

Tech Company And UN Special Rapporteurs Introductory Dialogue

A B-Tech company Community of Practice note¹

May 2021

Introduction

On 12th May, the UN Human B-Tech project hosted a dialogue between the COP participants and several mandate holders from the Special Procedures of the Human Rights Council for a conversation with representatives of some of the most prominent tech companies. The dialogue offered an opportunity to: a) *Provide an opportunity for companies to learn about the work of mandate holders;* b) *Provide an opportunity for mandate holders to ask questions to technology companies, both substantive and process oriented;* and c) *Identify opportunities for future engagement.*

Six mandate holders joined the session:

- **Irene Khan**, Special Rapporteur on the promotion and protection of freedom of opinion and expression
- **Mary Lawlor**, Special Rapporteur on the situation of human rights defenders
- **Victor Madrigal-Borloz**, Independent Expert on sexual orientation and gender identity
- **Siobhán Mullally**, Special Rapporteur on trafficking in persons, especially women and children
- **Tomoya Obokata**, Special Rapporteur on contemporary forms of slavery, including its causes and consequences
- **Mama Fatima Singhateh**, Special Rapporteur on the sale and sexual exploitation of children.

The following companies from the B-Tech company Community of Practice (COP) participated in the dialogue: **Apple, Cisco, Cloudflare, Ericsson, Facebook, Google, Hewlett Packard Enterprise, Microsoft, Salesforce, Twitter, Verizon, and Vodafone.**

¹ In early 2021, the B-Tech Project launched a company Community of Practice (COP) to:

- Inform B-Tech project guidance and recommendations on the implementation of the UN Guiding Principles on Business and Human Rights.
- Advance practical understanding and capacity among technology companies to implement business respect for human rights, and
- Publicly share insights on emerging practices related to human rights due diligence and remedy in the tech sector.

More information about the COP, including a list of participating companies can be accessed on the [B-Tech Portal](#).

Dialogue Summary

The role and working methods of Special Procedures

[The Special Procedures of the UN Human Rights Council](#) are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. They are non-paid and elected for three-year mandates that can be renewed for another three years. The Human Rights Council's Special Procedures mandate holders undertake country visits; act on individual cases and concerns of a broader, structural nature by sending communications to States and other actors bringing alleged violations or abuses to their attention; conduct thematic studies and convene expert consultations; contribute to the development of international human rights standards; engage in advocacy; raise public awareness; and provide advice for technical cooperation. These independent experts report at least once a year to the Council on their findings and recommendations, as well as to the UN General Assembly. At times they are the only mechanism alerting the international community to certain human rights issues.

There are two types of Special Procedures mandates: the thematic mandates, such as those who participated in the session, and the country-specific mandates, which focus on the human rights situations in countries like Iran, Myanmar, and Syria. Increasingly, many Special Rapporteurs (SR) have embarked upon researching, analyzing and reporting on the impact of technologies on their thematic mandates. As such, they release calls for input, and convene representatives from civil society, academia, governments, and technology companies themselves, to inform the reports that they present to the Human Rights Council and the public communications they make in the form of press releases and op-eds in the mainstream media.

Enhancing engagement and communication between tech companies and mandate holders

Participants all recognized that there is value in finding ways for those leading human rights work at tech companies to be a resource to Special Rapporteurs, and vice versa. While some Special Rapporteurs have a high level of understanding of how best to engage the private sector for research and reporting to the Human Rights Council, most require assistance in finding a way to build further ongoing two-way exchanges throughout the course of their mandate. Equally, many companies including those in the technology sector lack familiarity with the ways of working with the UN System, including with Special Rapporteurs. As such, finding ways to increase communication would be a valuable foundation for then addressing human rights concerns.

The role of Special Rapporteurs in spotlighting the importance of a company's human rights commitments and work

A few of the COP participants mentioned communications from Special Rapporteurs that highlight the importance of their work on a global level, when directed to senior management, would help elevate attention to human rights within their companies. Concerns expressed through official letters to social media platforms from the Special Rapporteur on Contemporary Forms of Slavery, for example, helped the corporate human rights leads and their colleagues understand the severity of the black market

commerce on their platforms and through their app stores. Prior to the SR's engagement, app stores' legal representatives had not focused on the human rights risks connected to apps' broad exposure and user reach.

Practical ways to increase company responsiveness to Special Rapporteurs requests

Formal communications or other requests occasionally take an extended period of time to reach the appropriate issue owners within a company. Informal communications among the parties that preview or accompany the official letters will improve the quality of subsequent responses, and thereby of the impacts of the queries and reports as well. Prompt and thorough replies from corporate contacts (submitted within the 60-day mandated period) strengthen the Special Procedures' work, adding accuracy and detail to their reporting and fulfilling their mandates as established by the Human Rights Council and Member States.

Substantive issues meriting attention in future engagement

During the COP session, questions among the participants included not only tactical concerns about the mechanics of communication, but topic-specific ones as well, many of which point to the tech companies' increased understanding of the relevance of their work to the Special Rapporteurs' mandates.

Questions from the mandate holders included:

- How are companies engaging with human rights defenders? Are there safe and stable lines for engaging if someone is being attacked?
- Are there measures in place to permanently remove [child] abuse material?
- How do businesses reconcile their operations in the Global North and the repercussions for LGBTI people in repressive regimes?
- Exploring the balance between protection of children and privacy, how can we preserve evidence, so perpetrators are held accountable?

Questions from companies included:

- What is the proposed methodology to put the issue [of Human Rights and cyber security] on the radar and what's the best method to flag to [a Special Rapporteur's] office about such issues?
- What are the pain points to identify in regards to an independent investigation on the safety of female journalists online and what are any tools that we could bring to make this process smoother?

Looking Ahead

Given that there are currently over 50 Special Rapporteurs and Independent Experts around the world, covering both thematic and country-related issues, our brief meeting was intended to merely open the dialogue among the participants on the call, as well as the mandate holders not in attendance. As B-Tech advances its own efforts, we continue to see ways in which we can bring Special Rapporteurs into additional sessions and conversations, in particular exploring how by adhering to the UNGPs, tech companies and Special Procedures share a common values-based framework.

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UN Human Rights invites engagement from all stakeholders across all focus areas of the **B-Tech Project**. For more information please see the project [Scoping Paper](#). Please contact us if you would like to engage with our work, including if you have recommendations for practical tools, case studies and guidance that will advance company, investor and State implementation of the *UN Guiding Principles on Business and Human Rights* in the business of technology.

