**Note to the assessment team:**

1. Please modify the yellow highlighted sections of this template based on the guidance provided in this template
2. The non-yellow highlighted sections have been pre-written for you. You may choose to modify these sections if needed
3. As explained in Phase 7 of the Guidance Template, it is highly recommended that you adopt a neutral and factual tone throughout the report

**Community Assessment of Rights Impacts in the Tech Industry**

**[Company Name]**

**[Date of Reporting]**

**[Prepared By]**

Table of Contents

[1. Abbreviations 5](#_Toc173959257)

[2. Executive Summary 6](#_Toc173959258)

[2.1. Introduction 6](#_Toc173959261)

[2.2. Scope 6](#_Toc173959262)

[2.3. Methodology 6](#_Toc173959263)

[2.4. Stakeholder Engagement 6](#_Toc173959264)

[2.5. Impact Assessment: 6](#_Toc173959265)

[2.6. Recommendations for Government Advocacy: 6](#_Toc173959266)

[2.7. Recommendations for your 7](#_Toc173959267)

[3. Introduction 8](#_Toc173959268)

[3.1. Introduction 8](#_Toc173959270)

[3.2. Impact 8](#_Toc173959271)

[3.3. Intent 8](#_Toc173959272)

[3.4. Incentive 8](#_Toc173959273)

[4. Disclaimer 8](#_Toc173959274)

[5. Methodology 9](#_Toc173959275)

[5.1. Prioritised Human Rights and Causes 10](#_Toc173959281)

[6. Phase 1: Stakeholder Engagement 11](#_Toc173959282)

[6.1. Feedback from Rightsholders 11](#_Toc173959289)

[6.2. Feedback from other relevant stakeholders 12](#_Toc173959290)

[7. Phase 2: Context Analysis 13](#_Toc173959291)

[7.1. Country Context 13](#_Toc173959299)

[7.1.1. Country Background [optional] 13](#_Toc173959308)

[7.1.2. Human Rights Obligations of [country name] 13](#_Toc173959309)

[7.1.3. Human Rights Reality in [country name] 13](#_Toc173959310)

[7.1.4. Impact of the Country Context on [company name] 13](#_Toc173959311)

[7.2. Industry Context [optional] 13](#_Toc173959312)

[7.3. Company Context 13](#_Toc173959313)

[7.3.1. [company name]’s Human Rights Obligations 14](#_Toc173959324)

[7.3.2. Company Structures to Implement Human Rights Obligations in [country name] 14](#_Toc173959325)

[7.3.3. Results of Implementing Human Rights Obligations in [country name] 15](#_Toc173959326)

[7.3.4. Your company’s conflict sensitivity [remove if the company is not in a conflict zone] 15](#_Toc173959327)

[8. Phase 3: Impact Assessment 16](#_Toc173959328)

[8.1. Priority 1 Impacts [example shown] 17](#_Toc173959337)

[8.2. Priority 2 Impacts 18](#_Toc173959338)

[9. Phase 4: Recommendations 19](#_Toc173959339)

[9.1. Improving the Protection of Human Rights by the Government 19](#_Toc173959349)

[9.2. Improving the Respect and Remedy of Human Rights within your company 20](#_Toc173959350)

[10. Phase 5: Company Engagement 21](#_Toc173959351)

[**Appendix A – List of Online Sources Consulted** 22](#_Toc173959352)

# Abbreviations

[Please edit as necessary.]

|  |  |
| --- | --- |
| CLARITI | the Community-Led Assessment of Rights Impacts in the Technology Industry |
| CSDDD | Corporate Sustainability Due Diligence Directive |
| EU DSA | Digital Services Act |
| GDPR | General Data Protection Regulation |
| HRIA | Human Rights Impact Assessment |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| UDHR | Universal Declaration of Human Rights |
| UNGP | United Nations Guiding Principles on Business and Human Rights |

# Executive Summary

[Please write this section after you have completed all other sections of the report.]

1.
2.

## Introduction

[Please summarise the introduction section you have completed. You will briefly explain about your organisation, which rightsholders you represent, what inspired your organisation to undertake the assessment, key concerns to address and what you hope to achieve from this assessment]

## Scope

[which part of the company are you assessing? In which country? What was the timeframe of your assessment?]

## Methodology

We used the CLARITI (Community-Led Assessment of Rights Impacts in the Technology Industry) methodology in this assessment. The methodology was developed by Ranking Digital Rights in 2023 with support from ARTICLE 19. This methodology applies the [International Bill of Human Rights](https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights) as its baseline to define human rights and [the UN Guiding Principles on Business and Human Rights](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf) (UNGP) as a guideline to assess your company. Other legal and non-legal requirements, such as the [GNI Principles](https://globalnetworkinitiative.org/gni-principles/), the [Santa Clara Principles](https://santaclaraprinciples.org/), and the EU General Data Protection Regulation  ([EU GDPR](https://gdpr-info.eu/)), are also applied in the analysis of the legal and regulatory context in which your company operates.

