

Human rights due diligence: Module 1

CEE+CA Summer Academy, September 26, 2022. Ron Popper



Due diligence is not a new issue for companies



Question: Do you have experience of carrying out due diligence? What form did it take?

The business case for Human Rights

	Getting it right	Getting it wrong
Legal	<ul style="list-style-type: none">• Consolidates compliance reputation	<ul style="list-style-type: none">• Costly, time-consuming cases
Reputation	<ul style="list-style-type: none">• Enhanced corporate reputation• Part of social license to operate	<ul style="list-style-type: none">• Damage to brand• Bad media coverage
Business/ Financial	<ul style="list-style-type: none">• Consolidates business relationships• Minimises disruption	<ul style="list-style-type: none">• Loss of confidence among business partners• Stock price shocks
Employees	<ul style="list-style-type: none">• Want to work for moral, compliant company	<ul style="list-style-type: none">• Low morale• Cost of hiring/training new staff

Human Rights present in all parts of a company

Some examples

Core business

- Nature of products and impacts on stakeholders



Procurement

- Ensuring respect for labor and human rights in supply chain

Sales/Customers

- ESG impacts of contracts
- Work in high-risk environments

Logistics/transport

- Working conditions
- Environmental impact

Real estate

- Ownership of land

Oversight

- Board; Executive management
- Risk management processes
- Investor Relations

Legal/compliance

- Governance, codes and policies, grievances, remedy

Tax

- Implications of avoidance

Human Resources

- Diversity, equity, inclusion

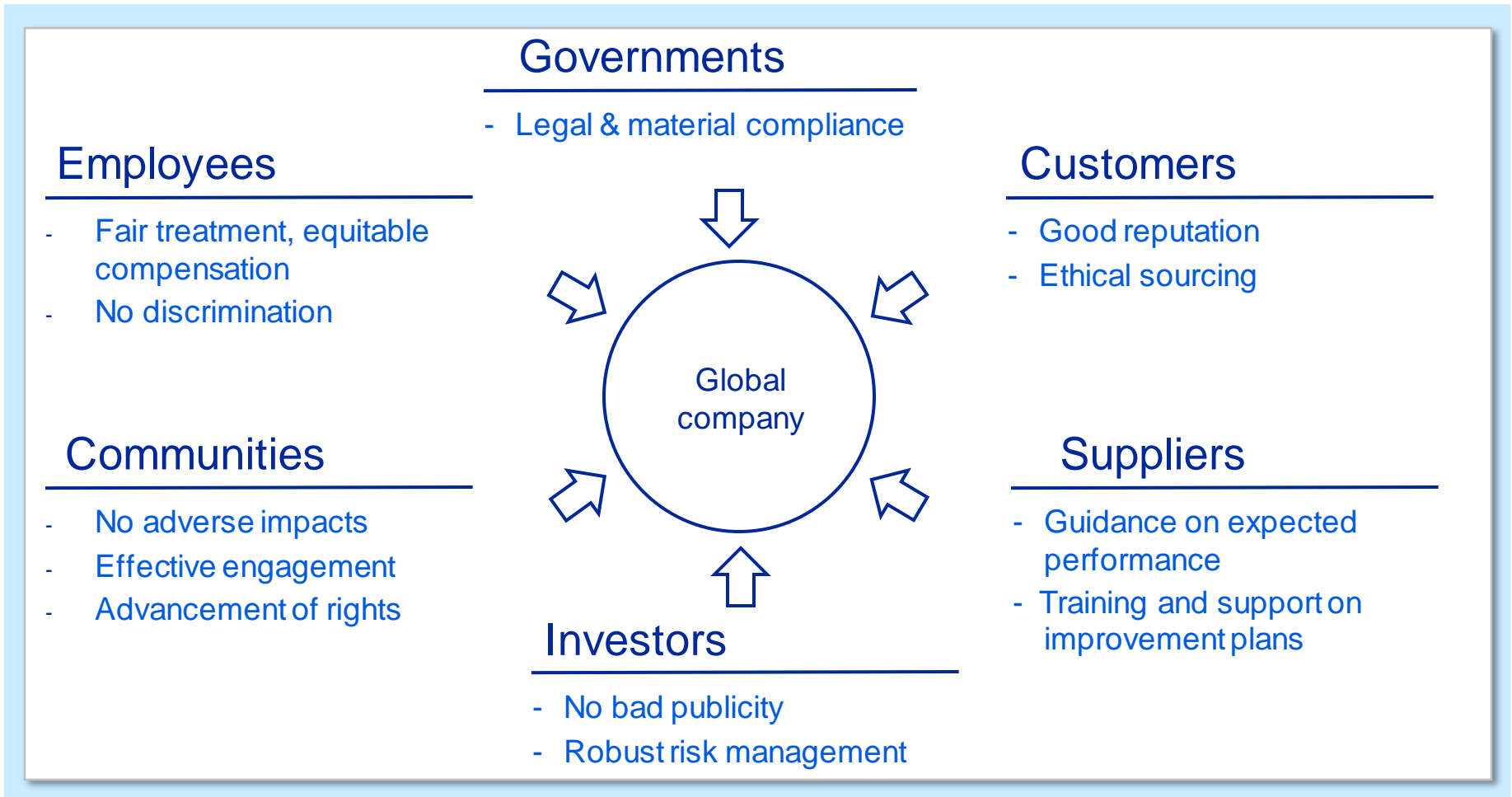
Sustainability

- Stakeholder engagement

Communications

- External/internal reporting

Changing stakeholder expectations



New laws and guidelines: One key message for business



Companies must carry out due diligence to understand their human rights risks and actual or likely impacts

