



# An introduction to human rights for the mobile sector





The GSMA represents the interests of mobile operators worldwide, uniting more than 750 operators with almost 400 companies in the broader mobile ecosystem, including handset and device makers, software companies, equipment providers and internet companies, as well as organisations in adjacent industry sectors. The GSMA also produces the industry-leading MWC events held annually in Barcelona, Los Angeles and Shanghai, as well as the Mobile 360 Series of regional conferences.

In pursuit of the mobile industry's goal of Intelligently Connecting Everyone and Everything to a #BetterFuture, the GSMA is working closely with its members to improve the lives of billions of people and the environment in which they live. It is doing this in three ways: working with mobile operators and their partners

to pursue the United Nations Sustainable Development Goals, equipping CEOs and their teams with the tools and skills they need to pursue a holistic agenda that can deliver a sustainable future for the planet and people, and advancing sustainable and responsible business models across the mobile industry.

For more information, please visit the GSMA corporate website at [www.gsma.com](http://www.gsma.com)

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# Contents

<b>Business responsibility for human rights</b>	<b>3</b>
<b>Salient human rights issues for the sector</b>	<b>4</b>
<b>International frameworks on human rights</b>	<b>6</b>
<b>Meeting the corporate responsibility to respect human rights</b>	<b>7</b>
<b>Summary of salient human rights issues</b>	<b>10</b>



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# Business responsibility for human rights

**Following the publication of the UN Guiding Principles on Business and Human Rights in 2011 and subsequent national and regional regulatory initiatives<sup>1</sup>, there has been increasing focus on the roles and responsibilities of businesses with regards to human rights.**

Human rights risks are present throughout mobile operators' value chains. These range from the treatment and conditions of people working in the supply chain to how operators' own employees are treated and how the human rights of customers are respected online.

This summary provides a high-level introduction to the most salient human rights issues for mobile operators. The aim is to explain why the issues are relevant for operators and share initial practical guidance for companies beginning to focus and respond to human rights issues.

This summary has been produced based on the results of the GSMA Sustainability Assessment Framework. Following the 2019 assessment of the 25 mobile operators that are members of the GSMA Board, human rights issues were identified as an area where additional guidance could be provided.

Therefore, this summary focuses on operating responsibly with respect to human rights and not on the significant positive contribution the sector and its services can make in enabling human rights. This positive contribution is addressed by a number of GSMA and industry initiatives and publications, such as the GSMA [2019 Mobile Industry Impact Report](#), the GSMA [Enhancing Children's Lives Through Mobile](#) initiative and GeSI's [Innovators' Network to Enable Human Rights](#).

Respecting human rights is essential to the delivery of the UN Sustainable Development Goals (SDGs) and addressing human rights issues helps operators and the industry as a whole to accelerate progress on the Goals.



<sup>1</sup> For example, the French [Corporate Duty of Vigilance Law](#) (and in English [here](#)), the California [Transparency in Supply Chains Act](#) and Australian [Commonwealth Modern Slavery Act 2018](#).

# Salient human rights issues for the sector

**The most salient human rights issues for mobile operators are those rights that are at risk of the most severe negative impact through business activities or business relationships. Salience places the focus on risk to people, rather than risk to business.**

Many operators have been working on human rights issues for several years. The issues that are included here stem from a desk review of publicly available information from a selection of mobile companies leading in this area. The focus is on those issues most frequently positioned by these companies as human rights issues:

- Privacy and freedom of expression;
- Child rights and safety online;
- Child labour;
- Forced labour, modern slavery and human trafficking;
- Other labour standards;
- Conflict minerals; and
- Community impacts from building and maintaining infrastructure.

A comprehensive set of human rights issues for the mobile sector could also include issues such as disability, diversity and inclusion (in relation to discrimination); anti-bribery and corruption; and the consequences of climate change or e-waste on human health and life. However, in practice, these issues are less frequently positioned by companies as human rights, but instead managed and communicated within broader sustainability programmes and reporting.

