

B-Tech Africa Launch Event (Summary Report) – Applying the UN Guiding Principles on Business and Human Rights to Digital Technologies in Africa

29th – 30th March 2023, Cape Town, South Africa

Hosted by the OHCHR B-Tech Project, supported by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

The [B-Tech Africa](#) launch event was designed to be a forum for effective stakeholder engagement on the policies, regulations, and measures required to transform Africa's digital human rights landscape as part of the [UN Human Rights B-Tech Project](#). The focus brought together critical digital economy stakeholders – including tech companies, regulators, investors, and civil society – to foster the uptake and advancement of the United Nations Guiding Principles on Business and Human Rights (UNGPs) in the technology sector across Africa. Notably, the goal was to assess the unique challenges of African economies and outline impactful approaches that will allow for a deeper understanding of prevalent issues related to existing regulatory and policy constraints requiring technology companies to respect human rights and improve company practice.

Overall, the aim was to ensure that over time there is a clear path to achieving and implementing the UNGPs across businesses within various sectors and especially within Small and Medium-sized Enterprises (SMEs), which form the majority of the technology businesses on the continent and bear significant potential for sustainable development in Africa.

Objectives of the B-Tech Africa launch event

The key objectives of the event were to:

- Highlight the importance of implementing the UNGPs for tech companies in the region.
- Highlight the prevalent human rights risks stemming from or being linked to (regional) business development in the tech sector.
- Discuss the unique challenges with implementing and enforcing the UNGPs in the region related to the conduct of tech companies (such as high-cost implications, regulatory convergence issues, lobbying issues, delayed legislative patterns, etc.).
- Identify solutions that can be utilized to ensure adequate uptake of the UNGPs across all sectors, such as advancing human rights due diligence practices.
- Discuss accountability measures that can ensure the long-term sustainability of the UNGPs as an effective tool for safeguarding human rights and reducing risks for business within the technology sector.
- Consult with investors on the UNGP investor tool and direct engagement with technology companies.

- Build capacity for critical stakeholders on the understanding and adoption of the UNGPs and foster more meaningful engagement between civil society and technology companies.

Agenda

Activities	Presenters/Panelists
29 March 2023	
Guided Tour of the Desmond & Leah Tutu Legacy Foundation	N/A
Roundtable on Stakeholder Engagement	Chair: Dr. Isabel Ebert, UN Human Rights B-Tech Project Speakers: Dr Hilary Musarurwa , University of Cape Town Catherine Mjuya , Article 19 Thomas Ongollo , GIZ
VC Investor Consultation on Business Model-Related Human Rights Risks in Tech	A private consultation with venture capital investors focused on or operating in Africa.
30 March 2023	
Opening panel: The Relevance of Business & Human Rights in the African technology Ecosystem	Chair: Lene Wendland, UN Human Rights Speakers: Tanja Werheit , German Consul General Hon. Janet Ramatoulie Sallah-Njie , Commissioner & Special Rapporteur on the Rights of Women, African Union John Gbodi Ikubaje , African Union Eldrid Jordaan , GovChat
Introduction to B-Tech and the B-Tech Africa Project	Lene Wendland , UN Human Rights
Regulating for Rights-Respecting Technology Company Conduct: UNGPs Compass	Chair: Dr. Isabel Ebert, UN Human Rights B-Tech Project Speakers: Dr Wairagala Wakabi , CIPESA Dr. Nnenna Ifeanyi-Ajufo , Buckinghamshire New University Manson Gwanyanya , Business and Human Rights Resource Centre

Rights-Respecting Investment in Tech: institutional Investors and Tech Company Business Models	Chair: Yvonne Okafor, Co-founder, A&A Collective Speakers: Ben Pitler , UN Human Rights B-Tech Project Megan Kathure , AccessNow Daniëlle Essink , Robeco
Guided Tour of Philippi Village	
Gender, Digital Tech and the Role of Business	Chair: Dr. Isabel Ebert, UN Human Rights B-Tech Project Speakers: Rutendo Chabikwa , Oxford Internet Institute Bulanda Nkhowani , Paradigm Initiative Cynthia Muffuh , Global Africa Business Initiative, United Nations Global Compact
Next Steps and Closing Remarks	Lene Wendland, UN Human Rights

