



Legitimate and Meaningful

Stakeholder Engagement in Human Rights Due Diligence:
Challenges and Solutions for ICT Companies

BSR, with CDT
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About This Working Paper

This working paper was written by Dunstan Allison-Hope and Faris Natour at BSR, with additional guidance, perspectives, and insights from Jim Dempsey, Emma Llanso, and Emily Barabas at the Center for Democracy and Technology (CDT). It was commissioned and funded by Microsoft's Technology and Human Rights Center, though all final content decisions were made by BSR.

The purpose of this paper is to address the challenges faced by information and communications technology (ICT) companies seeking to apply Principle 18 of the UN Guiding Principles on Business and Human Rights (UNGPs) by integrating rights holder engagement into their human rights due diligence.

In particular, this paper focuses on **who** companies should engage with and **how** they should engage, with an emphasis on specific human rights—privacy, security, and freedom of expression—where engagement with **users of ICT** is especially challenging. While engagement with other potentially impacted groups, such as employees and workers in the supply chain, is also important, this paper focuses on users of ICT products and services.

This working paper is particularly relevant for ICT companies undertaking human rights due diligence, third parties undertaking due diligence on behalf of companies, and stakeholders participating in said due diligence. Our premise is that meaningful engagement with rights holders needs to play a much greater role in human rights due diligence, and we set out approaches to achieve that goal.

To inform and shape this paper, Microsoft and BSR hosted roundtables (in Berlin, Brussels, San Francisco and Singapore) to serve as focus groups with more than 80 experts on human rights and ICT from academia, business, government, the investment community, and civil society.

BSR also undertook interviews with leading individuals and organizations working on ICT and human rights, as well as a literature review of relevant industry guides and reports on human rights. These sources are listed in the appendix.

Finally, this paper also draws upon BSR's direct experience undertaking around 15 human rights due diligence assessments with ICT companies since the publication of the UNGPs in 2011. These engagements have been undertaken across different segments of the ICT industry, including software, hardware, telecommunications services, network equipment, cloud computing, and entertainment. They have also varied in scope—sometimes, they have focused on an entire company, while at other times, they have targeted a specific market, product line, or business partner. Our work conducting local community engagement in the energy, extractives, and agricultural industries also provided key insights that can be applied to the ICT industry.

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BSR is a global nonprofit organization that works with its network of more than 250 member companies to build a just and sustainable world. From its offices in Asia, Europe, and North America, BSR develops sustainable business strategies and solutions through consulting, research, and cross-sector collaboration. Visit www.bsr.org for more information about BSR's more than 20 years of leadership in sustainability.

ABOUT CDT

CDT is a global civil liberties and human rights organization with a mission to keep the internet open, innovative, and free. Since the internet's infancy, CDT has played a leading role in shaping the policies, practices, and norms that have supported internet openness and empowered individuals to more effectively use the internet as speakers and active citizens.

ABOUT THE MICROSOFT TECHNOLOGY AND HUMAN RIGHTS CENTER

The center exists to advance understanding of the human rights impact of information and communications technology (ICT). Inside Microsoft, the center promotes the integration of human rights into the company's culture, business operations, and strategies through the implementation of Microsoft's Global Human Rights Statement. Externally, the center advances public understanding of human rights implications of ICT by exploring the role of business in driving respect for human rights and fostering dialogue on issues related to human rights and technology.

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Introduction

How should an ICT company engage with rights holders when it may have hundreds of millions (or even billions) of users spread across the world using diverse products, services, technologies, and applications in vastly different human rights environments?

ICT companies that seek to undertake effective, proactive, and inclusive human rights due diligence face this central question. It is, therefore, the main challenge that Microsoft asked BSR and the participants in the expert roundtables to explore while researching this paper.

Effective human rights due diligence requires meaningful engagement with “rights holders,” people whose human rights may be impacted by a particular company. By adopting an inclusive approach to engaging rights holders, companies will be able to identify human rights impacts and develop effective approaches to address them.

Principle 18 of the UNGPs is important in this context because it provides high-level direction for how companies should engage with human rights stakeholders:

*To enable business enterprises to assess their human rights impacts accurately, they should seek to **understand the concerns of potentially affected stakeholders by consulting them directly** [our emphasis] . . . In situations where such consultation is not possible, business enterprises should consider reasonable alternatives such as consulting credible, independent expert resources, including human rights defenders and others from civil society.¹*

Endorsed by the UN Human Rights Council in June 2011, the UNGPs have emerged as the global standard for preventing and addressing human rights risks resulting from business activities. The UNGPs establish clarity in three areas:

- » The **state duty to protect** human rights, through appropriate policies, regulation, and adjudication.
- » The **corporate responsibility to respect** human rights, by acting with due diligence to avoid infringing on human rights and to address adverse impacts.
- » The need for **access to effective remedy**, through judicial, administrative, legislative, or other means, for victims of corporate-related abuse.

In March 2013, BSR published a report entitled “Conducting an Effective Human Rights Impact Assessment,”² which included eight guidelines for conducting

¹ UNGPs, Commentary to Principle 18, www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (PDF).

² BSR, “Conducting an Effective Human Rights Impact Assessment,” March 2013 www.bsr.org/reports/BSR_Human_Rights_Impact_Assessments.pdf (PDF).

effective human rights due diligence assessments, practical examples from our work, and step-by-step guidance for application by companies.

For ICT companies to implement the UNGPs, it is important that these assessments address certain industry-specific issues, such as privacy, security, and freedom of expression. For this reason, BSR has published two reports focused on human rights in the ICT industry, “Protecting Human Rights in the Digital Age”³ and “Applying the UN Guiding Principles on Business and Human Rights to the ICT Industry.”⁴

However, since these reports were published, it has become clear to the groups undertaking these assessments that they must integrate legitimate and meaningful stakeholder engagement to ensure their long-term credibility, value, and effectiveness.

Who to Engage

It is notable that Principle 18 starts with the assumption that businesses should understand the perspectives of rights holders by “consulting them directly,” and that alternatives such as “independent expert resources” and “others from civil society” are referenced for situations where direct consultation with stakeholders is not possible. This distinction about *who to engage* is important for the remainder of this paper—especially given the ever expanding number of ICT users and their dispersal across vastly different human rights environments.

This paper focuses on who to engage as it relates to users’ rights to privacy, security, and freedom of expression. While engagement with other potentially impacted groups, such as employees and workers in the supply chain, is also important, this paper focuses on users of ICT products and services and the specific challenges companies face in engaging them.

