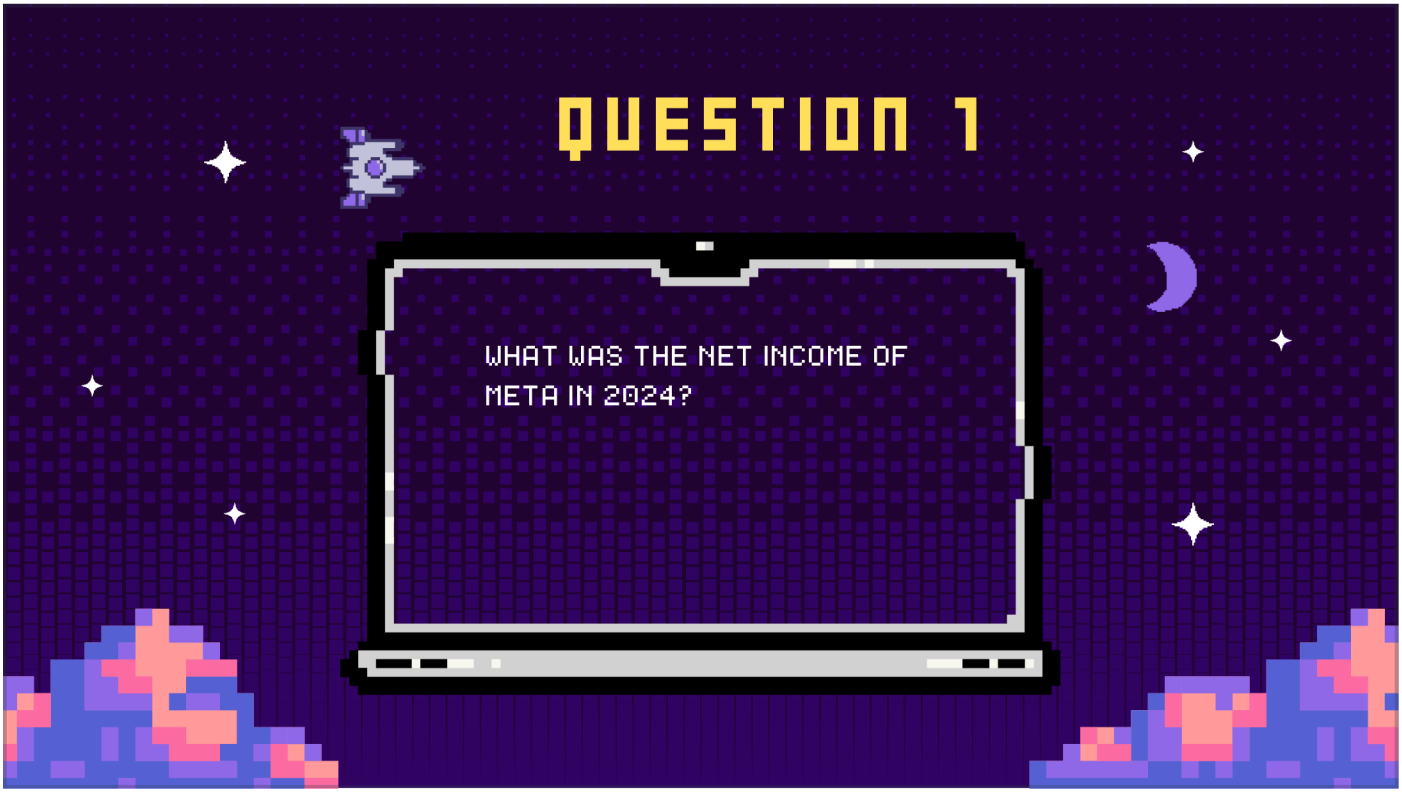
Corporate Accountability

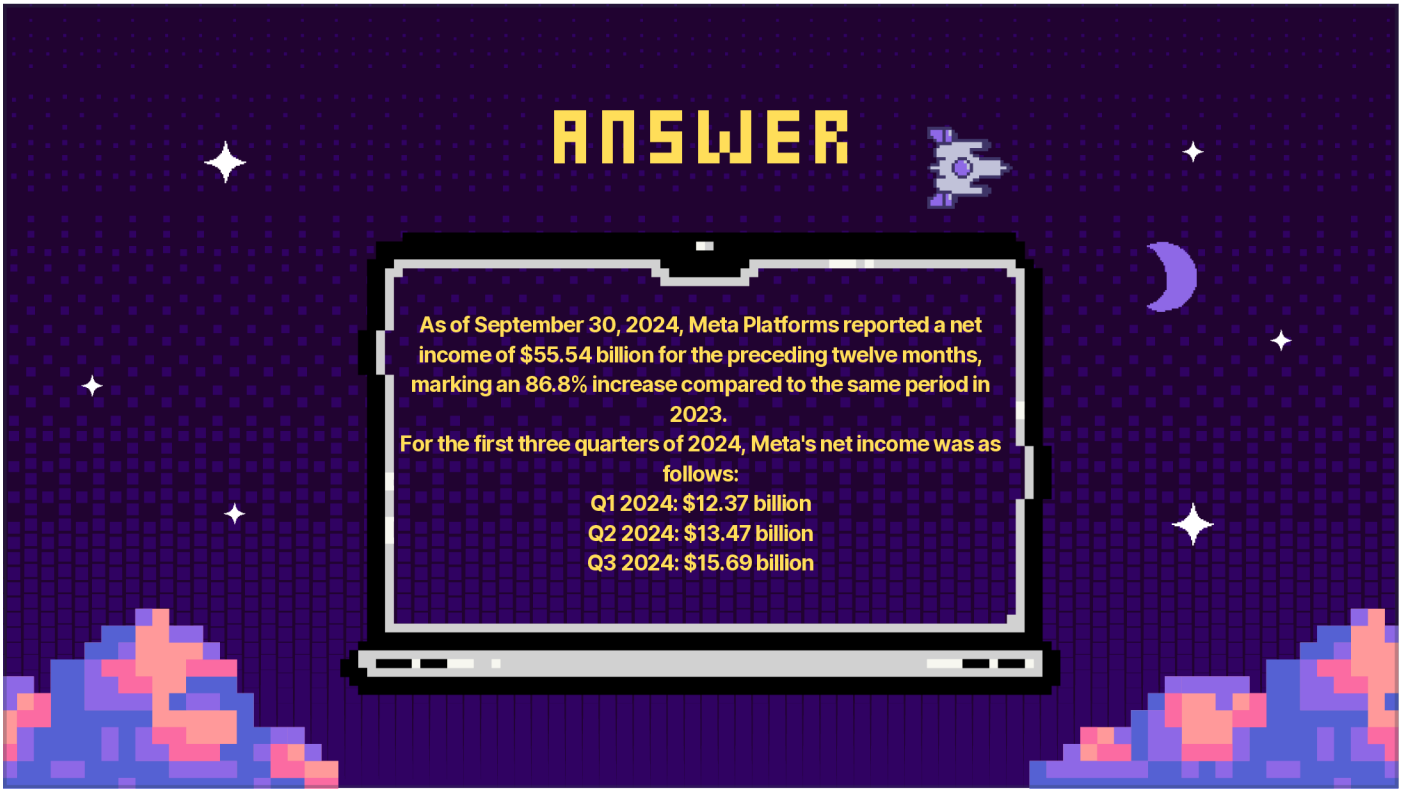
18 Nov 2024

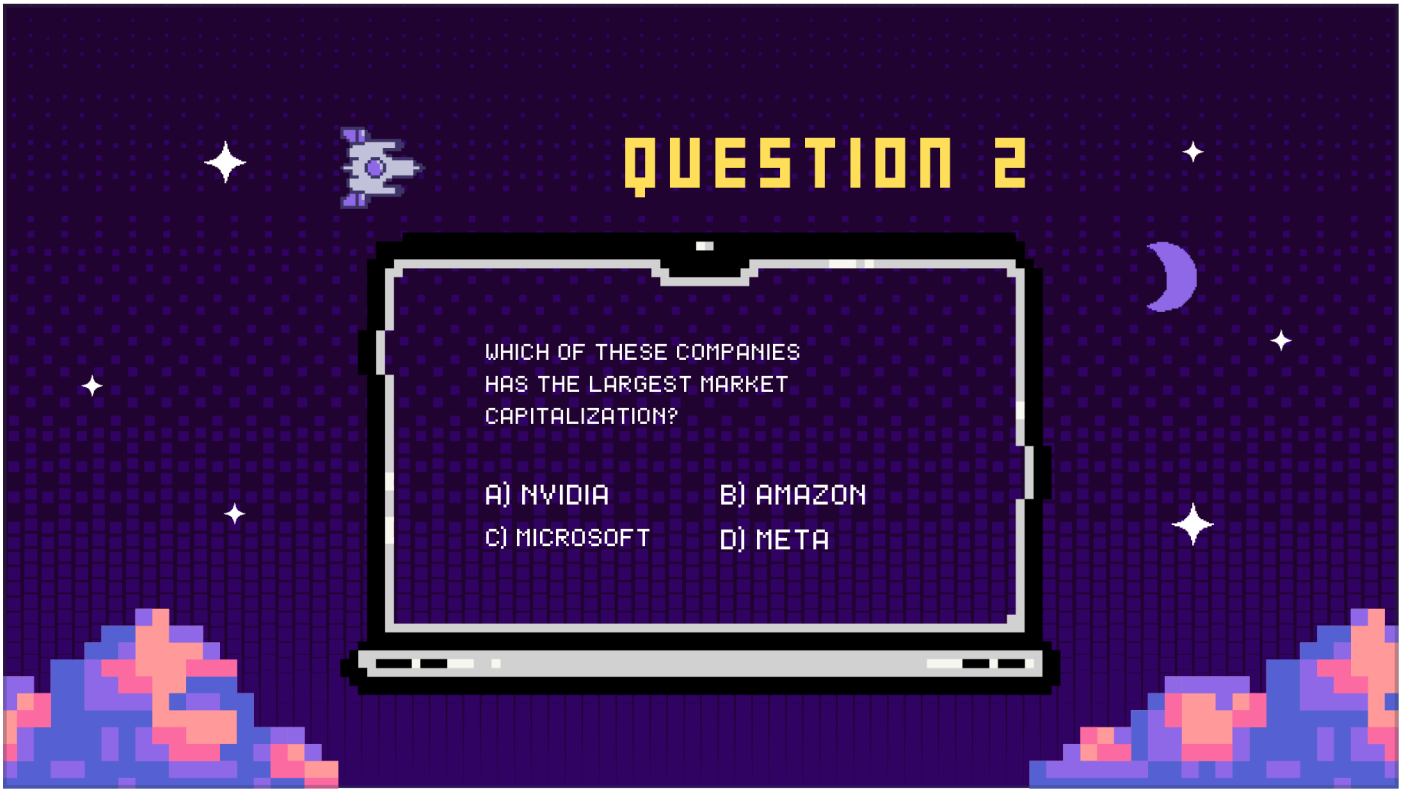
AfriSIG 2024 - Addis Ababa

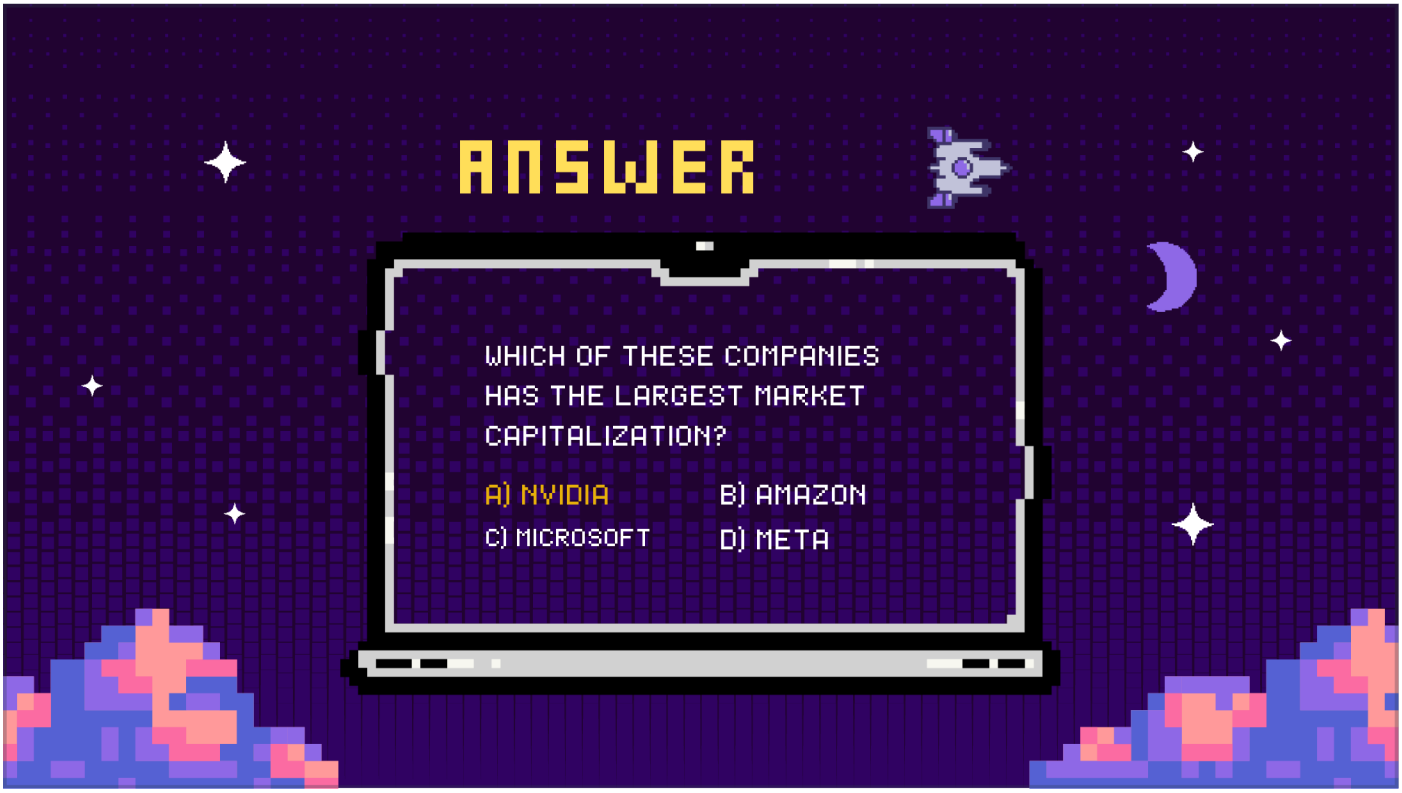
20 YEARS OF
Business & Human Rights Resource Centre

QUIZ TIME
PRESS START


QUESTION 1
WHAT WAS THE NET INCOME OF META IN 2024?


ANSWER
As of September 30, 2024, Meta Platforms reported a net income of $55.54 billion for the preceding twelve months, marking an 86.8% increase compared to the same period in 2023.
For the first three quarters of 2024, Meta's net income was as follows:
Q1 2024: $12.37 billion
Q2 2024: $13.47 billion
Q3 2024: $15.69 billion


