



# CONFLICT-SENSITIVE HUMAN RIGHTS DUE DILIGENCE FOR ICT COMPANIES

Guidelines and Toolkit for Corporate Human  
Rights Practitioners :Accompanying Primer



# Why Do Tech Companies Need eHRDD?

Conflict-affected and high-risk areas (CAHRA) are characterized by serious human rights violations and severe harm to individuals.

Companies operating in these contexts face heightened risks of being involved with those human rights harms.

They risk exacerbating conflict and instability through their partnerships, compliance with local laws, or by the use and misuse of their products and services.

## What is eHRDD?

Enhanced Human Rights Due Diligence (eHRDD) is HRDD + conflict sensitivity. It requires identifying human rights impacts as well as conflict impacts.

For tech companies, eHRDD poses unique challenges and requires rethinking of how technology can impact conflict and, as a result, pose heightened risks of human rights harms.

We lay out three distinct eHRDD phases that are supported by stakeholder engagement and industry collaboration.



### 1 Creating systems and processes

Developing a formal eHRDD policy and end-to-end procedure and taking steps to embed eHRDD processes throughout the company as a complement to existing HRDD processes.

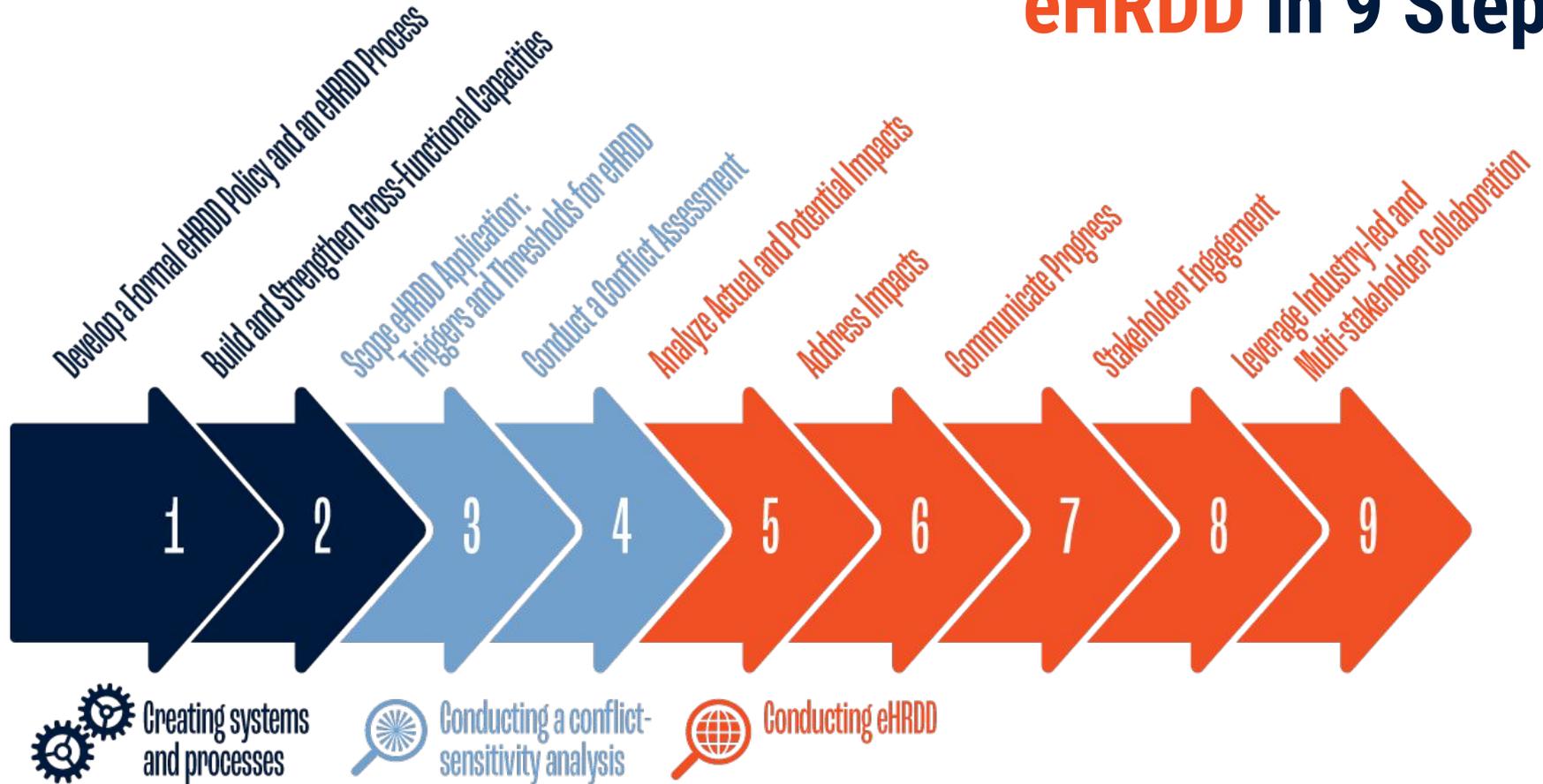
### 2 Conducting a conflict -sensitivity analysis

Mapping the impact of the company's technology, products, and services on conflict and instability.

