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## Human Rights Council

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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## The practical application of the Guiding Principles on Business and Human Rights to the activities of technology companies

### Report of the Office of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report is submitted pursuant to resolution 47/23 of the Human Rights Council, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on the practical application of the Guiding Principles on Business and Human Rights to the activities of technology companies, and to present it to the Council at its fiftieth session. The report has been informed by deliberations from a two-day expert consultation, also mandated by resolution 47/23, as well as by submissions received from States and other stakeholders, and other relevant processes and initiatives, in particular the OHCHR B-Tech Project.

The report is complemented by an addendum,<sup>1</sup> which provides details of the expert consultation held on 7 and 8 March 2022.

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<sup>1</sup> [A/HRC/50/56/Add.1](#).



## I. Introduction

1. In its resolution 47/23 on new and emerging digital technologies and human rights, the Human Rights Council reaffirmed the importance of a holistic, inclusive and comprehensive approach and the need for all stakeholders to collaborate in a more concerted way in addressing the possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights. It requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to convene an expert consultation to discuss the practical application of the Guiding Principles on Business and Human Rights<sup>2</sup> to the activities of technology companies and to submit a report to the Council at its fiftieth session. The Council further requested OHCHR to seek input from and to take into account the relevant work already done by stakeholders from diverse geographic regions.

2. In accordance with the latter request, a call for submissions was sent out on 22 December 2021 to all States and other stakeholders mentioned in resolution 47/23, and 37 submissions were received.<sup>3</sup>

3. Furthermore, pursuant to the same resolution, OHCHR convened a two-day expert consultation on 7 and 8 March 2022.<sup>4</sup> The consultation explored the normative content, as well as the practical experiences, opportunities and challenges faced, in applying the Guiding Principles to the technology sector. A detailed account of the deliberations from the consultation is included in an addendum to the present report.<sup>5</sup>

4. The aim of the present report is to demonstrate the value and practical application of the Guiding Principles in preventing and addressing adverse impacts on human rights related to technology companies. The report draws on, and is informed by, the OHCHR B-Tech Project,<sup>6</sup> deliberations during the consultation and stakeholder submissions.

## II. Application of the Guiding Principles on Business and Human Rights to the technology sector

### A. Background

5. In recent years there has been an increasing focus on the interrelationship between human rights and technology. It has been well documented that new digital technologies, such as social media, cloud computing, Internet-of-things devices and artificial intelligence systems can contribute to positive social, economic and development effects, and that overall advances in digital technologies contribute to the realization of the Sustainable Development Goals. However, the use of these same technologies by companies, State agencies, consumers and the wider public can also have negative impacts on people's lives, sometimes in severe and irreparable ways. Leaks of personal information, dissemination of hate speech, the undermining of democratic processes and "algorithmic discrimination" – to name but a few of the documented risks – can all negatively affect the ability of people to enjoy their human rights.<sup>7</sup>

6. A wealth of new initiatives, including standards, analyses and recommendations emerging from the United Nations human rights mechanisms, have highlighted that the

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<sup>2</sup> Endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011.

<sup>3</sup> See <https://www.ohchr.org/en/events/consultations/2022/ohchr-consultation-and-call-submission-practical-application-united>.

<sup>4</sup> See the concept note for the consultation, available at [https://www.ohchr.org/sites/default/files/2022-03/UNGPs-tech-consultation-CN-7\\_8\\_March\\_2022.pdf](https://www.ohchr.org/sites/default/files/2022-03/UNGPs-tech-consultation-CN-7_8_March_2022.pdf).

<sup>5</sup> A/HRC/50/56/Add.1.

<sup>6</sup> See <https://www.ohchr.org/en/business/b-tech-project>.

<sup>7</sup> See [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3768813](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3768813).

promise of digital technologies for transformational change for the benefit of humanity can only be realized when effectively guarding against the risk of harm to people.<sup>8</sup>

7. While some important efforts have been made, Government responses to the challenges posed by digital technologies have tended to be reactive and ad hoc, at times overlooking existing corporate responsibility and accountability frameworks and standards that can provide principled and rights-based responses. Some technology companies and investors are engaged, and actively calling for more clarity and guidance, while much of the sector has not engaged on the human rights risks arising from their activities.

8. The Guiding Principles on Business and Human Rights are the authoritative global standard for preventing and addressing human rights harms connected to business activity, including in the technology sector. Their authority and legitimacy stems from having been unanimously endorsed by the Human Rights Council in 2011, with the express support of a diverse set of stakeholders, including from the private sector.

9. The Guiding Principles set out the distinct but complementary role of States and companies in preventing and addressing human rights harms associated with business activity. They are comprised of three separate but mutually reinforcing pillars:

(a) **Pillar I.** The State duty to protect against human rights abuses by third parties, including businesses, through appropriate policies, regulation and adjudication;

(b) **Pillar II.** The corporate responsibility to respect human rights, by not infringing on the rights of others, and to address adverse impacts on human rights related to their activities;

(c) **Pillar III.** Access to remedy for victims of corporate-related human rights abuse through judicial or non-judicial mechanisms.

10. For States and companies seeking to effectively manage risks to people connected to the digital economy, the Guiding Principles offer a principled and pragmatic framework that can be applied globally and allows the positive impact and opportunities of technological innovation to flourish in a rights-respecting ecosystem.<sup>9</sup> Echoing this, the Working Group on the issue of human rights and transnational corporations and other business enterprises (Working Group on business and human rights),<sup>10</sup> taking stock of the first decade of the implementation of the Guiding Principles, stressed that they provided a compelling starting point for companies and States seeking to address the potential harms of digital technologies by effectively managing associated risks to people, as they precisely sought to manage the gap between rapid change and the capacity of society to manage its consequences.<sup>11</sup>

11. There have been repeated calls for greater guidance on and uptake of the Guiding Principles in relation to the technology sector. In 2020, the High-level Panel on Digital Cooperation identified a critical need for clearer guidance about what should be expected from private companies with regard to human rights as they developed and deployed digital technologies.<sup>12</sup> In “the highest aspiration: a call to action for human rights”, the Secretary-General called on the international community to work with business to apply the Guiding Principles, and specifically with social media companies to understand and respond to concerns about existing or potential human rights violations, including by working with civil society and human rights defenders to prevent or quickly redress such violations.

