

# **New Technology and Global Human Rights Challenges: Deepening Exchanges between the United Nations and the Private Sector**

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## **Introduction**

On 10 November 2021, the [International Service for Human Rights](#) (ISHR) and [AccessNow](#) convened the first in a series of dialogues designed to build bridges between the business sector, civil society and United Nations experts. The objectives: to create a common understanding of human rights challenges, identify key risk areas and design solutions that are informed by rightsholders and civil society recommendations.

Around ten experts participated in the meeting, with subject expertise on, among others, right to privacy, business and human rights, the situation of human rights defenders, privacy or education. Around 15 of the top technology companies globally participated in the discussion

## **Summary and key takeaways**

### **Technology and human rights: a growing issue**

Technology and digital rights issues are becoming ‘mainstreamed’ – incorporated into the core work of human rights advocates and international NGOs, and increasingly seen as central by a range of [United Nations’ independent experts](#), including those whose mandates do not have a formal or traditional connection to technology. In turn, technology and telecommunications companies have become key stakeholders both for consultation and cooperation as well as for critical dialogue to address human rights allegations.

Special procedures are appointed based on their expertise on either thematic or country specific issues. This expertise is then used to examine human rights challenges related to their mandate. They produce reports, carry out [country visits](#) and send [communications](#) to governments and other stakeholders, such as private companies.

The private sector participants who had previous experience with the UN Special Procedures acknowledged the valuable insight offered and material produced by the mandates. However, they flagged that the volume of reports produced presents a practical challenge for companies. The format in which they are produced, how they are stored, and the language and layout used to analyse human rights issues, make accessibility to the document and its content challenging for practitioners.

In turn, [The UN Hub for Human Rights and Digital Technology](#) was flagged as a useful resource where the full scope of key texts, including standards, analysis, and recommendations emerging from the United Nations human rights mechanisms can be found.

#### Identified challenges:

1. Lack of accessibility of UN reports and those produced by Special Procedures in shape and form.
2. Lack of awareness in the private sector about where to find human rights reports and analysis.

### UN experts and Special Procedures: connecting with the private sector?

New technologies are becoming a crosscutting issue affecting many human rights areas. The special procedures that work on human rights issues related to digital technologies often lack the time and resources to develop deep technical expertise on technological matters. It would not be reasonable to expect that all UN Special Procedures become technical experts on AI, machine learning, or the use of predictive algorithms. There is a need for input, consultation and advice by both civil society and the private sector. A multistakeholder approach is required.

Mandate holders have been seen to be engaging with new technologies in new ways. During the dialogue, several key topics were highlighted where collaboration would be needed: artificial intelligence, mass surveillance, disappearances and provision of security. In some instances, digital technologies can also be a tool for positive impact on human rights, such as the potential use to locate missing persons and hold perpetrators accountable.

When asked about their experience of effective collaborations with the private sector, the [UN Special Procedures](#) noted that in some cases the [communications procedure](#) has been used to elicit a response and establish a dialogue with the private sector. Certain companies, in turn, approach Special Procedures seeking good practices applicable to situations where there is a risk of negative human rights impact.

### Private sector: connecting with UN experts and civil society

There is a wide variety of models on how companies allocate responsibility internally about human rights issues. Often, there is a specific team focusing on human rights. On other occasions, it is the sustainability, human resources, operations or communications team working on these matters. The variety of approaches, structures and expertise constitutes a challenge when it comes to engagements with civil society or the UN. There tends to be a gap in understanding each other's structure, mandates and areas of responsibility.

#### Identified challenges:

- Civil society, the UN and the private sector do not know each other's organisational structure, scope or area of responsibility and expertise of their interlocutors on human rights issues.

The private sector representatives reiterated the importance of their unique position for promoting, internally and in the industry, human rights issues and raising awareness of topics related to the work of the UN Special Procedures. They bring a wealth of knowledge to the table and their reports can be used to support the internal human rights team, pushing good practices at the company level.

#### Identified challenges:

- Company's internal human rights teams often find difficulties leveraging human rights topics internally, so they are properly considered by senior officers.
- UN experts, in coordination with company officials, could play a significant role in gaining internal leverage within the company.

From the UN side, experts highlighted the importance of the private sector participating in periodic calls for inputs for the development of UN policy frameworks. They also mentioned that generally, UN experts should be contacted so they can contribute to internal company human rights frameworks.

