

Engaging Tech Companies on Human Rights:

A How-To Guide for
Civil Society

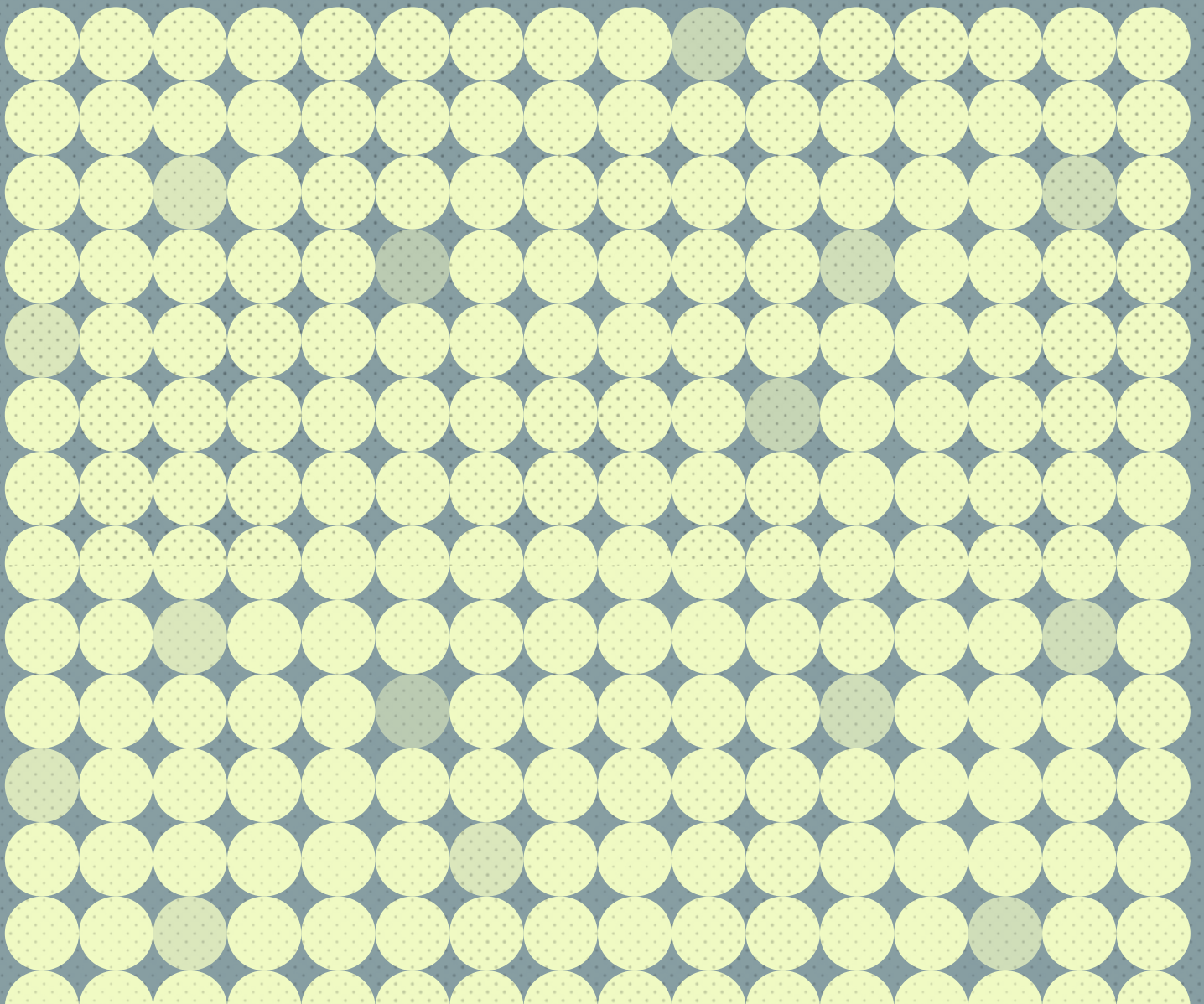
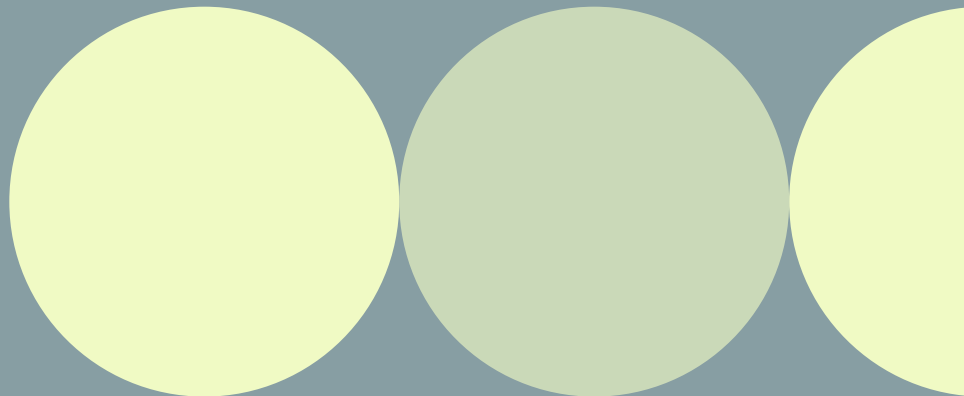


