Volume 4 | 2021

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

B-Tech

Greetings,

This newsletter edition reflects about the insights derived during the Access to Remedy in Tech consultation this autumn.

We also share additional documentation on a recent dialogue between the UN High Commissioner for Human Rights and tech executives as well as a consultation on building blocks for tech regulation during the annual Business & Human Rights Forum, a panel discussion on state-business nexus relationships in the tech sector at the Internet Governance Forum as well as a kick-off consultation on the gender dimension of the B-Tech Project.

The B-Tech team is wishing you happy holidays and all the best for the New Year.

Visit our website

## Updates from the B-Tech Project

### Access to Remedy in Tech: Take-aways from our September consultation




Read the Consultation Report: Access to Remedy in the Technology Sector

Session 1: Remedying adverse human rights impacts of technology companies through the courts
- Watch the video recording

Session 2: State-based non-judicial mechanisms and their contribution to access to remedy in cases of tech-related human rights abuses
- Watch the video recording

Session 3: Understanding the perspectives and needs of affected stakeholders when attempting to seek remedies
- Watch the video recording

Session 4: The role of technology companies in remedying human rights harms connected to their products and services
- Watch the video recording

### *UN Business & Human Rights Forum consultation:* Building blocks for tech regulation – a Business & Human Rights approach

B-Tech hosted an expert consultation in cooperation with the Geneva Academy during the 10th Annual Forum on Business and Human Rights.
The consultation discussed
- the regulatory landscape: approaches by States aiming at protecting human rights in the context of digital technologies and with regard to business conduct
- building blocks for regulatory options for States to incentivize the tech sector to fulfil their responsibility to respect human rights

Panelists:
- Anita Ramasastry, UN Working Group on Business & Human Rights
- Diana Vlad-Calcic, European Commission
- Owen Bennett, Mozilla
- Abdul Abdulrahim, Oxford University Dept. Computer Science/Stears, Nigeria
- Sebastian Smart, NHRI of Chile
- Imane Bello, Lawyer at the Paris Bar & Lecturer at Sciences Po
- Giovanni De Gregorio, Oxford University Faculty of Law

Moderator: Lene Wendland, OHCHR

The recording is available here. Read the summary note here.



***New blog:***
**Empowering human rights in the State-business nexus - Digital technologies and human rights due diligence**

An increasing number of information and communications technology companies are using human rights due diligence processes as part of their commitment to respect human rights.

However, ongoing challenges, including confidentiality concerns, hinder the development of best practices around HRDD when it comes to sensitive business decisions that involve States as customers or partners. The blog discusses ways forward and points out a set of recommendations.

Read more here.



***Company Community of Practice:***
**Leadership Dialogue with tech executives**

B-Tech convened a dialogue between technology executives and the UN High Commissioner for Human Rights.

The dialogue focussed on:

1. Creating a corporate governance and culture that allows to ensure that risks to human rights connected to the design, development, and use of their products and services are identified and addressed.
2. Advancing actions to tackle systemic issues underpinning the use of digital technologies in ways that harm human rights.

Read more here.

***Consultation:***
**Gender in the technology sector and the role of companies**

Through their powerful position across many markets, global and regional technology companies hold important strings to shape the way in which digital technologies impact women and bear the potential to adjust their processes in a rights-respecting manner. The consultation examined how technology companies' responsibilities towards women and girls apply with regard to online impacts and discussed a roadmap for B-Tech's engagement on the gender going forward.

Read the concept note here.

**B-Tech at IGF 2021**

At IGF's 16th edition taking place in Katowice, Poland, B-Tech hosted a session on protecting human rights in the state-business nexus, with a particular emphasis on public-private partnerships, in cooperation with the Business & Human Rights Resource Centre and Privacy International.

Panelists:

- Moira Oliver, Vodafone
- Théo Jaekel, Ericsson
- Lucie Audibert, Privacy International
- Sebastian Smart, NHRI of Chile
- Deniz Utlu, NHRI of Chile & GANHRI B&HR working group

Moderator: Henry Peck, Business & Human Rights Resource Centre

Watch the recording on YouTube here and read the summary note here.

Read more about Privacy International's safeguards for public-private surveillance partnerships.

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UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

B-Tech

Greetings,

Since we have wrapped up our foundational paper series, B-Tech has intensified its outreach and consultative efforts. We are sharing some reflections on these recent engagements with tech companies, policy makers, civil society and other stakeholders in this newsletter.