How to Engage

In addition to *who to engage*, many ICT companies face significant challenges when determining *how to engage* in ways that effectively and accurately identify risks to rights holders and strategies to mitigate them. This paper puts forward several lessons learned and proposals for *how to engage* to effectively identify human rights risks in a timely manner and provide value for both companies and their stakeholders.

Our premise is that meaningful engagement with rights holders needs to play a much greater part in human rights due diligence. This paper aims to set out approaches to achieve exactly that.

³ BSR, “Protecting Human Rights in the Digital Age,” February 2011, www.bsr.org/reports/BSR_Protecting_Human_Rights_in_the_Digital_Age.pdf (PDF).

⁴ BSR, “Applying the UN Guiding Principles on Business and Human Rights to the ICT Industry,” September 2012, www.bsr.org/reports/BSR_Guiding_Principles_and_ICT_2.0.pdf (PDF).

2. Problem Statement

Engaging with rights holders directly is a feasible activity for many companies in many scenarios—a manufacturing company interviewing workers in a supplier factory about labor rights, for example, or a mining company engaging with local communities about sensitive issues such as land rights. While by no means simple, these scenarios benefit from clearly defined groups of rights holders, as well as from tried and tested engagement methodologies.

In the ICT industry, however, some of the most important human rights impacts arise not from company operations or supply chains (though impacts do occur there, of course) but from the use of company products, services, technologies, and applications by their users, and by the efforts of some governments to restrict users' rights. Examples include governments ordering companies to restrict access to content or remove it altogether.

However, this industry characteristic generates challenges of volume and geography: The number of product, service, and application users can dwarf the number of employees or members of a local community, and they are typically dispersed around dozens of countries with varying degrees of human rights risks—some ICT companies have users in almost every country in the world.

For example, as of March 31, 2014, Facebook reported 1.28 billion monthly active users,⁵ Twitter reported more than 255 million,⁶ and Microsoft has hundreds of millions of accounts across its various services. Every minute, 100 hours of video are uploaded to YouTube,⁷ while more than 5.9 billion Google searches are performed every day.⁸ There are more than 3.5 billion unique mobile subscribers worldwide, and the world's 10 largest telecommunications companies each have more than 200 million subscribers.⁹

Every one of these individual users is a rights holder because their human rights could be at risk of infringement in ways that are linked to the product or service they use, such as when a government request for their personal data infringes on their right to privacy, or the removal of their content violates their right to freedom of expression.

Moreover, a single product, service, or application may be used in many different ways, and governments may respond quite differently to various uses and users. Some users may never experience a direct impact on their human rights, while others may face harsh governmental responses up to and including imprisonment and forced disappearance.

This sheer volume of users—combined with the widespread embrace of ICT in countries of divergent human rights risks and compounded by the diversity of ICT products, services, and technologies—creates a unique human rights challenge for the industry, and a key question for this paper:

⁵ Facebook, "Investor Relations," 2014, <http://investor.fb.com/releasedetail.cfm?ReleaseID=842071>.

⁶ Twitter, "Twitter Reports First Quarter 2014 Results," April 2014, <https://investor.twitterinc.com/releasedetail.cfm?ReleaseID=843245>.

⁷ YouTube, "Statistics," www.youtube.com/yt/press/statistics.html.

⁸ Statistic Brain, "Google Annual Search Statistics," www.statisticbrain.com/google-searches/.

⁹ Wikipedia, "List of Mobile Network Operators," http://en.wikipedia.org/wiki/List_of_mobile_network_operators.

How should a company engage with rights holders when it may have hundreds of millions (or even billions) of users spread across the world using diverse products, services, technologies, and applications in vastly different human rights environments?

Over the past three years, BSR has completed around 15 different human rights due diligence assessments for ICT sector companies. These assessments have varied in scope; sometimes, they have focused on an entire company, while at other times, they have targeted a specific market, product line, or business partner. But they've all had one challenge in common: Meaningful engagement with rights holders of the type envisioned by the UNGPs is very difficult to achieve in practice.

During this time, we have also witnessed a wide range of innovative approaches to rights holder engagement and many methods worth sharing and replicating. We believe that now is the perfect time to review the industry's progress, understand the current state of play, and identify the lessons that the ICT companies leading the way in this field have learned.

Principles for Meaningful Engagement

The who and how aspects of rights holder engagement will take significant time to resolve. However, our research (including roundtables, expert interviews, and reflections on BSR's direct experience) informed the following eight principles for meaningful engagement:

1. **Timely:** Engagement should be conducted in a timely manner to ensure that the perspectives of rights holders can inform those business decisions that may impact their rights.
2. **Representative:** The engagement should be structured in a way that enables the perspective of diverse stakeholders to be considered, including both rights holders and intermediary stakeholders and both technology and human rights experts.
3. **Inclusive:** Companies should ensure that the engagement reaches particularly vulnerable groups, such as human rights defenders and political dissidents, but also women, young people, minorities, and indigenous communities.
4. **Respectful:** Respect is an important foundation of the international human rights framework. In the context of stakeholder engagement, respect means listening as well as sharing and using an engagement approach that is culturally sensitive and accessible to all participants.
5. **Focused:** The engagement should be focused on the most relevant human rights issues. Being focused ensures that the company obtains the necessary input into the business decisions that are the subject of the due diligence, and it helps avoid misaligned expectations.
6. **Committed:** Company participants in the engagement should collectively possess the necessary company, product, and human rights knowledge, and the ability to make or influence relevant company decisions.
7. **Safe:** For many of the most vulnerable rights holders, such as human rights defenders or political activists, participation in the engagement could put them at risk for further human rights abuses. The safety of all participants is an important consideration in the design and execution of the engagement.
8. **Candid:** The process of selecting participants should be transparent, and the engagement notes, actions, and outcomes should be shared with participants. Where full disclosure to the wider public is impossible given potential risks to participants and confidentiality of business decisions, summary outcomes should be disclosed.

Legitimate Representation: The Who

When considering stakeholder engagement in human rights due diligence, it is helpful to distinguish between “rights holders” and “intermediary stakeholders”:

- » **Rights holders** are the individuals whose human rights could be directly impacted. They interact with the company and its products and services on a day-to-day basis, typically as employees, customers, or users.
- » **Intermediary stakeholders** include individuals and organizations informed about and capable of speaking on behalf of rights holders, such as civil society organizations, activist groups, academics, opinion formers, and policy makers.