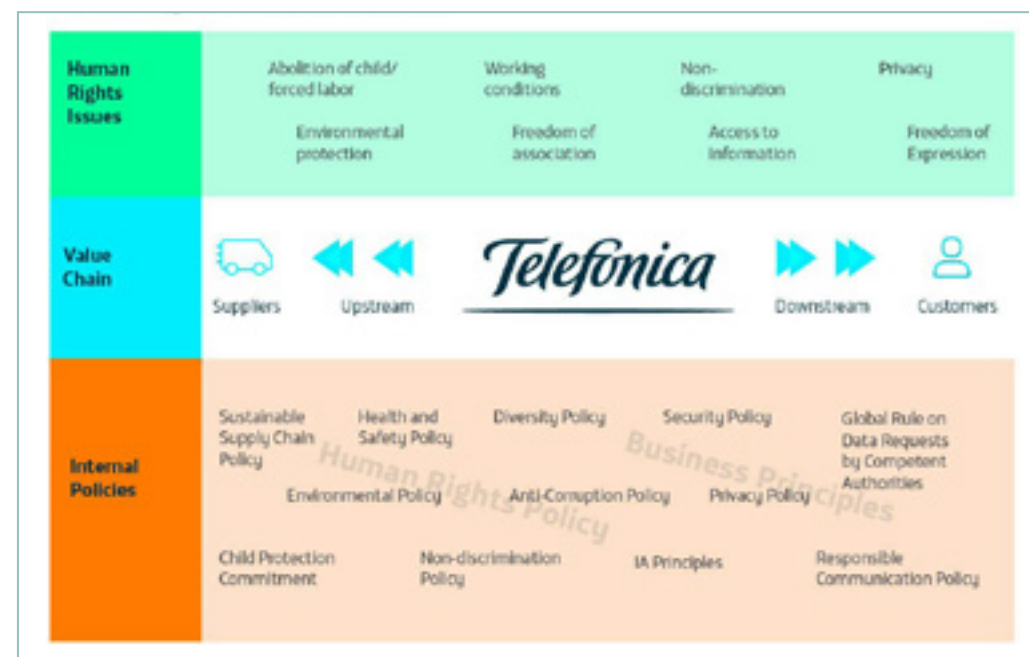
Some companies may have a human rights team or manager but in many cases, different human rights issues are managed by different departments within an organisation. Depending on the issue, these may be sustainability, public policy, legal, security or procurement teams.

Many companies will manage human rights risks in an integrated way alongside 'other' issues. For example, supplier codes of conduct frequently cover labour standards alongside environment, anti-bribery and corruption, competition and other issues.

Some operators have established an overarching human rights policy that recognises the full breadth of issues<sup>2</sup> and then have separate issue-specific policies and programmes. What is important is that

companies can demonstrate a process to understand which human rights issues are most salient to their operations and context and are transparent about their approach. In the Summary of Salient Human Rights Issues section, we provide more information on what each of the issues are and how they relate to mobile operators.

**Telefónica diagram illustrating how human rights extend across the company's operations and value chain:**



# International frameworks on human rights

There are a number of international human rights frameworks that form the basis upon which the business responsibility to respect human rights is founded.

## Universal Declaration of Human Rights

Adopted in 1948, the [Universal Declaration of Human Rights](#) is the basis for most human rights standards. The Declaration, together with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, constitute the International Bill of Human Rights.

## International Labour Organization's (ILO) Declaration on Fundamental Principles and Rights at Work

The ILO is a UN agency that brings together governments, employers and workers of 187 member states to set labour standards, develop policies and devise programmes promoting decent work for all. The [ILO Declaration](#) sets out eight fundamental conventions concerning freedom of association and the recognition of the right to collective bargaining and the elimination of forced labour, child labour and discrimination in the workplace.

## UN Guiding Principles on Business and Human Rights

In 2011, the UN Human Rights Council endorsed the business-specific [Guiding Principles on Business and Human Rights](#). These are the recognised global standard for preventing and addressing business-related human rights harm. Under the Guiding Principles, business entities have a responsibility to respect human rights in their operations and supply chains, including taking action to prevent, mitigate and remedy human rights abuses.

## OECD Guidelines for Multinational Enterprises

The [Organisation for Economic Co-operation and Development \(OECD\) guidelines](#) provide recommendations for multinational enterprises to promote positive contributions to economic, environmental and social progress worldwide. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards.

## UN Global Compact

The most widely subscribed corporate sustainability initiative in the world, the [UN Global Compact](#) consists of 10 principles that call on companies to align their strategies and operations with universal principles on human rights, labour, environment and anti-corruption. These include:

Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and

Principle 2: make sure that they are not complicit in human rights abuses.

Principles 3–6 address labour rights aligned to the ILO Declaration on Fundamental Principles and Rights at Work.



# Meeting the corporate responsibility to respect human rights<sup>3</sup>



Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.