QUESTION 2
WHICH OF THESE COMPANIES HAS THE LARGEST MARKET CAPITALIZATION?
A) NVIDIA
B) AMAZON
C) MICROSOFT
D) META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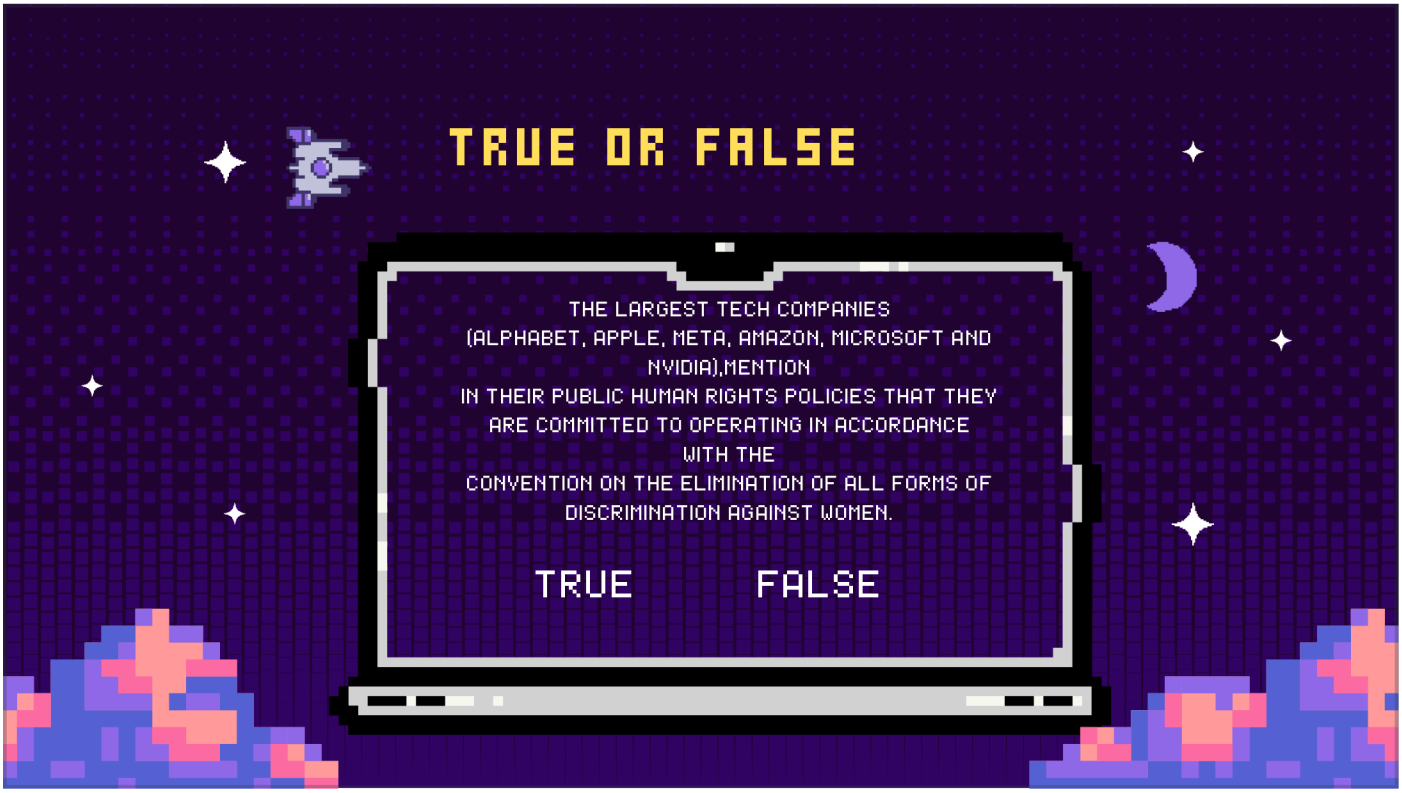
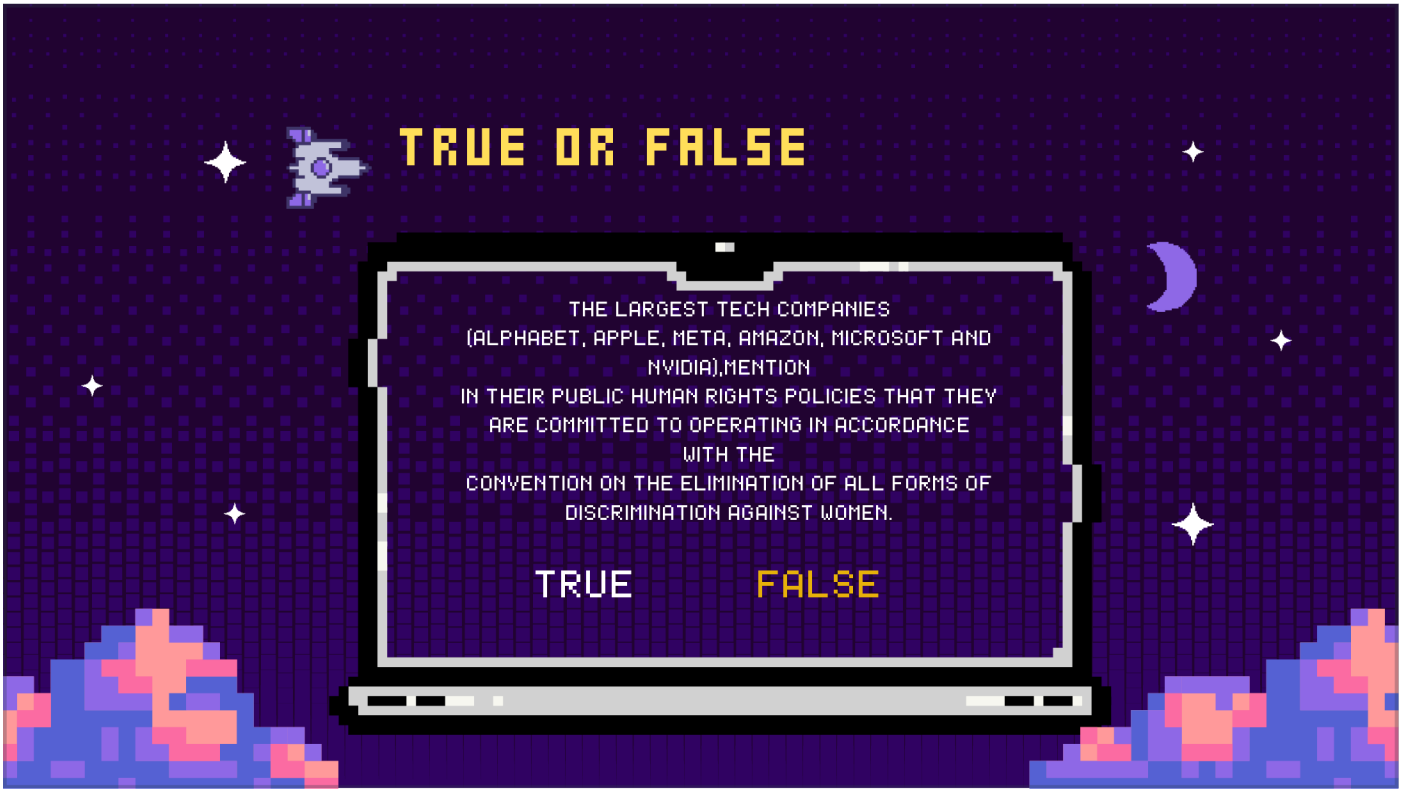