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This guide was authored by the Global Network Initiative (GNI) and Global Partners Digital (GPD).

The aim of this guide



The aim of this guide is to equip civil society organizations with the knowledge and skills to engage companies in the technology sector on issues at the intersection of technology and human rights.

The guide is divided into three sections, which provide an introductory look at common human rights issues within the technology sector, an overview of best practices for engaging with technology companies on human rights, and a series of case studies that illustrate different approaches to advocating for changes within the technology sector.

I. Common human rights issues within the tech sector

Information and communication technologies (ICTs) are used around the world for an increasingly diverse set of purposes. As a local actor, you are likely well positioned to understand the social, economic, and political impacts that ICT products and services are having in your local context. This guide can help you identify what companies may be responsible for those impacts and how best to engage with them on high-level human rights concerns such as privacy, transparency, data protection, and freedom of expression.

As a first step, it is helpful to understand the different types of ICT products and services and the kinds of impacts they may have. Here are a few key categories:

Type of Company¹

Key Attributes

Internet Service Providers (ISPs)

- Also known as Providers or Cable Companies.
- Provide users with services for accessing and/or using the internet through fixed line (fiber / cable; broadband / dial-up), satellite, or wireless connectivity.
- Generally operate under license regimes, which provide government authorities significant leverage.

Mobile Network Operators (MNOs)

- Provides users / devices with mobile communications services (prepaid / pay-as-you-go)
- Generally operate under license regimes and with local staff, which provide government authorities significant leverage.
- In some countries, MNOs are partially or wholly government owned.

Social media platforms

- Also known as Internet companies or Over-the-Top companies.
- Provide users with a platform to share and access content, interact, connect with one another individually or through various types of groups / networks.
- Their services are generally “global by default” and they may not have any or many local staff. Many of the largest are headquartered in the U.S. and China

Cloud companies

- Cloud companies are also known as Cloud computing companies, Cloud services, Software-as-a-Service (SaaS), or Content Delivery Networks (CDNs).
- Provide remotely-hosted tools and services and/or data storage.
- Their services are generally “global by default” and they may not have any or many local staff. Many provide business-to-business (B2B) services via contracts.

It is important to note that the list above is not comprehensive and does not include provider types such as payment processors, app stores, and content-delivery services.² Different types of companies can face both overlapping and distinctive challenges. The table in the [Appendix](#) sets out common human rights challenges faced by the different categories of technology companies.

II. Best practices for engaging with tech companies on human rights

Once you have identified which companies you are focused on, there are several steps you can take to lay the groundwork for successful engagement with them on human rights issues. This section outlines these steps, providing guidance and resources to help ensure successful execution.

a. Familiarize Yourself with Local Legal Provisions

Before approaching a company, it can be helpful to first familiarize yourself with the local legal provisions governing its activities in your jurisdiction. This could take the form of a policy mapping exercise or analysis of relevant legal provisions.

Keep in mind that companies are required to operate under domestic law in certain contexts, so they may, in certain circumstances, be constrained in what they can and cannot do according to the law. When local law and international law are inconsistent, companies can take steps to “honor the principles of internationally recognized human rights to the greatest extent possible,” and to mitigate these laws’ adverse impacts as much as possible. In these cases, companies should be able to show that they’ve made a concerted effort to pursue these steps.³ Understanding these inconsistencies is part of understanding the local legal and policy context and understanding relevant leverage points to use in your engagement with companies.

