

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/UDHRIndex.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 Organisation (ILO), 1998 Declaration on Fundamental Principles and Rights at Work: www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453911:NO

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
- ▶ The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/076/55/IMG/N9307655.pdf?OpenElement>

Regional Human Rights Standards

- ▶ African Charter on Human and Peoples' Rights: www.achpr.org/instruments/
- ▶ American Convention on Human Rights: www.cidh.oas.org/basicos/english/basic3.american%20convention.htm
- ▶ ASEAN Human Rights Declaration: www.asean.org/news/asean-statement-communiqués/item/asean-human-rights-declaration
- ▶ European Convention on Human Rights: www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additional+protocols/The+European+Convention+on+Human+Rights/

Key Resources on Business and Human Rights

UN Guiding Principles and Implementation

- ▶ UN:
 - “Protect, Respect and Remedy” Framework: www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf
 - Guiding Principles on Business and Human Rights: www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
 - Office of the High Commissioner for Human Rights (OHCHR), “Interpretive Guide to the Corporate Responsibility to Respect Human Rights”: www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf
 - Principles for Responsible Contracting: www.ohchr.org/Documents/Issues/Business/A.HRC.17.31.Add.3.pdf
 - Working Group on Business and Human Rights: www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx
- ▶ European Commission, “Introductory guide to human rights for smaller businesses”: http://ec.europa.eu/enterprise/policies/sustainable-business/corporate-social-responsibility/human-rights/index_en.htm

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
- ▶ OHCHR, List of Business and Human Rights Tools: www.ohchr.org/EN/Issues/Business/Pages/Tools.aspx

Other Relevant International and Regional Standards and Instruments

Relevant European Standards and Processes

- ▶ Council of Europe, Convention No 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data: <http://conventions.coe.int/Treaty/en/Treaties/Html/108.htm>
- ▶ European Commission:
 - Sectoral Social Dialogue for Agency Work: <http://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPagId=75>

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

▶ **European Union (EU):**

- Charter of Fundamental Rights: http://www.europarl.europa.eu/charter/pdf/text_en.pdf
- Employment Equality Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:NOT>
- Posted Workers Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996L0071:EN:HTML>
- Racial Equality Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:NOT>
- Temporary Agency Work Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:327:0009:0014:EN:PDF>

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
- ▶ OECD, Guidelines for Multinational Enterprises: www.oecd.org/daf/inv/mne/2011update.htm

Resources Relevant to ICT Companies

Key Sector-Specific Statements and Reports

- ▶ BSR:
 - “Protecting Human Rights in the Digital Age”: www.bsr.org/en/our-insights/report-view/protecting-human-rights-in-the-digital-age
 - “Applying the Guiding Principles on Business and Human Rights to The ICT Industry - Version 2.0: Ten Lessons Learned”: www.bsr.org/reports/BSR_Guiding_Principles_and_ICT_2.0.pdf
- ▶ Ministry of Foreign Affairs of Sweden, “Enhancing Internet Freedom and Human Rights Through Responsible Business Practices”: www.government.se/sb/d/574/a/190560
- ▶ OECD, “Guide To Measuring the Information Society”: <http://browse.oecdbookshop.org/oecd/pdfs/free/9311021e.pdf>

Relevant ICT Initiatives

- ▶ Electronic Industry Citizenship Coalition (EICC): www.eicc.info
- ▶ Global e-Sustainability Initiative (GESI): <http://gesi.org>
- ▶ Global Network Initiative (GNI):
 - “Principles on Freedom of Expression and Privacy”: www.globalnetworkinitiative.org/principles/index.php
 - “Implementation Guidelines”: <http://globalnetworkinitiative.org/implementationguidelines/index.php>
 - “Governance, Accountability and Learning Framework”: <http://globalnetworkinitiative.org/governanceframework/index.php>
- ▶ Telecommunications Industry Dialogue on Freedom of Expression and Privacy, “Guiding Principles”: www.teliasonera.com/Documents/Public_policy_documents/Telecoms_Industry_Dialogue_Principles_Version_1_-_ENGLISH.pdf

