://www.state.gov/j/drl/rls/hrrpt/)

### Dual Use and Surveillance Technologies

- EU Surveille Project: [www.surveille.eu](http://www.surveille.eu)

### Manufacturing


### Conflict Minerals

- EICC and GeSI, Conflict Free Smelter Program: [http://www.conflictfreesmelter.org](http://www.conflictfreesmelter.org)
The ITRI Tin Supply Chain Initiative (ITSC): www.itri.co.uk/index.php?option=com_zoo&task=item&item_id=2192&Itemid=189


including the 3T and gold supplements: www.oecd.org/daf/inv/investmentfordevelopment/goldsupplementtotheduediligenceguidance.htm

The PPA (Public-Private Alliance) for Responsible Minerals Trade: www.resolv.org/site-ppa/

The Solutions for Hope Program: http://solutions-network.org/site-solutionsforhope/

E-waste


Stakeholder Engagement

AccountAbility, UNEP, Stakeholder Researchers Canada:

- Stakeholder Engagement Manual, Volume 1: www.accountability.org/images/content/2/0/207.pdf


III. Integrating & Acting

Freedom of Expression and Privacy

- Chilling Effects: www.chillingeffects.org
- The Silicon Valley Standard: www.accessnow.org/blog/the-silicon-valley-standard


World Economic Forum, “Rethinking Personal Data”: www.weforum.org/issues/rethinking-personal-data

Intermediary Liability


GNI, “GNI Identifies Intermediary Liability for Carriers and Platforms for User Generated Content as a Key Issue for Business and Public Policy”: www.globalnetworkinitiative.org/newsandevents/Intermediary_Liability.php

OECD,

- “Role of Internet Intermediaries in Advancing Public Policy Objectives”: www.oecd.org/internet/ieconomy/theroleofinternetintermediariesinadvancingpublicpolicyobjectives.htm


Responding to Requests related to Personal Information and Content


Migrant and Agency Workers


ILO


• UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: www2.ohchr.org/english/law/cmw.htm

Further resources for ICT companies

• End Human Trafficking Now: www.endhumantraffickingnow.com


• Global Business Coalition Against Trafficking: www.gbcat.org


• Institute for Human Rights & Business, "The Dhaka Principles for Migration with Dignity": www.dhaka-principles.org/


• UN Global Initiative to Fight Human Trafficking: www.ungift.org

• Verité, “Fair Hiring Toolkit”: www.verity.org/helpwanted/toolkit

Child Safety Online

• EU Safer Internet Programme (includes various principles on networking and mobile use that seek to ensure the safety of children using such services): http://ec.europa.eu/information_society/activities/sip/index_en.htm

• European Financial Coalition Against Commercial Sexual Exploitation of Children Online: www.europeanfinancialcoalition.eu


• UNICEF:
  • "Children are Everyone’s Business: Pilot Workbook": www.unicef.org/csr/css/CSR_Workbook_A4_LR_low_res.pdf
  • "Child Safety Online: Global challenges and strategies": www.unicef-irc.org/publications/650


Collaborative Action in Supply Chains


• The IDH Electronics Program: www.infactory-solutions.com/idh/en/home

Operating in High-Risk Areas


- OECD


- UN Global Compact, UN Principles for Responsible Investment, “Guidance on Responsible business in conflict-affected and high-risk areas: a resource for companies and investors”: www.unglobalcompact.org/docs/issues_docs/Peace_and_Business/Guidance_RB.pdf


IV. Tracking

- Ethical Trading Initiative, Base Code www.ethicaltrade.org/eti-base-code


- GNI:
  - Principles on Freedom of Expression and Privacy www.globalnetworkinitiative.org/principles/index.php and


V. Communicating


VI. Remedy and Operational-Level Grievance Mechanisms

Reports


Institutions/Organisations

- ACCESS Facility: www.accessfacility.org
- OECD National Contact Points: www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/nationalcontactpointsfortheoecdguidelinesformultinationalenterprises.htm
Annex 2: Key Concepts

Note: Many of the below key concepts have been drawn from the UN OHCHR Interpretive Guide to the Corporate Responsibility to Respect Human Rights, the OECD Guide to Measuring the Information Society and the ITU Handbook for the Collection of Administrative Data on Telecommunications/ICT.

Active telecommunications network equipment
This includes switches, routers and other equipment which join together the passive, core network components to form the “backbone” of the network and enables connectivity and the flow of data.