Summary of Launch Event on 30 March

The sessions posed vital questions such as the challenges and opportunities of implementing the UNGPs in the context of the technology sector in Africa, the impacts of digitization on business respect for human rights in Africa more broadly, hurdles facing technology companies in the region and potential solutions as well as practical approaches being taken by African technology companies towards minimizing rights harm from corporate conduct. Panellists also discussed the challenges and opportunities interacting with governments in the region concerning the State duty to protect against human rights abuse by enterprises, specifically regarding the technology sector, as well as appropriate responses of tech companies to government demands as well as regulatory developments.

1. Opening Panel: The Relevance of Business & Human Rights in the African Technology Ecosystem

Lene Wendland, Chief, Business and Human Rights, UN Human Rights, made opening remarks and introduced the panel.

Tanja Werheit, German Consul General, expressed Germany's support through GIZ for UN Human Rights and the B-Tech Project, financially and politically, by highlighting that digital

technologies bring a lot of opportunities with them, visible in Cape Town and all over Africa. She began by quoting the African Union (AU) digital transformation strategy from 2020:

“An integrated and inclusive digital society and economy in Africa that improves the quality of life of African citizens strengthens the existing economic sector, enables its diversification and development, and ensures continental ownership with Africa as a producer and not only a consumer in the global economy.”

Mrs Werheit stated that Germany's Supply Chain Due Diligence Act entered into force in the beginning of the year (1 January 2023), constituting a milestone for more effective protection of people and the environment in global supply chains and inclusive growth in partner countries, noting that companies were taking up appropriate measures to ensure compliance with the new binding regulations and in consequence also with internationally recognized human rights. She stated that the responsible shaping of a sustainable and successful global economy is particularly important to Germany as it is economically integrated with the global market. Adding to this, Mrs Werheit pointed out the many challenges in the tech sector, which make it necessary to make additional efforts to strengthen the digital human rights landscape, lauding the B-Tech project as timely, especially as Africa is integrated into a globalized and digitalized economy.

Hon. Janet Sallah-Njie, *Commissioner & Special Rapporteur on the Rights of Women, African Union*, spoke on digital technologies and the changes it has brought to life, playing a role in opening broader access to education, healthcare, economic, and political activities. She noted that as life is more dependent on tech, rights we have offline would also need to apply online and emphasized the role non-state actors could have in realizing human rights.

In the capacity as Special Rapporteur on the Rights of Women in Africa, she highlighted:

- An imbalance in the number of women who have access to the internet compared to their male counterparts.
- The prevalence of violence against women in online platforms.
- The fact that violence is exacerbated by inadequate protection by tech companies, leaving women and girls vulnerable.

She also noted that even with the willingness of companies to put policies in place to address the negative impacts of tech, they should be held accountable. She mentioned policy frameworks developed by the AU that would guide African states and technology businesses in avoiding tech's adverse human rights impacts.

John Gbodi Ikubaje, *Senior Governance Officer at the African Union*, emphasized that the UNGPs inspire the AU draft policy on Business and Human Rights and aim to facilitate effective implementation of the UNGPs on business and human rights in Africa.

He emphasized the three pillars of the AU's Policy on Business and Human Rights:

- State duty to protect human and people's rights in business.
- Corporate responsibility to respect people and human rights.
- Access to effective remedies.

He noted strong emphasis was placed on traditional institutions to drive the adoption of policies on Business and Human Rights, missing out on the place of technology companies. He mentioned that the pillars though well encompassing, fell short in this regard and lauded the B-Tech project for going a step further to emphasize the relevance of technology to Business and Human Rights.

Eldrid Jordaan, CEO of GovChat, noted that through partnership and deliberation of key stakeholders society would make more progress, particularly in the technology and human rights space. He appealed that the UN B-Tech and the AU go a step further to manage big technology companies and their bid to stifle innovation of start-ups from the African continent.