We welcome feedback and comments about our work at any stage.

Visit our website

## Updates from the B-Tech Project

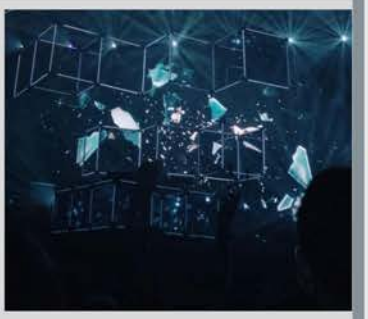
### B-Tech Company Community of Practice: Outputs



As part of the ongoing work of the Company Community of Practice that B-Tech is conveying on a regular basis, we are releasing a set of outputs to document the discussions and reflect on the progress made, as well as the upcoming work:

- Description of the Community of Practice
- Reflections On the Status of Business Respect For Human Rights in the Technology Sector
- The Strategic Aspects of Business Respect for Human Rights - Part One: Overview and Reflections on Current Practice
- The Strategic Aspects of Business Respect for Human Rights - Part Two: Themes for Further Attention
- Tech Company And UN Special Rapporteurs Introductory Dialogue

***Consultation:***
**Building blocks to engage policymakers on tech regulation & the UNGPs**



B-Tech hosted an expert consultation in cooperation with the Geneva Academy and Center for Democracy and Technology, building on the B-Tech foundational paper on the State Duty to Protect.

The consultation gathered inputs on

- how a "UNGPs check" tool could support policymakers and other stakeholders to assess tech regulation against the UNGPs
- the proposed use of the "UNGPs check" illustrated discussing the EU Digital Services Act (DSA) & how the "UNGPs check" could guide the legislative process

Read more here.



**New blog:**
***Bridging the private equity gap to tackle tech business model risks***

Private equity (PE) investors have a responsibility to respect human rights in line with the UN Guiding Principles on Business and Human Rights (UNGPs). Yet in practice, PE investors are lagging behind others in the broader investment community when it comes to aligning their investment practices with the

UNGPs. However, there are promising signs of PE progress on human rights - read more here.

***Consultation:***
**Access to Remedy in Tech**

Our office's teams working on B-Tech and the Accountability and Remedy Project hosted a two-day conference on 23-24 September 2021 on Access to Remedy in the Technology Sector.

The multi-stakeholder consultation mandated by the UN Human Rights Council centered on the challenges involved in seeking and delivering remedies for harms connected to the technology sector, and practical ways to address them. Further documentation will follow shortly.




## Upcoming Events

**B-Tech at IGF 2021**

At IGF's 16th edition taking place in Katowice, Poland, B-Tech will be co-hosting a session on 8 November, 9.30am-11am CET with a focus on the State-Business Nexus, and in particular public-private partnerships, in cooperation with the Business & Human Rights Resource Centre and Privacy International.

Read more here.

**B-Tech at BHR Forum 2021**

At this year's United Nations Forum on Business and Human Rights, B-Tech will host a session on 30 November, 10.25-11-40 CET with interpretation with a focus on building blocks for a rights-respecting tech regulation. Further information will follow shortly.

Please register for the Forum using this link.

Subscribe to our newsletter here

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Greetings,
With the launch of the last paper in our foundational paper series, B-Tech has set out its framework on how to apply the UN Guiding Principles on Business and Human Rights (UNGPs) to address the key human rights risks from digital technologies. Only by effectively addressing such risks can we fully reap the benefits, including for human rights, of these technologies.
To make the foundational papers "lived documents", we will be intensifying our outreach and consultative efforts in the upcoming months, across different geographies and stakeholder groups.
Please note that in the light of the recent security concerns related to Constant Contact, B-Tech is sending out this newsletter by email instead of using a mailing service provider.
Thank you for your understanding.

# Updates from the B-Tech Project

## Foundational paper on Key Characteristics of the State Duty to Protect

This paper is part of the UN Human Rights B-Tech Project foundational paper series. The series is being released to frame discussions on the implementation of the UNGPs in the technology sector. Access the paper **here**.
The paper explores State action in the following areas:

- States implementing a "smart-mix" of policy and regulatory measures, both nationally and where relevant, via international approaches.
- Potential opportunities created by trends towards mandatory human rights due diligence which would apply to a large number of technology companies.
- Situations where States contract with, partner with, license from or support technology companies ("State-Business Nexus").
- How to increase State capacity and internal policy coherence to address the complexity, scale and fast evolving nature of the technology industry.