### 3 Conducting eHRDD

Conducting additional analysis of new topics and considerations specific to CAHRA.

# eHRDD in 9 Steps



# 1. Develop a Formal eHRDD Policy and an eHRDD Process

1.1. Base eHRDD process on existing HRDD processes

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1.2. Plan for contingencies

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## 2. Build and Strengthen Cross-Functional Capacities

2.1. Leverage existing teams and capabilities

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2.3. Build **eHRDD** capacities across team

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### 3. Scope eHRDD Application: Triggers & Thresholds for eHRDD

- 3.1. Establish criteria for when to apply eHRDD

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- 3.2. Develop list of relevant CAHRAs

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- 3.3. Define parameters for eHRDD by gathering internal data

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- 3.4. Conduct proportionate risk tiering of CAHRAs

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- 3.5. Establish and maintain a system for monitoring new CAHRAs, updating risk tiers, and escalation procedures.



# 4. Conduct a Conflict Assessment

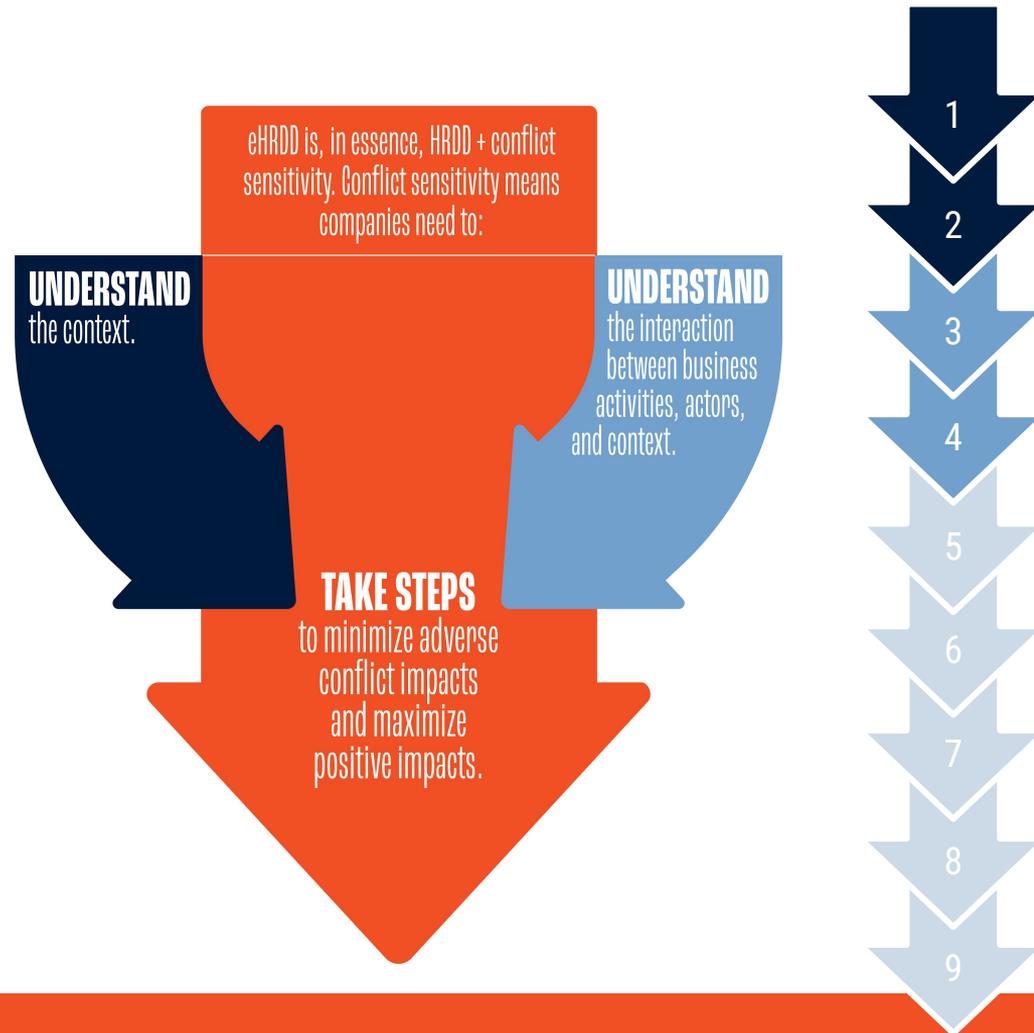
## 4.1. Understand the context

-  Situation Analysis
-  Factor Assessment
-  Stakeholder Analysis
-  Conflict Trends

## 4.2. Understand the interaction between activities and context

## 4.3. Assess International Humanitarian Law

## 4.4. Take steps to minimize adverse impacts and maximize positive impacts



## 4.2. Understand the interaction between activities and context



Companies can impact conflicts in many ways, including through its specific products, services, and business models, as well as through its actions, omissions, resources, behaviors, and messages.