TRUE OR FALSE
THE LARGEST TECH COMPANIES (ALPHABET, APPLE, META, AMAZON, MICROSOFT AND NVIDIA),MENTION IN THEIR PUBLIC HUMAN RIGHTS POLICIES THAT THEY ARE COMMITTED TO OPERATING IN ACCORDANCE WITH THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN.
TRUE
FALSE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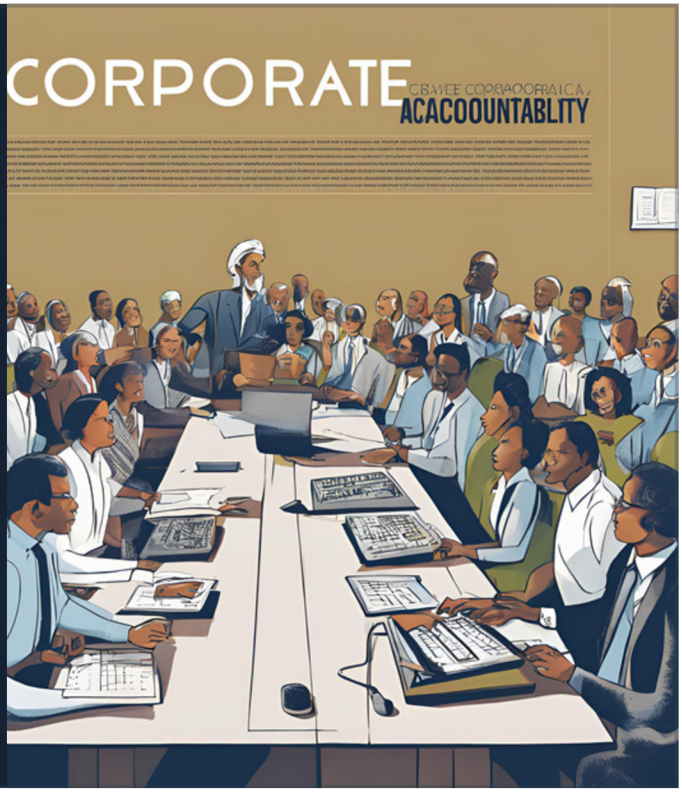
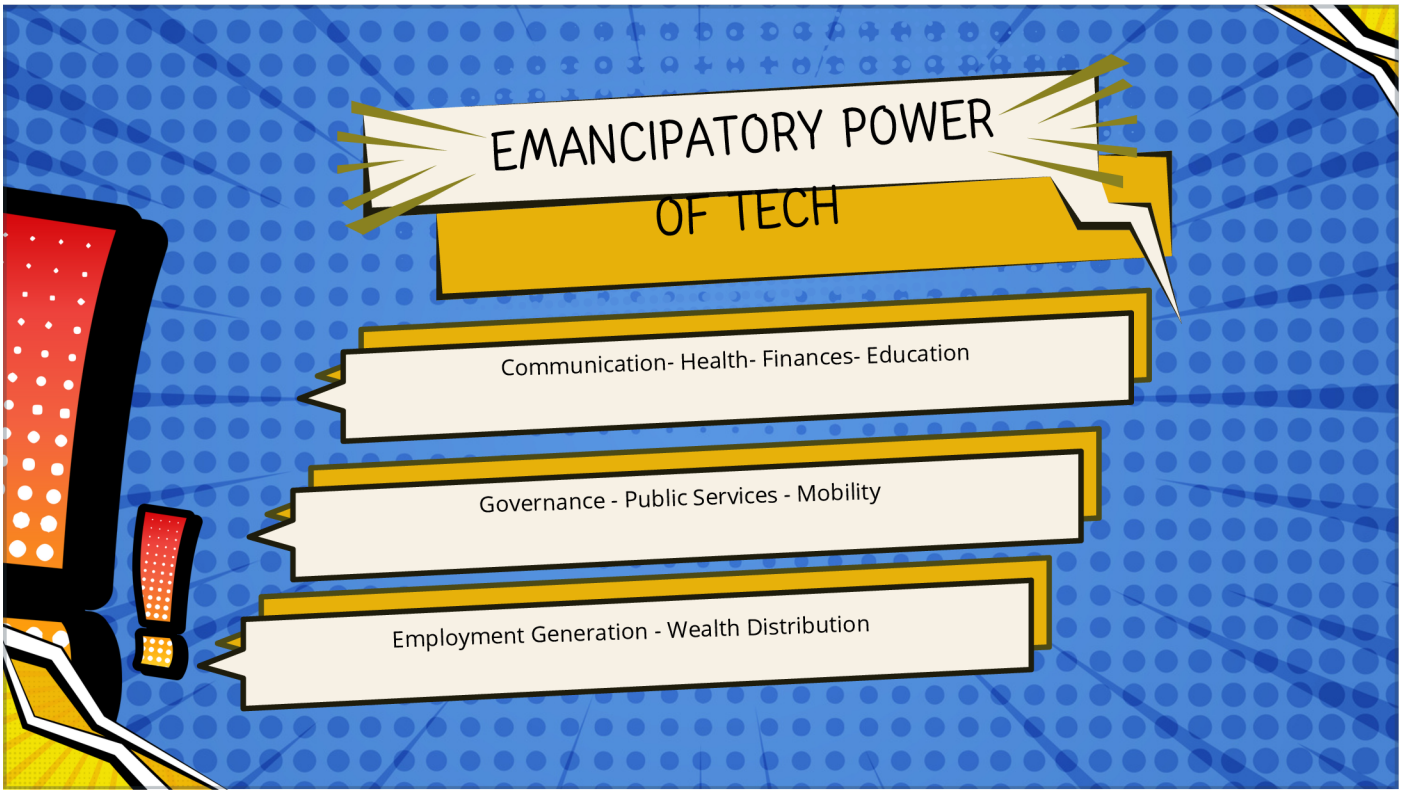
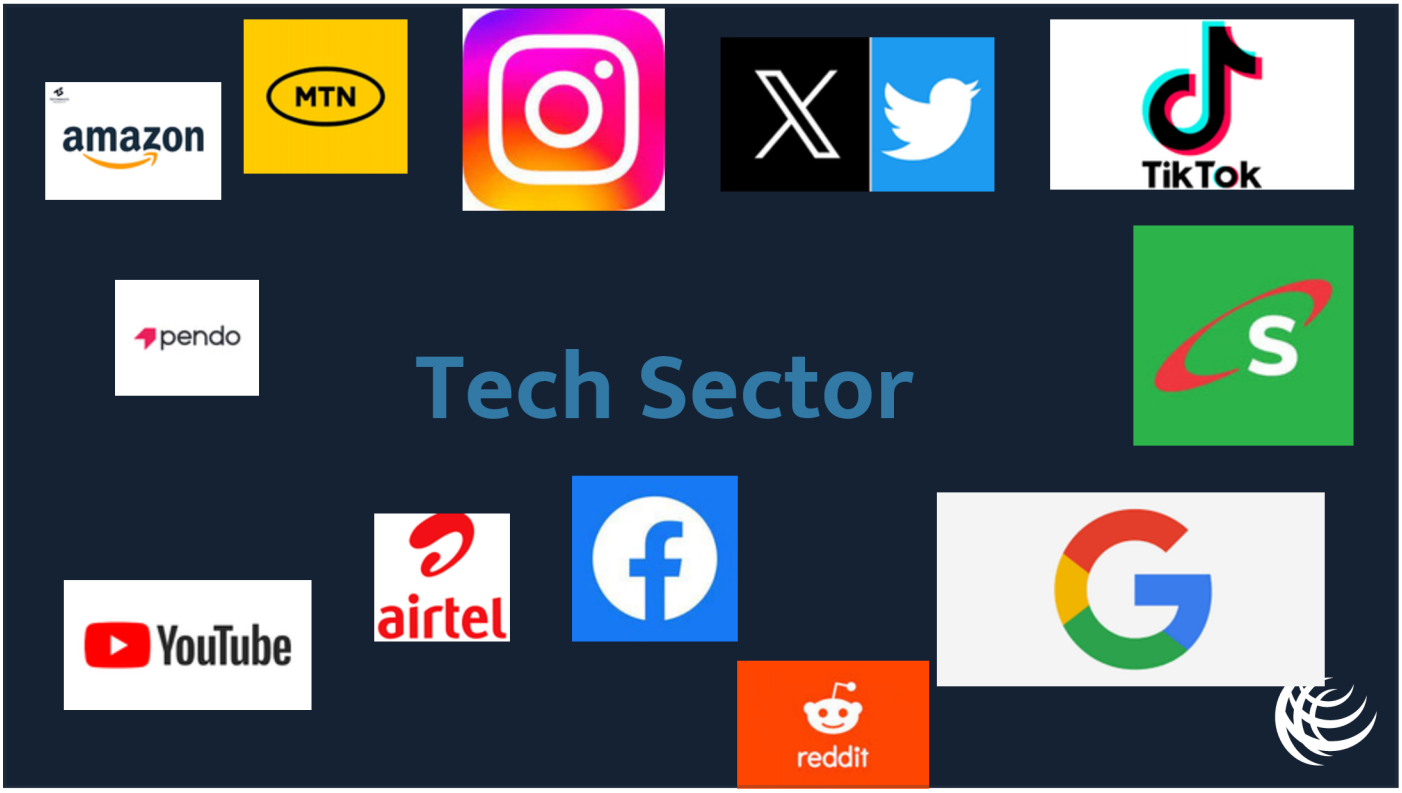
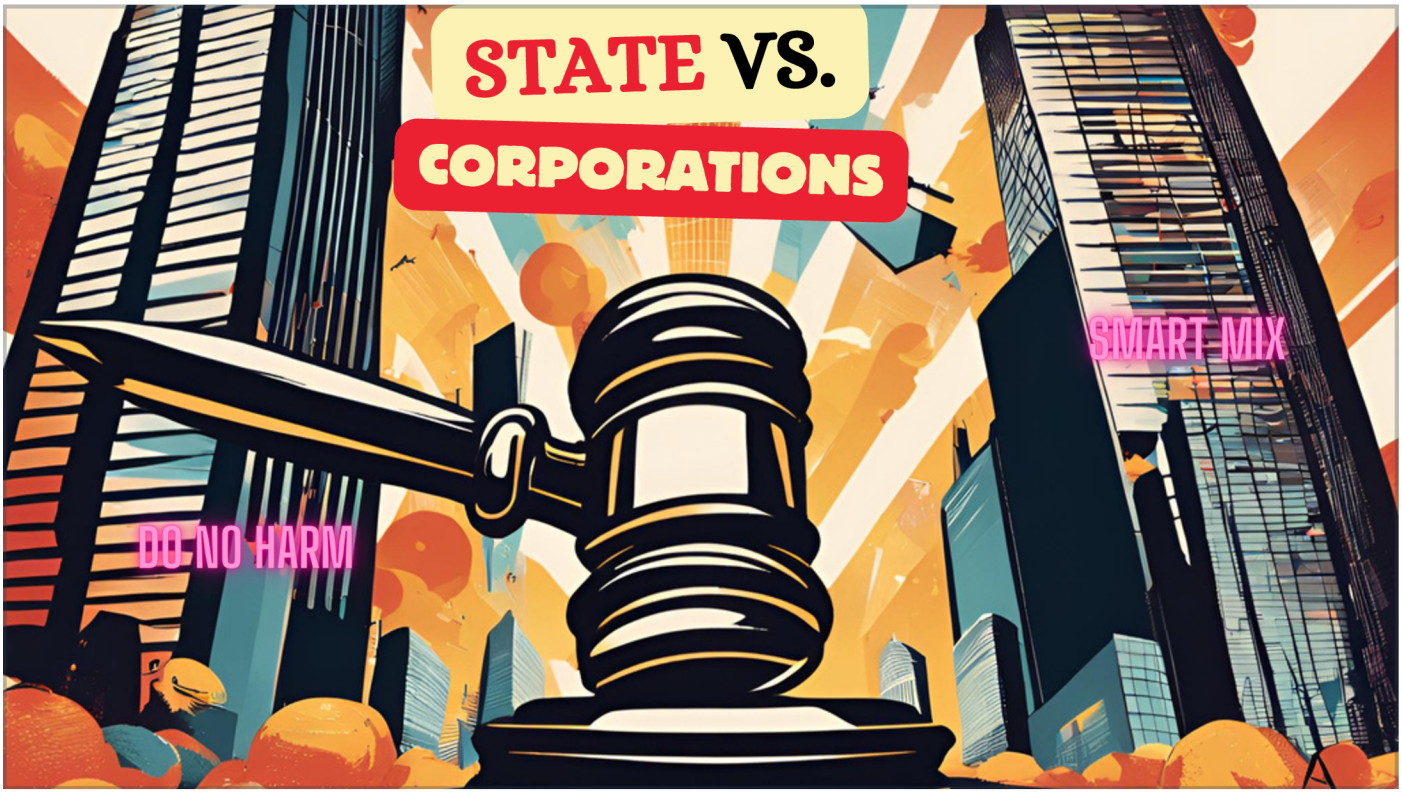
Objectives