Due diligence: The process



1. Human rights due diligence is a way for enterprises to proactively **identify**, prevent, **mitigate and account for** adverse human rights impacts. Policy commitment to respect human rights (UNGP 16)



2. Due diligence process should include assessing actual or potential human rights risks and impacts.



3. Enterprise should integrate and act upon its findings



4. Enterprise should track responses and communicate how impacts are addressed

Due diligence: Multitude of open sources

OSINT Landscape v.1 February 2018

Open Source Intelligence (/OSINV – Open Source Investigation)

COVERT SHORES **bellingcat**
www.hisutton.com

Social Media Platforms

- Facebook: stalkscan, FBDown, Signal
- Weibo: none
- Twitter: Tweetbeaver, twXplorer, Twitter List Copy, TweetDeck
- Qzone: none
- Instagram: WEBSTA, picodash
- Odnoklassniki: none
- LinkedIn: socilab
- VK: PHOTO MAP
- Snapchat: Snap Map
- YouTube: savefrom.net, Youtube DataViewer, frame by frame, storyful, Geo Search Tool
- Periscope: Scopedown

Sharing & Publishing

- flickr
- Pinterest
- Google+

Blogging, Forums & other communities

- STRAVA
- tumblr
- LIVEJOURNAL
- classmates
- WordPress.org
- Blogger
- WIX.com
- Medium
- ProBoards
- SQUARESPACE
- Joomla!
- ghost
- weebly

Internet Search

- Google
- Yandex
- Bing
- WayBackMachine
- DuckDuckGo
- NAVER
- Baidu
- 搜搜搜索
- goo
- Рамблер/
- YAHOO!
- archive.today
- PimEyes

Geospatial Data

- GeoNames
- Free GIS Data
- SECRETS OF THE WEST
- DualMaps
- wikimapia
- OpenRailwayMap
- MAPS.ME
- Mapillary
- Google Maps
- Bing maps
- Maps
- here
- Yandex

Satellite Imagery

- Google Earth
- Descartes Labs
- TERRA server
- AIRBUS GeoStore
- Zoom Earth
- unitar
- NOAA
- EARTHDATA
- esa Earth Online
- esa opernicus
- planet
- Radiant Earth
- SENTINEL
- HARRIS
- USGS Earth Explorer
- ESRI

Maritime Movements

- MarineTraffic
- IHS Markit
- AISLive
- Lloyd's List Intelligence
- SHIPSPOTTING.COM
- COAA
- AirNav.RadarBox
- ADS-B Exchange
- FlightAware
- PLANESPOTTERS.NET
- Vessel Finder
- Shipfinder
- AISHub
- shipfinder
- OpenSeaMap
- SHIPAIS
- Shipping Explorer
- BoatNerd
- AisDecoder

Radio

- RadioReference
- Broadcastify
- Radio Garden
- SDR.HU
- Global Tuners
- ProScan
- MilScanners

Webcams

- pentopia
- Insecam
- SHODAN
- EarthCam
- Webcams.travel
- PICTIMO
- wetter.com
- lookr
- wisuki

Image / Vid / Doc Forensics

- GET-METADATA
- Jeffrey's Image Metadata
- metapicz
- FokoForensics
- Forensically Beta
- IRFANVIEW
- hatlord / Spiderpig
- exifdata
- ExifTool
- izih
- InVID

Commercial Registries

- opencorporates
- infobel
- ICJ OFFSHORE LEAKS DATABASE
- Investigative Dashboard Search
- EUROPEAN JUSTICE

This landscape shows data sources (mostly platforms, tools or apps) that provide publicly available data which may be of use in OSINT. Some tools may charge for data access. It is intended to be extensive, but not exhaustive, and may be updated periodically.

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Internal leadership on human rights is key

➤ Tone from top vital

- Clear policy commitment
- Executive responsibility
- Embed in business processes

➤ Need to invest

- Research
- Training
- External support



Human rights practitioners: The essentials

➤ Practitioners need to

- Be trained
- Be close to/in business
- Have right tools
- Have line management support
- Know what to do with findings
- Understand that risks will change
- Ensure consistent reporting
- Evaluate mitigation/remediation measures
- Have access to external support



Due diligence: who to work with?

Working partners/stakeholder engagement

- Business partners in value chain
- Governments, local authorities
- NGOs, civil society representatives
- Affected communities
- Human rights defenders
- Professional organisations, trade unions
- Academia
- Independent human rights experts
- Intelligence providers



Due diligence: areas of focus

- Due diligence surveys will cover
 - Impacts on people, environment
 - Full range of human/labour rights
 - Context: country, region, factory, site
 - Workforce: Race, religion, gender etc.
 - Sector: Varying risks in different industries
 - Checklists cover full range of questions
 - Pave way for corrective action plans



Due diligence: common issues in the workplace

➤ Common issues in workplace

- Child/forced/trafficked labour
- Labour /contract violations
- Excessive overtime, delayed payments
- Poor working and living conditions
- Health and safety hazards
- Inadequate PPE
- Discrimination/harassment
- Freedoms curtailed (speech, assembly, bargaining)
- Retaliation against whistleblowers



Exercise 1: Due diligence visit to supplier's factory

You are carrying out a due diligence audit of an iron and steel making supplier

- Question 1: What am I looking for?
 - Which labour practices?
 - What human rights issues?
 - Other issues?

- Question 2: What do I do if the factory owner
 - Denies access to the workers
 - Denies access to parts of the factory