The users of ICT products, services, and technologies would clearly be categorized as “rights holders,” while some human rights defenders and organizations—especially those connected to a particular country or with local employees—would clearly be both “rights holders” and “intermediary stakeholders.”

While the UNGPs expect companies to first try to engage directly with rights holders, there could be very legitimate reasons for engaging with intermediary stakeholders. In addition to solving the math problem—company engagement with rights holders can be challenging given their sheer number—intermediary stakeholders may have skills, capabilities, policy knowledge, and insights that individual users may not. They may also be in a better position to speak more freely and be more candid given that some human rights activists may be putting themselves at risk by communicating directly with companies.

Moreover, deciding which stakeholders to consult should be viewed as an “and question” rather than an “or question”—stakeholder dialogue can include both rights holders and intermediary stakeholders, and is about consulting with a broad enough range of stakeholders to make informed decisions.

However, intermediary stakeholders must be evaluated across three important criteria:

- » **Legitimate representation**, especially those characteristics that indicate credibility and authority.
- » **Stakeholder diversity**, especially the need to engage in ways that uncover a range of perspectives and insights.
- » **Multistakeholder infrastructure**, such as appropriate funding, resourcing, and networking of stakeholders.

If company engagement with stakeholders is to be meaningful, credible, and effective—and consistent with the UNGPs—then it is important that it addresses certain key questions. BSR and CDT generated the following questions after reflecting on our experience putting the UNGPs into practice with ICT companies, and these questions were considered in the roundtables and expert interviews.

Stakeholder Legitimacy

Key Questions to Address

- » *What characteristics define the rights holders and intermediary stakeholders that companies should engage with?*
- » *How can companies understand which intermediary stakeholders legitimately represent rights holders? How can they know if intermediary stakeholders fully understand and represent the concerns and perspectives of rights holders?*
- » *How can an ICT company zoom in on the very small percentage of the overall rights holder community who face the greatest risks? Are they identifiable? If so, how?*

“Companies should identify and build trusting relationships with stakeholders targeted at dealing with real risks and real issues.”

—Civil society organization

“This can be a great challenge, since these rights holders are not found in conventional business meetings, but in a very different local context.”

—Company

Once the purpose of a due diligence engagement has been established, the next critical question for the company is typically to identify whom they will engage.

This step can be easier in some contexts than others. For example, in the telecoms industry, it is often fairly easy to identify rights holders (since they are usually direct customers and in one bounded geographical location), whereas, in a business-to-business setting, the company itself is often removed several layers from the actual rights holder, and may be spaced across multiple regions or countries. For many companies in the internet industry, rights holders could be anywhere, often in countries where the company has little or no physical presence.

It is our premise that, when identifying stakeholders, companies are wise to seek a mix of *experience* and *expertise*, and employ what one interviewee called a “preferential option for the vulnerable,” such as human rights defenders, political dissidents, women, young people, minorities, and indigenous communities—a preference clearly stated in the UNGPs.¹⁰

EXPERIENCE

Principle 18 of the UNGPs focuses on the notion that companies should engage directly with rights holders. In our own due diligence work, we have found it helpful to focus on the specific rights in question (such as privacy, labor rights, or freedom of expression) and identify rights holders who have had direct experience with those rights being violated.

For example, when a company considers an investment in a high-risk country with a history of imprisoning activists for their speech or political activities, it is very important to engage with rights holders who have been imprisoned or otherwise faced punishment for exercising those same rights. Selecting such people injects a crucial real-life element into the engagement, since these are the very people (the rights holders) whose rights are most at stake.

As one interviewee emphasized, “Companies should identify and build trusting relationships with stakeholders targeted at dealing with real risks and real issues.” But as another interviewee explained, “This can be a great challenge, since these rights holders are not found in conventional business meetings, but in a very different local context.” And a roundtable participant highlighted,

¹⁰ UNGPs, Commentary to Principle 18, www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (PDF).

“Stakeholders will vary wildly in different regions, countries, and cultures.” The types of rights holders selected would be very different in the U.K. when compared to the Ukraine or Myanmar, for example.

The search for stakeholders with experience (or risk) of human rights infringement is often necessarily very local, requires equally local knowledge, and often depends on existing relationships with trusted intermediaries. Victims of human rights abuse are often hesitant to speak up about their experiences, especially to people outside of their trusted circle. Obtaining the necessary local knowledge and relationships can be difficult, especially if the company has few employees on the ground.

EXPERTISE

For these reasons, it may be difficult to engage directly with rights holders. Moreover, real-life *experience* doesn’t always translate into *expertise* when it comes to some of the policy, process, and strategy questions that are often at stake for companies.

Therefore, a company must balance engagement with people who have *direct experience* with human rights violations with those who have the *expertise* to discuss the implications for the company and its potential paths forward. It is here that the “intermediary stakeholder” concept becomes valuable—organizations that are informed enough about developments on the ground or familiar enough with the technology to speak with authority and credibility, but who are also able to help the company think through the implications of these insights for business decision-making.

And while experience is most often found at the local level, expertise may be found not only at the local level, but the regional, national, or international level too.

LEGITIMATE REPRESENTATION

When seeking to engage with intermediary stakeholders, a company must determine whether they legitimately represent the interests of the rights holders it could affect. Determining the legitimate representatives of a broader community is already difficult in engagements with more clearly defined boundaries, such as when extractives companies seek to identify the legitimate representatives of a local community. As one interviewee noted, “Legitimacy on paper, such as that of a mayor, doesn’t always represent the diverse perspectives of the broader community.”

One interviewee with experience conducting community engagements stressed the importance of asking rights holders who they see as their legitimate representative. She described the “snowball methodology” to determine who legitimately represents community concerns: Beginning with one trusted stakeholder in the community, she follows that person’s suggestions and referrals of legitimate representatives and then the referrals of those new contacts, until a full engagement map emerges that represents the diversity of potentially affected individuals and groups. This approach has been accepted by communities when it is transparent.

One step that a company can take, even before it has a presence on the ground in a particular country, is to reach out to human rights defenders and other intermediaries at the regional, national, and international level to ask them which local intermediaries they view as legitimately representing rights holders or users in that particular country.

When considering a stakeholder universe of billions of ICT users, scattered around many jurisdictions and lacking any formal organizational structure, determining legitimate representation becomes even more difficult.

A big advantage in the ICT industry can be the technology itself. Using ICT platforms, companies can reach a larger number of users and analyze their responses. This method, in turn, makes it possible to send surveys to identify the most vulnerable populations, such as human rights defenders, and ask them which intermediary stakeholders they view as legitimately representing them.