1. **Understanding Corporate Actors**
2. **Actors in the ecosystem**
3. Responsibilities under UNGPs
4. Challenges with engaging this sector
5. Way forward




EMANCIPATORY POWER
OF TECH
Communication- Health- Finances- Education
Governance - Public Services - Mobility
Employment Generation - Wealth Distribution


amazon
MTN
TikTok
pendo
Tech Sector
airtel
YouTube
reddit

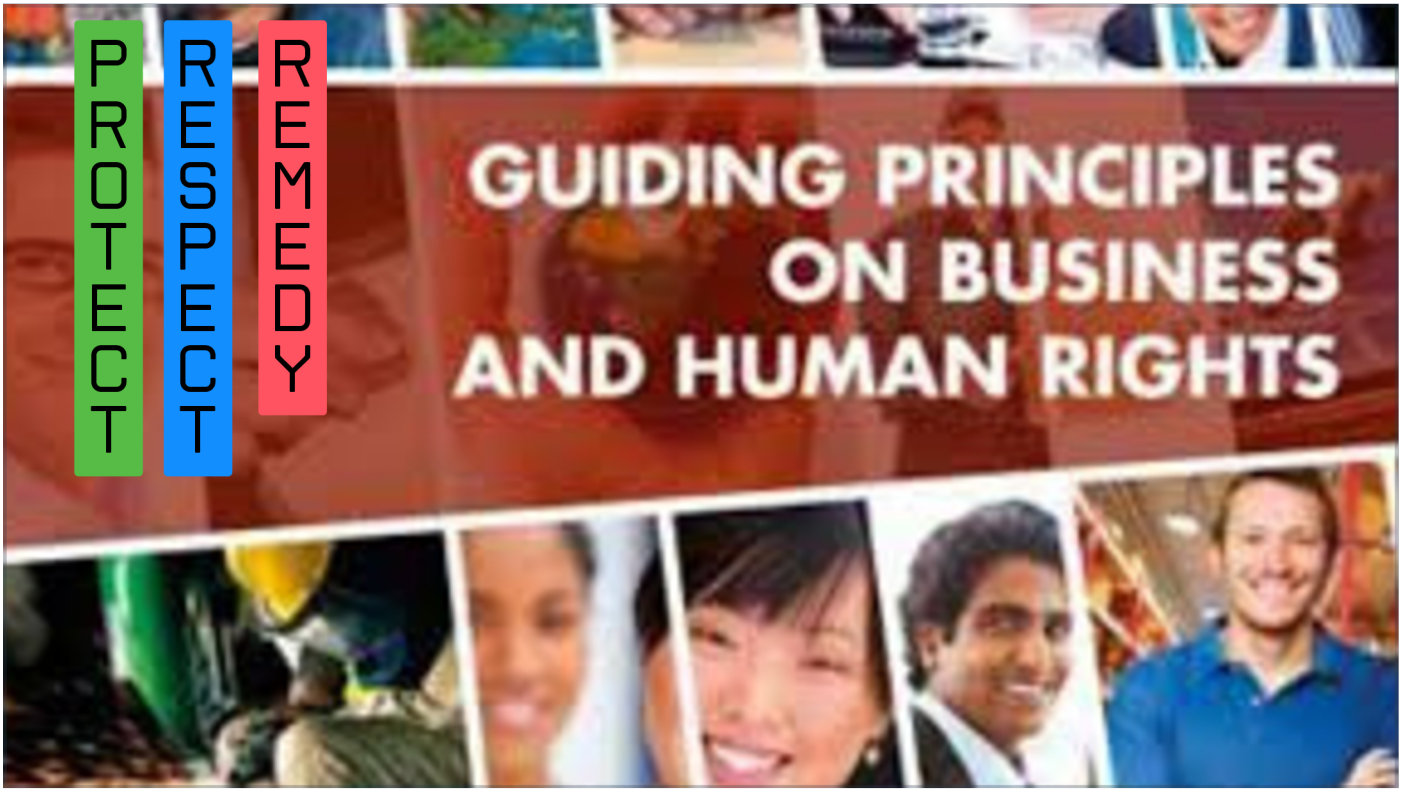

STATE VS.
CORPORATIONS
SMART MIX
DO NO HARM

Materiality

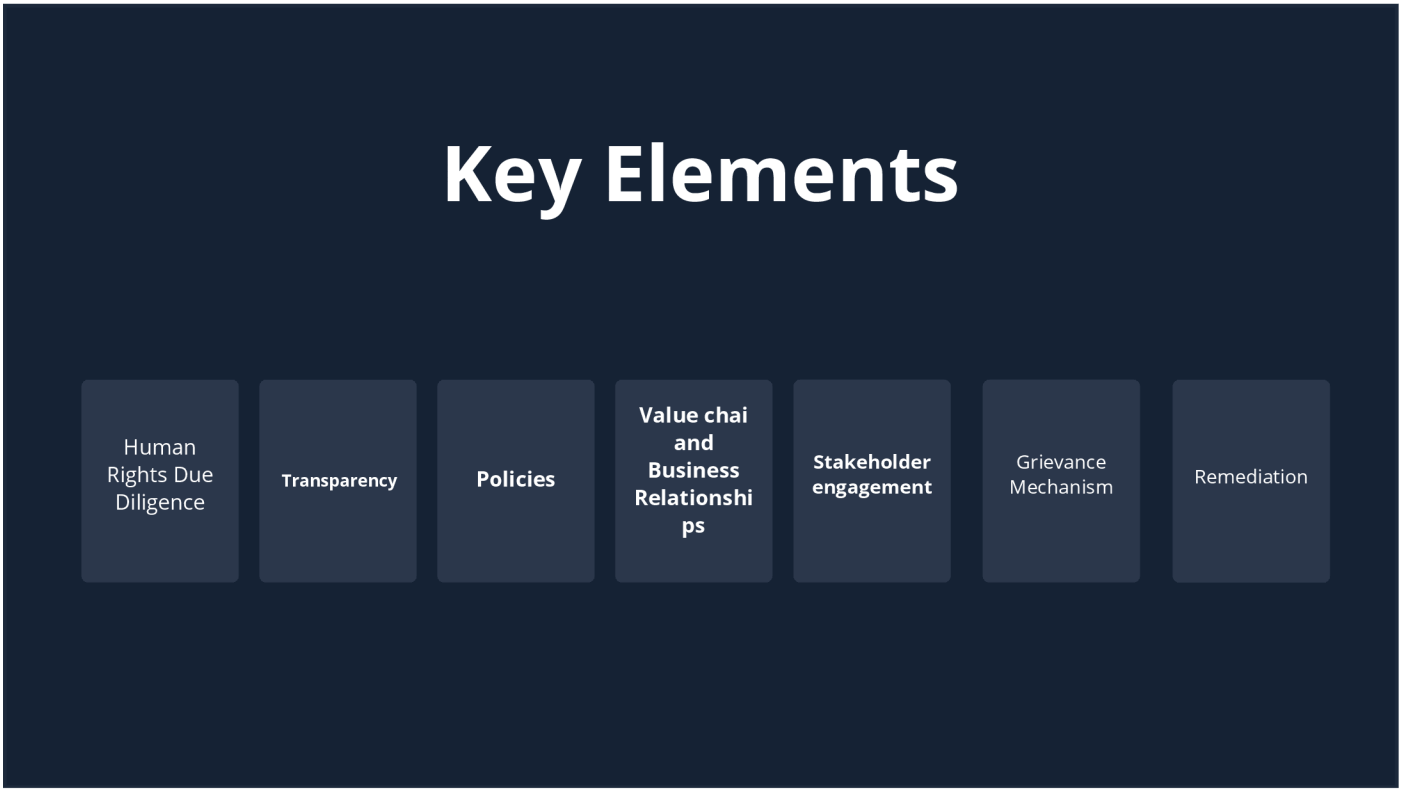
Financial Harm

Legal Harm

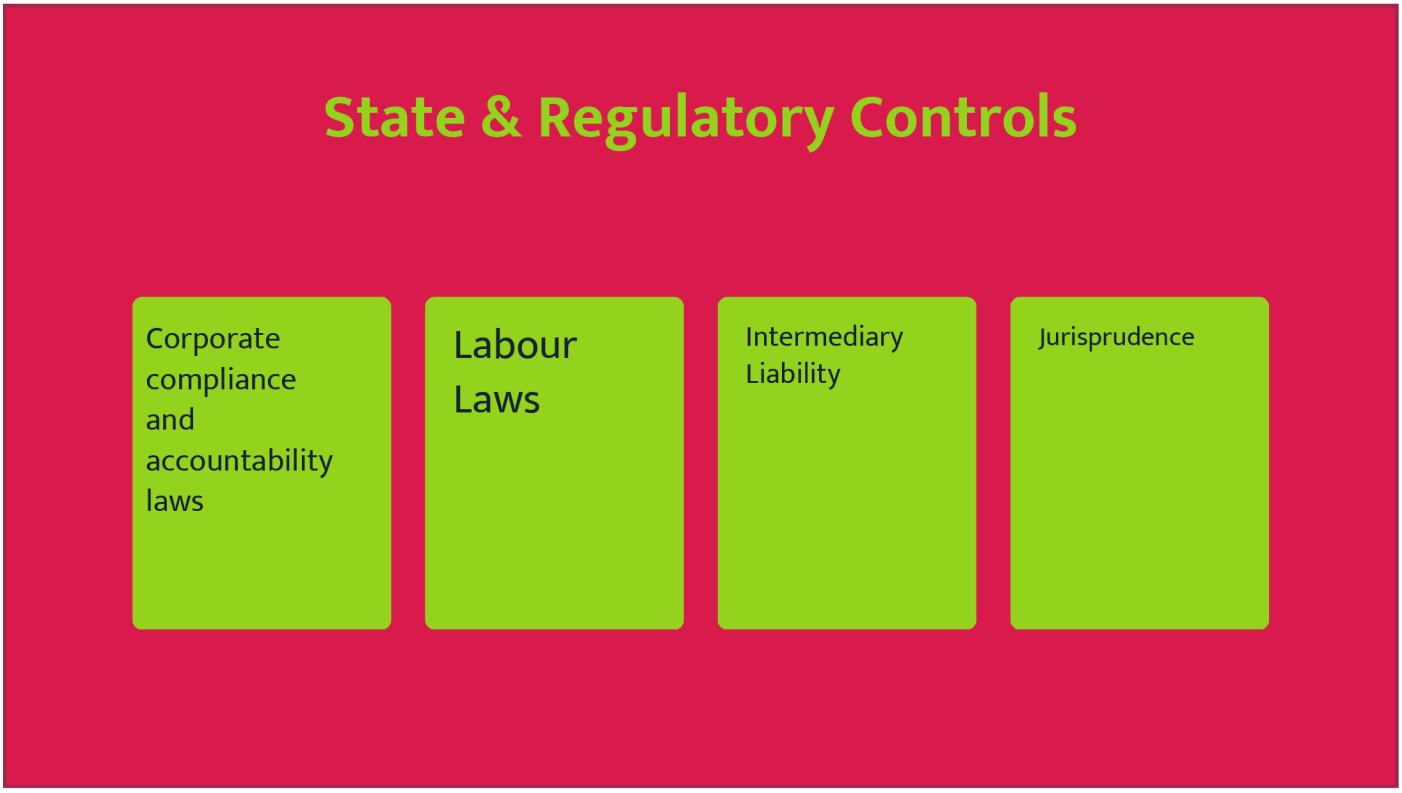
Reputational Harm


PROTECT
RESPECT
REMEDY
GUIDING PRINCIPLES
ON BUSINESS
AND HUMAN RIGHTS

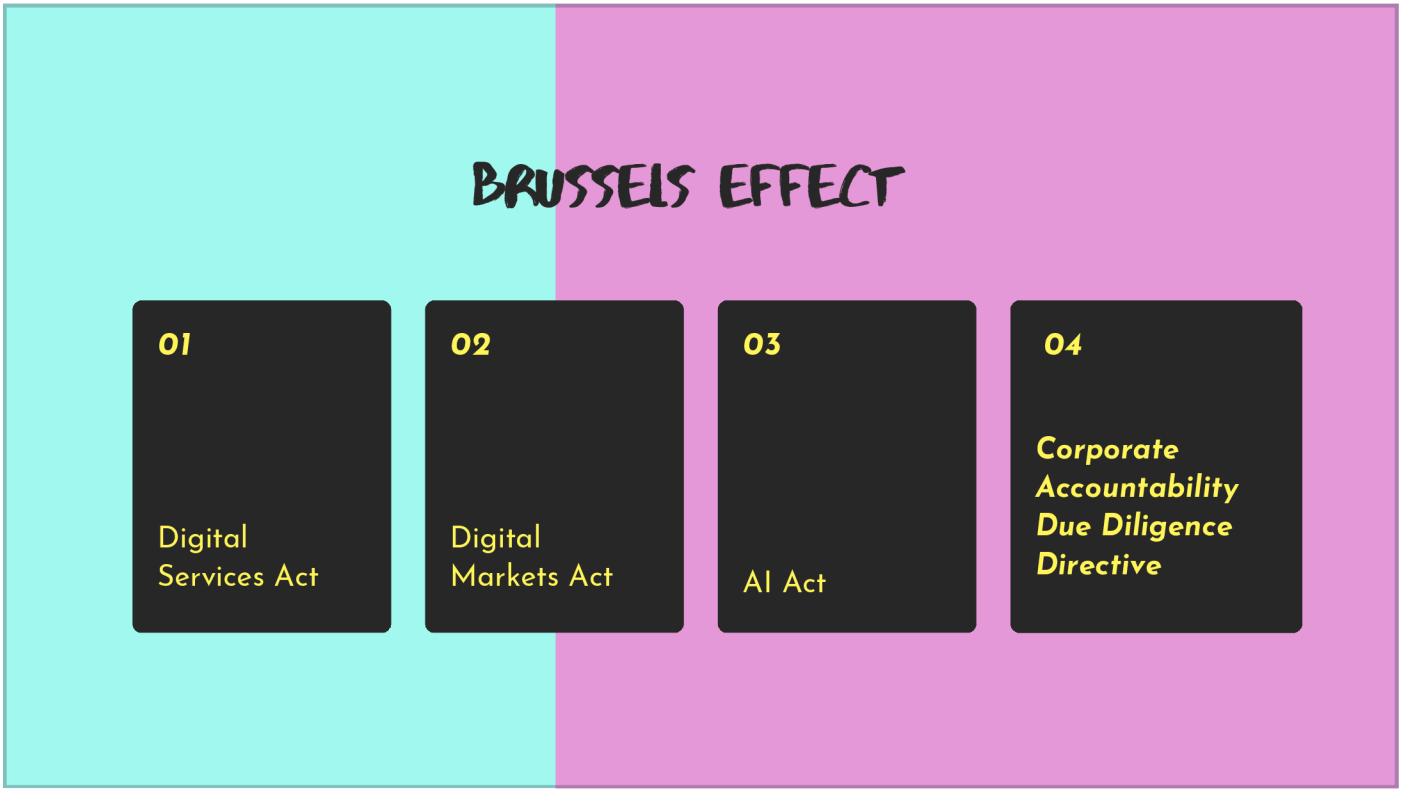
Key Elements



Ecosystem
1
Companies
2
Investors
3
States, Judiciary and Regulators
4
International Mechanisms
5
Industry Bodies
6
Civil Society


State & Regulatory Controls
Corporate compliance and accountability laws
Labour Laws
Intermediary Liability
Jurisprudence

Taking CTRL: Pathways to effective investor engagement
Advocating for state action to mitigate investment into rights-abusing spyware
Working in coalitions to push for effective embargos on companies with problematic track records
Leveraging Cellebrite's IPO to push for accountability
Coordinated campaigns targeting key moments of financial importance to companies and leveraging the momentum to address regulatory gaps.
Advocacy campaign landing Sandvine on a US Government blacklist
Leveraging evidence to effectively cause companies to end relations with states abusing technology and be placed on a blacklist.
Engaging with Limited Partner investors
Focusing on specific class of investors and building on public awareness of challenges
Protecting .ORG from being bought by private equity
Defending the right to use key infrastructure for civil society by advocating with different decision makers.
Creating explanatory materials for an investor audience
Enabling better understanding of measures and checks investors must take to ensure respect for rights.
Working with investors to harness the power of benchmark data
Pushing for specific changes in company practices based on findings in key benchmarks.
Addressing human rights risks associated with Palantir and its Initial Public Offering (IPO)
Targeting key financial moments of companies and learning the need for more candid engagement