## Stakeholder Engagement

In addition to undertaking extensive secondary research (see Appendix A), we consulted [number of rightsholders consulted] rightsholders. [Briefly describe the overview demographic of the rightsholder such as their region, gender, race etc., and how your company’s action adversely impacts them]. We also consulted [ number of stakeholders consulted] other stakeholders ranging from human rights institutions, digital rights organisations, company representatives, ethnic groups, women, etc. [please edit as necessary] to gain better insights on the technical, legal, and human rights issues with regards to the [Company\_Name] in [Country\_Name]. We also attempted to engage your company by [summarise your attempts to engage the company here]

## Impact Assessment:

A human rights impact assessment was conducted in line with UNGP 13, 14, and 19 and other impact assessment best practices. This assessment highlighted the following impacts and causes which need to be addressed by your company:

* + [Rank your Priority 1 & 2 impacts and causes here – example shown below]
	+ [e.g. The impact of government censorship on freedom of expression was found to be salient due to its widespread and far-reaching, irremediable impact on the rights of a large proportion of the population. Furthermore, there is no public information on what your company is doing to address this impact]

## Recommendations for Government Advocacy:

We make the following prioritised recommendations to enhance the government’s ability to protect the rights impacts identified above:

* + [summarise government advocacy recommendations here – example shown below]
	+ Advocate for rights-respecting censorship requests and transparency to the general public

## Recommendations for your

[Company\_Name]**:** We further make the following recommendations to your company to better respect and remedy the rights impacts identified above:

* + [summarise company recommendations here – example shown below]
	+ Increased transparency on how your company handles government requests
	+ Increased transparency on the number of government requests received and approved by your company

We look forward to collaborating with your company to enhance the protection, respect, and remedy of rights impacts in [Country\_Name].

# Introduction

1.

## Introduction

[Please write a paragraph introducing your organisation, including]:

* + The name of your organisation.
	+ What your organisation does or the expertise of your organisation
	+ Which rightsholders/groups of rights holders does your organisation represent?
	+ How your organisation is linked to the activities of the company.
	+ Other organisations that are supporting this Human Rights Impact Assessment (HRIA), if any

## Impact

[Please write a paragraph explaining why you are conducting this HRIA on behalf of the rightsholders. Please try to be as specific as possible, using a factual and neutral tone. Please refer to Phase 2: Meeting The Rightsholders for The First Time and Phase 2: Determine Which Rights Impacts and Causes the Rightsholders Want to Focus On.

## Intent

[Please explain what you hope to achieve from this HRIA. Please try to be as specific as possible using a factual and neutral tone. Please refer to Phase 2: Define Clear Objectives. Possible options include but are not limited to the following:

* + Increased engagement between your organisation and the company.
	+ Increased transparency from the company, the public, or your organisation.
	+ Mitigation of the rights impacts that rightsholders are concerned about.

## Incentive

[Please explain how this HRIA will help the company. Possible options include but are not limited to:

* + An additional information input to the company’s human rights due diligence (if they are already doing it), allowing them to meet the requirement of UNGP 18 (engagement) and allowing them to identify additional human rights impacts for future mitigation
	+ Reduced negative rights impact of the company’s activities.
	+ Improved reputation with its customers.
	+ Improved reputation with the community.
	+ Improved reputation with its employees.
	+ Improved compliance with any local or international human rights or ESG legal obligations the company may be subject to.]

# Disclaimer

This report is prepared by the assessment team’s best effort professional judgement based on all available primary and secondary information. The assessment team assumes no responsibility or liability for errors or omissions of the information provided by the rightsholder, stakeholders or contained in the publicly available sources. The assessment team welcomes constructive engagement with your company for additional information that may augment and enhance the assessment.

# Methodology

The assessment was conducted using the CLARITI methodology – the Community Led Assessment of Rights Impacts in the Technology Industry. The scope was [please reiterate the scope of this HRIA formally: what company are you assessing? What activities? In which country?]

The assessment took place between [please describe timeframe of HRIA ].

The CLARITI methodology was developed by Ranking Digital Rights in 2023, with support from ARTICLE 19, to foster constructive and collaborative engagement between telcos and tech platforms with large user bases and the communities these companies serve. The methodology was guided by the impact assessment requirements of the [UN Guiding Principles on Business and Human Rights](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf) (UNGPs), literature on company-led and community-led human rights due diligence and impact assessment methodologies and extensive stakeholder consultations to help provide companies with a complementary, community-based perspective on their human rights impacts. The methodology is designed to assess the extent to which companies are following the UNGPs while simultaneously embedding the UNGP requirements within the assessment itself.