However, while users are likely already comfortable with these technologies, the most vulnerable may also be less likely to respond to a survey about human rights to avoid further risk. We have observed this tendency in our work in community engagement as well, where at-risk stakeholders often don't show up to opt-in community meetings due to the risk of reprisal and further abuse.

Grievance and complaint mechanisms can also be useful tools in determining the most effective intermediary stakeholders. When reviewing concerns brought to a company from users, the company may analyze the complaints to identify the major concerns and focus on the organizations that have proven expertise on these specific issues.

Participants in the roundtables highlighted another key challenge regarding the legitimacy and independence of intermediary stakeholders. In some countries, companies may find that the most well-trained, highly organized institutions are supported by the government, such as so-called quasi-autonomous or government-organized NGOs (QUANGOS and GONGOS). Companies need to consider, on a case-by-case basis, whether these organizations are independent enough to legitimately represent rights holders in cases involving abuses by the government. They should, therefore, be open to engaging with stakeholders who may be less well organized or less empowered to act but equally relevant for addressing a specific human rights issue.

INCLUSIVENESS

When considering the characteristics of potential stakeholders, it is also important to include certain groups of rights holders who may be especially at risk. While the UNGPs should be implemented in a nondiscriminatory manner, they also state that companies should “pay particular attention to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at *heightened risk of becoming vulnerable or marginalized* [our emphasis].”¹¹

While this point is important for all companies in all industries undertaking human rights due diligence, in our experience, it is especially important in the ICT industry given its billions of rights holders. Only by moving beyond the average user and zooming in on the most vulnerable populations can a company discover the essence of the most important human rights risks and opportunities at stake.

Plenty of very complex privacy, security, and freedom of expression issues arise in the design and sale of ICT products and services—but the reality is that some are more urgent than others from a human rights perspective. While all adverse human rights impacts must be addressed, companies must sometimes prioritize these risks.

¹¹ UNGPs, General Principles, p. 1.

As Principle 24 of the UNGPs states, “Where it is necessary to prioritize actions to address actual and potential adverse human rights impacts, business enterprises should first seek to prevent and mitigate those that are most severe or where delayed response would make them irremediable.”¹² With billions of rights holders, it is critical to prioritize the most vulnerable populations who face the risk of the most severe violations.

LEGITIMACY OF COMPANY REPRESENTATIVES

The question of legitimacy arises not only with rights holders and intermediary stakeholders, but also with the individuals who represent the company. While our consultations for this paper focused on how to identify and engage with rights holders, a number of interviewees quite rightly highlighted that the reverse logic also holds true. The company must involve its representatives with the appropriate *experience, expertise*, and decision-making authority in the engagement.

As one noncompany interviewee said, “Sometimes engagement with companies can seem tokenistic, and I’m not sure of the power, ability, or openness of the people we are engaging with to effect change. Is it all a waste of time, with the answer predetermined?” Another explained, “Stakeholders must trust that their opinions and time will be respected.”

Moreover, the most relevant corporate function can vary from case to case. As one stakeholder explained, “In one example, we were engaging with the policy and compliance people, but that was not where the power was. The power resided with the product and engineering folks, but we weren’t talking to them.”

Figure 1. The “And Not Or” of Stakeholder Engagement



Just as a company wants to reach the most effective people—those who influence or make business decisions—so do the stakeholders.

“Sometimes engagement with companies can seem tokenistic, and I’m not sure of the power, ability, or openness of the people we are engaging with to effect change. Is it all a waste of time, with the answer predetermined?”

—Civil society organization

“In one example, we were engaging with the policy and compliance people, but that was not where the power was. The power resided with the product and engineering folks, but we weren’t talking to them.”

—Civil society organization

¹² UNGPs, General Principles, p. 26.

Stakeholder Diversity

Key Questions to Address

- » *Sometimes rights holders and intermediary stakeholders can disagree. How can companies be sure that intermediary stakeholders stay true to the perspectives of rights holders?*
- » *How can global companies make sure they engage with intermediary stakeholders familiar with different markets and countries?*
- » *How can global companies avoid the trap of only engaging with organizations that are experts in how to engage with business and are convenient to communicate with, but may be distant from real impacts?*

"[It's] a huge problem that the human rights and technology organizations are still so separate—there remains a remarkable distance between these two communities."

—Human rights expert

Throughout the roundtables and expert interviews, those participants (in all sectors) who are more pessimistic about the role of business in human rights voiced a central concern: Despite good intentions, would a company simply seek out stakeholders who would "give the right answers" and tell the company what it wanted to hear? And if stakeholders disagreed with each other, "Would the company simply listen to the most agreeable point of view?"

When planning human rights due diligence, companies must consider a diversity of stakeholders: the local and the global, those focused on human rights and those focused on technology, and those with experience and those with expertise.

Remember, one interviewee said, that "the selection of stakeholders influences the issues surfaced, and therefore the results." This limitation can be a key challenge as often the individuals and groups focus on the specific issue about which they have the most expertise. To ensure that an engagement considers all the human rights risks in question, it should include experts on each relevant issue.

HUMAN RIGHTS AND ICT

In order to undertake effective human rights due diligence in the ICT industry, it is important to combine deep knowledge about the product, service, and technology with an appreciation of the human rights context. However, all too often these spheres of expertise do not exist in the same organization, a theme that emerged throughout our research for this paper.

One interviewee described a "huge disconnect between long-standing human rights groups and the more recent technology-oriented organizations," while another complained that it was "a huge problem that the human rights and technology organizations are still so separate—there remains a remarkable distance between these two communities."

"When it comes to privacy, ICT companies provide a variety of services that track users in dramatically different ways. Human rights knowledge is not enough. It is important for stakeholders to know who and what they are dealing with from a technical standpoint."

—Technology expert

Companies must seek out human rights expertise during an engagement. But, one technology expert explained, "When it comes to privacy, ICT companies provide a variety of services that track users in dramatically different ways. Human rights knowledge is not enough. It is important for stakeholders to know who and what they are dealing with from a technical standpoint."

This is consistent with BSR's experience with human rights due diligence, where we often find it critical to pursue multiple lines of inquiry separately and then tie the threads together at the end—enhancing the ICT knowledge of human rights stakeholders and the human rights knowledge of ICT-oriented stakeholders.

"[Companies] just going out and demystifying technology and human rights and explaining their rationale and approach is hugely important. Awareness raising by companies about the issues at stake is tremendously helpful."