BRUSSELS EFFECT
01
Digital Services Act
02
Digital Markets Act
03
AI Act
04
Corporate Accountability Due Diligence Directive

Gaza
and the
UN
UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER
THE WORKING GROUP ON BUSINESS AND HUMAN RIGHTS
ITU

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Business & Human Rights Resource Centre
Accusations and actions: A decade tracking tech company responses to human rights allegations

Key findings

- We have invited 339 tech companies to respond to 722 human rights allegations.
- We received responses to only 347 (48%) of these allegations, leaving 357 (52%) without a company response.
- 70% of the allegations concerned affect vulnerable groups (migrants, children, workers, women, LGBTQI+ individuals, and human rights defenders, among others.)
- 77% of the tech companies associated with human rights allegations worldwide are headquartered in Global North countries.
- Nearly (30%) of the invitations to respond to allegations involved technology companies in conflict-affected zones
- Positive correlation between the presence of human rights policy commitments and transparency with respect to responsiveness to allegations of abuse.
- Lower response rate than other sectors like apparel and textile, natural resources, and agriculture, food, drink and tobacco

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Business & Human Rights Resource Centre
Latest News
Companies
Big Issues
From Us
Blog
Donate
About Us
The content is also available in the following languages: español
Dismantling the facade: A global south perspective on the state of engagement with tech companies

Key challenges

- Opaque business practices
- Inaccessible company structures
- Limited capacity
- Lack of whistleblower protection
- Discriminatory practices

Roadblocks with states and international platforms

- Pace of change
- Agenda of preservation and force
- Security
- Imbalance of power among states
- Resource intensive
- Gatekeeping

Roadblocks for states

- Competing interests
- Unrealistic asks
- Timelines
- Security and the responsibility to protect
- Public opinion
- Budgetary and practical realities

Challenges tech companies face with stakeholder engagement

- Need to know what civil society wants specifically (not just “transparency”)
- If engagement is early and not product-specific, difficult to report back to colleagues
- High level of technical expertise needed to provide useful feedback on products
- Timing - don’t want to start too early or too late
- Civil society capacity

Corporate engagement

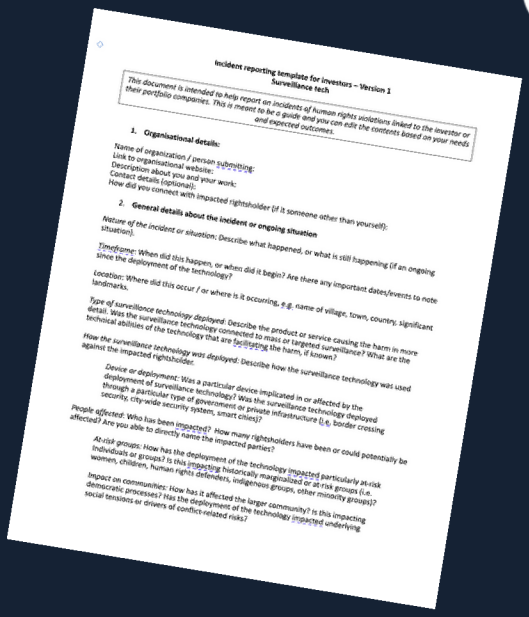
What we've learned

- Information is power - know the company you are trying to change
- Have a solid evidence base and clear, specific asks
- Anticipate how the company may respond and know their pressure points
- Form alliances and use a diversity of strategies

Incident Reporting Template

Being developed by the Business & Human Rights Resource Centre and Heartland Initiative

Link to draft



Incident reporting template for investors – Version 1
Surveillance tech

This document is intended to help report on incidents of human rights violations linked to the investor or their portfolio companies. This is meant to be a guide and you can edit the contents based on your needs and expected outcomes.

1. **Organisational details:**

Name of organization / person submitting:
Link to organisational website:
Description about you and your work:
Contact details (optional):
How did you connect with impacted rightsholder (if it someone other than yourself):

2. **General details about the incident or ongoing situation**

Nature of the incident or situation: Describe what happened, or what is still happening (if an ongoing situation).

Timeframe: When did this happen, or when did it begin? Are there any important dates/events to note since the deployment of the technology?

Location: Where did this occur / or where is it occurring, e.g. name of village, town, country, significant landmarks.

Type of surveillance technology deployed: Describe the product or service causing the harm in more detail. Was the surveillance technology connected to mass or targeted surveillance? What are the technical abilities of the technology that are facilitating the harm, if known?

How the surveillance technology was deployed: Describe how the surveillance technology was used against the impacted rightsholder.

Device or deployment: Was a particular device implicated in or affected by the deployment of surveillance technology? Was the surveillance technology deployed through a particular type of government or private infrastructure (i.e. border crossing security, city-wide security system, smart cities)?

People affected: Who has been impacted? How many rightsholders have been or could potentially be affected? Are you able to directly name the impacted parties?

At-risk groups: How has the deployment of the technology impacted particularly at-risk individuals or groups? Is this impacting historically marginalized or at-risk groups (i.e. women, children, human rights defenders, indigenous groups, other minority groups)?

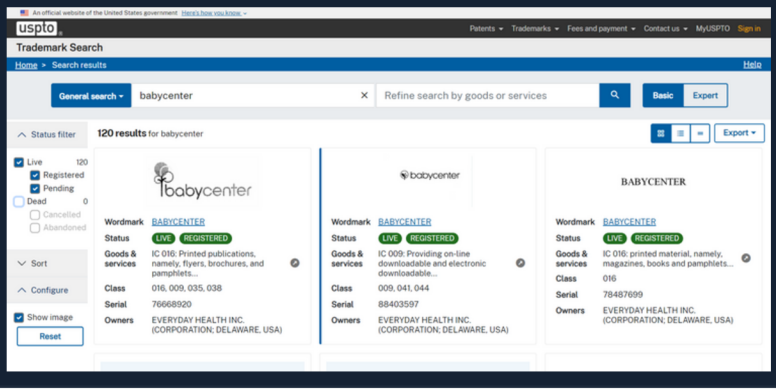
Impact on communities: How has it affected the larger community? Is this impacting democratic processes? Has the deployment of the technology impacted underlying social tensions or drivers of conflict-related risks?

Corporate
Information & Tools

Pegasus = NSO Group
Clue
Babycenter = EVERYDAY HEALTH INC.
Clue = BioWink GmbH

How can we find the companies behind the brands?

- Read Policies on the official website.
- If it is an App, check the information about the developer in Applications Markets (e.g., App Store & Google Play).
- Search in Trademarks Databases (e.g. https://tmsearch.uspto.gov/search/).
- Check ICANN's Registration data lookup tool (https://lookup.icann.org/).



Corporate Information

- Ownership & Investors
- Corporate Structure
- Financial and Non-Financial Reports
- Allegations against the Company (News & BHRRC Tools)

This information can help us understand a company's history, business relationships, money flows, and the scope of the human rights implications of a company

Finding the Right Contact

- Visit the company website:
  - To find the most appropriate contacts, look in the sections About Us, press releases/news (media contacts), Contact Us, Investor Relations, and Corporate Responsibility, or look for financial or non-financial reports on the company website.
- Visit the company's LinkedIn page:
  - In the People tab, Use the search engine to find the employee who works in the department or has a relevant role in the company.
- Contact searching tools: e.g. RocketReach and Hunter
- Consider understanding the email structure of a company
- Call the Company

Manage security risk: When searching contact information (e.g. LinkedIn), and when sending emails. (e.g., Generic Emails, Team members out of high-risk zones, etc.) consider the risk of engaging with the companies.