This methodology uses the [International Bill of Human Rights](https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights) as its baseline to define human rights while adopting business and human rights guidelines, principles, and best practices beyond the UNGP, such as the GNI Principles, the Santa Clara Principles, and the EU GDPR. It also considers the upcoming requirements likely to be imposed by the [EU Digital Services Act (DSA)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065&qid=1666857835014) and [Corporate Sustainability Due Diligence Directive (CSDDD)](https://commission.europa.eu/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence_en).

The methodology consists of five phases:

During Phase 1, we consulted with potentially affected rightsholders and other relevant stakeholders in line with the requirements of UNGP 18.

During Phase 2, we assess:

* Country Context: the legal and regulatory human rights context your company operates in, as well as the role of the government in enforcing this context.
* Industry Context: the human rights record of your competitors and potential for collaboration
* Company Context: the legal and non-legal human rights obligations your company is subject to and the performance of your company against these obligations

During Phase 3, we determine the saliency of specific impacts, and your company’s management of these impacts in line with UNGP 13, 14, 19 and other impact assessment best practices.

During Phase 4, we suggest recommendations to support your company in maximising its positive human rights impacts while mitigating adverse impacts, prioritised in line with UNGP 23 & 24.

During Phase 5, we highlight efforts we have made to contact your company’s representatives for potential engagement since we started conducting this assessment.

1.
2.
3.
4.
5.

## Prioritised Human Rights and Causes

In line with the CLARITI methodology, we have prioritised our assessment of three digital rights (a subset of human rights) that are most directly impacted by your company’s activities, with their accompanying causes:

[Note – please remove any rights and causes that you chose not to assess in Phase 3]

|  |  |
| --- | --- |
|  | **Impacts** |
| **Right to freedom of expression (as defined in Article 19 of the UDHR and the same article in the ICCPR)** | **Right to privacy (as defined in Article 12 of the UDHR and Article 17 of the ICCPR)** | **Right to non-discrimination (as defined in Article 2 of the UDHR, ICCPR ICESCR and many other human rights instruments)** |
| **Causes** | Government-ordered network disruption | Government surveillance | Decision-making algorithm |
| Government censorship | Data privacy practices |  |
| Government information dissemination | Data breaches & security |  |
| Content moderation policy | Sharing of customer data |  |
| Content & advertising promotion algorithm |  |  |
| Selective zero rating |  |  |

# Phase 1: Stakeholder Engagement

The UNGP 18 requires a human rights impact assessment to be conducted through meaningful consultation with potentially affected groups and other relevant stakeholders. We have accordingly identified and consulted various stakeholders throughout the process, starting with the rightsholders whose concerns and interests we represent.

1.
2.
3.
4.
5.
6.

## Feedback from Rightsholders

The methodology emphasised the concerns and perspectives of rightsholders potentially impacted by your company’s operations. As they are the primary subject of any rights impacts, they are the individuals to be targeted in any mitigation steps your company may take, either as part of your ongoing human rights due diligence or in response to this report. We have paid particular attention to human rights impacts on individuals from groups or populations that may be at heightened risk of vulnerability or marginalisation. The following rightsholders or their representatives were consulted:

* [make a list of all the types of rightsholders/ their representatives you consulted, without naming any individual or organisation for privacy reasons].
* [Try to add the following if possible:
	+ Total number of rightsholders consulted.
	+ Total number of rightsholders from a particular region (if relevant – e.g. for internet shutdowns).
	+ Total number of marginalised rightsholders (e.g., women, ethnic minorities)
	+ The consultation format (individual or in groups, separate sessions for women/marginalised individuals, face-to-face or virtual, etc.)
	+ Breakdown of age range, income range, occupation.
	+ Total number of consultation sessions.]

During consultations, rightsholders vividly expressed how your company’s actions have impacted them.

[You will write about the experiences and concerns shared by the rightsholders that you documented during Phase 2: Preparation. You do not need to mention their names for privacy reasons. Samples are provided below;]

“When the internet is shut down, I have no work, do not get paid, cannot withdraw any money from my bank, and cannot even buy food. “

A mother of 4 children, age (xx), City Name, Date of Interview

“Just imagine the number of times you use the internet in a day. For entertainment, for education, to get in touch with family, for checking up latest information, for buying things online— you use it everyday in your life and we have not been able to enjoy what other parts of the country are enjoying.”

A journalist, age (xx), City Name, Date of Interview

“We are unable to work and get paid because we cannot register our attendance into the government attendance app as the internet has been down for more than two months”

A marginalized worker, age (xx), City Name, Date of Interview

## Feedback from other relevant stakeholders

[Please refer to Phase 2: Meeting Other Stakeholders]

To gain more insight into the country's legal and technical issues and human rights situation, we have consulted the following stakeholders:

* [make a list of names of the organisations if they agree to disclose or make a list of types of organisations if they do not agree to disclose the organisation name]
* [Suggested descriptions to cover are:
	+ How you have reached out to these stakeholders
	+ The stakeholders' response to your engagement
	+ Total number of interview/ consultation sessions with the stakeholders.]