12. Against this backdrop, OHCHR launched the B-Tech Project with a view to advancing the uptake of the Guiding Principles by both States and technology companies. Using the lens of the Guiding Principles, the B-Tech Project seeks to provide normative clarity and practical guidance on the respective roles and responsibilities of States and technology

<sup>8</sup> See <https://www.ohchr.org/sites/default/files/2022-03/Human-Rights-Council-Advisory-Committee.pdf>.

<sup>9</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/introduction-ungp-age-technology.pdf>.

<sup>10</sup> See <https://www.ohchr.org/en/special-procedures/wg-business>.

<sup>11</sup> See <https://www.ohchr.org/sites/default/files/2021-12/ungps10plusroadmap.pdf>.

<sup>12</sup> See <https://www.un.org/en/pdfs/DigitalCooperation-report-for%20web.pdf>.

companies to ensure respect for human rights in the development, deployment and use of digital technologies. A series of B-Tech foundational papers on all the three pillars of the Guiding Principles as applied to the technology sector have been issued, which inform much of the substance of the present report. All B-Tech Project activities and engagements are undertaken in close collaboration with States, technology companies, civil society, academia, national human rights institutions and other key actors to ensure that the outputs and guidance respond to the concerns and practical realities of companies and stakeholders. The project also facilitates a company community of practice to advance respect for human rights in the technology industry and enable mutual learning of the Guiding Principles.<sup>13</sup>

## **B. State duty to protect (pillar I)**

13. While the aim of the Guiding Principles on Business and Human Rights is to close the protection gap in relation to the impact of businesses on human rights, they recognize that the State remains the primary duty bearer under international law to protect human rights. Pillar I of the Guiding Principles, the framework for State action, is anchored in States' existing human rights obligations. In accordance with the Guiding Principles, States must protect against human rights abuses by business. This requires taking appropriate measures to prevent, investigate, punish and redress human rights abuses involving business, including technology companies.<sup>14</sup>

14. While recognizing the variety of political systems across jurisdictions and the heterogeneous nature of the sector, alignment with the Guiding Principles in national or multilateral responses to human rights risks related to the technology sector is key. Instead of a proliferation of new and fragmented standards of conduct, alignment of technology company practices with the Guiding Principles can provide predictability for companies and, most importantly, for at-risk stakeholders. At the same time, it creates a fair, level playing field for technology companies to innovate and compete based on rights-respecting conduct.

### **1. General State regulatory and policy functions**

15. As part of their regulatory and policy functions, States are called on to adopt a “smart mix” of voluntary and mandatory measures to require companies, including in the technology sector, to respect human rights (guiding principle 3).

16. The smart mix entails enforcing laws that are aimed at, or have the effect of, requiring technology companies to respect human rights, and periodically assess the adequacy of such laws and address any gaps. An increasing number of States have enacted or are considering legislation<sup>15</sup> that will effectively require companies in all sectors to communicate about the presence and effects of human rights due diligence policies and systems. In parallel, many States are elaborating policy frameworks at the national and multilateral levels regarding the development and use of digital technologies, such as those based on data protection and artificial intelligence. These developments, in particular proposals related to mandatory human rights due diligence requirements for companies, will have implications for how technology companies design, develop and sell products and services, for example by mandating greater transparency about the human rights impacts and mitigation measures put in place.

17. As part of the smart mix, some States have been providing incentives for technology companies by making access to export credit conditional, in part, on conducting human rights due diligence. The smart mix can also include providing guidance to business, including on how to address risks to human rights related to the sale of high-risk products in conflict-affected and high-risk areas (guiding principle 7). An example is the human rights due diligence guidance<sup>16</sup> issued by the Department of State of the United States of America to

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<sup>13</sup> See OHCHR B-Tech Project, “Reflections on the Status of Business Respect for Human Rights in the Technology Sector”, company community of practice note.

<sup>14</sup> See OHCHR B-Tech, “UN Guiding Principles in the Age of Technology”.

<sup>15</sup> See <https://cyrilla.org/>.

<sup>16</sup> See <https://www.state.gov/wp-content/uploads/2020/09/DRL-Industry-Guidance-Project-FINAL-508.pdf>.

assist companies in preventing their products or services with surveillance capabilities from being misused by foreign government end-users to commit human rights violations.<sup>17</sup>

18. In the Guiding Principles, States are also called upon to encourage, and where appropriate require, business enterprises to communicate how they address adverse impacts on human rights stemming from or linked to their business (guiding principle 3). This also applies to digital technology business practices, products and services. Meaningful reporting and transparency standards introduced by Governments can enhance the understanding of risks to people related to digital technologies and provide better evidence to compare corporate actions to address such risks.<sup>18</sup> Of particular importance in this regard is transparency regarding human rights due diligence processes, focusing on ongoing assessment and action, as well as the engagement of and communication with potentially affected groups and other relevant stakeholders.

## 2. The State-business nexus

19. The State duty to protect also applies to a State's own actions as an economic actor (guiding principle 4). State obligations and business responsibilities are complex in situations in which States contract with, partner with, license from, or support technology companies. In such situations, in accordance with the Guiding Principles, it is recommended that States take additional steps to protect against human right abuse, including, where appropriate, by requiring human rights due diligence when financing, supporting or owning a business or when outsourcing or contracting in relation to public services or procuring goods and services.

20. When State actors involve technology companies in the provision of public services and goods, they need to exercise adequate oversight to ensure that those companies respect human rights and that cooperation with those companies does not adversely impact the enjoyment of human rights (guiding principle 5), such as when algorithmic decision-making is used to manage public infrastructure in the context of smart cities. Additional steps may be required to protect against human rights abuses by technology enterprises that are owned or controlled by the State or receive substantial support from State agencies. Additional steps may also be necessary to ensure human rights compliance when the State procures digital technologies from private sector entities. In such business relationships, the State holds significant leverage to incentivize technology companies to ensure respect for human rights (guiding principle 6). For example, as digital technologies are used in public health governance, States can use the potential of public procurement as a tool to scale up commitment and implementation of business respect for human rights, for example, pushing for privacy-friendly public health apps.<sup>19</sup> This has been a topic of debate in relation to State demands on technology companies for access to data and functionality in the context of track-and-trace apps developed to address the coronavirus disease (COVID-19) pandemic.

## 3. Ensuring policy coherence

21. While taking action to uphold the duty to protect human rights, the Guiding Principles stipulate that States should ensure policy coherence (guiding principle 8).