Resources for Each Specific Section of the Guide

I. Developing a Policy Commitment

- ▶ BLIHR, OHCHR, UN Global Compact, “Policies” section in “A guide for integrating human rights into business management”: www.integrating-humanrights.org/policies_home
- ▶ Monash University et al, “Human Rights Translated: A Business Reference Guide”: www2.ohchr.org/english/issues/globalization/business/docs/Human_Rights_Translated_web.pdf
- ▶ OHCHR, UN Global Compact, “Human Rights and Business Learning Tool”: <http://human-rights-and-business-learning-tool.unglobalcompact.org/>
- ▶ UN Global Compact, “How to develop a human rights policy: A guide for business”: www.ohchr.org/Documents/Publications/DevelopHumanRightsPolicy_en.pdf

II. Assessing Human Rights Impacts

- ▶ Aim for Human Rights, “Guide to Corporate Human Rights Impact Assessment Tools”: www.humanrightsimpact.org/fileadmin/hria_resources/Business_centre/HRB_Booklet_2009.pdf
- ▶ Danish Institute for Human Rights, “Compliance Assessment and Risk Framework” www.humanrightsbusiness.org/compliance+assessment
- ▶ IndustriALL, ITUC and Clean Clothes, “The UN GPs and the human rights of workers to form or join unions and bargain collectively”: www.cleanclothes.org/resources/ccc/working-conditions/ituc-industriall-ccc-and-uni-submission-to-un-working-group-on-business-and-human-rights
- ▶ Institute for Human Rights an Business (IHRB) and Global Business Initiative on Human Right (GBI), “State of Play: The Corporate Responsibility to Respect in Business Relationships”: www.ihrb.org/publications/reports/state-of-play.html
- ▶ International Business Leaders Forum, IFC and UN Global Compact, “Guide to Human Rights Impact Assessment and Management”: www1.ifc.org/wps/wcm/connect/Topics_Ext_Content/IFC_External_Corporate_Site/Guide+to+Human+Rights+Impact+Assessment+and+Management
- ▶ UN Global Compact Network Netherlands, “How to do business with respect for human rights; A guidance tool for companies”: www.gcnetherlands.nl/report_business_human_rights.htm
- ▶ UN Global Compact:
 - Human Rights and Business Dilemmas Forum: <http://human-rights.unglobalcompact.org>
 - “Business Guide for Conflict Impact Assessment & Risk Management”: www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/BusinessGuide.pdf
 - The Women’s Empowerment Principles: www.unglobalcompact.org/Issues/human_rights/equality_means_business.html
 - UNICEF, UN Global Compact, Save the Children, Children’s Rights and Business Principles: www.unicef.org/csr/12.htm

Country Risk Analysis

- ▶ Amnesty International, Country Reports: www.amnestyusa.org/our-work/countries
- ▶ Danish Institute for Human Rights, Country Risk Assessment Portal (forthcoming): www.humanrightsbusiness.org/country+portal
- ▶ Freedom House, Freedom in the World Country Reports: www.freedomhouse.org/report/freedom-world/freedom-world-2012
- ▶ Human Rights Resource Center, ASEAN baseline Rule of Law report: http://hrrca.org/system/files/Rule_of_Law_for_Human_Rights_in_the_ASEAN_Region.pdf
- ▶ Human Rights Watch, World Reports: www.hrw.org/publications

- ▶ ILO, Country information: www.ilo.org/normlex
- ▶ Family Online Safety Institute (FOSI), The Grid, Impacts on children: www.fosigrd.org
- ▶ Transparency International, Corruptions Perception Index: www.transparency.org/research/cpi/overview
- ▶ UNDP, Human Development Index: <http://hdr.undp.org/en/statistics/hdi/>
- ▶ US State Department, Annual Human Rights Reports: www.state.gov/j/drl/rls/hrrpt/
- ▶ World Bank, Worldwide Governance Indicators: http://info.worldbank.org/governance/wgi/sc_country.asp