[similar to the Feedback from Rightsholders, you may wish to highlight key trends or insights from your other stakeholder consultations here]

# Phase 2: Context Analysis

1.
2.
3.
4.
5.
6.
7.

## Country Context

We present below our understanding of the legal and regulatory human rights context in which your company operates, as well as the role of the government in enforcing this context.

1.
2.
3.
4.
5.
6.
7. 1.

### Country Background [optional]

[Optional: You may wish to provide some paragraphs on the country’s history and the digital environment. You have answered some of these questions in the “Country Context – General Digital Environment” section of the Guidance Template. It is optional since the company and your team will likely be familiar with this already.]

### Human Rights Obligations of [country name]

[It is important that you are able to demonstrate your understanding of the legal and regulatory environment governing the protection or violation of digital rights in the country. You have captured all the information you need to fill this in within the “Country Context – Human Rights In Principle” section of the Guidance Template. It is important that you can list all the laws and regulations impacting digital rights, and make a brief summary of how they could impact digital rights in the country.]

### Human Rights Reality in [country name]

[In this section, you will demonstrate how effectively the government itself follows the laws and regulations you mentioned above, and how effectively the government can enforce these laws and regulations on others. You have captured all the information you need to fill this in within the “Country Context – Human Rights In Practice” section of the Guidance Template.]

### Impact of the Country Context on [company name]

[In this section, you will combine the information above to analyse how the government and country context impact the company’s actions in the country. This allows you to demonstrate to the company that you are fully aware of any limitations placed by the government on the company’s activities in the country. You have already conducted this analysis within the “Country Context – Country Context Summary” section of the Guidance Template.]

## Industry Context [optional]

[Only include this section if you can establish that there is scope for collaboration for human rights within the industry. If there is such scope, please explain your reasons for concluding this from the “Industry Context”]

## Company Context

We first analyse the legal and non-legal human rights obligations your company is subject to.

We then assess how your company’s human rights record in [country\_name], drawing upon assessments and reports made by journalists and civil society, and your activities for promoting rights.

If your company is operating in a conflict zone, we also assesses if and how your company is adopts conflict sensitive business practices.

Due to the limited public availability of some of this information, a best effort assessment has been made, but the assessment team welcomes your company’s engagement and is ready to update the assessment based on any additional information your company may provide.

1.
2.
3.
4.
5.
6.
7. 1.
	2.
	3.

### [company name]’s Human Rights Obligations

[In this section, you will summarise any legal and non-legal human rights obligations the company may be subject to in the country. You may sequentially consider your answer to each question from the “Country Context – Human Rights Obligations” and “Company Context – Human Rights Obligations Summary” section of the Guidance Template to populate this section. Please ensure that you cite specific laws, principles, etc., when making your citations.]

[You may wish to summarise the obligations in a table as follows:]

|  |  |
| --- | --- |
| **Obligation** | **Summary Implication of obligations on [company\_name]** |
| UN Guiding Principles on Business & Human Rights | Conduct human rights due diligence and other practices to respect and remedy all adverse rights impacts. |
| Home country government obligations | [please refer back to Phase 4 – Company Context – Human Rights Obligations] |
| Laws of [home country] | [please link your analysis here to Section 7.1.1 of this report to show consistency between your country analysis and the company’s human rights obligations] |
| Constitution of [host country] | [please refer back to Phase 4 – Company Context – Human Rights Obligations] |
| Stock exchange listing in [country / countries] | [please refer back to Phase 4 – Company Context – Human Rights Obligations] |
| [xyz] Law | [please refer back to Phase 4 – Country Context – Human Rights Obligations] |
| [GNI Principles] [please delete if not relevant] | [please refer back to Phase 4 – Company Context – Human Rights Obligations] |
| Investors | [please refer back to Phase 4 – Company Context – Human Rights Obligations] |
| Customers | [please refer back to Phase 4 – Company Context – Human Rights Obligations] |

### Company Structures to Implement Human Rights Obligations in [country name]

[In this section, you will analyse internal structures the company has implemented to respect human rights in light of the obligations you have identified above. You may sequentially consider your answer to each question from the “Company Context – Human Rights In Principle” and “Company Context – Human Rights In Principle Summary” section of the Guidance Template to populate this section. You may wish to cover, at a minimum, whether the company:

* Has a clear governance structure for managing human rights
* Has a policy commitment to respect human rights in line with the International Bill of Human Rights
* Conducts human rights due diligence in line with the UNGPs
* Has easily accessible grievance mechanisms
* Openly publicises various policies

### Results of Implementing Human Rights Obligations in [country name]

[In this section, you will analyse the results of the company’s implementation of the human rights principles you highlighted earlier. You may sequentially consider your answer to each question from the “Company Context – Human Rights In Practice” and “Company Context – Human Rights In Practice Summary” section of the Guidance Template to populate this section.]