—Civil society organization

"This is an AND question, not an OR question . . . companies need to engage with a diverse range of groups, both local and global."

—Civil society organization

"I'm very interested in the role of big NGOs playing the intermediary role for local stakeholders . . . when things go well, global NGOs can get a group of local people together very quickly."

—Company

Indeed, companies are well positioned to play an important role by bringing human rights experts and technology experts together as part of a single engagement. This approach has dual benefits: The company obtains the synergy that emerges from cross-disciplinary dialogue, and the human rights activists and technologists brought together can build relationships that make them more effective in the future. As one civil society organization said, "[Companies] just going out and demystifying technology and human rights and explaining their rationale and approach is hugely important. Awareness raising by companies about the issues at stake is tremendously helpful."

LOCAL AND GLOBAL

At the same time, ICT companies often must bring together a diverse range of local and global perspectives in due diligence. In our experience, this holds especially true in the ICT industry, which is often global and local at the same time. The borderless nature of the internet makes products and services available globally, while the local social, political, and economic contexts combined with the open nature of technology (it can be used by anyone, anywhere) makes them local too.

As a result, many interviewees agree with this point that one civil society participant made, "This is an AND question, not an OR question . . . companies need to engage with a diverse range of groups, both local and global."

However, as we explain elsewhere in this paper, identifying local stakeholders and engaging with them effectively can present significant operational challenges for companies. For this reason, one interviewee was "very interested in the role of big NGOs playing the intermediary role for local stakeholders . . . when things go well, global NGOs can get a group of local people together very quickly." Examples of NGOs playing that role today include Privacy International's Advisory Board of 124 members in 47 countries, Human Rights Watch's 18 regional offices, Transparency International's 100 chapters worldwide, and Amnesty International's sections in 80 countries.

NAVIGATING DIFFERENT PERSPECTIVES

However, engaging with a diverse range of stakeholders naturally brings with it a diverse range of perspectives, not all of them consistent with each other. BSR's recent work with multiple ICT industry companies in Myanmar illustrated this challenge very starkly. The local rights holders we engaged with were mostly positive about the prospect of inward investment by global ICT companies, while international intermediary stakeholders were mostly skeptical. Local rights holders tended to focus on the opportunities arising from the investment, while international intermediary stakeholders focused on the risks. In this context, what is a company to do?

From a process perspective, it is clear that this is a question of "and" not "or." All types of stakeholder perspectives are legitimate and can and should be sought, and as a result, the company is making a smarter, more informed decision.

From a decision-making perspective, the company can, of course, make whichever decision it likes, provided it does not infringe on human rights. However, the company would be well advised to explain its decision, describe its reasoning, and demonstrate the inclusiveness of its decision-making process from a human rights perspective. Often there are no right or wrong decisions, but there are informed and ill-informed ones.

There are two more perspectives to consider. First, sometimes the question at stake is not *whether* to make an investment in a particular market, but *how* (in

which case conflicting stakeholder perspectives can draw out the risks that companies need to address). Second, while rights holders should ultimately trump the intermediary stakeholders, the latter may be aware of risk factors that the former is not.

As one interviewee concluded, “Companies should seek to interact with as wide a representation of intermediary stakeholders as possible, both globally and locally. Achieving the right stakeholder mix is crucial for enabling a balanced representation of interests, as well as mutual capacity-building and the co-creation of solutions to human rights challenges.”

Multistakeholder Infrastructure

Key Questions to Address

- » *When should companies engage with stakeholders collectively, and what are the benefits (e.g., richer dialogue) and risks (e.g., groupthink)?*
- » *Is there a need for a network of intermediary stakeholders around the world? How can that network be sufficiently global in coverage?*
- » *How can adequate funding for intermediary stakeholders be ensured, without jeopardizing independence and credibility?*
- » *Is there a role for independent stakeholder panels popular in corporate responsibility? Would they need to be focused more on single issues to work in this context?*

Many human rights challenges faced by ICT companies are not faced alone, but are common to companies across the ICT industry. Often these challenges are systemic rather than specific to a single company, and they are best addressed through multicompany and multistakeholder approaches. As a result, rights holder engagement that utilizes the safe space provided by multistakeholder organizations—most notably the Global Network Initiative (GNI)—have a very important role to play.

CREATING TRUST

Many interviewees highlighted the significant opportunities for building trust that the GNI provides. Rather than ad hoc, one-on-one, and transactional engagements, multistakeholder initiatives provide the space for in-depth stakeholder engagement to take place over an extended period of time. The sense of shared purpose and mutual dependency creates a framework where tougher questions can be asked and more candid conversations had, without fear that confidences will be broken.

As one rights holder explained, “Companies often don’t want to talk publicly about these issues as it will do harm to them, to the stakeholder, and to the issue—stakeholder engagement on hot topics is often best done in secret.” These long-term, trusted relationships can also help in the commercially confidential scenarios referenced above.

MAINTAINING DIVERSITY

Without a doubt, companies and stakeholders participating in the GNI have valued the unique opportunities for engagement that it has provided. Moreover, while the GNI’s public profile is often centered on its principles and accountability processes, many companies and stakeholders cite the behind-the-scenes opportunities for learning, dialogue, and interaction as key benefits of participation.

“Companies often don’t want to talk publicly about these issues as it will do harm to them, to the stakeholder, and to the issue—stakeholder engagement on hot topics is often best done in secret.”

—Human rights expert

However, the risk of these approaches to ongoing engagement is that like attracts like and groupthink develops. Rather than being informed and closely aligned with the needs, concerns, and priorities of rights holders, participants in multistakeholder processes may become increasingly distant and remote, developing their own set of priorities that make sense only within the safety of their own bubble.

For this reason, said many interviewees, initiatives such as the GNI should continue to increase its non-U.S. and noncompany participation and ensure a high degree of connectedness with real local challenges. In an ideal world, companies would be able to use the GNI as a network and pathway to deeper local engagement with rights holders.

One interviewee proposed that, to be successful, organizations such as the GNI need to “maintain a constant flow of informed civil society perspectives from high-risk locations” through more “direct engagement with rights holders on the ground.” Indeed, one even suggested that the GNI model could be “taken to the local level, with the creation of local chapters that support local conversations.”

Interviewees also highlighted other relevant forums that companies can turn to, with one recommending that companies consult “existing organized stakeholders at the national (e.g., Forum Menschenrechte in Germany) and international level (e.g., at the UN Forum on Business and Human Rights), as this serves as a mechanism for companies in making stakeholder selection feasible, more informed, and credible.”