22. In the context of digital technologies, this means ensuring coordination on matters related to the adverse impacts of digital technologies across government departments, agencies and State-based institutions, on both the national and subnational levels, and when States participate in multilateral institutions and enter into trade and investment agreements. National human rights institutions can function as key partners to enhance State capacity and expertise in this area.<sup>20</sup>

<sup>17</sup> See <https://www.ohchr.org/sites/default/files/2022-03/UnitedStates.pdf>.

<sup>18</sup> See OHCHR B-Tech Foundational Paper, "The UN Guiding Principles in the Age of Technology".

<sup>19</sup> See [https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/write-up\\_IGF\\_panel.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/write-up_IGF_panel.pdf).

<sup>20</sup> See <https://www.ohchr.org/sites/default/files/2022-03/RepublicofKorea.pdf>; [https://www.ohchr.org/sites/default/files/2022-03/NHRI\\_B\\_Tech\\_consultation.pdf](https://www.ohchr.org/sites/default/files/2022-03/NHRI_B_Tech_consultation.pdf); and

23. Due to the scale and cross-border reach of the digital ecosystem and its products and services, it will often be necessary to involve a broad range of States to achieve efficacy in addressing human rights risks associated with digital technologies.

24. There is a strong need for collaboration and alignment at the regional and global levels to avoid fragmented regulatory and policy approaches. In light of this, the Guiding Principles reinforce the fundamental importance of multilateral and multi-stakeholder approaches to protect against, prevent and remediate human rights impacts associated with business. An example of a multilateral approach includes the Freedom Online Coalition, a government alliance aiming to achieve a multilateral consensus on Internet freedoms.<sup>21</sup> The Coalition seeks to promote the development of norms regarding the practical application of the State duty to protect to digital technologies.

#### 4. Stakeholder reflections on the State duty to protect in the technology sector

25. While the increasing attention of policymakers and lawmakers to the adverse impacts of digital technologies on human rights have been welcomed, stakeholders have voiced concerns about how this issue is being approached. Concerns include allegations that some regulatory attempts intended to address adverse impacts on users of digital products and services might instead make it more difficult for intermediaries to respect the rights of their users, because of broad and vague definitions and scope; excessive penalties, including significant liability for company personnel; and requirements to remove content under strict timelines or by means of automated tools without attention to necessary safeguards.<sup>22</sup>

26. The State-business nexus has increasingly come to the attention of various stakeholder groups, raising concerns of a lack of human rights protection when States have outsourced to, or contracted technology companies for, public services.<sup>23</sup> For example, for the delivery of social services, public authorities are reportedly increasingly relying on technological systems developed by private actors.<sup>24</sup> Another area of concern is the use, development, production, sale and export of surveillance and facial recognition technology for identification purposes by both State agencies and private sector actors.<sup>25</sup>

27. In order to provide enhanced clarity for those working on regulatory proposals regarding business conduct in the technology sector, the B-Tech Project is developing a guidance tool aimed at allowing policymakers and other key stakeholders to assess whether regulatory or incentive-based initiatives directed at technology company conduct align with the Guiding Principles. The purpose of the guidance tool will be to inform the choice of design and policy options or instruments for draft legislation and incentive-based initiatives aiming at ensuring that technology companies respect human rights.<sup>26</sup>

### C. Corporate responsibility to respect human rights (pillar II)

28. The Guiding Principles set out a principled approach for all companies to prevent, mitigate and address human rights harms to people from business activities.<sup>27</sup> For technology

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<https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/b-tech-blog-policy-coherence-nhris-tech.pdf>.

<sup>21</sup> See <https://www.ohchr.org/sites/default/files/2022-03/Freedom-Online-Coalition.pdf>.

<sup>22</sup> See <https://www.ohchr.org/sites/default/files/2022-03/Global-Network-Initiative.pdf>.

<sup>23</sup> See <https://www.ohchr.org/sites/default/files/2022-03/International-Organization-of-Employers.pdf>.

<sup>24</sup> See <https://www.ohchr.org/sites/default/files/2022-03/AlgorithmWatch.pdf> and

<https://www.ohchr.org/sites/default/files/2022-03/CIPESA.pdf>.

<sup>25</sup> See <https://www.ohchr.org/sites/default/files/2022-03/PrivacyInternational.pdf> and

<https://www.ohchr.org/sites/default/files/2022-03/Amnesty-International.pdf>.

<sup>26</sup> See also <https://www.geneva-academy.ch/news/detail/426-bridging-governance-gaps-in-the-age-of-technology-a-discussion-on-the-state-duty-to-protect>; <https://www.ohchr.org/sites/default/files/2022-02/CDT-B-Tech-CDT-GA-UNGPs-DSA-Consultation-14-Sept.docx>;

[https://www.ohchr.org/sites/default/files/2022-02/B-Tech\\_BHR\\_Forum\\_Building\\_Blocks.pdf](https://www.ohchr.org/sites/default/files/2022-02/B-Tech_BHR_Forum_Building_Blocks.pdf); and

<https://www.geneva-academy.ch/news/detail/517-placing-human-rights-at-the-centre-of-new-tech-regulations>.

<sup>27</sup> See also <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/key-characteristics-business-respect.pdf>.

companies, this includes that they must anticipate and address harms related to the use of their products and services, commonly referred to as the “end-use”. This corporate responsibility applies to all internationally recognized human rights (guiding principle 12, commentary).

29. The responsibility to respect human rights requires business enterprises to make a policy commitment to respect human rights, carry out human rights due diligence and provide remediation or cooperate in remediation of abuse where the company identifies adverse impacts that it has caused or to which it has contributed.