Actual human rights impact
An “actual human rights impact” is a negative impact that has already occurred or is occurring.

Agency workers
Agency workers are employed by a recruitment and employment agency and then placed with a third party “user enterprise” (such as an ICT company) to perform work, typically under the user enterprise’s supervision. The user enterprise pays fees to the agency, which pays wages to the workers. Some agency workers are also “migrant workers”, meaning that they are engaged in work in a state of which they are not nationals. Migrant workers are recognised as having special protections under international human rights law.

Assessing human rights impacts
The first of the four stages of human rights due diligence, undertaken in order to identify and assess any negative impacts on human rights with which a company may be involved. This includes both actual impacts (past or current) and potential impacts (those possible in the future), and impacts that occur through the company’s own activities and through its business relationships.

Business relationships
Business relationships refer to those relationships a business enterprise has with business partners, entities in its value chain and any other non-State or State entity directly linked to its business operations, products or services. They include indirect business relationships in its value chain, beyond the first tier, and minority as well as majority shareholding positions in joint ventures.

Cloud computing
Allows the user to access hardware, software, files and services over the Internet as opposed to storing them on a local computer or hard drive.

Communicating human rights performance
In the context of the corporate responsibility to respect, communicating is the set of processes through which companies are able to account externally for how they address their actual and potential human rights impacts. This is particularly important when concerns are raised by or on behalf of affected stakeholders. Communication needs to be appropriate to the company’s impacts in terms of its form, frequency, accessibility, and the adequacy of information provided. Where companies have severe human rights risks or impacts they should publicly report formally on how they address them.

Complicity
Complicity has both legal and non-legal meanings. As a legal matter, most national legislations prohibit complicity in the commission of a crime, and a number allow for the criminal liability of business enterprises in such cases. The weight of international criminal law jurisprudence indicates that the relevant standard for aiding and abetting is “knowingly providing practical assistance or encouragement that has a substantial effect on the commission of a crime”. As a non-legal matter, companies may be perceived as being “complicit” in the acts of another party where, for example, they are seen to benefit from an abuse committed by that party.

The human rights due diligence process should uncover risks of non-legal (or perceived) as well as legal complicity and generate appropriate responses.
Consumer-facing wireless company
A company that provides access services directly to the consumer, with the help of wireless technologies.

The corporate responsibility to respect human rights
The corporate responsibility to respect human rights means that companies should avoid infringing on the rights of others and should address negative impacts with which they may be involved.

Dual use
Products, services or technologies that can be used for both civilian and military purposes.

Effectiveness criteria for non-judicial grievance mechanisms
The Guiding Principles set out eight “effectiveness criteria” for non-judicial grievance mechanisms. They should be: legitimate, accessible, predictable, equitable, transparent, rights-compatible, based on dialogue and engagement, and a source of continuous learning. While these criteria mostly relate to the quality of processes, they include an important requirement that outcomes should be in line with internationally-recognised human rights. (See further Guiding Principle 31)

Embedding
Embedding can be thought of as the macro-level process of ensuring that the company’s responsibility to respect human rights is driven across the organisation, into its business values and culture. It requires that all personnel are aware of the enterprise’s human rights policy commitment, understand its implications for how they conduct their work, are trained, empowered and incentivised to act in ways that support the commitment, and regard it as intrinsic to the core values of the workplace. Embedding is one continual process, generally driven from the top of the company. (See further “Human rights policy commitment” and “Integration”)

E-waste
Electrical or electronic equipment waste, including all components, subassemblies and consumables, which are part of the product at the time of discarding.

Export Processing Zones (EPZs)
Industrial zones with special incentives set up to attract foreign investors (e.g., tax exemptions), in which imported materials undergo some degree of processing before being (re-)exported again.

Fixed line
Also known as a “landline”, fixed lines are traditionally part of the national telephone network enabling calls via a metal line. Telecommunications companies often offer Internet broadband services through a fixed line.

Gross human rights abuses
There is no uniform definition of gross human rights abuses in international law, but the following practices would generally be included: genocide, slavery and slavery-like practices, summary or arbitrary executions, torture, enforced disappearances, and arbitrary and prolonged detention. Other kinds of human rights abuses, including of economic, social and cultural rights, can also count as gross abuses if they are grave and systematic, for example abuses taking place on a large scale or targeted at particular population groups.

Host state
The term “host state” is used to define the state where the ICT company’s activities take place. This may also be the company’s home state: that is, the state where it has its corporate headquarters.