TOOLS

Business & Human Rights Resource Centre

10,000+
Data on Tech sector human rights implications
easeOutBounce: function
if ((t /= 1) < (1 /
return 1 * (7.5625
} else if (t < (2 / 2.7
return 1 * (7.5625
} else if (t < (2.5 / 2
return 1 * (7.5625
} else {
return 1 * (7.5625
},
easeInOutBounce: fun
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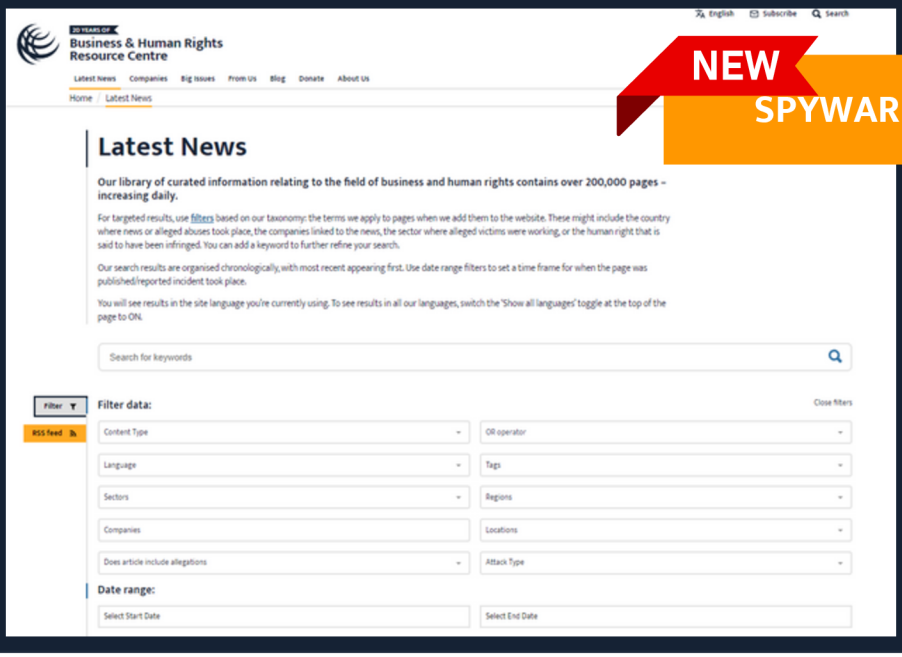
Business & Human Rights Resource Centre

BHRRC's DataBase

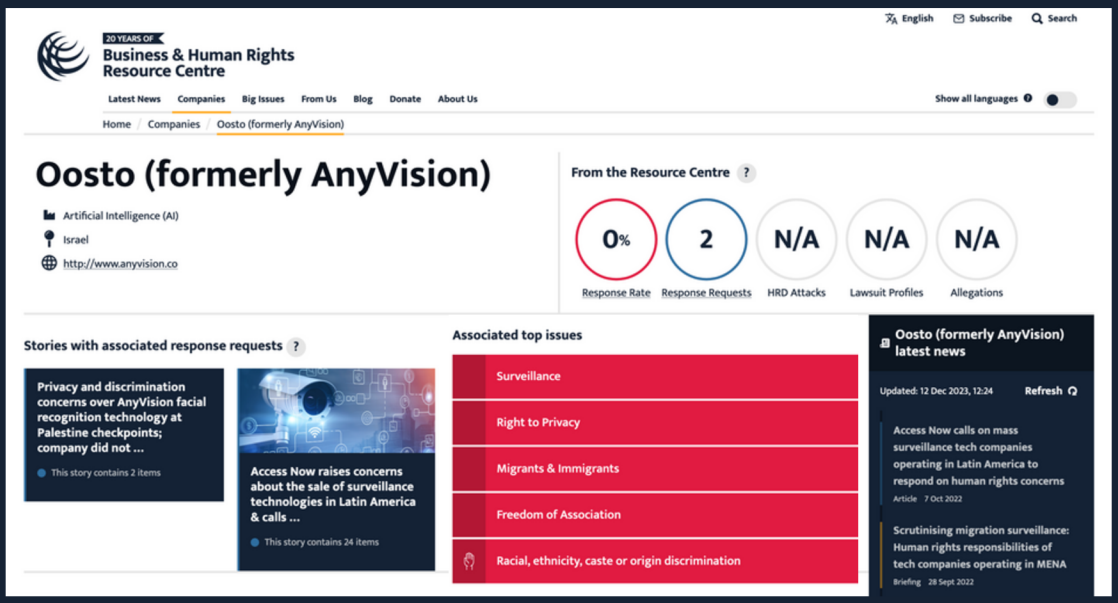
https://www.business-humanrights.org/en/latest-news/



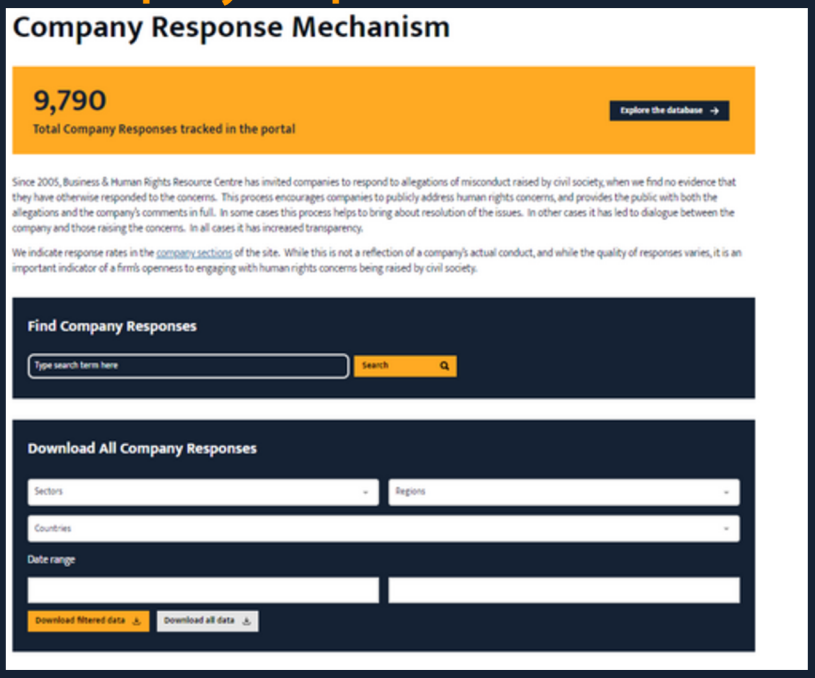
NEW

SPYWARE TAG

Using our Tech Company Dashboards



Company Response Mechanism



SOMO

https://www.somo.nl/the-counter/

The Counter is a global help desk providing corporate research and information to activists working to hold companies accountable for societal and environmental harms.

What sort of company information does The Counter provide?
The Counter aims to provide information on company finances, ownership, investors, corporate and capital structures, subsidiaries, supply chains, governance and operations if this information is accessible and available. The Counter team will provide the information and data found, the sources used in the search, a summary of the findings, and, if requested, possible suggestions for further action. If we cannot find or access this information, we cannot provide it.

Tools & Guides to Investigate Corporations

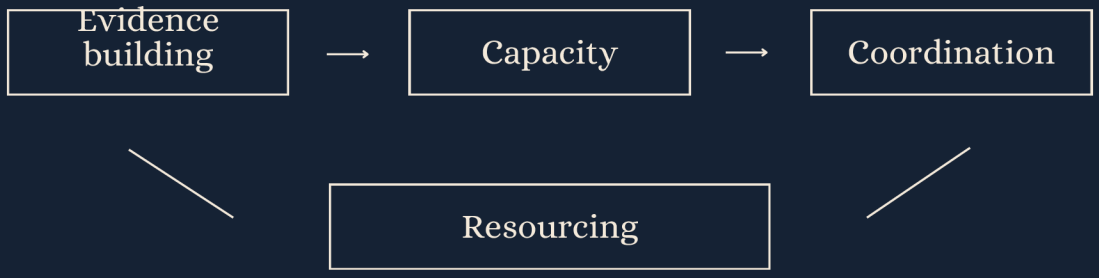
- Organize Crime and Corruption Reporting Project (OCCRP)
  - Provide a collection of public data sources by country https://id.occrp.org/databases/
- Follow the Money: A digital guide for tracking corruption
  - https://exposingtheinvisible.org/en/guides/follow-the-money-handbook/
- OpenCorporate
  - Database that aims to gather information on companies worldwide https://opencorporates.com/
- Yahho Finance https://finance.yahoo.com/
  - Information Public Trade Companies:
    - Major holders
    - Key executives

https://www.forbes.com/sites/bernardmarr/2019/12/16/the-10-best-examples-of-how-ai-is-already-used-in-our-everyday-life/

Ways Forward

- Further capacity building and knowledge sharing
  - For example: Sharing tips on messaging that may resonate with different types of corporate actors
- Improve coordination and resource sharing
  - For example: Using an ‘inside’ and ‘outside’ approach to influencing corporate policies, procedures and material risk
- Develop more targeted, corporate-specific advocacy and awareness raising materials
- Explore new spaces for engagement or adapt procedures for existing ones

Areas for strengthening



THANK YOU FOR PARTICIPATING!

Feel free to send in any questions to khandhadai@business-humanrights.org

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