30. The quality of a company’s human rights due diligence and engagement with remedy will increase when these practices are supported by governance arrangements and leadership actions to ensure that a company’s policy commitment to respect human rights is embedded from the top of the business enterprise through all its functions, which otherwise may act without awareness or regard for human rights (guiding principle 16, commentary). Human rights “leads” in technology companies have a central role to play in embedding human rights considerations across processes and functions, stewarding ongoing engagement with civil society and other stakeholders, and informing the senior leadership’s decision-making. Buy-in and support from the founders, executives and company governance bodies is critical to ensure meaningful human rights due diligence and advance corporate respect for human rights.<sup>28</sup>

## 1. Policy commitment

31. A key element of the corporate responsibility to respect human rights is that companies express their commitment to meet this responsibility through a publicly available statement of policy (guiding principle 16). This statement of policy should: be approved by the most senior level of the business enterprise; be informed by relevant internal and/or external expertise; stipulate the enterprise’s human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services; be communicated internally and externally to all personnel, business partners and other relevant parties; and be internalized in the necessary operational policies and procedures throughout the business enterprise (guiding principle 16). A growing number of technology companies are publishing human rights policy commitments making explicit reference to the Guiding Principles.<sup>29</sup>

## 2. Human rights due diligence for the design, development and use of technology products and services

32. The requirement for companies to undertake human rights due diligence across their activities and business relationships to identify, prevent, mitigate and account for how they address the actual and potential human rights harms connected to their business activities is a central element of their corporate responsibility (guiding principle 17).<sup>30</sup> The human rights due diligence requirement extends to a company’s products and services. This is highly relevant when considering the impacts of digital technologies, as it is mostly in their use that human rights harms will manifest. For example, customers might misuse a product to commit human rights abuses (for example, an employer using social networking tools to monitor and intimidate employees or a State using technology for extrajudicial surveillance).

33. Human rights due diligence needs to occur early throughout the product design, development and use phases and must be an ongoing exercise. Because human rights situations are dynamic, the Guiding Principles stipulate that assessments of human rights impacts should be undertaken at regular intervals: prior to a new activity or relationship; prior to major decisions or changes in the operation; in response to or anticipation of changes in

<sup>28</sup> See <https://www.ohchr.org/sites/default/files/2021-11/reflections-status-business-respect.pdf>. See also <https://www.ohchr.org/sites/default/files/2022-02/b-tech-leadership-dialogue.pdf> and <https://www.ohchr.org/sites/default/files/2021-11/strategic-aspects-part-I.pdf>.

<sup>29</sup> See <https://www.ohchr.org/sites/default/files/2021-11/reflections-status-business-respect.pdf>.

<sup>30</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/identifying-human-rights-risks.pdf>.

the operating environment; and periodically throughout the life of an activity or relationship (guiding principle 18).

34. Human rights due diligence is an ongoing four-step process anchored in strong internal and external stakeholder engagement. Companies need first to identify and assess impacts to gauge the nature and extent of human rights risks (step 1). On that basis, they must act to prevent and mitigate risks to people, including by integrating human rights due diligence within internal functions and processes (step 2). They then need to track the effectiveness of risk mitigation responses over time (step 3) and to appropriately communicate regarding their performance with respect to addressing human rights impacts (step 4).<sup>31</sup>

35. When undertaking human rights due diligence, companies should pay special attention to any particular human rights impacts on individuals from groups or populations that may be at heightened risk of vulnerability or marginalization, such as children, ethnic minorities, members of the lesbian, gay, bisexual, transgender and intersex community and human rights defenders, and to keep in mind gender-based risks and impacts.<sup>32</sup>

36. Human rights due diligence should cover any impacts a technology company may cause, those that it may contribute to through its own activities and those that may be directly linked to its operations, products or services through its business relationships, even if it has not contributed to those impacts. A technology company's "own activities" in this context includes the design, development, marketing, sale or licensing and deployment of products, services and solutions.

37. Human rights due diligence should be done with reference to all internationally recognized human rights (guiding principle 12, commentary). For many in the technology sector, questions will arise about the company's impacts on privacy and freedom of expression. However, there is already evidence that the use and misuse of technologies can have online and offline impacts on a wide range of other human rights. For example, the use of artificial intelligence tools by law enforcement and the criminal justice system could have an impact on an individual's right to be free from arbitrary arrest or to equality before the law; surveillance technologies could impact on the right to peaceful assembly; the use of social media platforms could impact the right to mental health; and property rental platforms could alter housing markets, possibly impacting the right to an adequate standard of living.

38. With regard to communicating their human rights performance (step 4), some technology companies are increasingly issuing transparency reports,<sup>33</sup> providing insights, for example, about government requests for user data and removal of content, among other types of statistics and information, and disclosing their policies on enforcing their terms of service. Some technology companies are also publishing their human rights impact assessments of particular products or services.<sup>34</sup>

39. Comprehensive and meaningful engagement with external stakeholders forms a central part of the human rights due diligence process. Engaging and communicating meaningfully with stakeholders need to be part of the full cycle of human rights due diligence, at each step. This can be especially important if a company lacks internal diversity or existing mechanisms to engage affected groups (guiding principle 18, commentary).

40. Human rights due diligence can often involve technology companies having to navigate situations of competing rights or policy objectives. Actions taken to prevent and mitigate adverse human rights impacts should not result in other human right harms and, when this is not possible, companies should draw on the considerable experience of the international human rights community in dealing with situations of competing rights.<sup>35</sup>

<sup>31</sup> See <https://www.ohchr.org/sites/default/files/2021-11/reflections-status-business-respect.pdf>.

<sup>32</sup> See A/HRC/41/43. See also <https://www.ohchr.org/sites/default/files/2022-03/Women-at-the-Table.pdf>.

<sup>33</sup> See <https://www.accessnow.org/transparency-reporting-index/>.

<sup>34</sup> See, e.g., <https://www.ohchr.org/sites/default/files/2022-03/Meta.pdf>.

<sup>35</sup> See, for example, the Rabat Plan for Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.



### 3. Delivering or enabling remedy for human rights harms

41. In accordance with the Guiding Principles, if harm has occurred in connection with a business's activities, products or services, the company is expected to engage in remedial action, either through its own remediation mechanism or by participating in one (guiding principle 22). When companies have in place credible and effective mechanisms for stakeholders to raise grievances, this can enhance the robustness of a company's efforts to identify and assess human rights impacts (see sect. II.D below).<sup>36</sup>

### 4. Stakeholder reflections on the corporate responsibility to respect human rights

42. Civil society and other stakeholders, including technology companies themselves, referred to a number of continuing challenges and gaps in the implementation of the corporate responsibility to respect human rights in the technology sector. For example, current practices with regard to stakeholder engagement in the context of human rights due diligence are often found to be unsatisfactory for a number of reasons, including that high demands and repeated requests from companies for input from a small number of civil society organizations create engagement fatigue and resource strain on certain groups. A lack of access to affected stakeholders, especially in the global South, where many technology companies tend to lack a direct relationship with groups that may be most at risk, is another challenge.<sup>37</sup> While some technology companies have started to publish transparency reports, others, such as surveillance companies, are moving towards less transparency.<sup>38</sup> It is due to that mixed level of company performance with regard to transparency reporting and communications that experts have repeatedly called for standardization of transparency reporting.<sup>39</sup> Overall, the submissions indicated a lack of detailed public information at present about the way that technology companies conducted due diligence, making it difficult to assess the effectiveness of their due diligence processes.<sup>40</sup>

43. In view of the present challenges, publicly available rankings, such as the index by Ranking Digital Rights, which aim to assess the performance of technology companies on digital rights aspects, provide a very useful compass to measure progress, including on corporate governance of human rights.