Depending on the specific issue you hope to approach the company about, you could consult GNI’s [Country Legal Framework Resource](#), which provides information on governments’ legal authorities to intercept communications, obtain access to communications data, or restrict the content of communications in more than 50 countries.

¹ You will often hear reference to “intermediaries” and it is important to understand that this term is very broad, theoretically applying to all of the categories described here (and then some!)

² Additionally, this guide does not cover engaging small and medium-sized tech companies (tech SMEs). For more on this, see Global Partners Digital’s [Tech SME Resource Hub](#).

³ The GNI Principles, [Preamble](#).

b. Familiarize Yourself with the Company

Make sure that you are knowledgeable about all of the relevant information that is publicly available about a technology company before you contact them. Knowledge about how it is structured is also essential! For example, telecommunications companies will publish extensive reports on a broad spectrum of human rights work that they are doing—such as labor issues and child protection. See if you can relate your message to one or more of these issues that the company already (says it) cares about.

In addition, to ensure that you are speaking to an individual or team that is knowledgeable about and has authority over the issue you are concerned with, it may be helpful to familiarize yourself with relevant aspects of a company’s structure and policies. For instance, some companies may have teams and employees who are focused on human rights issues, while others may handle those issues through policy or corporate social responsibility (CSR) teams. Reaching out to the correct person is one of the best ways to ensure you do not reach a dead end in your efforts to engage the company and that your conversations are productive. Below is a table providing some examples of relevant departments you might reach out to. It is important to note that not all companies have all of these departments, so figuring out who to reach out to will require some research:

Department Name

Function

 Trust and Safety	Focuses on protecting users from harm (such as harmful content) and/or mitigating the impacts of harmful situations; assesses the impact company decisions and products will have on individuals and organizations using company services.
 Human Rights	Focuses on ensuring company products/activities are compliant with human rights standards and Human Rights Due Diligence (HRDD) requirements; sometimes responsible for conducting Human Rights Impact Assessments (HRIA).
 Corporate Social Responsibility	Focuses on contributing to the well-being of communities and ensuring the company provides positive social value. This work is often driven by a company’s desire to build positive public perception around their brand.
 Policy	Policy teams at tech companies often work on a wide variety of issues that affect or are related to their services, from election integrity to content moderation to tax and trade issues. Sometimes human rights-related work is led by a company’s policy team.



Legal

Legal offices are charged with ensuring legal and regulatory compliance, but may also at times handle/lead policy and/or human rights engagement. This department is also called the General Counsel's office in some companies.

* Quick Tip

If information about these departments and their corresponding contacts is not readily available on a company's website, you can often find it by:

- Searching key terms on LinkedIn
- Looking at agendas from large digital rights conferences such as **RightsCon** or the **Internet Governance Forum**
- Reaching out to other civil society organizations and allies
- Searching for news articles that discuss relevant topics and quote company personnel

c. Approach the company with a constructive message/request

Once you have researched the company and have found the person best suited to hear your concerns, it is time to approach the company. To help ensure a response when reaching out to tech companies, make sure your message is constructive and collaborative. While criticism might be justified, it may not be the best way to elicit feedback and generate a relationship. An ask like: **"I see in X policy that you're committed to X. While I applaud this commitment, I have concerns about and would like to discuss how this is working in practice in Y country/context"...**" can demonstrate that you're interested in the issue, have done your homework, have something to contribute, and are willing to work together to achieve results.