2. Introduction to B-Tech and the B-Tech Africa Project

Lene Wendland gave an overview of the history of the UNGPs, as a response to the globalization and transnational economic flows of the 1970s, which brought on the awareness that companies had an impact on human rights, whether positive or negative. She introduced the flagship projects under the purview of the OHCHR on Business and Human Rights.

On the UNGPs, she stated that they were focused on mitigating and addressing risk, not dismissing the potential of tech but acknowledging the need to effectively manage the risk of harm to people. The pillars focus on the following:

- What states have to do; noting that it's not only about companies, but states definitely must remain in the picture setting appropriate regulatory and policy frameworks.
- Corporate responsibility to respect human rights in the context of tech companies and
- Access to remedy where harm has occurred.

The B-Tech Project focus lies on the following:

- 1. Addressing Human Rights Risks in Business** Models Engaging with companies and considering where there would be human rights risks inherent to how the company generates its value.
- 2. Human Rights Due Diligence and End-Use** A risk management framework focused specifically on managing the risks to human rights.
- 3. Accountability and Remedy**
- 4. "A Smart Mix of Measures": Exploring regulatory and policy responses to human rights challenges linked to digital technologies** adopting a smart mix of mandatory and voluntary measures to ensure companies are operating with respect to human rights.

3. Regulating for Rights-Respecting Technology Company Conduct: UNGPs Compass

Dr Isabel Ebert, *Advisor to the UN B-Tech Project*, introduced the session on UNGPs, noting that even if companies introduce relatively good technology to society with intentions to contribute to sustainable development, there might still be risks to people that stem from their business conduct, sometimes requiring the states intervention to ensure a level playing field and fair competition.

She highlighted that B-Tech is developing a guidance tool for policy makers, the UNGP Compass. The UNGP Compass provides an anchor and analytical lens for regulating in a way that technological companies are required to follow right-respecting conduct, aiming to provide practical human rights and technology-specific guidance to policymakers while also assisting lawmakers in delivering better value that positively affects stakeholders. She also noted that the UNGPs Compass ensures rightsholders have certainty about their rights, levelling the playing field while equally communicating to businesses the conduct expected of them, ensuring expectations for stakeholder groups are clear. She also reiterated the fact that fair competition should be based on a rights-respecting framework.

Dr Nnenna Ifeanyi-Ajufo, *Professor of Technology Law at the University of Bradford*, spoke on conceptual reflections about including corporate responsibility and HRDD in the regulatory approaches to tech in Africa.

She highlighted that one of the most significant challenges facing African countries is the dominance of northern ideals in decision-making, as discussions happen with out-of-touch African decision-makers. She noted the influence of players such as China in telecoms highlighted some of the limitations of tech regulation in Africa and that a copy-and-paste approach to policymaking on technology is a common feature we need to change, with a need to make regulations that are on par with the African reality.

A question was raised regarding policy coherence; Dr Nnenna responded by drawing a relation between state interest and policy coherence. She noted disparities in approaches to tech governance and a need for more accountability. Policy coherence would remove the disparities between regional organizations and use a private-public partnership and multistakeholder engagement that allows accountability and a more coordinated approach.

Manson Gwanyanya, *Southern Africa Researcher and Representative at the Business & Human Rights Resource Centre*, spoke on the challenges faced when engaging with large telecommunication companies and the difficulties in getting them to the table to deliberate on issues. He lauded some African tech companies as more open to deliberation, amenable to developing policies, committing to multistakeholder platforms and open to sharing information with the public.

He concluded with a need for African governments to regulate and check themselves, particularly in matters of ongoing internet shutdowns for national security.

Dr Wairagala Wakabi, *Executive Director of Collaboration on International ICT Policy for East and Southern Africa (CIPESA)*, spoke on issues around transparency and the penchant for companies to follow the orders of state governments, calling it the Compelled Service Provider System. He explained the Compelled Service Provider as the requirement when governments ask for assistance from service providers and such assistance must be provided per their licensing conditions.