Dual Use and Surveillance Technologies

- ▶ Access Now et al, “Comments Regarding Sensitive Technologies Guidance”: http://oti.newamerica.net/publications/resources/2013/comments_regarding_sensitive_technologies_guidance
- ▶ Electronic Frontiers Foundation, “Human Rights and Technology Sales: How Corporations can Avoid Assisting Repressive Regimes”: www.eff.org/sites/default/files/filenode/human-rights-technology-sales.pdf
- ▶ European Commission, “Trade Topics: Dual Use”: <http://ec.europa.eu/trade/creatingopportunities/trade-topics/dual-use/>
- ▶ European Commission, “Strategic Export Controls: Ensuring Security and Competitiveness in a Changing World”: http://trade.ec.europa.eu/doclib/docs/2013/january/tradoc_150449.pdf
- ▶ European Commission, The Dual-Use Export Control System of the European Union: Ensuring Security and Competitiveness in a Changing World”: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148020.pdf
- ▶ EU Surveille Project: www.surveille.eu
- ▶ Open Net Initiative, “West Censoring East: The Use of Western Technologies by Middle East Censors” <http://opennet.net/west-censoring-east-the-use-western-technologies-middle-east-censors-2010-2011>
- ▶ US Department of Commerce, “Best Practices for Preventing Unlawful Diversion of US Dual-Use Items subject to the Export Administration Regulations, Particularly through Transshipment Trade”: www.bis.doc.gov/complianceandenforcement/bestpractices.htm
- ▶ Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Good and Technologies: www.wassenaar.org/2003Plenary/initial_elements2003.htm

Manufacturing

- ▶ CAFOD, “Clean Up Your Computer: Working Conditions in the Electronics Sector “: http://goodelectronics.org/publications/Publication_854
- ▶ CEREAL, “Electronics, Multinationals and Labour Rights in Mexico”: http://goodelectronics.org/publications/Publication_2281
- ▶ Richard Locke, Matthew Amengual, Akshay Mangla, “Virtue Out of Necessity? Compliance, Commitment and the Improvement of Global Labour Supply Chains”, *Politics and Society*, 37(3), 2009.
- ▶ SOMO, “CSR Issues in the ICT Hardware Manufacturing Sector”: http://somo.nl/publications-nl/Publication_476-nl

Conflict Minerals

- ▶ The Conflict Free Gold Standard developed by the World Gold Council: www.gold.org/about_gold/sustainability/conflict_free_standard/
- ▶ The Conflict-free Tin Initiative: <http://solutions-network.org/site-cfti/>
- ▶ EICC and GeSI, Conflict Free Smelter Program: <http://www.conflictreesmelter.org>
- ▶ ILO-IPEC, “Mining and Quarrying” (on the issue of child labour in mining): www.ilo.org/ipec/areas/Miningandquarrying/lang--en/index.htm
- ▶ International Conference of the Great Lakes Region, Minerals certification mechanism: <https://icglr.org/spip.php?article94>

- ▶ The ITRI Tin Supply Chain Initiative (iTSCI): www.itri.co.uk/index.php?option=com_zoo&task=item&item_id=2192&Itemid=189
- ▶ OECD, “OECD Due Diligence Guidance for Responsible Supply Chains of Minerals for Conflict-Affected and High-Risk Areas”: www.oecd.org/corporate/guidelinesformultinationalenterprises/46740847.pdf,
- ▶ 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

- ▶ The EU Waste Electrical and Electronic Equipment (WEEE) Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:197:0038:0071:EN:PDF>
- ▶ ILO, “The Global Impact of e-Waste: Addressing the Challenge”: www.ilo.org/sector/Resources/publications/WCMS_196105/lang--en/index.htm
- ▶ MakeITFair, “What A Waste: How Your Computer Causes Health Problems in Ghana”: <http://makeitfair.org/en/the-facts/reports/2011/2011/what-a-waste>