COMPANY STAKEHOLDER PANELS

While many ICT companies face similar human rights challenges, much of the rights holder engagement required still relates to company-specific products and services. This disconnect between the challenges and current engagement methods raises the question of whether a company-specific stakeholder advisory board could be an effective way for a company to build trust with key expert stakeholders.

During our interview process, we learned of a couple companies with informal go-to networks of stakeholders consulted in confidence when certain human rights issues (such as censorship demands) arise. However, we are unaware of formal stakeholder panels meeting on a regular basis to provide input on a company’s strategy and approach to human rights. Such panels have provided companies with significant value on other topics—such as environmental or sustainability issues—and the opportunity for learning over time about human rights topics could be significant.

Such long-term engagements focused on a single company’s products and impacts could help both the company and stakeholders navigate the rapidly changing nature of technology and its human rights impacts. The single company focus would enable stakeholders to add a thorough understanding of the company’s products to their expertise on human rights, addressing one of the key challenges in engagement described earlier. They also offer an opportunity to gather proactive—as opposed to reactive—advice.

However, if such panels are used, they should be in addition to direct engagement with rights holders, not as a substitute. A roundtable participant also noted that “expertise can be specific to certain countries, issues, or products, and thus it may be better to have narrowly defined advisory groups.”

MAINTAINING INDEPENDENCE

Most intermediary stakeholders, both single organizations and multistakeholder initiatives, depend on external funding to maintain their ability to engage with companies. This raises the question of whether their independence or credibility could be compromised when they receive funds from companies they engage with.

This question is relevant for both transactional funding (companies reimbursing stakeholders for a specific engagement) and institutional funding (companies funding ongoing multistakeholder initiatives). For transactional funding, companies typically address these concerns by funding to reimbursement of expenses and/or a nominal charitable donation made to an organization of the stakeholder's choice. For institutional funding, key principles include transparency about where funds are coming from and relying on diverse sources of funds.

Meaningful Engagement: The How

Despite the importance of intermediary stakeholders, ICT companies will also need to engage directly with rights holders through the course of day-to-day business. For example, there are many occasions of engagements initiated by rights holders where they may raise concerns (such as user-generated content being removed) through existing company communication channels. In these situations, however, concerns are often raised not through central human rights or corporate responsibility teams, but deep in the bowels of the company.

In this sense, it is important to distinguish between *company-initiated engagement* and *rights-holder-initiated engagement*.

These interactions between the company and rights holders or intermediary stakeholders are most effective if company representatives possess a high level of human rights expertise and if the rights holder possesses a high level of technology expertise too. In reality, of course, one or both of these conditions is usually absent.

To explore rights-holder-initiated engagement in more depth, we must consider four important topics:

- » **Company capability**, such as the ability of employees to identify and address or escalate human rights issues.
- » **Company decision-making**, such as the ability of the company to integrate human rights considerations into key business decisions.
- » **Anticipating risks and opportunities**, such as the ability of the company to effectively identify important human rights issues before they arise.
- » **Stakeholder engagement process**, such as the mechanisms for rights holders to call attention to human rights issues within the company.

Similar to our process for identifying stakeholders, BSR and CDT generated these questions after reflecting on our experience putting the UNGPs into practice within ICT companies.

Company Capability

Key Questions to Address

- » *How capable are company employees of distinguishing a human rights issue from a nonhuman rights issue—for example, when a violent video is actually an exposé of human rights violations?*
- » *What training, guidance, and advice would help employees identify human rights cases and handle them appropriately?*
- » *Which employee categories are most in need of training, guidance, and advice on human rights? Business decision-makers? Engineers? Product designers? User-facing help desk representatives?*

Initiating change in companies is difficult. While it is tempting to believe that the introduction of a new company policy or the signing of principles results in an immediate change in approach, the reality is far messier than that. Companies are much less top-down than they seem from the outside, and putting human rights commitments in place often requires a long-term effort to build capability, skills, and mind-set at all levels of the company.

“We are seeing a growing awareness of these issues with the people we speak to . . . more and more seem genuinely committed to human rights, even if learning what it means for their specific products and services still takes time.”

—Civil society organization

Companies need to be adept at human rights engagement at different levels of the business and let people from different departments hear directly from activists. They also need to ensure that they have the ability to implement the findings from a human rights due diligence process.

While human rights standards and commitments are typically made at the HQ level, they are frequently implemented elsewhere in a company. Depending on the specific product, service, and technology mix of the company involved, day-to-day decisions about human rights issues, such as removing user-generated content, responding to law enforcement demands, or designing product functionality and permissions happens deep inside the company.

Embedding human rights into decision-making in this context requires that frontline staff have human rights knowledge, expertise, and insights. As one interviewee stated, “It is important for the company to ensure that staff members, who have to make decisions about keeping or deleting specific messages, are properly trained in human rights law and international human rights standards.”

THE IMPORTANCE OF THE SOCIAL AND POLITICAL CONTEXT

In recent years, the human rights community has expressed significant concerns that staff without real human rights knowledge are making important day-to-day decisions with significant human rights implications.

These concerns are real, but it is possible that the recent Edward Snowden revelations have contributed to what many see as a significantly deeper and broader understanding of the issues at stake beyond corporate CSR and human rights departments. As one human rights group said, “We are seeing a growing awareness of these issues with the people we speak to . . . more and more seem genuinely committed to human rights, even if learning what it means for their specific products and services still takes time.” A company we spoke to confirmed the same: “All the [Edward] Snowden leaks have made a tremendous difference to our ability to advance human rights in the company, especially in parts of the business where these issues may previously have received less attention.”

“All the [Edward] Snowden leaks have made a tremendous difference to our ability to advance human rights in the company, especially in parts of the business where these issues may previously have received less attention.”

—Company

In other words, company employees do not work in a vacuum but are conditioned by the social and political context in which they work—and recent developments can serve as a high-profile proxy for conventional employee training and development programs. It has become much harder to ignore these issues.

INCREASING THE AMBITION OF DIRECT ENGAGEMENT

At the same time, while the social and political context plays a role in raising general awareness levels among frontline employees, it is no substitute for a more tailored approach that raises awareness about the risks specific to a company’s particular products, services, and technologies, and that anticipates future risks as much as events that have already happened.

Many interviewees suggested that ICT companies could be more innovative. One interviewee explained that a company could try “inviting activists into the company to talk directly with staff about how their products and services are used and what concerns arise from this use. Companies need to facilitate engagement at different levels, and let people in different parts of the company hear directly from the activists.” And indeed, a couple major internet companies have experimented with this approach.