He noted that regulations and laws in most African countries compel intermediary Internet Service Providers to offer this assistance to governments including in nations like Nigeria, Tunisia, Rwanda, and Zambia, among others. This requires telecom providers to provide backdoors to enable state agencies intercept communication and access data. He stated that through the UNGPs, which offer a normative framework protecting users, this should not be the case. Still, with compelled service provider assistance regimes in African countries, operators would only partially implement the UNGPs.

4. Rights-Respecting Investment in Tech: Institutional Investors and Tech Company Business Models

Yvonne Okafor, *Co-founder of A&A Collective*, introduced the panel and the session noting that while the focus is on tech companies, institutional investors are critical actors in the tech ecosystem and have an essential role in ensuring that their investee companies are aware of human rights risks present in their business models and are mitigating these risks as they grow. She introduced UN B-Tech's [new institutional investor-focused guidance tool](#), which aims to help institutional investors structure their engagement with technology companies.

Megan Kathure, *Policy Analyst on Data and Technology Governance at AccessNow*, spoke on the data governance ecosystem, noting challenges such as the processing and collection of users' geolocation data, smartphone history, mobile money transaction histories in the financial lending sector and collateral for financing. She noted the role investors play in mitigating human rights harms. She noted that investors should understand companies' core values and revenue-generating activities and commit time to reviewing investee company efforts to address human rights risks and harms.

She advised that institutional investors should not rely on generic checklists, which can lack consideration for product end use or the downstream operations of companies, especially in the tech sector. She concluded that investors should understand the context of the responses provided by the companies.

Daniëlle Essink-Zuiderwijk, *Engagement Specialist at Robeco*, spoke on engaging with companies on human rights and supply chain issues. Her specific focus on the ICT and consumer discretionary sector provided additional perspective on the practical applications of the UNGPs for companies. She noted that companies have influence over the selection of business partners in their direct operations and supply chain. Companies can limit operational and reputational risk and create opportunities by engaging these business partners on potential human rights risks.

Ben Pitler, *Advisor to the UN B-Tech Project*, presented the intended use of the new [B-Tech institutional investor guidance tool](#) and the efforts to support institutional investors in structuring their engagement with tech companies on business model-related human rights risks. He stated that the tool is designed to be applicable regardless of where investors are based or where the investments take place, but noted that analysis of investment decisions regarding individual tech companies will be influenced by geographic considerations.

He explained that the tool is structured as a template for institutional investors to use in modelling their engagement with investee tech companies on business model-related human rights risks in the form of suggested questions for investors to ask companies about specific HR risks and an evaluation framework indicating what various levels of response from companies would look like. He also noted that the guidance tool is explicitly designed with institutional investors in mind and investment scenarios involving mature technology companies, both public and private. Institutional investors have unique influence within tech companies, and B-Tech's goal is to equip them to engage these companies effectively through this tool.

5. Gender, Digital Tech and the Role of Business

Dr Isabel Ebert, *Advisor to the UN B-Tech Project*, introduced the session, a new B-Tech workstream building upon the momentum generated by the recently concluded Commission on the Status of Women 67th session, with this session's priority theme being "Innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls". She highlighted the key considerations relevant to understanding the implications of the UNGPs for technology companies' responsibility to respect (and States' duty to protect) women's and girls' rights. She also noted the importance of connecting with existing tools and resources for the ICT industry on assessing and mitigating impacts on women and girls (and highlighting any gaps), as well as identifying outstanding knowledge gaps or other barriers to fully incorporating gender issues within this field.

Rutendo Chabikwa, *PhD Candidate and Researcher at the Oxford Internet Institute*, noted the importance of a holistic, context-specific, and multistakeholder approach towards each pillar of the UNGPs. She highlighted that the broad nature of current ICT policies leaves much room for women and other gender minorities to fall through the cracks. One example is that most policies will mention the need to build the tech capacity of women but without specific benchmarks and strategy documents that name what this capacity is.