Stakeholder Engagement

- ▶ AccountAbility, UNEP, Stakeholder Researchers Canada:
 - Stakeholder Engagement Manual, Volume 1: www.accountability.org/images/content/2/0/207.pdf
 - Stakeholder Engagement Manual, Volume 2: www.accountability.org/about-us/publications/the-stakeholder.html
- ▶ IFC, “Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets”: www1.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publications/publications_handbook_stakeholderengagement_wci_1319577185063
- ▶ UN Global Compact, “Stakeholder Engagement” page (contains a number of resources and tools): www.unglobalcompact.org/Issues/human_rights/Tools_and_Guidance_Materials.html#stakeholder

III. Integrating & Acting

Freedom of Expression and Privacy

- ▶ Chilling Effects: www.chillingeffects.org
- ▶ GNI, “Digital Freedoms in International Law”: https://globalnetworkinitiative.org/sites/default/files/Digital_Freedoms_in_International_Law.pdf
- ▶ Information and Privacy Commissioner, Ontario, Canada, “Operationalising Privacy By Design: A Guide to Implementing Strong Privacy Practices”: www.privacybydesign.ca/index.php/paper/operationalizing-privacy-by-design-a-guide-to-implementing-strong-privacy-practices/
- ▶ Erica Newland, Caroline Nolan, Cynthia Wong and Jillian York, “Account Deactivation and Content Removal: Guiding Principles and Practices for Companies and Users”: http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/Final_Report_on_Account_Deactivation_and_Content_Removal.pdf
- ▶ Open Society Institute, “Internet blocking: Balancing cybercrime responses in democratic societies”: www.aconite.com/sites/default/files/Internet_blocking_and_Democracy.pdf
- ▶ OSCE Representative on Freedom of the Media, “Freedom of Expression on the Internet: A Study of Legal Provisions and Practices Related to Freedom of Expression, the Free Flow of Information and Media Pluralism on the Internet in OSCE Participating States”: www.osce.org/fom/80723
- ▶ The Silicon Valley Standard: www.accessnow.org/blog/the-silicon-valley-standard

- ▶ UNESCO, “Global Survey on Internet Privacy and Freedom of Expression 2012”: <http://unesdoc.unesco.org/images/0021/002182/218273e.pdf>
- ▶ UN General Assembly, “Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue” (2011): <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/132/01/PDF/G1113201.pdf?OpenElement>
- ▶ US Federal Trade Commission, “Protecting Personal Information: A Guide For Business”: <http://business.ftc.gov/documents/bus69-protecting-personal-information-guide-business>
- ▶ World Economic Forum, “Rethinking Personal Data”: www.weforum.org/issues/rethinking-personal-data

Intermediary Liability

- ▶ Center for Democracy and Technology (CDT), “Intermediary Liability: Protecting Internet Platforms for Expression and Innovation”: www.cdt.org/paper/intermediary-liability-protecting-internet-platforms-expression-and-innovation
- ▶ Centre for Internet and Society (CIS), “Intermediary Liability in India: Chilling Effects on Free Expression on the Internet”: <http://cis-india.org/internet-governance/intermediary-liability-in-india.pdf>
- ▶ European Digital Rights Initiative (EDRI), “The Slide from “Self-Regulation” to Corporate Censorship”: www.edri.org/files/EDRI_selfreg_final_20110124.pdf
- ▶ 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
 - “Principles for Internet Policy Making”: www.oecd.org/sti/ieconomy/49258588.pdf
- ▶ World Intellectual Property Organisation (WIPO), “Internet Intermediaries and Creative Content”: www.wipo.int/copyright/en/internet_intermediaries/index.html

Responding to Requests related to Personal Information and Content

- ▶ Council of Europe, “Guidelines for the Cooperation Between Law Enforcement and Internet Service Providers Against Cybercrime”: www.ifap.ru/library/book294.pdf
- ▶ GNI, “Principles on Freedom of Expression and Privacy”: www.globalnetworkinitiative.org/principles/index.php and Implementation Guidelines: <http://globalnetworkinitiative.org/implementationguidelines/index.php>
- ▶ The Berkman Centre for Internet and Society, “Account Deactivation and Content Removal: Guiding Principles and Practices for Companies and Users”: http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/Final_Report_on_Account_Deactivation_and_Content_Removal.pdf