However, one intermediary stakeholder highlighted that rights holder complaints are often handled by contractors or vendors, sometimes on short-term contracts. It's important that these staff understand the human rights relevant to their roles.

"[ICT companies could be more innovative by] inviting activists into the company to talk directly with staff about how their products and services are used and what concerns arise from this use. Companies need to facilitate engagement at different levels, and let people in different parts of the company hear directly from the activists."

—Civil society organization

THE IMPORTANCE OF TAILORING

In order to best equip those employees who are making relevant decisions to engage with rights holders effectively and consider the human rights implications of those decisions, training should be tailored to the specific situations that these employees will confront. An employee responding to user complaints about their content being removed will need different resources and support to make a rights-aware decision than an executive weighing whether or not to pursue a new business venture in a market with a high risk of human rights violations.

A company would ideally first identify the high-risk segments of its employee base and then supplement its general all-staff human rights policy training with tailored and more intensive training, through in-person or virtual workshops based on the specific scenarios that these employees will face. Examples include:

- » User support, communication, and forums
- » Country managers
- » Sales
- » Law enforcement relations
- » Engineering and product design
- » Corporate and legal affairs

Engaging on Business Decisions

Key Questions to Address

- » *Companies may want to integrate human rights considerations into the product design phases (“human rights by design”), but how can they do so without revealing highly sensitive product development information?*
- » *Similarly, companies may want to integrate human rights considerations into market entry or business partner decisions, but how can they do so without revealing competitive business strategies and plans?*

Engagement with rights holders is especially relevant at multiple milestones, such as when reviewing company policies and procedures, entering new markets, or designing and introducing new technologies, products, and services. Company decision-making can have a material influence on human rights impacts at all these critical junctures for years to come. However, an important obstacle for effective stakeholder engagement arises given that, for reasons of commercial confidentiality, these decisions are often made in private.

Moreover, it is important in the ICT industry that engagement happens in a timely and rapid manner. The human rights implications of business decisions in other industries are often long term; in the mining industry, for example, several years can pass between securing mining rights and digging up the first shovelful of earth. Whereas, in the ICT industry, the product and service cycle is extraordinarily rapid, and human rights implications can be immediate. In BSR’s experience, the human rights risk profile can change significantly during the due diligence process as a result of changes to the functionality of the product being assessed.

ICT companies regularly make a wide range of decisions that may involve human rights implications. Knowing when to engage with stakeholders in relation to these business decisions represents a key element of how to engage.

- » **Product, service, or technology design:** There are many questions about how a product, service, or technology may be used to enhance or to curtail human rights that are best addressed during its design phase—for example, decisions about what identifying information to collect about users and their behaviors or whether to encrypt data in transit and in storage could have a profound impact once the product or service is deployed. For a new company or service, the user base may not have been defined yet.
- » **Changes to existing products, services, or technologies:** Once a product, service, or technology has been deployed, and users have come to depend on it, changes to it may have a profound effect. At the same time, the fact that there are users and that the product or service itself may offer an avenue for engaging them are key considerations to consider in structuring an engagement around changes to existing products or services.
- » **Market strategy:** The decision to enter a new market or to reconsider a company’s presence in a particular country or the mix of services it offers there requires consideration of the human rights environment in that specific country.
- » **Policy and processes:** For example, ICT companies need to have in place policies for dealing with government demands that impact human rights, such as demands to disclose customer information or to remove content or block search results.

ENGAGING EARLY

Company decision-making can have a material influence on human rights impacts at each of these critical junctures. However, an important obstacle for effective stakeholder engagement arises given that, for reasons of commercial confidentiality, these decisions are often made in private.

In BSR's experience, these questions are among the most challenging for both companies and the human rights community to address. Good process suggests that engaging rights holders prior to making a business decision is critical to the value and credibility of engagement; yet at the same time, this is precisely the moment when the company is least able to engage with those outside a small group of decision-makers. It is a legitimate, vexing challenge. One concerned interviewee said, "I fear sometimes that companies rope us in at a late stage—they are seeking validation for decisions after the fact, and that is both pointless and disingenuous . . . to be effective, engagement needs to be early enough to influence real decision-makers."

ENGAGING ON TOPICS, NOT SPECIFICS

Our interviews revealed that there is a clear understanding of this dilemma and a desire to find solutions. Among the most common approaches suggested was to "have a conversation about the topic and underlying issues, without giving away the specifics . . . if this is done early on enough in the process, a general discussion about the topic should be sufficient." However, others disagreed: "In this day and age of sophisticated technology, the specifics of functionality really do matter, and you must get to them. Engaging on the general topic risks missing the point entirely."

ENGAGEMENT BY PROXY

In our experience, there are many times when engagement on the topic alone is insufficient, and the specifics of the case really do need to be considered—the selection of a specific business partner, for example, or a decision to enter a particular market. In these examples, the specifics are more important than the general issues associated with the topic.

We've known companies in these situations to successfully undertake engagement by proxy by commissioning a trusted external party (typically covered by a strict confidentiality agreement) to bring human rights expertise to the business decision and raise the types of concerns that will be relevant to rights holders—and that they would raise were they included. While far from perfect, we've witnessed this approach result in real new human rights protections (such as contract clauses) being enacted and significantly enhanced responsible investment strategies being implemented.

Furthermore, this engagement by proxy approach appears to be consistent with Principle 18 of the UNGPs, quoted in the introduction to this paper: "In situations where such consultation is not possible, business enterprises should consider reasonable alternatives such as consulting credible, independent expert resources." This approach can be effective, provided that the credible and expert resources are just that and are well informed about the concerns and priorities of rights holders.

Anticipating Risks and Opportunities

Key Questions to Address

- » *Are there methods to anticipate peak risks—such as around election time or on significant anniversary dates? Can the ICT industry unite around a “human rights war room” that anticipates these peak risks?*
- » *Mobile platforms are transforming internet connectivity. Can they be used to engage rights holders? What are the opportunities? What are the risks?*

Human rights engagement is not a one-time affair. Instead, companies need to anticipate the need for specific engagements around high-risk issues or at high-risk times. This need for anticipation changes which stakeholders companies should engage. As one human rights organization highlighted, “In this industry, risks are fluid and the most pressing human rights impacts may change dramatically over time, so the stakeholders engaged should too.”