Concerning a responsibility to respect, she noted that it is essential that companies holistically integrate a context-specific gender lens in all their processes beyond remediation and grievance mechanisms. A multistakeholder approach, including civil society, governments, academics, and business actors allows for context-specific solutions addressing the particular needs and gaps of that context. Finally, the remedy needs to go beyond the “access” aspect of it. Companies and governments need to consider the gendered nature of remedy outcomes to prevent the reoccurrence of harm.

Bulanda Nkhowani, *Senior Officer at Paradigm Initiative*, started her input with the opportunities that technology offers to women and girls and an opportunity to enhance/achieve gender equality. She then noted that States must take appropriate steps to ensure that all businesses operating within their jurisdiction respect women’s human rights and put in place necessary policies, legislation, and regulations to prevent, investigate, punish and redress all forms of discrimination, harassment and violence against women. On adhering to the UNGPs, she highlighted the need to integrate and provide guidance notes on gender for the Guiding Principles on Business and Human Rights.

She also discussed actions African States could take to enhance digital rights for women and girls, ranging from; policy or legal frameworks to strengthen legal mechanisms that tackle technology-related violations, practical measures to address the existing structural inequalities, enhancing digital literacy skills, campaigns to promote the use of ICTs, developing assistive technologies policies and tax subsidies to lower the costs of the devices, strengthening initiatives to connect underserved communities and incentivizing business enterprises to contribute to achieving substantive gender equality labour practices.

Cynthia Muffuh, *Head of Human Rights and Gender at the UN Global Compact*, spoke on the UN Global Compact’s work to mobilize a global movement of sustainable companies by supporting companies to do business responsibly by aligning their strategies and operations with the principles of human rights, labour, environment, and anti-corruption.

The UN Global Compact runs Human Rights and Gender Equality programmes tailored to the African region ranging from: (i) the WEPs 100 campaign, a group of signatories who will demonstrate their commitment to advancing gender equality by making a lasting impact throughout their supply chains and paving the way for sustainable change; (ii) the Business and Human Rights Accelerator, which supports the overall objective of moving the global business community from policy to action to respect and support human rights by enacting an ongoing human rights due diligence process; and (iii) the Target Gender Equality accelerator which offers opportunities for learning across the region and facilitate the sharing of good practices and lessons learned.

Conclusion & Outlook

The B-Tech Africa Launch engagement provided a fruitful forum for discussions on the policies, regulations, and measures required to improve the uptake of responsible and rights-respecting business practices, including among investors, within Africa's technology sector. The meeting highlighted the importance of implementing the UNGPs for tech companies in the region and addressed the challenges and opportunities facing technology companies while doing so, and the role of governments, and civil society.

Using the initial momentum created through this exchange, stakeholders agreed on the need for increased collaboration and information-sharing and the important role B-Tech Africa can play in facilitating conversations among different stakeholders to improve the implementation of the UNGPs in the technology sector in Africa. Specifically, there were calls to continue to engage with companies as their buy-in is a crucial part of the multistakeholder process required to further responsible business practices and inclusion in the technology sector.

Contact:

We are open for engagement with all stakeholders. For more information, please contact our team by emailing: OHCHR-B-techproject@un.org.

April 2023

Stakeholders Represented

- German Consulate, South Africa
- US Consulate, South Africa
- African Union
- German Development Cooperation, GIZ
- United Nations Global Compact
- Department of International Relations and Cooperation, South Africa
- Department of Agriculture, Forestry and Fisheries, South Africa
- GovChat
- Abaguqli
- University of Cape Town
- Buckinghamshire New University
- Oxford Internet Institute
- Paradigm Initiative
- KICTANET
- ARTICLE 19
- Access Now
- CIPESA
- Business & Human Rights Resource Centre
- Vodacom
- Robeco
- A&A Collective
- Endeavor South Africa
- Savant Venture Fund
- Newton Partners
- Briter Bridges
- Untapped Global