## D. Access to remedy (pillar III)

44. The right to an effective remedy for human rights violations is a central tenet of human rights law and is reflected in pillar III of the Guiding Principles, which focuses on access to remedy for victims of business-related human rights harms (guiding principles 25–31).<sup>41</sup> This includes harms that may arise from the way technology products and services are developed, implemented and used. States are required to take “appropriate steps to prevent, investigate, punish and redress” business-related human rights abuses within their territory and/or jurisdiction (guiding principle 1) and ensure that those affected “have access to effective remedy” (guiding principle 25).

45. Pillar III refers to three categories of grievance mechanisms: judicial mechanisms, State-based non-judicial mechanisms and non-State-based grievance mechanisms.<sup>42</sup>

<sup>36</sup> See also [A/HRC/50/45/Add.1](#) (forthcoming).

<sup>37</sup> See <https://www.ohchr.org/sites/default/files/2021-11/strategic-aspects-part-II.pdf>.

<sup>38</sup> See <https://www.ohchr.org/sites/default/files/2022-03/Amnesty-International.pdf#page=6>.

<sup>39</sup> See <https://journals.sagepub.com/doi/full/10.1177/0007650317717957>.

<sup>40</sup> See <https://www.ohchr.org/sites/default/files/2022-03/GlobalPartnersDigital-joint-submission-on-behalf-of-a-groupoforganizations.pdf#page=5>.

<sup>41</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-concepts-and-principles.pdf>.

<sup>42</sup> The B-Tech Project has collaborated closely with the OHCHR Accountability and Remedy Project. See in particular [https://www.ohchr.org/sites/default/files/2022-03/A2R\\_in\\_tech\\_consultation\\_report.pdf](https://www.ohchr.org/sites/default/files/2022-03/A2R_in_tech_consultation_report.pdf).

## 1. The responsiveness of judicial mechanisms to cases of human rights harms arising from the use of technologies

46. The Guiding Principles make clear that effective judicial mechanisms are “at the core of ensuring access to remedy” (guiding principle 26, commentary).

47. However, affected people and their legal representatives can face challenges in identifying a cause of action that maps sufficiently well onto the type of human rights harms suffered as a result of the use of digital technologies or the manner in which they were designed or developed.<sup>43</sup> Furthermore, legal theories and causes of action that focus on harms to individuals may not be easily adapted to deal with instances of collective and societal harm arising from the way that technologies have been designed, used or deployed, or systemic issues.

48. Although courts play a vital role in clarifying companies’ legal responsibilities under domestic law in line with the State’s human right obligations, there are constitutional limits to the extent that they can correct flaws and fill gaps in underlying domestic legislative regimes. Moreover, even comprehensive and well-designed regulatory regimes will not ensure accountability and access to remedy if people lack the information and knowledge to be able to make use of them. While power and information imbalances can operate as a significant barrier to access to remedy generally, between individuals and technology companies these problems can be particularly acute, for instance where abuses of human rights have arisen as a result of the workings of algorithmic decision-making, or because of the level of technical expertise needed to identify and analyse the uses to which different technologies have been put and their causal relationships to human rights harms.<sup>44</sup>

49. As policymakers and legislators begin to pay greater attention to the adverse human rights impacts occasioned by the collective and societal effects of the business activities of technology companies, remedy for affected rights holders is key to remediate adverse impacts, which in many cases are not confined to domestic borders and may be global in reach.

## 2. The role of State-based non-judicial mechanisms

50. The Guiding Principles highlight the vital role played by administrative, legislative and other non-judicial mechanisms in complementing and supplementing judicial mechanisms (guiding principle 27, commentary).

51. State-based non-judicial mechanisms of particular relevance to the technology sector can include products standards authorities, licensing authorities, regulators responsible for the implementation of data protection laws, information and privacy commissioners, State ombudsman services, public health and safety bodies, professional standards bodies and national human rights institutions.<sup>45</sup> In addition, national contact points established under the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises have recently been involved in several “specific instance procedures”<sup>46</sup> involving the human rights implications of technologies and the activities of technology companies, raised under the human rights chapter of the OECD Guidelines, including examples of successful mediation.<sup>47</sup> Such cases involved online platforms and the use of algorithms that pushed potentially harmful content, cases concerning investor due diligence with regard to harmful technology manufacturing in their investment portfolios, online marketplaces listing dangerous products for sale and telecommunications providers that were alleged to be linked to the censorship of political dissidents of their government clients.<sup>48</sup>

52. In some cases, for instance in cases of breaches of data protection, and where non-compliance with legal standards is either easy to establish or self-evident, these types of

<sup>43</sup> See <https://www.ohchr.org/sites/default/files/2022-03/International-Bar-Association.pdf>.

<sup>44</sup> See <https://www.ohchr.org/sites/default/files/2022-03/AlgorithmWatch.pdf>.

<sup>45</sup> See [https://www.ohchr.org/sites/default/files/2022-03/NHRI\\_B\\_Tech\\_consultation.pdf](https://www.ohchr.org/sites/default/files/2022-03/NHRI_B_Tech_consultation.pdf).

<sup>46</sup> See <https://www.oecd.org/daf/inv/mne/48004323.pdf>.

<sup>47</sup> See <https://www.ohchr.org/sites/default/files/2022-03/Poland.pdf>.

<sup>48</sup> See OECD database of specific instances.

mechanisms can offer relatively quick and inexpensive routes to remedying human rights-related harm. Moreover, well-designed and well-resourced non-judicial mechanisms offer an accessible and relatively fast process, while drawing on technological expertise to analyse and help resolve underlying or contributory problems, for instance relating to product design or deployment. Depending on their mandates and capabilities, these mechanisms may be able to devise, determine or negotiate a more creative, targeted, tailored and potentially transformative set of remedies than might be obtained from other procedures.<sup>49</sup>

53. For the time being, however, the coverage provided by these types of mechanisms remains quite patchy, with certain rights, particularly protection of the right to privacy and freedom of expression, receiving the greatest attention.