### Key categories of questions for consideration include:

- Business relationships, procurement, and hiring
- Government access to data, tools, and infrastructure
- Harmful content targeting specific groups
- Policy enforcement among conflict actors

# 5. Analyze Actual and Potential Impacts

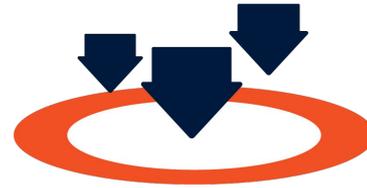
- 5.1. Identify vulnerable groups
- 5.2. Identify conflict and human rights impacts



Immediate impact



Future impact



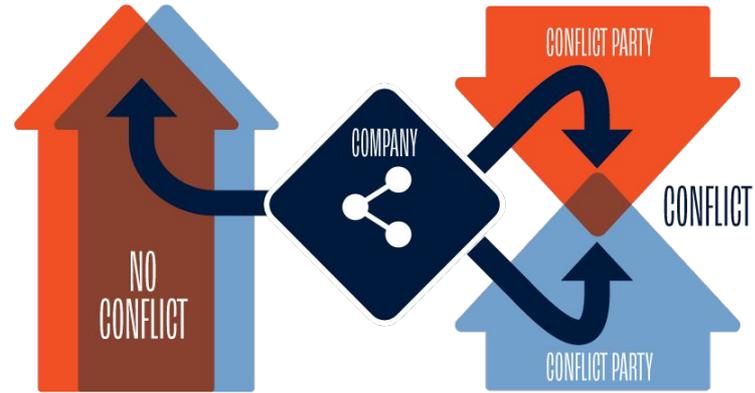
Cumulative impact

- 5.3. Assess salience of impacts
- 5.4. Conduct proportionate risk tiering of impacts
- 5.5. Examine attribution
- 5.6. Assess leverage



# 6. Address Impacts

- 6.1. Integrate conflict sensitivity for mitigations
- 6.2. Ensure mitigations are proportionate to the risk of harm
- 6.3. Track the effectiveness of mitigation measures
- 6.4. Devise a plan and strategy for when to roll back mitigations
- 6.5. Build mitigations into existing and planned cross-organizational outputs
- 6.6. Responsible exit
- 6.7. Provide operational-level grievance mechanisms



# 7. Communicate Progress

**Exercise caution when deciding how, when, and what to publish about eHRDD processes in CAHRA, to avoid:**

- Further influencing the conflict,
- Perceptions of bias or “taking a side,”
- Putting employees, contractors, or business partners at risk,
- Putting external stakeholders and those consulted in the eHRDD process at risk, or
- Communicating technological solutions that would allow end-users to avoid or exploit prevention and mitigation steps.

**Consider strategies such as:**

- Limiting communication to affected stakeholders who are most likely to be impacted by certain end-uses of the technology. Smaller companies, too, could limit communications to those most likely impacted.
- Establishing regular communications or updates about related issues when a situation is steady, or low intensity, so that updates are perceived as routine. Sensitive topics can be alluded to in those routine communications with less risk.
- Using third parties or trusted industry groups to communicate certain topics that are too sensitive for corporate communications.



# 8. Cross-Cutting Issue: Stakeholder Engagement

- 8.1. Formulate a specific eHRDD engagement strategy
- 8.2. Create context-appropriate engagement processes
- 8.3. Plan ahead
- 8.4. Garner resources
- 8.5. Take a cross-functional approach
- 8.6. Ensure holistic, sustained, and meaningful engagement with diverse rightsholders
- 8.7. Engage with business groups, governments, and conflict actors
- 8.8. Anticipate and plan for barriers to access
- 8.9. Ensure balance and address potential bias
- 8.10. Assess and plan for security concerns
- 8.11. Be creative and flexible, and use third parties
- 8.12. Consider different ways to engage



# 9. Cross-Cutting Issue: Leverage Industry-Led and Multi-Stakeholder Collaboration

**Industry collaboration in a pre-competitive environment could include collective efforts on:**

- Research, data collection, and analysis, in particular on conducting ecosystem or conflict mapping.
- Risk assessments; establishing guidelines and criteria for thresholds, risk categories, and responses; conducting sector-wide joint conflict assessments and conflict and human rights impact assessments of regions or common high-risk business partners.
- Capacity-building.
- Exercising leverage when one company's leverage alone is insufficient to prevent or address human rights abuses.
- Collective advocacy for regulatory reforms, rule of law, and respect for human rights.
- In-country stakeholder engagement.



# Toolbox

The toolbox section of the full report contains many useful resources:

**Additional reading**

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**UNGPs** relevant for **eHRDD** in **CAHRA**

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**Leveraging** internal teams beyond the human rights team

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**External sources** for CAHRA list

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**Internal data** on relevant markets and business activities

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**Salience measurement:** sample tool

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**CAHRA risk tiering:** sample tool

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**Guide** to understanding the conflict



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