### Your company’s conflict sensitivity [remove if the company is not in a conflict zone]

[In this section, you will analyse the results of the company’s implementation of conflict sensitive business practices and enhanced human rights due diligence, if the company operates in a conflict zone. You may sequentially consider your answer to each question from the “Company Context – Conflict Sensitivity” section of the Guidance Template to populate this section.]

# Phase 3: Impact Assessment

[In this section, you will present the results of your impact assessment.]

* First, copy and paste the prioritisation chart provided in the Impact Assessment section of the guidance template to replace the example shown below.
* Then, copy and paste the prioritisation table below the chart.
* Then, explain the scores as per the example provided

You have the evidence you need to write this section from your impact assessment in the Guidance Template. This includes the reasons why you have scored a salience or company risk score component in a particular way – you may refer to the relevant questions after each of the seven score components in the Guidance Template]

We apply the approach outlined in UNGP 14 and best practice human rights due diligence to determine the saliency of specific impacts, and your company’s management of these impacts. To evaluate the relative priority of the human rights impacts, we used four factors to create a **Salience Score** (based on UNGP 14 and additional sources):

1. **Scope**: The percentage of the population potentially negatively affected by a given impact on human rights
2. **Scale**: The extent to which human rights are impacted
3. **Remediability**: If an individual’s rights are impacted, the ease with which these negative impacts can restore the individual to their prior position
4. **Likelihood**: The likelihood of an impact occurring

A high Salience Score is thus assigned to impacts that:

* Affect >50% of the population
* Have a serious impact on physical rights
* Are irremediable
* Are certain to happen or are already happening

We then evaluate how well your company is managing these impacts by combining three factors into a **Company Risk Score**:

1. **Connection**: Your company’s connection with the rights impact (UNGP 13)
2. **Mitigation**: How well your company is mitigating the negative rights impact to date (UNGP 19)
3. **Leverage**: The extent to which your company can mitigate negative rights impacts further, based on a best-effort consideration of your company’s internal and external context (UNGP 19)

A high Company Risk Score is thus assigned to impacts and causes that:

* Your company has caused (as defined by UNGP 13)
* Your company is not trying to address, or the way your company is addressing them is not public
* Exhibit high potential for your company to make an improvement

The prioritisation chart below plots the Salience Score against the Company Risk Score for each potential rights impacts and cause. The impacts and causes with higher Salience and Company Risk scores are prioritised over those with lower Salience and Company Risk scores, in line with UNGP 24.

[Please replace the chart below using the file “CLARITI risk scoring spreadsheet”]



The table below shows the data used to plot the chart above.

[Please replace the table below]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **Priority** | **Impacted Right and Cause** | **Salience Score** | **Company Risk Score** |
| 1 | 1 | Privacy - government surveillance | 85 | 83 |
| 2 | 1 | Privacy - data breaches & security | 61 | 67 |
| 3 | 3 | Privacy - data privacy practices | 49 | 67 |

1.
2.
3.
4.
5.
6.
7.
8.

## Priority 1 Impacts [example shown]

[you may refer to the questions “Please justify your answer selection for \_\_\_\_\_\_\_” to fill in this table].

|  |  |  |  |
| --- | --- | --- | --- |
| **Primary Right Impacted** | **Cause of Impact** | **Reason for Salience Score**  | **Reason for Management Score** |
| Freedom of expression | Government Censorship | * **Scope**: >50% of the population, since censorship affects the entire user base of your company
* **Scope**: Health & safety violation, as critical security information could be inaccessible from users due to censorship, leading to fatalities or severe injury
* **Remediability**: Not at all, since fatalities could result from censorship, and fatalities are not remediable
* **Likelihood**: Certain, since censorship is already happening
 | * **Connection:** Caused,sincethere is no public evidence that your company has policies and processes in place to manage censorship, and it appears to comply with the government request without further question
* **Mitigation:** No public evidence of your company trying to mitigate the risks of censorship
* **Leverage:** High potential, since your company has strong links to the government from its license agreement
 |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## Priority 2 Impacts

[you may refer to the questions “Please justify your answer selection for \_\_\_\_\_\_\_” to fill in this table].

|  |  |  |  |
| --- | --- | --- | --- |
| **Primary Right Impacted** | **Cause of Impact** | **Reason for Salience Score**  | **Reason for Management Score** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Priority 3 Impacts [Optional – you may only wish to focus on the high salience impacts – i.e. priority 1 & 2]**

[you may refer to the questions “Please justify your answer selection for \_\_\_\_\_\_\_” to fill in this table].

|  |  |  |  |
| --- | --- | --- | --- |
| **Primary Right Impacted** | **Cause of Impact** | **Reason for Salience Score**  | **Reason for Management Score** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

# Phase 4: Recommendations

[In this section, you will present the prioritised recommendations from the Guidance Template]

Based on the context analysis and impact assessment above, we make recommendations to support your company in maximising its positive human rights impacts and mitigating adverse impacts.