Migrant and Agency Workers

- ▶ EU, Temporary Agency Work Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:327:0009:0014:EN:PDF>
- ▶ ILO
 - Convention No 97 (and Recommendation No 86) www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312242:NO and Convention No 143 (and Recommendation No 151) relevant to migrant workers
 - Convention No 181: www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::55:P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C181,/Document and Recommendation No 188 on employment and recruitment agencies: www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312288:NO

- Convention No 189 on domestic workers: www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:2551460:NO
- ▶ 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
- ▶ Fair Labor Association, Code of Conduct, “Employment Practices”. www.fairlabor.org/sites/default/files/fla_complete_code_and_benchmarks.pdf
- ▶ Global Business Coalition Against Trafficking: www.gbcat.org
- ▶ ILO, “Combating forced labour: A handbook for employers and business”: www.ilo.org/sapfl/Informationresources/ILOPublications/WCMS_101171/lang--en/index.htm
- ▶ Institute for Human Rights & Business, “The Dhaka Principles for Migration with Dignity”: www.dhaka-principles.org/
- ▶ Make IT Fair & Good Electronics, “Report of Roundtable for the Electronics Industry and Civil Society Organisations: Improving Labour Standards in the Global Electronics Industry, Defining Strategies that Work”: <http://makeitfair.org/en/companies/dialogue-with-companies/dialogue-with-companies/round-table-report-may-09>
- ▶ SOMO, “Temporary Agency Work in the Electronics Sector”: <http://makeitfair.org/en/the-facts/reports/temporary-agency-work-in-the-electronics-sector>
- ▶ UN Global Initiative to Fight Human Trafficking: www.ungift.org
- ▶ Verité, “Fair Hiring Toolkit”: www.verite.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
- ▶ Financial Coalition Against Child Pornography: www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PagelD=3703
- ▶ ITU, “Guidelines for Industry on Child Protection Online”: www.itu.int/osg/csd/cybersecurity/gca/cop/guidelines/industry/industry.pdf
- ▶ UNICEF, UN Global Compact, Save the Children, “Children’s Rights and Business Principles”: www.unicef.org/csr/12.htm
- ▶ 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
- ▶ US Federal Trade Commission, “Information about US Children’s Online Privacy Protection Act”: <http://business.ftc.gov/privacy-and-security/children%E2%80%99s-privacy>

Collaborative Action in Supply Chains

- ▶ BSR, “HerProject: Investing in Women for a Better World”: www.herproject.org/downloads/BSR_HERproject_Investing_In_Women.pdf
- ▶ The IDH Electronics Program: www.infactory-solutions.com/idh/en/home
- ▶ The Protocol on Freedom of Association in Indonesia: www.ituc-csi.org/IMG/pdf/FOA_Protocol_English_translation_May_2011.pdf

Operating in High-Risk Areas

- ▶ Danish Institute of Human Rights, “Decision Map: Doing Business in High-Risk Human Rights Environments”: www.humanrightsbusiness.org/files/
- ▶ Human Rights First, “A Campaign Against Dissent: Selective Enforcement of Antipiracy Laws in Russia”: www.humanrightsfirst.org/wp-content/uploads/pdf/HRF-Msoft-Russia-report.pdf
- ▶ International Alert and Fafo, “Red Flags: Liability Risks for Companies Operating in High-Risk Zones”: www.redflags.info
- ▶ International Committee of the Red Cross (ICRC), “Business and International Humanitarian Law: An Introduction to the Rights and Obligations of Business Enterprises under International Humanitarian Law”: www.icrc.org/eng/resources/documents/publication/p0882.htm
- ▶ Institute for Human Rights and Business, “Red Flags to Green Flags: The Corporate Responsibility to Respect Human Rights in High-Risk Countries”: www.ihrb.org/news/2011/from_red_to_green_flags.html
- ▶ OECD
 - “OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones”: www.oecd.org/daf/inv/mne/weakgovernancezones-riskawarenesstoolformultinationalenterprises-oecd.htm
 - “OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas”: www.oecd.org/investment/mne/46740847.pdf
- ▶ 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_doc/Peace_and_Business/Guidance_RB.pdf
- ▶ UN SRSG, “Business and Human Rights in Conflict-Affected Regions: Challenges and Options Towards State Responses”, (May 2011, A/HRC/17/32) www.business-humanrights.org/media/documents/ruggie/report-business-human-rights-in-conflict-affected-regions-27-may-2011.pdf