### **3. Non-State-based grievance mechanisms (including company-based mechanisms)**

54. In guiding principle 28, States are called on to consider ways to facilitate access to effective non-State-based grievance mechanisms dealing with business-related human rights harms.<sup>50</sup>

55. As with the State-based non-judicial mechanisms discussed above, these privately operated mechanisms tend to be extremely diverse in terms of their design and operation, the ways they can engage with affected individuals and communities and the kinds of remedies they offer. In this context, the Guiding Principles highlight particularly those mechanisms administered by a business enterprise alone or with stakeholders, by an industry association or by a multi-stakeholder group (guiding principle 28).

56. Multi-stakeholder and sector-level mechanisms can be particularly useful in contexts where collaboration between business enterprises (for example, those connected by commercial relationships within a supply chain) can help to facilitate the delivery of effective remedies to affected people, for example by creating the basis for a more level playing field between companies in terms of basic standards and expectations, or to aid the allocation of responsibilities for providing remedies in complex cases. However, while a number of these types of initiatives are presently in place or under development in other sectors (and notably in the agricultural and garment sectors), within the technology sector most efforts to establish privately operated initiatives for rapid resolution of human rights-related grievances have taken place at the company level.<sup>51</sup>

### **4. The remedy ecosystem for remedying technology-related harms**

57. The technology sector is presently subject to regulation by an increasingly complex array of laws and standards, which can vary greatly in terms of their substantive and geographical scope, making the remedy ecosystem incomplete and hard to navigate for affected people and groups.<sup>52</sup>

58. To ensure that people affected by business-related human rights abuses have a “realistic and readily identifiable remedy pathway”,<sup>53</sup> greater attention needs to be given to the ways in which different remediation mechanisms and processes interact, in order to highlight areas where greater coherence and interoperability between different types of processes (for example, judicial and non-judicial) may serve to enhance access to remedies by affected people and groups.

59. Greater interoperability and coherence may be achieved, for instance, by providing more and clearer opportunities for referral and escalation of grievances, or for pursuing remedies for different aspects of more complex grievances through parallel proceedings. Moreover, more creativity, innovation and collaboration are needed from State agencies and

<sup>49</sup> On the role of national human rights institutions, see [A/HRC/47/39/Add.3](#).

<sup>50</sup> See <https://www.ohchr.org/en/business/ohchr-accountability-and-remedy-project-iii-enhancing-effectiveness-non-state-based-grievance>.

<sup>51</sup> See <https://www.ohchr.org/sites/default/files/2022-03/GlobalPartnersDigital-joint-submission-on-behalf-of-a-groupoforganizations.pdf#page=4>.

<sup>52</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-ecosystem-approach.pdf>.

<sup>53</sup> *Ibid.*

technology companies to respond to human rights challenges raised by the borderless online world that technologies have helped to bring about.

## 5. Stakeholder reflections on access to remedy in the technology sector

60. While there is an overall agreement that judicial mechanisms need to be at the core of ensuring access to remedy, submissions pointed to the many challenges that individuals and groups may encounter and which could possibly make judicial mechanisms less available or appropriate than for other sectors. Such challenges include the scope of the harm, with human rights harms arising from the use of technologies often affecting people in many different jurisdictions, and potentially involving millions of people; that such harm requires immediate remediation if remedy is to be effective; and the lack of sufficient understanding of technology and its impacts among the judiciary and legislators.

61. As for State-based non-judicial mechanisms, concerns have been raised about the lack of recognition among policymakers and regulators of the importance of the accessibility and user-friendly design of State-based non-judicial mechanisms and their processes, especially in a cross-border context. Meaningful stakeholder consultation is fundamental for ensuring that these types of remediation processes are well designed and fit for purpose.<sup>54</sup>

62. While operational-level grievance mechanisms of companies could make it possible for grievances to be addressed and for adverse impacts to be remediated quickly and directly by the companies themselves, thereby preventing harms from compounding and grievances from escalating, progress has been slow overall and there are currently no best practices for remedies in the technology sector. Some technology companies have, however, developed in-house grievance mechanisms.<sup>55</sup> The current performance of technology companies indicates that there is ample room for improvement with regard to the design and accessibility of operational grievance mechanisms.<sup>56</sup>

## III. Drivers of progress

63. Several factors can drive progress towards a better implementation of the Guiding Principles across its three pillars by technology companies. This section highlights three of those issues, which reflect current trends and work, as well as observations from stakeholders, but are not exhaustive.

### A. National action plans on business and human rights

64. The Working Group on business and human rights strongly encourages Governments to develop national action plans on business and human rights, as one instrument for them to implement the Guiding Principles.<sup>57</sup> In the field of business and human rights, a national action plan is defined as an “evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with the United Nations Guiding Principles on Business and Human Rights”.<sup>58</sup>

65. National action plans offer an opportunity for States – in close consultation with all relevant stakeholders – to develop a comprehensive and strategic framework to identify gaps and key priorities for action that respond to local and national contexts.

66. A number of countries have or are in the process of developing national action plans.<sup>59</sup> Due to adverse impacts associated with digital technologies, there is a growing need to

<sup>54</sup> See <https://www.ohchr.org/en/business/ohchr-accountability-and-remedy-project-ii-enhancing-effectiveness-state-based-non-judicial>.

<sup>55</sup> See <https://www.ohchr.org/sites/default/files/2022-03/Oversight-Board.pdf>.

<sup>56</sup> See <https://rankingdigitalrights.org/index2020/indicators/G6a>.

<sup>57</sup> See <https://www.ohchr.org/en/special-procedures/wg-business/national-action-plans-business-and-human-rights>.

<sup>58</sup> See [https://www.ohchr.org/sites/default/files/Documents/Issues/Business/UNWG\\_NAPGuidance.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Business/UNWG_NAPGuidance.pdf).

<sup>59</sup> See <https://www.ohchr.org/en/special-procedures/wg-business/national-action-plans-business-and-human-rights>.

include a section on digital technologies in national action plans on business and human rights, and some States are starting to do so.<sup>60</sup> For that purpose, the Danish Institute for Human Rights and Global Partners Digital have produced a guidance document on addressing digital technologies in national action plans on business and human rights.<sup>61</sup>

## **B. The potential for leverage through rights-respecting investment in the technology sector**

67. Investors have the potential to play a key role in persuading technology companies to embed human rights in their operations.<sup>62</sup>

68. The Guiding Principles are an important tool for rights-respecting investments, including in technology companies. They set the expectations that investors at every stage of a company's life cycle – from start-up to maturity – have a responsibility to ensure that their investments in the technology sector avoid negative human rights impacts, thereby contributing to the development and use of digital technologies grounded in respect for human rights.<sup>63</sup> Investors, alone or in collaboration, have the potential to play a transformative role in shaping the business models, policies and practices of technology companies.