UN Guiding Principles on Business and Human Rights

# Protect, respect, remedy

In 2008, the UN Human Rights Council endorsed the 'Protect, Respect and Remedy' framework on business and human rights proposed by the UN Special Representative John Ruggie.

The framework forms the basis of the UN Guiding Principles on Business and Human Rights which was unanimously endorsed by the UN Human Rights Council in June 2011. The UN Guiding Principles are the global authoritative standard for preventing and addressing business-related human rights harm. Over 20 countries have produced (or are in the process of producing) National Action Plans on Business and Human Rights including Chile, Colombia, France, Germany, India, Indonesia, Thailand and the UK.

There is also a wide range of detailed guidance available to companies, including the Guiding Principles themselves and sector-specific guidance such as the European Commission's *ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights*<sup>4</sup>.

The framework rests on three pillars:

1. The state duty to **protect** against human rights abuses by third parties, including business

2. The corporate responsibility to **respect** human rights

3. Greater access by victims to effective **remedy**, both judicial and non-judicial

UN Guiding Principles on Business and Human Rights



ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights



Although particular country and local contexts may affect the human rights risks of an enterprise's activities and business relationships, all business enterprises have the same responsibility to respect human rights wherever they operate. Where the domestic context renders it impossible to meet this responsibility fully, business enterprises are expected to respect the principles of internationally recognized human rights to the greatest extent possible in the circumstances, and to be able to demonstrate their efforts in this regard.

UN Guiding Principles on Business and Human Rights

# Key steps for respecting human rights

The corporate responsibility to respect human rights covers any adverse human rights impacts of a business's own activities and any impacts that are directly linked to their operations, products, services or business relationships.

The UN Guiding Principles require businesses to put in place policies and processes to meet this responsibility:

- **Policy**
- **Due diligence**
- **Remediation**

## 1. Policy

The UN Guiding Principles state that business enterprises should have a policy commitment to meet their responsibility to respect human rights and that this commitment should be:

- Informed by relevant internal and/or external expertise;
- Approved at a senior level;
- Clear in setting out expectations for employees, business partners and other relevant parties;
- Publicly available and communicated internally and externally; and
- Reflected in operational policies and procedures.

## BT's human rights policy

BT has one overarching policy on human rights that articulates the company's commitment to respecting human rights in its own business and through its broader relationships. It refers specifically to internationally recognised human rights as established in the International Bill of Human Rights and the ILO's Declaration on Fundamental Principles and Rights at Work. The policy also states that the company uses the UN Guiding Principles on Business and Human Rights to guide its detailed approach.

The policy includes details of how the company could affect the rights of its customers, suppliers, people and the communities in which it operates. It also covers how human rights risks are managed and overseen and is approved by the Board and reviewed every year.





## 2. Due diligence

The UN Guiding Principles state that business enterprises should have a human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights.

**Assessing actual and potential human rights impacts:** identify and assess actual or potential adverse human rights impacts through business activities or as a result of the company's business relationships. This should involve meaningful consultation with relevant 'rights holders' – people whose human rights might be affected – and involve external human rights expertise.

**Integrating and acting upon the findings:** integrate findings from the assessment into business activities to prevent and mitigate adverse human rights impacts, including assigning roles and responsibilities for addressing the impacts.

**Tracking responses:** measure the effectiveness of the company's response using specific key performance indicators (KPIs) and by gathering feedback internally and externally.

**Communicating how impacts are addressed:** the company should be transparent in addressing human rights impacts, particularly when concerns are raised by or on behalf of affected stakeholders.

### Telefónica's human rights due diligence process

Telefónica's human rights policy is based on the UN Guiding Principles on Business and Human Rights. Its human rights due diligence process follows the core elements described in this section to identify, prevent, mitigate and remedy (potential and actual) human rights impacts. An integral part of Telefónica's human rights due diligence process involves human rights impact assessments. These are conducted on a regular basis in close consultation with our stakeholders. The objective of these impact assessments is to find out how the company's activities/business relationships and products/services impact on all existing human rights and, on this basis, identify the human rights issues that are most salient to the business activity. Additional, specific assessments are carried out on any significant issue for which the impact assessment identifies special concern. Together these insights from the impact assessments provide the basis for adapting the company's internal policies/processes with a view to preventing, mitigating and/or remedying potential human rights impacts. Telefónica monitors and reports on its progress on matters relating to human rights and has established a grievance and remedy mechanism through its Responsible Business Channel.

