

Human Rights, Big Data and Technology Project & Office of the UN High Commissioner for Human Rights

Expert meeting on the technology sector and access to remedy through non-State-based grievance mechanisms

11 June 2019

[Hotel Africa](#) | 50 Ave Habib Bourguiba, Tunis 1001, Tunisia

Context

The **Human Rights, Big Data and Technology Project (HRBDT)** at the University of Essex identifies the risks and opportunities for human rights posed by big data and new technologies, including artificial intelligence applications. It proposes solutions to ensure that new and emerging technologies are designed, developed, deployed and regulated in a way that is enabling of, rather than threatening to, human rights. HRBDT's research assesses the adequacy of existing ethical and regulatory approaches to big data and artificial intelligence from a human rights perspective. Its research also demonstrates how human rights standards are capable of adapting, and offering solutions to, rapidly evolving technological landscapes.

The **Office of the UN High Commissioner for Human Rights (OHCHR)** is the leading UN entity on human rights and has a mandate to promote the UN Guiding Principles on Business and Human Rights (UNGPs). Its **Accountability and Remedy Project** (which has been mandated by the UN Human Rights Council) is a process aimed at strengthening the third pillar of the UNGPs relating to access to remedy. The third, and current, phase of the project (ARP III) focuses on enhancing the effectiveness of non-State-based grievance mechanisms in cases of business-related human rights abuse.

Together, HRBDT and OHCHR are organizing an expert meeting to explore issues related to the technology sector and access to effective remedy through the use of non-State-based grievance mechanisms.

Normative Framework

The UNGPs are the authoritative, global, normative framework outlining the obligations of States and responsibilities of business enterprises to avoid and address adverse human rights impacts related to business activity. This framework is comprised of three pillars, the third of which focuses on the need for those harmed to have access to effective remedy.

The third pillar refers to three categories of grievance mechanism through which those harmed by business activity can seek redress:

1. **State-based judicial mechanisms** (recognized as being at the core of access to remedy);
2. **State-based non-judicial grievance mechanisms**; and
3. **Non-State-based grievance mechanisms**.

State-based judicial and non-judicial grievance mechanisms should form the foundation of a wider system of remedy. Within such a system, non-State-based grievance mechanisms can play an important role. For instance, operational-level grievance mechanisms of companies can make it possible for grievances to be addressed and for adverse impacts to be remediated early and directly by the companies, thereby preventing harms from compounding and grievances from escalating.

To make it possible for grievances to be addressed early and remediated directly, the Guiding Principles call on companies to “establish or participate in” effective operational-level grievance mechanisms. The Guiding Principles also consider the use of other non-State-based grievance mechanisms, such as multi-stakeholder or other collaborative initiatives, as important means through which companies can meet their responsibility to respect human rights.

Aim of meeting

The aim of this meeting will be to explore (1) the different ways that technology companies can and should make use of and participate in private grievance mechanisms in order to meet their responsibilities under the UNGPs, and (2) the challenges and opportunities involved in this field. The meeting will provide an opportunity for HRBDT and OHCHR to share insights from their own work on redress in the tech sector, and will give the audience an opportunity to share their views and feed into the work OHCHR is preparing for the Human Rights Council.

Key questions to be explored in the course of this meeting will include:

- To what extent do technology companies administer or participate in private grievance mechanisms?
- How well are technology companies responding to the challenges set out in the UN Guiding Principles as regards access to remedy for human rights-related harms? What has been done so far? What still needs to be done?
- What models of grievance mechanisms are technology companies using? What innovations have been tried or are in the pipeline?
- What kinds of human rights issues are people raising with technology companies through private grievance mechanisms? And how are companies responding?
- Have there been sectoral or geographical variations in the way technology companies are responding? If so, what is driving these variations?
- What collaborative initiatives are in place to provide remedies to affected people, to help companies identify systemic or industry-wide problems, or to formulate joint responses to broader challenges? How well are these working? What still needs to be done?
- What is the role of State regulation in supporting remedial efforts by technology companies? In what ways and circumstances can State regulation provide drivers for change?

Format

Moderated discussion with group by HRBDT/OHCHR to go through the key questions suggested above.

Agenda

12:00 – 13:00	<p>Welcome and introduction</p> <ul style="list-style-type: none"> - Human Rights, Big Data and Technology Project - OHCHR Accountability and Remedy Project <p>Mapping private grievance mechanisms in the tech sector</p> <ul style="list-style-type: none"> - To what extent do technology companies administer or participate in private grievance mechanisms? - What models of grievance mechanisms are technology companies using? What innovations have been tried or are in the pipeline?
13:00 – 13:45	<p><i>Lunch Buffet</i></p>
13:45 – 14:45	<p>Issues involving private grievance mechanisms in the tech sector</p> <ul style="list-style-type: none"> - What kinds of human rights issues are people raising with technology companies through private grievance mechanisms? And how are companies responding? - How well are technology companies responding to the challenges set out in the UN Guiding Principles as regards access to remedy for human rights-related harms? What has been done so far? What still needs to be done? - Have there been sectoral or geographical variations in the way technology companies are responding? If so, what is driving these variations?
14:45 – 15:00	<p><i>Coffee break</i></p>
15:00 – 16:00	<p>Looking beyond individual companies</p> <ul style="list-style-type: none"> - What collaborative initiatives are in place to provide remedies to affected people, to help companies identify systemic or industry-wide problems, or to formulate joint responses to broader challenges? How well are these working? What still needs to be done? - What is the role of State regulation in supporting remedial efforts by technology companies? In what ways and circumstances can State regulation provide drivers for change? <p>Closing and next steps</p>