69. There has been growing momentum for and pressure upon investors to use their leverage over technology companies to promote the responsible development and use of technology. A still small but growing number of investors are adopting human rights policies, disclosing their due diligence, and exercising their leverage to promote respect for human rights among technology companies.<sup>64</sup>

70. A recent wave of investor action has sought to promote respect for human rights among digital technology companies, including by making public statements on the corporate responsibility to respect digital rights,<sup>65</sup> engaging in human rights dialogues with companies, filing shareholder resolutions<sup>66</sup> and joining peer-to-peer and multi-stakeholders initiatives. In relation to the latter, the Investor Alliance for Human Rights launched an information and communication technology and human rights working group aimed at supporting investor engagement with technology companies.<sup>67</sup> The Principles for Responsible Investment process, which works with investor signatories on incorporating environmental, social and governance issues in investment and ownership decisions, has also launched a “human rights and big tech” working group. Meanwhile, several investors have become members of the Global Network Initiative.<sup>68</sup>

71. To support investor efforts to implement the Guiding Principles in their activities, a growing number of key guidance documents have been developed, such as the *Investor*

<sup>60</sup> See, e.g., [https://www.ohchr.org/sites/default/files/2022-03/Denmark\\_0.pdf](https://www.ohchr.org/sites/default/files/2022-03/Denmark_0.pdf).

<sup>61</sup> See <https://www.humanrights.dk/news/new-guidance-document-addressing-digital-technologies-national-action-plans-business-human>.

<sup>62</sup> See A/HRC/47/39/Add.1.

<sup>63</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/B-Tech-Briefing-Investment.pdf>.

<sup>64</sup> Areas of investor engagement have covered a wide range of issues, including data privacy, freedom of expression, hate speech, non-discrimination, civil rights, labour rights, child sexual exploitation online, conflict-affected areas and whistle-blower protections.

<sup>65</sup> For example, [https://investorsforhumanrights.org/sites/default/files/attachments/2019-01/IAHR\\_Statement\\_on\\_Digital\\_Rights\\_Final %283%29.pdf](https://investorsforhumanrights.org/sites/default/files/attachments/2019-01/IAHR_Statement_on_Digital_Rights_Final%283%29.pdf).

<sup>66</sup> See Interfaith Center on Corporate Responsibility, “ICCR’s 2020 Proxy Resolutions and Voting Guide”, available at <https://www.iccr.org/iccrs-2020-proxy-resolutions-and-voting-guide>.

<sup>67</sup> See, for example, <https://investorsforhumanrights.org/news/new-slate-esg-proposals-amazon-signal-ongoing-shareholder-concerns> and <https://investorsforhumanrights.org/investors-engaging-palantir-on-human-rights-risks>.

<sup>68</sup> See <https://www.ohchr.org/sites/default/files/2022-03/Global-Network-Initiative.pdf#page=8>.

*Toolkit on Human Rights*,<sup>69</sup> which provides investors with practical guidance and tools for applying the Guiding Principles to their investment practices.<sup>70</sup>

### C. Addressing risks to people connected to business models

72. More and more, technology company business models are being criticized for creating or exacerbating negative impacts on a range of human rights by accumulating extensive behavioural data to make increasingly accurate and highly lucrative predictions about the interests and behaviours of individuals and groups in society.<sup>71</sup>

73. The Guiding Principles can offer insights about how to address situations in which the most serious risks to people are inherent in the business models of technology companies. Indeed, the corporate responsibility to respect human rights applies from the moment that the business enterprise is established and as it expands and grows, which should translate into consideration of whether the company's business model and strategy create risks to human rights.

74. As a starting point, technology companies should proactively identify when their business model-driven practices, and related technology designs, create or exacerbate human rights risks and engage peers and stakeholder in discussions about this. Companies may then need to take action to address such situations – whether by mitigating risks within existing business models or by innovating entirely new ones. This is not to suggest that a given business model will be fully negative. That is rarely the case. The key point is that, consistent with the corporate responsibility to respect human rights, technology companies should “know and show” how they address adverse risks or impacts to people connected to their business models (general principle 15, commentary).

75. If a company cannot take effective steps to prevent or mitigate negative human rights impacts within the framework of its existing business models, this should lead to inquiries about whether that model needs to be adapted or even transformed by the company acting alone, on an industry-wide basis or in response to regulatory action. This will require engagement by boards of directors, executives, entrepreneurs and founders that have an influence on company strategy. Engagement with external stakeholders, especially affected ones, is a critical aspect of operating with respect for human rights, including when addressing business-model-related human rights risks.

76. Institutional investors, as part of their responsibility to respect human rights, have a key role to play in this regard, having to integrate human rights considerations in all stages of investing, including in how they inform and influence their investees' business model choices. Alongside action by investors, the policy frameworks, laws and regulations that Governments put in place as part of the smart mix of measures they deploy to shape the sector's business practices are of critical importance in addressing business-model-related human rights harms.

## IV. Conclusions and recommendations

77. **In the face of ever more complex technologies being developed and deployed, along with the associated risks and challenges, the Guiding Principles are increasingly being recognized as a powerful tool for public, private and civil society actors to ensure that innovation is done responsibly and with respect for human rights. As noted in goal 1.3 of the road map for the next decade of business and human rights (Guiding Principles 10+ road map), the Guiding Principles provide “a compelling starting point**

<sup>69</sup> See <https://investorsforhumanrights.org/investor-toolkit-human-rights>.

<sup>70</sup> See also <https://rankingdigitalrights.org/investors/>; <https://shiftproject.org/resource/lg-indicators/about-lgis/>; <https://investorsforhumanrights.org/ict-salient-issue-briefings-investors>; <https://www.accessnow.org/transparency-reporting-index/>; and <https://globalnetworkinitiative.org/company-assessments/>.

<sup>71</sup> See further [https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/B\\_Tech\\_Foundational\\_Paper.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/B_Tech_Foundational_Paper.pdf).

for companies and States seeking to address the potential harms of digital technologies by effectively managing associated risks to people, as they precisely seek to manage the gap between rapid change ... and the capacity of society to manage its consequences”.