These recommendations are classified in line with the UNGPs as follows:

1. **Protect**: Improving the protection of human rights in the country by influencing the government, including but not limited to advocating for improvements in laws, improvements in regulations, or enforcement of these laws and regulations (UNGP 18, 23).
2. **Respect**: Improving your company’s internal environment or activities to minimise rights impacts (UNGP 11).
3. **Remedy**: Attempting to restore the rightsholders to a position to a pre-harm position, or providing compensation or another form of remedy if restoration is not possible (UNGP 22, 29, 31).

UNGP 24 requires businesses to prioritise mitigations that are most severe, or where delayed response would make the rights impacts irremediable, while UNGP 23 indicates that businesses should comply with all applicable laws and respect internationally recognised human rights, seeking ways to honour internationally recognised human rights principles when faced with conflicting requirements. In a best-attempt to consider both these principles, we will prioritise recommendations across two dimensions:

1. **Timeline**: A best-effort consideration of the change possible within the short (within 1 year), medium (within 3 years) and long term (within 5 years). The timeline reflects what should be possible within the country’s context to maximise respect for international human rights laws and principles, in line with UNGP 23
2. **Positive Impact of Recommendation**: Impact of recommendation on mitigating or remedying any negative rights impacts. Our prioritisation considers UNGP 24, which requires prioritising mitigations based on their severity.
3.
4.
5.
6.
7.
8.
9.
10.
11.

## Improving the Protection of Human Rights by the Government

According to the UNGP 1, governments are responsible for protecting against human rights abuses within their jurisdiction by third parties (including companies). However, in an authoritarian or semi-authoritarian context, we understand the role of the government in protecting human rights may be challenging. In line with UNGP 18 and 23, we recommend your company explore advocating for positive changes in laws, regulations, government transparency and rights-respecting government requests. We suggest this could be best done together with cooperative competitors or in multi-stakeholder alliances to maximise the chances of success.

Our specific recommendations to meet this UNGP requirement are as follows:

[please order recommendations by timeline]

|  |  |  |
| --- | --- | --- |
| **Recommendation** | **Timeline** | **Impact** |
| [Recommendation 1] | * Within 1 year
* Within 3 years
* Within 5 years
 | * High/Medium/Low
 |
|  |  |  |
|  |  |  |

**Rationale for Recommendations:**

[please provide rationale for the recommendations above as needed]

## Improving the Respect and Remedy of Human Rights within your company

According to the UNGP 11, companies should respect human rights by not infringing on the human rights of rightsholders and mitigating adverse human rights impacts. Furthermore, UNGP 29 states that companies should establish or participate in grievance mechanisms, while UNGP 31 establishes eight criteria for effective grievance mechanisms.

Our specific recommendations to meet this UNGP requirement are as follows:

[Please order recommendations by timeline]

|  |  |  |
| --- | --- | --- |
| **Recommendation** | **Timeline** | **Impact** |
| [Recommendation 1] | * Within 1 year
* Within 3 years
* Within 5 years
 | * High/Medium/Low
 |
|  |  |  |
|  |  |  |

**Rationale for Recommendations:**

[please provide rationale for the recommendations above as needed]

# Phase 5: Company Engagement

The core purpose of the CLARITI methodology and this report is to enhance our engagement with your company to [add the intended outcome of this report here, as stated in the introduction].

Prior to commencing this assessment, we tried to contact your company to learn about your company’s commitment to human rights and how your company is managing human rights issues. Furthermore, since the context analysis, impact assessment and recommendations are limited to information available in the public domain, we welcome the opportunity for a more in-depth discussion with your company to understand the opportunities and challenges your company faces and to discuss the scope for constructive collaboration.

Our attempts to reach your company are summarised below:

[as per the suggestion in Guidance Template Phase 2: Meeting A Company Representative Early On, you should have tried to contact the company before and during the assessment, and you should have documented your efforts. Please note how you have engaged with the company, and the company’s response here. You may wish to include:

* + How you have reached out to the company, and the number of attempts.
	+ The company's response to your engagement.
	+ Total number of departments/ representatives if the company agreed to meet with you, and the names of departments with their consent.]

We look forward to discussing this report and collaborating with you to help your company maximise its positive human rights impacts and mitigate any adverse impacts.