IV. Tracking

- ▶ Ethical Trading Initiative, Base Code www.ethicaltrade.org/eti-base-code
- ▶ Fair Labor Association, “Workplace Code of Conduct”: www.fairlabor.org/our-work/labor-standards and Principles of Fair Labour and Responsible Sourcing: www.fairlabor.org/sites/default/files/fla_principles_of_fair_labor_responsible_sourcing.pdf
- ▶ GNI:
 - Principles on Freedom of Expression and Privacy www.globalnetworkinitiative.org/principles/index.php and
 - Implementation Guidelines <http://globalnetworkinitiative.org/implementationguidelines/index.php>
- ▶ Global Reporting Initiative, “G4 Sustainability Reporting Guidelines”: www.globalreporting.org/reporting/g4/Pages/default.aspx, and pilot version of guidance for the telecommunications sector www.globalreporting.org/reporting/sector-guidance/pilot-versions/telecommunications/Pages/default.aspx

V. Communicating

- ▶ EICC and GeSI, “Conflict Minerals Reporting Template”: www.conflictreesmelter.org/ConflictMineralsReportingTemplateDashboard.htm
- ▶ Global Information Society Watch, “Don’t censor censorship: Why Transparency is Essential to Democratic Discourse”: www.giswatch.org/sites/default/files/gisw_12_in_preview_web.pdf
- ▶ Global Reporting Initiative, “G4 Sustainability Reporting Guidelines”: www.globalreporting.org/reporting/g4/Pages/default.aspx, and pilot version of guidance for the telecommunications sector www.globalreporting.org/reporting/sector-guidance/pilot-versions/telecommunications/Pages/default.aspx
- ▶ SEC Final Rule, Section 1502 of the Dodd-Frank Act www.sec.gov/news/press/2012/2012-163.htm

VI. Remedy and Operational-Level Grievance Mechanisms

Reports

- ▶ Access, Telco Remedy Plan: www.accessnow.org/telco-remedy-plan. CEREAL, “Labour Rights in a Time of Crisis, p 25.” <http://goodelectronics.org/news-en/labour-rights-in-time-of-crisis-new-report-by-the-mexican-labour-rights-organisation>
- ▶ CSR Europe, “Company mechanisms for addressing human rights complaints (draft)”: www.csreurope.org/data/files/Publications/Company_Mechanisms_for_Addressing_Human_Rights_Complaints_CSR_Europe_Draft_report.pdf
- ▶ CSR Initiative, Harvard Kennedy School, “Rights-Compatible Grievance Mechanisms”: www.hks.harvard.edu/m-rcbg/CSRI/publications/Workingpaper_41_Rights-Compatible%20Grievance%20Mechanisms_May2008FNL.pdf
- ▶ EU-US “Safe Harbour Seven Privacy Principles”: http://export.gov/safeharbor/eu/eg_main_018476.asp
- ▶ International Federation for Human Rights (FIDH), “Corporate Accountability for Human Rights Abuses”: www.fidh.org/IMG/pdf/guide_entreprises_uk-intro.pdf
- ▶ UN SRSG, Addendum to the Guiding Principles, “Piloting principles for effective company/stakeholder grievance mechanisms: A report of lessons learned” (May 2011, A/HRC/17/31/Add.1): www.ohchr.org/Documents/Issues/Business/A-HRC-17-31-Add1.pdf, undertaken by the CSR Initiative, Harvard Kennedy School.
- ▶ UN, “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”: www.unhcr.org/refworld/docid/4721cb942.html

Institutions/Organisations

- ▶ ACCESS Facility: www.accessfacility.org
- ▶ National Human Rights Institutions: <http://nhri.ohchr.org/EN/Pages/default.aspx>
- ▶ 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 has 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.

