



# Human Rights and Corporate Responsibility

GeSI Human Rights Working Group

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Electronic Frontier Foundation

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## **EFF and Human Rights**

About EFF

Human Rights and Our Work

## EFF and the GeSI Human Rights Working Group

General Comments

Comments on Draft Project Charters

## Conclusion



## Electronic Frontier Foundation

The Electronic Frontier Foundation is the leading nonprofit organization defending civil liberties in the digital world. Founded in 1990, EFF champions user privacy, free expression, and innovation through impact litigation, policy analysis, grassroots activism, and technology development. We work to ensure that rights and freedoms are enhanced and protected as our use of technology grows.



## International Team

EFF has a staff of about 60, including 7 on our international team:

- Danny O'Brien – International Director
- Kim Carlson – International Coordinator
- Katitza Rodrigues – International Rights Director
- Jillian York – Director for International Freedom of Expression
- Eva Galerin – Global Policy Analyst
- Jeremy Malcolm – Senior Global Policy Analyst
- Maira Sutton – Global Policy Analyst



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## Civil Liberties Team

- In a domestic content most of our **human rights** work is framed as **civil liberties** work
- First amendment (freedom of expression)
  - Bloggers' Rights
  - Takedown Hall of Shame
  - Copyright Review Process (DMCA)
- Fourth amendment (privacy)
  - Surveillance Self-Defense
  - Who Has Your Back?
  - Medical Privacy

# WHO Has Your Back?



*Which companies help protect your data from the government?*



	Requires a <b>warrant</b> for content	Tells users about <b>government data requests</b>	Publishes <b>transparency reports</b>	Publishes law enforcement <b>guidelines</b>	Fights for users' privacy rights <b>in courts</b>	Fights for users' privacy rights <b>in Congress</b>
	★	★	★	★	★	★
	★	★	★	★	★	★
	★	★	★	★	★	★
	★	★	★	★	★	★
	★	★	★	★	★	★
	★	★	★	★	★	★
	★	★	★	★	★	★
	★	★	★	★	★	★
	★	★	★	★	★	★



## International work on human rights

- In the international arena our work is framed differently
- Based around the **international bill of rights**
  - UDHR, ICCPR, ICESCR
- Example international human rights campaigns:
  - Necessary and Proportionate Principles
    - aka International Principles on the Application of Human Rights to Communications Surveillance, aka 13 Principles
  - Manila Principles on Intermediary Liability (forthcoming!)
  - Trans-Pacific Partnership Agreement





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## Common priorities between EFF and GeSI

- EFF:
  - promotes *corporate responsibility* and *user empowerment*
  - supports *multi-stakeholder* ahead of *multilateral* governance
  - accepts the *UN Global Compact* and the *UN Guiding Principles*
- We were a founding member of the Global Network Initiative
  - But resigned post-NSA revelations, questioning its effectiveness
- I also personally:
  - Worked at Consumers International, contributed to ISO 26000
  - Submitted to the EU Human Rights ICT Sector consultation
- **We would like to help GeSI achieve improvement in managing the human rights impacts of the ICT industry**



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## Projects 1 and 2

### 1. Prioritising action on human rights impacts

- CR framework based on *severity and likelihood of human rights impacts* not *stakeholder perception and business risk*
- Cannot map all the possible human rights impacts of ICTs
- This is why the EU analytical framework gave examples only

### 2. Applying a human rights lens to emerging technologies

- Human rights impacts of emerging technologies are overlooked
- But most emerging technologies come from smaller startups
  - Twitter's design of @ replies facilitating harrassment
  - Netscape's design of cookies facilitating privacy abuses



## Projects 3 and 4

### 3. The future of responsible sourcing in the ICT sector

- We have not worked on the issue of sourcing
- But see EFF's paper *Human Rights and Technology Sales*
  - Advocates a “know your customer” approach to avoid technologies being supplied to human rights infringing actors

### 4. Building capacity in emerging markets

- Suggest that the case studies be released for stakeholder review
- Perspective of customers differs from that of companies
- Ensure accountability and transparency of Stakeholder Advisory Group



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## Summary

- There is significant congruence between GeSI's objectives to improve human rights through CR and EFF's approach
- But GNI shows how good intentions are not always enough
- GeSI projects should raise *industry-wide* CR best practices
- Involvement of civil society should be *integral and transparent*



## Contacts

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