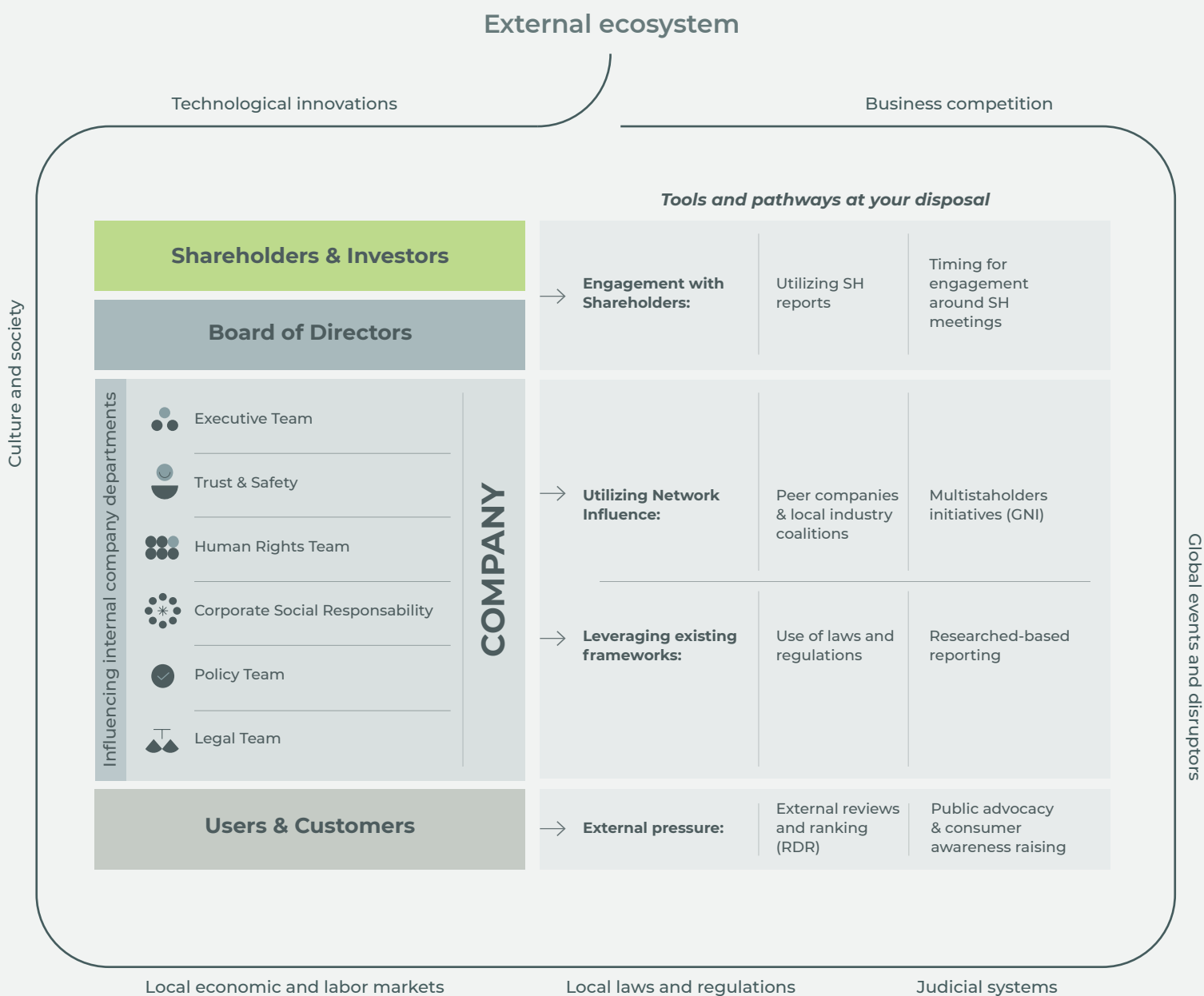
Something else to keep in mind is how you frame your communication style to tech companies. You may want to use terms and focus on examples that would be familiar to corporate audiences and steer away from legalistic language, abstract principles and human rights jargon.

d. Focus on small wins initially that could lead to others

At the beginning, it may be helpful to focus on momentum rather than pressure. Make sure to give tech companies a date to respond to your request, and tell them if you are contacting their competitors, as they are also competitive among themselves even on human rights matters. Ultimately, if they are not responding with the level of urgency or the key change you are looking for, then you will be all the more justified in criticizing them publicly.

Consider what you might be able to offer the company in exchange for taking action on your request. For example, is there a piece of research or a mapping exercise that the company needs to move an issue forward internally? Perhaps you could offer your expertise to support them on this.

Engaging the Tech Sector



III. **Best practices** for advocating for policy change within the tech sector

Depending on the issue you are looking to address, there are a diverse array of advocacy techniques that can be leveraged to promote change in the tech sector. Many of these mirror traditional advocacy approaches you may already be familiar with and include public advocacy, private “behind the scenes” advocacy, consumer awareness raising, company ranking and engagement through multistakeholder initiatives. The table in the [Appendix](#) sets out the link between different types of companies and commonly used engagement strategies.