#### Identified challenges:

- Company human rights officials do not have enough visibility of policy frameworks processes at the UN level where they could participate.

## Practical implementation of the UN Guiding Principles on Business and Human Rights

Participants discussed in breakout rooms what are some of the key human rights risks within the tech sector, the potential risks that may materialise in the near future and how they could be mitigated.

Across the board, there was agreement on the need for focused and practical outputs that can be used by companies when taking strategic and operational decisions that might affect their human rights footprint. For instance, a guidance on risk identification actions that a company needs to put in place before entering a new market.

However, companies also underlined the variety of human rights risks, specific situations and contexts each different technology company faces. Often, that diversity and the specific contextualization is not considered in analysis by civil society or other constituencies. One solution does not fit all, as sectors vary and human rights risks differ.

#### Identified challenges:

- Civil society and UN outputs and recommendations could benefit from a more pragmatic approach that allows for implementation at the managerial company level.

UN experts reminded the group, especially private actors, of the importance of reaching out to UN mandates beyond those explicitly dealing with business and human rights issues. There are [44 UN Special Procedures](#) and, increasingly, they focus on human rights issues that have a relationship with technology. Engagement should happen across all mandates.

A challenge was also identified by actors that usually do not interact with UN bodies, who find it difficult to navigate the internal governance of the international organisation. More clarity, transparency and accessible resources should be put in place to communicate, interact and navigate the mandates and topics that UN experts work on. High quality work is happening in different sides of the institution, with often little communication and coordination internally and externally. A participant wondered if

technological companies, often at the vanguard of innovation, could come up with solutions.

#### Identified challenges:

- The UN internal structure is fairly difficult to understand for external actors. Notwithstanding the significance of this internal structure for human rights issues, which often emanates from the Human Rights Council, one should not expect for it to represent an obstacle when it comes to developing relationships with external stakeholders.

The group congratulated the fact that digital rights are being perceived as human rights by an increased spectrum of society, bringing attention to the growing risks in the sector. Some upcoming human rights risks were identified on, for instance, the increasing and disparaging regulation on the localisation, flow and storage of data across jurisdictions; the use of new technologies to threaten democratic elections or ignite hate crimes and social unrest; the risk of usage of deep fakes; the increasing connectivity between platforms, technologies and services within the sector that will bring new challenges; discrimination regarding access to information, connectivity and participation in core democratic or socio-economic processes; facial recognition for mass surveillance, and the gender digital divide among others.

Privatisation of the education sector was identified as an emerging risk posed by digital technologies which, if not implemented correctly, could reinforce a top-down and uniforming approach in the education sector through the development of tools that are not responsive to the needs of children in different contexts and cultures. It also risks minimising diversity in the sectors, both in terms of approaches to education and cultural diversity. More broad mitigation strategies posed for these issues include human rights due diligence and the co-design of digital technologies.

The private sector called for actionable human rights standards; this is particularly crucial for smaller companies or those new to implementing human rights due diligence management systems. They further asked for guidance on identifying the correct opportunities for engagement that will have the best balance of investment and return and how to ensure a truly inclusive multi stakeholder approach.

## Next steps, pending discussions and follow-up activities

Participants agreed that the discussion had been fruitful. In a bid to make future conversations even more so, follow-up actions were agreed: a survey to all participants has been sent to gather feedback on the dialogue and opportunities for further discussion and action.

A list of key challenges was identified in achieving an effective communication and collaboration between the private sector and UN experts on issues related to technology and human rights:

1. Lack of **accessibility** of UN reports and those produced by Special Procedures in shape and form.
2. Lack of **awareness** in the private sector about where to find human rights reports and analysis.
3. Civil society, the UN and the private sector do not know each other's **organisational structure**, scope or area of responsibility and expertise of their interlocutors on human rights issues.

4. Company's internal human rights teams often find difficulties leveraging human rights topics internally, so they are properly considered by senior officers.
5. UN experts, in coordination with company officials, could play a significant/an important role in gaining internal leverage within the company.
6. Company human rights officials do not have enough visibility of policy frameworks processes at the UN level where they could participate.
7. Civil society and UN outputs and recommendations could benefit from a more pragmatic approach that allows for implementation at the managerial company level.
8. The UN internal structure is fairly difficult to understand for external actors. Notwithstanding the significance of this internal structure for human rights issues, which often emanates from the Human Rights Council, one should not expect for it to represent an obstacle when it comes to developing relationships with external stakeholders.