For example, in the run-up to an election, some governments may be especially likely to limit access to ICTs, to censor online content, or to arrest or harass bloggers and other independent speakers exposing companies to the risks of complicity. Companies operating or providing relevant products and services in these countries should try to anticipate these high-risk engagements, and they could perhaps set up special engagement procedures to deal quickly with incidents that arise.

The Institute for Human Rights and Business provides the example of Kenyan telecom provider Safaricom anticipating human rights risks related to an upcoming election.¹³ Because violence erupted after the country’s 2007 election, Safaricom anticipated that a similar crisis would occur during the 2013 elections and put in place guidelines to avoid the use of its bulk short message service (SMS) to incite violence, while at the same time allowing legitimate forms of expression. This case study highlights the importance of understanding the local history and context in which a company operates.

However, Safaricom had the advantage of being a local Kenyan company with dependable local knowledge—a distinct advantage over internet companies that are much less likely to have staff on the ground who speak the local language and have their finger on the pulse of local politics.

A number of the roundtables floated the idea of the ICT industry founding or funding a group of civil society organizations (or similar experts) to create a human rights coordination center that anticipates these peak risks and serves as a clearinghouse for complaints and concerns. Just as business and governments are increasingly using diverse information and big data analytics to anticipate future needs and improve services, this center could use similar techniques to identify human rights risks ahead of time. Such an approach would need to combine “hard” data analytics with “soft” awareness of local cultures, debates, and contexts.

¹³ Institute for Human Rights and Business, “Corporate Responses to Hate Speech in the 2013 Kenya Presidential Elections: Case Study: Safaricom,” November 2013, www.ihrb.org/pdf/DD-Safaricom-Case-Study.pdf.

Conclusion

This paper addresses an important but tremendously complex question: How should a company engage with rights holders when it may have hundreds of millions (or even billions) of users spread across the world using diverse products, services, technologies, and applications in vastly different human rights environments?

When reflecting on the human rights diligence we have undertaken to date and the research carried out for this paper, we have learned that there is no single correct or simple answer. Approaches necessarily vary according to different company and human rights contexts.

Moreover, while we propose eight principles of meaningful engagement, we have deliberately steered clear of creating a how-to guide for rights holder engagement. Our intention is to stimulate thinking, increase awareness, and raise the quality of thought given to planning rights holder engagement. There is no off-the-shelf approach to propose.

All that said, we have uncovered a number of important findings and insights that are worth profiling and keeping in the forefront during future rights holder engagement:

- » Identify rights holders whose rights have been violated in the past.
- » Prioritize vulnerable rights holders, and zoom in on the perspectives of those whose rights face the greatest risk.
- » Follow “the and not the or” of engagement by convening different types of expertise.
- » Pay special attention to combining the technology expert, the human rights expert, and the location expert.
- » Engage rights holders before real business decisions are made, and involve significant business decision-makers from the get-go.
- » Utilize multistakeholder organizations and resources, but do not limit engagement to them.
- » Offer employees close to the front lines—not just the ones at HQ—opportunities for engagement.
- » Undertake engagement that anticipates events, in addition to engagement that responds to current or recent events.

Above all, we leave you with one thought: Every time (in our experience) that a company integrates rights holder engagement into its human rights due diligence, they enter with trepidation and exit with appreciation. We believe that more meaningful approaches to rights holder engagement will greatly enhance the impact, credibility, and value of human rights due diligence, to the benefit of both the company and the rights holder. Now is the time for increased ambition.

Appendix

Key BSR Resources

- » “Applying the UN Guiding Principles on Business and Human Rights to the ICT Industry,” September 2012.
www.bsr.org/en/our-insights/report-view/applying-the-guiding-principles-on-business-and-human-rights-to-the-ict-ind
- » “Conducting an Effective Human Rights Impact Assessment,” March 2013.
www.bsr.org/en/our-insights/report-view/conducting-an-effective-human-rights-impact-assessment
- » “Protecting Human Rights in the Digital Age,” February 2011.
www.bsr.org/en/our-insights/report-view/protecting-human-rights-in-the-digital-age

Other Useful Resources

- » Center for Democracy and Technology and the Berkman Center, “Account Deactivation and Content Removal: Guiding Principles and Practices for Companies and Users,” 2011.
<https://cdt.org/insight/account-deactivation-and-content-removal-guiding-principles-and-practices-for-companies-and-users/>
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- » European Commission, “ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights” 2013.
www.ihrb.org/publications/reports/human-rights-guides.html
- » Global Network Initiative, “Public Report on the Independent Assessment Process,” 2014.
<http://globalnetworkinitiative.org/content/public-report-independent-assessment-process-google-microsoft-and-yahoo>
- » Human Rights Watch, “Reforming Telecommunications in Burma,” 2013.
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- » United Nations Human Rights Council, “Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion,” 2011.
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- » UN Guiding Principles on Business and Human Rights.
www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
- » Witness, “Cameras Everywhere: Current Challenges and Opportunities at the Intersection of Human Rights, Video, and Technology,” 2011.
www.witness.org/cameras-everywhere/report-2011

Interviewees and Roundtable Participants

Access, Adidas Group, Apple, Article 19, ASEAN Human Rights Resource Centre, Audi, Aurubis, Berkman Center for Internet and Society, Boeing, Bombardier, Bosch and Siemens, BP, BSR, BT Group, Business and Human Rights Resource Center, Center for Democracy and Technology, Center for Internet and Society, Change.org, Chevron, Common Purpose Deutschland, CSR Asia, CSR Europe, Damco, Deutsche Bahn, Deutsche Telekom, Deutschlandstiftung Integration, Digital Opportunities Foundation, DuPont, Econsense, EMC, European Commission, European Digital Rights, European School of Management and Technology, Facebook, Foley Hoag, Foundation Remembrance, Responsibility, and Future, German Institute for Human Rights, Germanwatch, George Washington University Law School, Georgetown University, Global Network Initiative, Government of Germany, Hertie School of Governance, Hochschule für Technik und Wirtschaft Berlin, Human Rights First, Human Rights Watch, Humanistic Management Center, Institute for Human Rights and Business, Intertek, International Center for Missing and Exploited Children, MARUAH, Metro, Microsoft, Morrison and Foerster, New America Foundation, Nokia, Paia Consulting, PHINEO, PricewaterhouseCoopers, Privacy International, Ranking Digital Rights, Scholz and Friends Reputation, Singapore Management University, Skylark Advisory, Telefonica, Telenor, TeliaSonera, TwentyFifty, United Nations Global Compact, University of Washington School of Law, Vodafone, Witness, World Economy, Ecology, and Development, Yahoo!