Finally, a selection of case studies will help to illustrate the power of these different techniques and how they were utilized to achieve successful outcomes.

Case Study



Stakeholder Engagement to Counter a Problematic Draft Code of Practice for ICT Companies

Country:

Nigeria

Issue:

The Nigerian government's draft “[Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries](#)” included problematic provisions that could negatively impact freedom of expression. Paradigm Initiative wanted to engage civil society and the private sector to initiate a stakeholder review.

Organization:

[Paradigm Initiative](#)

Type of companies engaged:

Several “Big Tech” companies

Experience:

Paradigm Initiative called for a [stakeholder review](#) session to look at the provisions of the draft code. The outcome of that session was a [memo](#) submitted to the relevant government agencies articulating civil society concerns on the draft code. Paradigm Initiative addressed a [press conference](#) as a follow up to this. In addition to this, the organization held a virtual call with several “Big Tech” platforms, civil society partners, and international human rights organizations. During this meeting, participants discussed how to facilitate coordinated action on the draft code. The group created a closed list-serve to share information about the activities of each actor around these efforts. Through this effort, involved actors were able to

coordinate and work together across different sectors. The large companies involved provided occasional updates and tracked civil society actions.

Approach to tech sector relationship building:

Paradigm Initiative had pre-existing relationships with the organizations and companies engaged for this advocacy effort. These relationships were forged through referrals, targeted engagement at international conferences such as the IGF and RightsCon, participation in GNI, and invitations to speak at Paradigm Initiative events. Paradigm initiative leverages their focal contacts at each company to help facilitate further introductions to other teams within the same company and sometimes to other companies.

Outcome:

These engagements have led to support for additional public awareness on the issue and to support for broader consultations. As a result of these efforts, the draft code is now being subjected to greater scrutiny. Without this intervention, the code may have been hurriedly enacted, allowing the implementation of problematic platform and content regulations in Nigeria.

Case Study



Developing a Documentation System and Leveraging Existing Relationships to Improve Content Moderation Policies and Practices

Country:

Israel/Palestine

Organization:

7amleh - The Arab Center for the Advancement of Social Media

Issue:

7amleh has worked with a social media platform to advocate and improve its content moderation practices and policies. The experience has been fairly positive, but the organization has faced several barriers.

Type of companies engaged:

A large social media platform

Experience:

7amleh has worked with a social media platform to advocate and improve its content moderation practices and policies. The experience has been fairly positive, but the organization has faced several barriers.

Approach to tech sector engagement:

Starting in 2017, 7amleh invited the platform to participate in a panel at their “Palestine Digital Activism Forum.” While it took some time and was not easy, they ultimately were able to get a representative from the platform to travel to Palestine for the event, which is where they were able to begin building the relationship. Subsequently, 7amleh established **7or - the Palestinian Observatory of Digital Rights Violations**, which allowed it to successfully document and fast track serious cases through the platform’s appeal process. The organization’s relationship with regional members of the platform’s policy team has made efforts to get content reinstated even more efficient. This progress has been promising, but 7amleh still hopes that the company improves their policies to ensure that people are able to express themselves freely and share documentation of the human rights violations that they are exposed to without fears of censorship.

Outcome:

While 7amleh has found that its strong regional partnerships have allowed it to help get content that was mistakenly removed reinstated, it has limited capacity to advocate for policy changes that it sees as necessary to avoid over-removal in the first place. 7amleh has also found it vitally important to formalize its documentation process, while educating a general audience about the issues, so that they have more credibility and trust on the matter when engaging with the company directly.

Case Study



Conducting Research and Advocacy to Inform Company Approaches to Addressing Online Harms

Country:

United States of America

Organization:

Pen America

Type of companies engaged:

A range of very large online service providers and several smaller companies and startups.

Issue:

Pen America is conducting research and advocacy to ensure that tech companies, including social media platforms, strengthen their policies and build better tools to address online abuse, especially against people targeted for their identity and profession.

Experience:

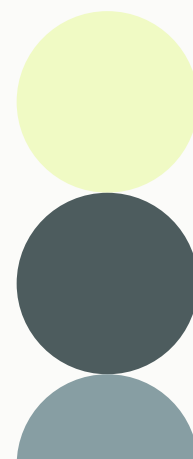
Pen America’s core audience for this work is social media platforms, especially tech workers focused on policy and product design that addresses hate, harassment, and abuse. The organization has conducted

extensive research - into what platforms are already doing (and not yet doing) and into what the organization's core constituencies need—and publish reports, articles, and resources that are actionable, practical, and achievable (see, for example, their report [No Excuse for Abuse](#)).