## New blog by Global Alliance of National Human Rights Institutions

The blog highlights the need for greater policy coherence between State action on digital technologies and their duty to protect human rights. It explores the essential role national human rights institutions (NHRIs) play in ensuring public policy affecting digital technology companies effectively protects human rights in line with the standards laid out in the

UNGPs. This is especially important at a time that State action to drive rights-respecting conduct among technology companies is increasingly pressing. No matter in which policy field States take action, it should be in alignment across different portfolios and NHRIs should assist in advising and reviewing alignment. Access the blog post by the Global Alliance of NHRIs **here**.

### Launch of the B-Tech Community of Practice

The Community of Practice (COP) consists of a small cohort of tech company representatives with the purpose of advancing business respect for human rights in the technology industry. Over the course of a year of Core Sessions and Special Briefings, B-Tech staff and external experts will offer participants the opportunity to discuss the implementation and operationalization of B-Tech project guidance and recommendations made within the framework of the UNPGs. The sessions are confidential in nature and B-Tech will produce public communications distilling key themes and concepts emerging from the sessions. Read more about tech company involvement in B-Tech **here**.

## Upcoming Events

### RightsCon 2021: Sessions involving B-Tech

At RightsCon's tenth anniversary edition, B-Tech will be involved in the following sessions:

- *How can company-led grievance mechanisms address human rights concerns of rightsholders? Lessons from the B-tech papers on Access to Remedy* (with Swiss Federal Department of Foreign Affairs)
- *Digital Technologies, Human Rights Due Diligence, and the State-Business Nexus* (with GNI)
- *Are We in This Together? COVID19 and Digital Rights in the MENA Region* (with SMEX)
- *"Give a Smile, Get a Smile!" The Human Rights Impacts of Emotion Recognition in the Workplace* (with ECNL)

Further details will soon be released via RightsCon.

# Save the date!

Our office's teams working on B-Tech and the Accountability and Remedy Project will host a **two-day conference on 23-24 September 2021 on Access to Remedy** in the Technology Sector. The conference will likely be held in a hybrid format consisting of in-person and online participation. More information will be released when it is available.

## Past events

### Expert consultation with Geneva Academy on the State Duty to Protect

In February 2021, the UN B-Tech project and the Geneva Academy co-organized a virtual dialogue on bridging governance gaps in the age of technology, with a focus on the State duty to protect human rights. This consultation included over 30 experts, from government, national human rights institutions, civil society and other relevant stakeholders. The purpose of this discussion was to assess the key features of the UNGPs' State Duty to Protect pillar, as well as to provide comments on the draft foundational paper for B-Tech Project Focus Area 4. For further information about the consultation, please read our summary note, as well as the agenda and concept note.

## B-Tech at WEF Global Governance Technology Summit

B-Tech participated in a panel discussion on countering harmful content. Panellists discussed how businesses and governments can design and enforce more effective policies for content accountability and transparency. B-Tech emphasized the importance of the international human rights framework as the underlying principles for how to navigate content governance. Read more here.

## Webinar Digital Technology Companies– Investments and Human Rights

On 17 May, the PRI and B-Tech co-hosted a webinar on how to advance respect for human rights among technology companies by activating investors to operate responsibly. The Swedish Council of Ethics, NEI Investments, and B-Tech explored how institutional investors across asset classes can align their investment activities with the expectations laid out in the UNGPs and thereby ensure that their investments in the technology sector avoid negative impacts.

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UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

B-Tech

Greetings,

To start the new year, the B-Tech Project has released another series of foundational papers, this time on various aspects of Access to Remedy. The Project also published an investor briefing exploring the responsibility of institutional investors to drive respect for human rights among digital technology companies. We also reflect on the panel discussions and dialogues hosted in recent months.

We are happy to announce the launch of our new blog series hosted on the B-Tech portal. We are kicking off the series with a blog post on the response of technology companies to the attack on the United States Capitol on 6 January 2021.

We welcome feedback and comments.

Visit our website

## New foundational papers & briefing

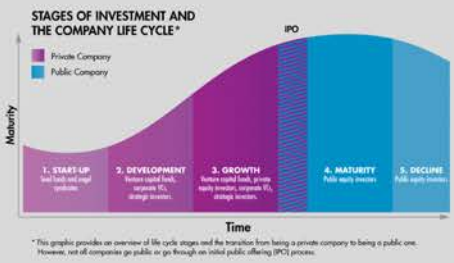
### UN Human Rights B-Tech launches a new series of foundational papers on Access to Remedy




The papers are part of the UN Human Rights B-Tech Project foundational paper series. The series is being released to frame discussions on Access to Remedy to advance implementation of the UN Guiding Principles in the technology sector.