# **Appendix A – List of Online Sources Consulted**

[The list below is a compilation of all the sources you have been guided to during the context analysis and impact assessment. You will need to add links specific to the company you are assessing. Please delete or add sources as needed.]

**List of online sources consulted for Country Context Analysis**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Organisation**  | **Page Title**  | **URL** |
| 1 | Amnesty International | Countries | <https://www.amnesty.org/en/countries/> |
| 2 | Baker McKenzie | Global Data Privacy & Security Handbook | <https://resourcehub.bakermckenzie.com/en/resources/data-privacy-security> |
| 3 | Constitute | Constitutions | <https://constituteproject.org/constitutions?lang=en>. |
| 4 | Council of Europe | Complete list of the Council of Europe's treaties | <https://www.coe.int/en/web/conventions/full-list> |
| 5 | DataReportal | Complete Report Library | <https://datareportal.com/library> |
| 6 | Freedom House | Countries and Territories | <https://freedomhouse.org/countries/freedom-world/scores> |
| 7 | Global Data Privacy & Security Handbook |  | https://resourcehub.bakermckenzie.com/en/resources/data-privacy-security. |
| 8 | Global Network Initiative (GNI) | Country Legal Frameworks Resource (CLFR) | <https://clfr.globalnetworkinitiative.org/> |
| 9 | Office of the United Nations High Commissioner for Human Rights (OHCHR) |  | <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Lang=en> |
| Assessing the Effectiveness of National Human Rights Institution | <https://www.ohchr.org/sites/default/files/Documents/Publications/NHRIen.pdf> |
| 10 | Organisation of American States | Basic Documents in the Inter-American System | <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/basic_documents.asp> |
| 11 | South Asian Association for Regional Cooperation (SAARC) | Agreements & Conventions | <https://www.saarc-sec.org/index.php/resources/agreements-conventions?limit=20&limitstart=20> |
| 12 | The African Union | OAU/AU Treaties, Conventions, Protocols & Charters | <https://au.int/en/treaties> |
| 13 | The Association of Southeast Asian Nations (ASEAN) | Human Rights | <https://asean.org/our-communities/asean-political-security-community/rules-based-people-oriented-people-centred/human-rights/> |
| 14 | United Nations Conferenceon Trade and Development | Data Protection and Privacy Legislation Worldwide | <https://unctad.org/page/data-protection-and-privacy-legislation-worldwide> |
| 15 | US Department of State | Country Reports on Human Rights Practices | <https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/> |
| 16 | World Bank | Classification of Fragile and Conflict-Affected Situations | <https://www.worldbank.org/en/topic/fragilityconflictviolence/brief/harmonized-list-of-fragile-situations> |
| 17 | World Justice Project |  | <https://worldjusticeproject.org/rule-of-law-index/global/2022> |

**List of online sources consulted for Company Context Analysis**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Organisation**  | **Page Title**  | **URL** |
| 1 | AALEP - Association of Accredited Public Policy Advocates to the European Union | Biggest tech associations representing digital companies | <https://www.aalep.eu/biggest-tech-associations-representing-digital-companies> |
| 2 | Amnesty International | What the EU’s Digital Services Act means for human rights and harmful Big Tech business models  | <https://www.amnesty.org/en/wp-content/uploads/2022/07/POL3058302022ENGLISH.pdf> |
| 3 | Business & Human Rights | Mandatory Due Diligence | <https://www.business-humanrights.org/en/big-issues/mandatory-due-diligence/> |
| 4 | CIRIGHTS |  | <https://cirights.com/> |
| 5 | Digital Trust & Safety Partnership | Best Practices Framework | <https://dtspartnership.org/best-practices/> |
| 6 | Electronic Frontier Foundation | Who Has Your Back? Censorship Edition 2019 | Santa Clara: <https://www.eff.org/wp/who-has-your-back-2019> |
| 7 | Fierce Telecom | Who are the wireless and wired telecom trade associations? | <https://www.fiercetelecom.com/telecom/who-are-wireless-and-wired-telecom-trade-associations> |
| 8 | Ranking Digital Rights  | The 2022 Telco Giants Score Card | https://rankingdigitalrights.org/tgs22/ |
| The 2022 Big Tech Score Card | <https://rankingdigitalrights.org/bts22/> |
| 2020 Ranking Digital Rights Corporate Accountability Index | <https://rankingdigitalrights.org/index2020/> |
| Governance and Management Oversight | Tech: <https://rankingdigitalrights.org/bts22/indicators/G2>Telco: <https://rankingdigitalrights.org/tgs22/indicators/G2> |
| Governments and regulations  | <https://rankingdigitalrights.org/index2020/indicators/G4a> |
| Processes for policy enforcement | <https://rankingdigitalrights.org/index2020/indicators/G4b> |
| Targeted advertising | <https://rankingdigitalrights.org/index2020/indicators/G4c> |
| Algorithmic System |  <https://rankingdigitalrights.org/index2020/indicators/G4d> |
| Access to terms of service | <https://rankingdigitalrights.org/bts22/indicators/F1a> |
| Process for terms of service enforcement |  <https://rankingdigitalrights.org/bts22/indicators/F3a> |
| Scorecards and Rankings | <https://rankingdigitalrights.org/rankings-report-cards/> |
| 9 | The Santa Clara Principles |  | <https://santaclaraprinciples.org> |
| 10 | United Nations Global Compact | Our Participants | <https://unglobalcompact.org/what-is-gc/participants> |
| 11 | World Benchmarking Alliance | Digital Inclusion Benchmark | <https://www.worldbenchmarkingalliance.org/publication/digital-inclusion/companies/> |
| 12 | World Benchmarking Alliance  | Digital Inclusion Benchmark | <https://www.worldbenchmarkingalliance.org/publication/digital-inclusion/companies/> |
| 13 | World Favor | The ultimate guide to Human Rights Due Diligence laws – who’s affected and how to comply | <https://blog.worldfavor.com/the-complete-list-of-national-human-rights-due-diligence-laws-whos-affected-and-how-to-comply> |