This work has enabled Pen America to have productive and constructive relationships with many tech companies and to meet with both policy and product teams on a regular basis. The primary challenges are: lack of trust, silo'ing and competitiveness within and among tech companies, restricted access to product teams, extremely lengthy internal timelines for product and policy changes, contact/staff turnover, and finding the right contacts at larger companies. Pen America has found that the most important things are: to build trust, to invest time and energy into cultivating interpersonal relationships, to have at least one advocate or ally at each platform, to show up to all meetings prepared with clear goals and agendas, and to be critical and direct while still being respectful and constructive. Again, mutual trust is key.

Approach to tech sector engagement:

Pen America explains that relationship building is time consuming, labor-intensive, and requires constant care and cultivation. In terms of outreach, Pen America asks partner organizations and existing contacts at tech companies for additional contacts after clearly explaining their focus area and goals. Wherever possible, the organization asked for introductions, but, where necessary, also conducted cold outreach. Pen America comes to all meetings having done their research and with a clear agenda. While they always come to meetings with an extensive list of goals, requests, questions, etc. they also listen closely and make every effort to be useful and constructive. They are always respectful and polite, but also firm, direct and critical when needed. The most important thing is to build trust. Pen America explains that one of the biggest challenges is that their relationships with tech companies tend to be interpersonal and individual—rather than between departments or divisions—which means that if a key contact leaves, they often have to build new relationships again from scratch.



Appendix

This table describes a few important categories of tech companies. However, it is not comprehensive and does not include payment processors, app stores, and content-delivery services, for example.

Type of Company	Common Human Rights Challenges	Commonly used engagement strategies
Internet Service Providers (ISPs)	<ul style="list-style-type: none"> • Government requests/orders to remove or block content; conduct network disruptions; or hand over user data • Improper use of data; collection and sale/provision of user data to third-parties • Content delivery preferencing / Net Neutrality 	<ul style="list-style-type: none"> • Use of consumer rights laws and regulations • Consumer awareness raising, ranking, boycotts • While most ISPs are small and have limited resources for civil society engagement, for larger ISPs, utilize investor engagement / actions • Engaging through local industry coalitions
Mobile Network Operators (MNOs)	<ul style="list-style-type: none"> • Government requests/orders to remove or block content; conduct network disruptions; or hand over user data • Improper use of data; collection and sale/provision of user data to third-parties SIM card registration requirements • Demands for “direct access” for government surveillance 	<ul style="list-style-type: none"> • Use of consumer rights laws and regulations • Consumer awareness raising, ranking, boycotts • For publicly traded MNOs, investor engagement / actions • Public advocacy • Private “behind the scenes” advocacy • Engaging through global (e.g. GSMA), regional, or local industry associations • Engaging through multistakeholder initiatives (e.g. GNI)
Social media platforms	<ul style="list-style-type: none"> • Government requests/orders to remove or block content (including for copyright, public safety, law enforcement purposes); or hand over user data • Content moderation challenges (under/over-removal, inconsistencies across languages, algorithmic discrimination, etc.) • Trust & safety challenges (failure to address harmful content, failure to protect vulnerable groups, crisis response, etc.) • Improper use of data; collection and sale/provision of user data to third-parties 	<ul style="list-style-type: none"> • Research-based reporting (e.g. on unintended consequences of content moderation) • Public advocacy • Private “behind the scenes” advocacy • Investor engagement / actions • Consumer awareness raising, ranking, boycotts • Engaging through multistakeholder initiatives (e.g. GNI)
Cloud companies	<ul style="list-style-type: none"> • Government requests/orders to conduct network disruptions; or hand over user data • Forced decryption of content • Improper use of data; collection and sale/provision of user data to third-parties • SIM card registration requirements • Demands for “direct access” for government surveillance 	<ul style="list-style-type: none"> • Research-based reporting (e.g. on unintended consequences of content moderation) • Public advocacy • Private “behind the scenes” advocacy • Investor engagement / actions • Engaging through multistakeholder initiatives (e.g. GNI)