78. However, more action is clearly needed. States need to design technology sector policies that are coherent and regulations that are fully in line with the Guiding Principles in order to create an environment in which human rights are protected. As for technology companies, they are a key driving force in shaping the digital innovation space and a vital stakeholder in the transformation of the digital transition into a responsible one – and even more pressing, the creation of a rights-respecting digital ecosystem and inclusive space. Moreover, when human rights harms result from the use of technologies, affected stakeholders need to have access to remedial mechanisms. Both technology companies and Governments alike need to redouble their efforts and work together across national boundaries to overcome disjointed approaches, to address gaps in the coverage of different remediation mechanisms, to promote greater coherence and interoperability of different regimes and processes (including in a cross-border context) and to address flaws in background regimes that may be exacerbating barriers to remedy.

79. Multi-stakeholder cooperation is crucial in addressing the challenges and optimizing the opportunities arising from new technologies. A particular focus has to be put on addressing the implications of technology for people in vulnerable situations and taking into account gender equality and the digital divide, in order to ensure that there is no discrimination and that everyone will profit from the economic and social development new technologies can bring.

80. The Guiding Principles 10+ road map sets out a number of recommendations, which are endorsed by OHCHR, on how to optimize digital transformation through respect for human rights.

81. Reflecting key parts of the road map recommendations, the B-Tech Project outputs and the consultation and submissions received in the preparation of the present report, OHCHR makes the following recommendations aimed at further advancing the practical application on the Guiding Principles to the activities of technology companies.

82. States should:

- (a) Review existing laws and policies with regard to their applicability for protecting human rights potentially affected by new technologies;
- (b) Adopt an appropriate smart mix of policy and regulatory measures aligned with the Guiding Principles and developed through an inclusive consultative process involving civil society, technology companies and other relevant stakeholders;
- (c) Use public procurement of digital technology as a tool to scale up commitment to and implementation of respect for human rights among businesses;
- (d) Adopt appropriate measures mandating effective human rights due diligence by technology companies;
- (e) Adopt or revise national action plans on business and human rights to incorporate effective measures to prevent and address human rights risks relating to technology companies;
- (f) Adopt appropriate regulatory and policy frameworks for investors to promote rights-respecting investment in the technology sector;
- (g) Strengthen or build multilateral alliances to promote the respect for human rights in the technology sector;
- (h) Provide resources for dedicated independent bodies to tackle human rights issues in the technology sector, such as national human rights institutions and data protection authorities;

(i) Consider the creation of funding mechanisms to support civil society engagement on the human rights impacts of emerging technologies;

(j) Review barriers in access to judicial remedy in cases involving harm by technology companies and take effective measures to address such barriers;

(k) Strengthen the oversight and enforcement capacity of administrative regulatory bodies relevant to the technology sector to enable more effective measures to protect against human rights risks related to it;

(l) Take effective measures to ensure that human rights are protected in situations in which States contract with, partner with, license from or support technology companies.

83. National human rights institutions should:

(a) Build and expand internal capacity to tackle human rights issues associated with the technology sector and seek cooperation with data protection authorities and related players for coordinated action;

(b) Make use of the full extent of their mandates, including by playing a key role in ensuring policy coherence, in accordance with the Guiding Principles, in the regulation of the digital system.

84. Technology companies should:

(a) Ensure executive and governance oversight in managing human rights-related risks, including by reviewing and addressing business-model-related risks;

(b) In line with their corporate responsibility to respect human rights, conduct robust human rights due diligence across their activities and business relationships to identify, prevent, mitigate and account for how they address actual and potential human rights harms, including with regard to human rights risks arising from their business models;

(c) Take a proactive role, for example, by means of multi-stakeholder and industry initiatives, to create more transparency and stakeholder knowledge about the actors that make up technology “stacks” and ecosystems;

(d) Publicly report on actions to mitigate human rights impacts connected with product or service design, development, sales, deployment and use, and their effectiveness;

(e) Establish or participate in effective operational-level grievance mechanisms for individuals and communities that may be adversely impacted by their activities;

(f) Engage users of technology, including both public and private actors, and use leverage to effectively prevent and address human rights risks and impacts;

(g) Improve engagement with experts and affected stakeholders in all aspects of human rights due diligence, in particular in the global south;

(h) Collaborate with Governments, other businesses or business associations, civil society and other stakeholders in exploring ways to enable access to remedy for potential human rights impacts connected to digital technologies;

(i) Engage in collective action with peers and other stakeholders to develop and implement standards of business conduct and technological design that will reduce human rights risks, including those associated with business models;

(j) Ensure the company plays a constructive role in processes to develop laws and regulations aimed at increasing human rights protections for affected groups that the firm’s business models, intentionally or otherwise, puts at risk. This includes not undermining these processes by lobbying or wider public policy advocacy.

85. Investors should fully embrace their responsibility to integrate human rights considerations in all stages of investing, use their leverage to incentivize technology



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companies to conduct meaningful human rights due diligence, and influence investees' business model choices.

86. **Regional and international organizations should:**

(a) **Foster policy coherence and define a joint road map on expectations of the technology sector with regard to the corporate responsibility to respect human rights in line with the Guiding Principles;**

(b) **Foster common ground on dangerous applications of technology, for example, by forging joint understanding of the necessity of moratoriums, or similar action, on technologies or their applications which, at present, prove particularly harmful for human rights and lack adequate safeguards.**

87. **Civil society should:**

(a) **Continue to identify and highlight possible protection gaps and problematic practices created by constantly evolving digital technologies and engage with States and business actors in addressing those gaps, including by effectively using the Guiding Principles;**

(b) **Evaluate and challenge technology company conduct on human rights, for example, through benchmarks or rankings.**

88. **The United Nations should:**

(a) **Implement the Guiding Principles in its own operations, when it contracts with, purchases from, partners with, licenses from or supports technology companies;**

(b) **Promote and disseminate the Guiding Principles when engaging with technology companies, States, civil society actors, national human rights institutions and other key actors;**

(c) **Through OHCHR, continue to provide authoritative guidance on how the Guiding Principles apply in the technology sector, in particular regarding expectations on the sector with regard to corporate responsibility to respect human rights in line with the Guiding Principles;**

(d) **Through OHCHR, develop a guidance tool for policymakers to inform the regulations aiming at the alignment of technology company conduct with the Guiding Principles.**

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