- Access to Remedy: Concepts and Principles
- An Ecosystem Approach to Access to Remedy
- Company-based Grievance Mechanisms
- Perspectives and Needs of Affected People

### B-Tech launches briefing on Rights-Respecting Investment in Technology Companies




The investor briefing provides institutional investors with holdings in digital technology companies with high-level analysis and guidance on how to apply the UN Guiding Principles to their investments. It clarifies the human rights responsibilities of investors, identifies trends in current investor practice, and suggests resources for investors to consider in their efforts to advance respect for human rights among technology companies.

Access the briefing here.

## New blog series

The recent measures taken by some technology companies in the aftermath of the events in the US Capitol on 6 January 2021 serve as a stark reminder of the importance of business applying the UNGPs consistently, and point to the potential ramifications of not doing so. The B-Tech team reflects in this blog on the developments and articulates which guidance the UNGPs can provide for such complex situations.

Access the blog post here.

## Past events

### UN B-Tech & UNGPs 10+ dialogue on investment and human rights

On October 29 2020, the UN B-Tech project and the UNGPs 10+ project co-hosted a virtual dialogue on institutional investment and human rights with over 30 participants from civil society, academia, and NHRIs. The purpose of the dialogue was to identify and discuss opportunities and challenges for responsible rights-based investment, as well as recommendations for scaling the uptake of the UN Guiding Principles among investors. Access the summary note here.




### IGF 2020: Panel discussion on upholding human rights in the state-business nexus

B-Tech hosted an open forum at IGF 2020 on 6 November, focusing on Upholding Rights in the State-Business Nexus.

Panelists:

- Philip Dawson, Element AI
- Stephanie Hankey, Tactical Tech
- Gary Davis, Apple
- Gbenga Sesan, Paradigm Initiative
- John Howell, Australian Human Rights Commission

Moderator: Mark Hodge, B-Tech

Watch the recording here
Access blog post here




### Forum Business & Human Rights 2020: The smart mix of measures in tech

B-Tech invited participants to discuss how smart mix of measures for the responsible use of technology in re-building the global economy on 16 November.

Panelists:

- Deniz Utlu, B&HR working group GANHRI
- Eva Grambye, Danish Institute for Human Rights
- Yves Nissim, Orange
- Rémy Friedman, Swiss Federal Dept. of Foreign Affairs
- Gbenga Sesan, Paradigm Initiative

Moderator: Lene Wendland, B-Tech

Watch the recording here

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UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

B-Tech

# Welcome to our new newsletter

Welcome to the UN B-Tech Newsletter. We invite you to stay connected with our ongoing efforts to provide tailored guidance and resources to enhance the quality of implementation of the UN Guiding Principles on Business and Human Rights in the context of digital technologies.

Moving forward, you will receive periodic updates on the latest publications, events, and other resources coming out of B-Tech. To manage your subscription, please click on the link at the bottom of this newsletter.

Visit our Website

## OHCHR B-Tech launches new foundational papers

The papers are part of the UN Human Rights *B-Tech Project* foundational paper series. The series is being released to frame discussions among diverse stakeholders as part of a global process to produce guidance, tools and practical recommendations to advance implementation of the UN Guiding Principles in the technology sector.

- An Introduction to the UN Guiding Principles in the Age of Technology
- Key Characteristics of Business Respect for Human Rights
- Addressing Business Model Related Human Rights Risks
- Identifying Human Rights Risks Related to End-Use
- Taking Action to Address Human Rights Risks Related to End-Use




## RightsCon2020: Panel discussion on human rights risks in business models

The panel discussion with Vivek Krishnamurhty, University of Ottawa; Ashleigh Owens, Senior Advisor, Shift; Mikael Ekman, Danish Deputy Tech Ambassador and Nien-he Hsieh, Harvard Business School, was informed by a newly released B-Tech foundational paper on business models. Access to the recording of the panel is available for RightsCon registered participants.

Concept note of RightsCon panel

## Upcoming events

IGF Internet Governance Forum

### Internet Governance Forum

B-Tech will host an open forum at IGF 2020 on 6 November, focussing on upholding Rights in the State-Business Nexus: C19 and beyond

More information here