Human rights defenders
Term used to describe people who individually or with others act to promote or protect human rights through peaceful means. For more, see the OHCHR’s website on this issue.

Human rights due diligence
Human rights due diligence is an on-going risk management process that a reasonable and prudent company needs to follow in order to identify, prevent, mitigate and account for how it addresses its negative human rights impacts. It includes four key steps: assessing actual and potential human rights impacts, integrating and acting on the findings, tracking responses, and communicating how impacts are addressed.
Human rights policy commitment
A statement approved at the highest levels of the business that shows it is committed to respecting human rights and is communicated internally and externally. (See further “Embedding” and “Integration”)

Human rights risks
A company’s human rights risks are any risks that its operations may lead to one or more negative human rights impacts. They therefore relate to its potential human rights impacts. In traditional risk assessment, risk takes account of both the consequences of an event (its “severity”) and its probability. In the context of human rights risk, severity is the predominant factor. Probability may be relevant in helping prioritise the order in which potential impacts are addressed in some circumstances (see “severe human rights impact” below). Importantly, a company’s human rights risks are the risks that its operations pose to human rights. This is separate from any risks that involvement in human rights impacts may pose to the enterprise, although the two are increasingly related.

Integration
Integration can be thought of as the micro-level process of taking the findings about a particular potential impact, identifying who in the enterprise needs to be involved in addressing it and securing effective action to prevent or mitigate the impacts. If the macro-level process of “embedding” the corporate responsibility to respect human rights in the company’s culture has been effective, the company is more likely to be successful in its efforts at integrating and acting on individual impacts. (See further “Embedding” and “Human rights policy commitment”)

Intellectual property
Refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images and designs used in commerce. It includes rights related to industrial property and copyright. Traditional knowledge and creative expressions of indigenous peoples are also intellectual property, but may not be fully protected by existing legal systems.

Internationally recognised human rights
The Guiding Principles define these as the rights in the International Bill of Human Rights (meaning the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) and the principles concerning fundamental rights set out in the International Labour Organisation’s Declaration on Fundamental Principles and Rights at Work.

Internet backbone services
These services support the Internet “backbone” network, allowing data to flow between Internet Service Providers and providing connectivity. This can be viewed as “wholesale” Internet access, i.e. services of various kinds that ISPs need in order to provide services to their end users.

Internet Protocol and Internet Protocol (“IP”) Address
The set of standards that enables devices connected to the Internet to exchange data. Each such device has a globally unique Internet Protocol Address.

Internet Service Provider (ISP)
A company that provides Internet access by any means. For example, it may own the copper or fibre lines, or have a licence to use certain parts of the radiowave spectrum, or it may rent access to them from another company.

Leading human rights risks
The leading human rights for a company are those that stand out as being most at risk. This will typically vary according to its sector and operating context. The Guiding Principles make clear that companies should not focus exclusively on the leading human rights issues and ignore others that might arise. But the leading human rights risks will logically be the ones on which it concentrates its primary efforts. (Also referred to as the most “salient” human rights risks in the UN OHCHR “Interpretive Guide to the Corporate Responsibility to Respect Human Rights”).

Legitimate Trade Unions
Organisations that exist to represent workers and are controlled by their members.

Leverage
Leverage is an advantage that gives power to influence. In the context of the Guiding Principles, it refers to the ability of a company to effect change in the wrongful practices of another party that is causing or contributing to a negative human rights impact.
**Malware**
Software that is created and used to gain access to private computer systems, disrupt computer operations and/or gather sensitive information. Malware includes, for example, computer viruses, "Trojan horse" software and "worms".

**Mitigation**
The mitigation of negative human rights impact refers to actions taken to reduce its extent, with any residual impact then requiring remediation. The mitigation of human rights risks refers to actions taken to reduce the likelihood of a certain negative impact occurring.

**Network management services**
Services that can monitor and control the flow of data through a network.

**Negative human rights impact**
A “negative human rights impact” occurs when an action removes or reduces the ability of an individual to enjoy his or her human rights.