### Telia Company's human rights impact assessments

In September 2015, Telia Company announced its intention to divest its Region Eurasia businesses. Considering human rights and corruption challenges in the region, Telia commissioned an independent non-profit organisation BSR to undertake human rights impact assessments (HRIAs) of the businesses in the Eurasia region including on how to ensure a responsible exit.

The methodology was based on the UN Guiding Principles on Business and Human Rights and the HRIAs identified human rights impacts, risks and opportunities and made recommendations for risk mitigation. It involved looking at:

- How to minimise human rights risks from the announced divestments;
- What to look for in the due diligence of potential buyers, such as their human rights record and commitments; and
- What activities to undertake during the sales period, such as using the final HRIA reports to build the capacity of the buyer to manage its new assets with respect for human rights.

A [summary](#) of the BSR *Human Rights Impact Assessments and Responsible Divestment Plan for Business Region Eurasia* was published, as well as further [BSR HRIAs](#) for Telia Company's ongoing operations in Lithuania and Sweden.

## 3. Remediation

Despite a company's best efforts, negative impacts may occur and where businesses identify that they have caused or contributed to adverse human rights impacts, they should provide for or cooperate in their remediation through legitimate processes. Companies need to be able to respond quickly and effectively and so should establish accessible grievance mechanisms for stakeholders that may have been negatively impacted by their activities.

This is the area of the Guiding Principles where the business response is probably the least mature, with most companies pointing to their whistleblowing hotlines and customer complaints mechanisms as their established grievance mechanisms.

# Summary of salient human rights issues

Each of the salient human rights issues identified earlier is introduced here, providing more information on what the issue is and how it relates to mobile operators.

## Privacy and freedom of expression

The human rights of privacy and freedom of expression are enshrined within the UN Declaration of Human Rights (Articles 12 and 19 respectively). With the growing economic and social importance of the mobile internet and the ongoing emergence of new, innovative services including AI-enabled applications, there is a need to protect consumers and ensure that they can continue to use services safely and securely.

Consumers regularly choose to voluntarily share personal data in order to access commercial services (while at the same time often feeling uneasy with the degree of personal data that is being shared). However, some challenges to the provision of private and secure mobile services originate with governments and law enforcement agencies. Their legitimate and increasingly sensitive mandate to protect citizens has led them to sometimes seek wide-ranging powers to access and use personal data as well as intervene to block or restrict communication services in certain circumstances. With growing frequency, operators around the world have had to challenge specific interventions which they assess as disproportionate, misaligned to international human rights frameworks, or even potentially counter-productive to public safety goals.





## Child rights and safety online

Mobile technology can contribute to positive outcomes for children in terms of their rights, development and wellbeing, for example by enabling access to information and learning, and supporting communication and the exchange of ideas.

However, in order to be able to enjoy these opportunities, children also need the digital skills to thrive online as well as the knowledge and tools to navigate potential issues – such as inappropriate content and grooming – and to protect their privacy and reputation online. Mobile operators and other players such as social media platforms are in a key position to help children and their guardians to understand and manage the issues that may affect children online, as well as to provide tools for taking control of their digital experiences.

Similarly, mobile operators and other companies in the sector can uphold children's right to protection from abuse by taking steps to make their services hostile to those who wish to sexually exploit children by accessing or sharing child sexual abuse material.

## Child labour

UNICEF has estimated that by 2020, almost 100 million children around the world will be trapped in child labour. The International Labour Organization (ILO) defines child labour as “work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling.” The ILO Minimum Age Convention, 1973 (No. 138) sets the minimum age of employment at 15 years and the minimum age for hazardous work at 18 years.

For mobile operators, risks of child labour usually relate to activities in the wider value chain. These can range from children being involved in the sale of mobile SIM cards and top-up cards; child labour in the supply chains supporting the manufacture of mobile equipment or infrastructure; children working at construction sites in network deployment; or children participating in taking apart electronic waste for resale.



## Forced labour, modern slavery and human trafficking

The ILO estimates that there are approximately 40 million victims of modern slavery around the world and 16 million of these victims are exploited in the private economy. For mobile operators, the risks of modern slavery usually relate to activities within the supply chain.

Human trafficking and forced labour are both forms of modern slavery.