**List of online sources consulted for Impact Assessment**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Organisation**  | **Page Title**  | **URL** |
| 1 | Access Now | How’s your country on Net Neutrality? | https://www.accessnow.org/hows-your-country-on-net-neutrality/ |
| Five excuses governments (ab)use to justify internet shutdowns | https://www.accessnow.org/five-excuses-governments-abuse-justify-internet-shutdowns/ |
| The impact of forced data localisation on fundamental rights | https://www.accessnow.org/the-impact-of-forced-data-localisation-on-fundamental-rights/ |
| 2 | CSO | The 15 biggest data breaches of the 21st century | <https://www.csoonline.com/article/534628/the-biggest-data-breaches-of-the-21st-century.html>. |
| 3 | Daily Dot | What is zero-rating? | https://www.dailydot.com/debug/zero-rating/ |
| 4 | European Commission | What personal data is considered sensitive? | <https://commission.europa.eu/law/law-topic/data-protection/reform/rules-business-and-organisations/legal-grounds-processing-data/sensitive-data/what-personal-data-considered-sensitive_en> |
| 5 | Facebook | Our Approach to Facebook Feed Ranking | <https://transparency.fb.com/features/ranking-and-content/> |
| 6 | Freedom House | Countries | https://freedomhouse.org/countries/freedom-net/scores |
| 7 | GDPR Text | Article 29 Working Party Guidelines on transparency under Regulation 2016/679 | <https://gdpr-text.com/guidelines/transparency/> |
| 8 | General Data Protection Regulation (GDPR) | GDPR Overview | [https://gdpr.eu](https://gdpr.eu/article-15-right-of-access/) |
| 9 | Global Data Privacy & Security Handbook |  | <https://resourcehub.bakermckenzie.com/en/resources/data-privacy-security> |
| 10 | Global Network Initiative (GNI) | Country Legal Frameworks Resource (CLFR) | <https://clfr.globalnetworkinitiative.org/> |
| Defining Direct Access: GNI calls for greater transparency and dialogue around mandatory, unmediated government access to data | <https://globalnetworkinitiative.org/defining-direct-access-2/> |
| Implementation Guidelines ForThe Principles of Freedom OfExpression And Privacy | <https://globalnetworkinitiative.org/wp-content/uploads/2018/08/Implementation-Guidelines-for-the-GNI-Principles.pdf> |
| 11 | Internet Society | Global Internet Shutdowns | <https://pulse.internetsociety.org/shutdowns> |
| 12 | NetBlocks |  | <https://netblocks.org/reports> |
| 13 | PayPal | List of Third Parties (other than PayPal Customers) with Whom Personal Information May be Shared | https://www.paypal.com/ie/legalhub/third-parties-list" |
| 14 | Ranking Digital Rights  | The 2022 Telco Giants ScoreCard | <https://rankingdigitalrights.org/tgs22/> |
| The 2022 Big Tech Score Card | <https://rankingdigitalrights.org/bts22/> |
| 15 | TechTarget | Top 10 customer data privacy best practices | <https://www.techtarget.com/searchcustomerexperience/tip/Top-customer-data-privacy-best-practices> |
| 16 | The Santa Clara Principles |  | <https://santaclaraprinciples.org/> |
| 17 | Twitter | A new era of transparency for Twitter | <https://blog.twitter.com/en_us/topics/company/2023/a-new-era-of-transparency-for-twitter> |
| 18 | United Nations Conferenceon Trade and Development | Data Protection and Privacy Legislation Worldwide | <https://unctad.org/page/data-protection-and-privacy-legislation-worldwide> |