**Operational-level grievance mechanism**
An operational-level grievance mechanism (OLGM) is a formalised means for affected stakeholders to raise concerns about any impact they believe a company has had on them in order to receive remedy. Companies should establish or participate in effective OLGMs for stakeholders who may be negatively impacted by their activities, in order that grievances may be addressed early and remediated directly. Such mechanisms should not preclude access to judicial or other state-based processes, or undermine the role of legitimate trade unions. The mechanism should help to identify problems early, before they escalate, and provide solutions that offer remedy to anyone impacted. (See further “Effectiveness criteria for non-judicial grievance mechanisms”)

**Passive telecommunications network equipment**
This includes mobile phone towers/masts, fixed copper lines and fiber optic lines, which make up the core of a network.

**Potential human rights impact**
A “potential human rights impact” is a negative impact that may occur but has not yet done so.

**Prevention**
The prevention of negative a human rights impact refers to actions taken to ensure such impact does not occur.

**Privacy by design**
The concept of embedding privacy considerations in all stages of a product, service or technology’s life cycle (design to disposal), developed by the Information and Privacy Commissioner of Ontario, Canada and adopted as a global framework by the International Conference of Data Protection and Privacy Commissioners.

**Remediation/remedy**
Remediation and remedy refer to both the processes of providing remedy for an negative human rights impact and the substantive outcomes that can counteract, or make good, the negative impact. These outcomes may take a range of forms, such as apologies, restitution, rehabilitation, financial or non-financial compensation, and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.

**Right to privacy**
The protections against arbitrary, unreasonable or unlawful interference with a person’s privacy, family, home or correspondence, as well as attacks on their honour or reputation, contained in Articles 17 of the International Covenant on Civil and Political Rights and Article 12 of the Universal Declaration of Human Rights.

**Severe human rights impact**
The commentary to the Guiding Principles defines a severe human rights impact with reference to its scale, scope and irremediable character. This means that its gravity and the number of individuals that are or will be affected (for instance, from the delayed effects of environmental harm) will both be relevant considerations. Irremediability is the third relevant factor, used here to mean any limits on the ability to restore those affected to a situation at least the same as, or equivalent to, their situation before the impact. For these purposes, financial compensation is relevant only to the extent that it can provide for such restoration.
Stakeholder/affected stakeholder
A stakeholder refers to any individual who may affect or be affected by an organisation’s activities. An affected stakeholder refers here specifically to an individual whose human rights have been affected by a company’s operations, products or services. A potentially affected stakeholder is an individual whose human rights may be affected by the company’s operations, products or services.

Stakeholder engagement/consultation
Stakeholder engagement or consultation refers here to an on-going process of interaction and dialogue between a company and its potentially affected stakeholders that enables the company to hear, understand and respond to their interests and concerns, including through collaborative approaches.

State duty to protect
The state duty to protect requires that states take appropriate steps to prevent, investigate, punish and redress any human rights abuse by companies within their territory and/or jurisdiction through effective policies, legislation, regulations and adjudication.

Semiconductors
The essential component of microprocessor chips, which are found in thousands of electronic devices such as computers and mobile phones. They are almost always made of silicon.

Software
Software encompasses all technologies where features or functions can be changed or enabled simply through installation.

Throttle
The process of slowing down an Internet connection until it is almost unusable.

Tracking human rights performance
Tracking is the process by which a company monitors and evaluates whether it has responded effectively to human rights risks and impacts.

Uniform Resource Locator or "URL"
This can refer to any type of resource on the Internet such as web pages, services, files or programs.

Value chain
A business enterprise’s value chain encompasses the activities that convert input into output by adding value. It includes entities with which it has a direct or indirect business relationship and which either (a) supply products or services that contribute to the enterprise’s own products or services, or (b) receive products or services from the enterprise.

Vulnerability or marginalisation / Vulnerable or marginalised individuals or groups
Vulnerability can stem from an individual’s status or characteristics (e.g., race, colour, sex, language, religion, national or social origin, property, disability, birth, age or other status) or from their circumstances (e.g., poverty or economic disadvantage, dependence on unique natural resources, illiteracy, ill health). Those vulnerabilities may be reinforced through norms, societal practices, or legal barriers. Vulnerable or marginalised individuals typically experience negative impacts more severely than others. These individuals, or groups they are part of, may require specific, and if necessary separate, consultation and mitigation measures to ensure that negative impacts do not fall disproportionately on them, and are appropriately avoided, mitigated or compensated.

Web 2.0
This allows Internet users to move from being consumers of static web pages to being able to use more interactive services, and in many cases contribute to the shape and content of various services, such as managing blogs and video content in a more dynamic (opposite of static) way. It also includes the ability for multiple users to interact with each other by simultaneously communicating with the same service e.g. social networking.