- Human trafficking involves transporting, recruiting or harbouring people for the purpose of exploitation, using violence, threats or coercion.
- The ILO Forced Labour Convention, 1930 (No. 29) defines forced labour as: “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.”

There are a number of laws which include requirements for companies to disclose what they are doing in relation to forced labour, modern slavery and human trafficking. These include the California Transparency in Supply Chains Act 2010, the UK Modern Slavery Act 2015 and the Australian Commonwealth Modern Slavery Act 2018.

## Other labour standards

The ILO has identified eight fundamental Conventions, covering subjects that are considered to be fundamental principles and rights at work. As well as the elimination of forced or compulsory labour and the effective abolition of child labour, these include:

- Freedom of association and the effective recognition of the right to collective bargaining; and
- The elimination of discrimination in respect of employment and occupation.

These conventions are widely ratified by the vast majority of countries across the world and are also the origin of the four labour principles of the UN Global Compact.

There are also other risks to the human rights of people working in the mobile sector value chain ranging from, for example, the risk of harmful effects of working long hours in electronics factories; risks of injury to people working in field operations and network deployment; and risks of poor living conditions for workers housed in factory dormitories.

## Conflict minerals

Mobile phones and other electronics contain a wide range of metals that allow them to function properly. Operators are unlikely to directly buy any of these metals but many of the products that operators use or sell will contain them.

“Conflict minerals” include tin, tantalum, tungsten and gold (collectively known as 3TG) and can be extracted in many locations all over the world. Mining of these metals in the Democratic Republic of the Congo (DRC) and adjoining countries has been linked to armed conflict by financially benefiting armed groups in the region. It has also been linked to human rights abuses such as child and forced labour.

There are a number of legal requirements relating to conflict minerals including the US Dodd-Frank Act (section 1502) and the EU Conflict Minerals Regulation, which will apply from January 2021. These aim to ensure that the mining and use of these metals does not fuel conflict or human rights abuses. Although these two legal requirements are focused on 3TG metals, voluntary responsible mineral sourcing initiatives extend to include other metals, most notably cobalt.





## Community impacts from building and maintaining infrastructure

While mobile phone base stations do not require large plots of land, mobile phone operators may be faced with various human rights challenges during network deployment and site acquisition. The use and ownership of land – and potential impacts on local communities – can be linked to livelihoods and may be a source of conflict. In some countries, people's rights to land ownership are restricted; land ownership may not be documented; people may have been displaced from their rightful lands in conflict; or there may be on-going disputes over indigenous land rights. Meaningful consultation with potentially affected groups can help to address these issues.

Once sites are operational, there may be circumstances where armed security personnel are required to protect sites from access and theft. In other sectors, there have been a number of cases where security services have been implicated in human rights abuses or have used excessive force. These are considerations to take into account particularly when operating in areas of conflict and with a heightened risk of violence.

## Further guidance and initiatives

The GSMA's positions on mandated government access (p. 186), service restriction orders (p. 190), privacy (p. 204) and signal inhibitors (p210) are available in the [Mobile Policy Handbook](#).

Further background information on protecting consumer privacy is also available in the [GSMA Safety, Privacy and Security Across the Mobile Ecosystem report](#).

The [Global Network Initiative \(GNI\)](#) has a set of principles and implementation guidelines to support companies to protect and advance freedom of expression and privacy.

The European Commission's High-Level Expert Group on Artificial Intelligence has published a set of [Ethical Guidelines for Trustworthy AI](#).

GSMA and UNICEF's [Enhancing Children's Lives: A Guide for Mobile Network Operators](#) uses the UN Convention on the Rights of the Child as a foundational framework to set out the opportunities for the industry to improve children's lives, development and well-being.

The [GSMA Mobile Alliance Against Child Sexual Abuse Content](#) was founded by a group of mobile operators to obstruct the use of the mobile environment by individuals or organisations wishing to consume or profit from child sexual abuse content. The Mobile Alliance produces and provides a wealth of materials for GSMA members.

UNICEF's [Mobile Operator Child Rights Self-Assessment tool](#) helps operators understand how they may impact children in their day to day operations.

The [Joint Audit Cooperation \(JAC\)](#) is an association of 17 telecom operators that aims to verify, assess and develop the CSR performance (including labour standards) of shared suppliers in the sector through co-ordinated on-site audits and a supplier academy.

The [Responsible Minerals Initiative](#) (formerly the Conflict Free Smelter Initiative) provides resources for companies addressing responsible mineral sourcing issues in their supply chains.



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