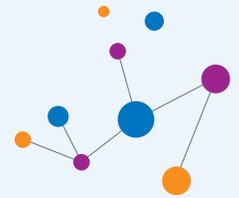




The blog is a product of the [UN Human Rights B-Tech Project](#) and is part of a blog series focused on the intersection between human rights and the responsibilities of technology companies.



This blog post sets out key expectations for technology companies under the [UN Guiding Principles on Business and Human Rights](#). The recent measures taken by some technology companies in the aftermath of the events in the US Capitol on 6 January 2021 serve as a stark reminder of the importance of business applying them consistently, and point to the potential ramifications of not doing so. It is beyond the scope of this post to assess whether the specific actions taken by individual companies are justified.*

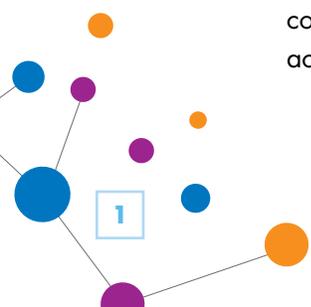
JANUARY 2021

The response of technology companies to the attack on the United States Capitol on 6 January 2021 has escalated public debate about the role of social media and other technology companies in society and public life. Concerns about undue influence that private firms and their unelected executives can wield on politics and human rights, and the legitimacy of their decisions and actions have been voiced from different sides of the political aisle.

There are urgent discussions to be had about governance gaps between the speed and scale of the activities of technology companies, and the ability of societies to manage related adverse impacts, including on human rights. What is clear is that by leaving companies to define and implement their own vision of responsible conduct largely untethered by state regulation and guidance, governments will likely fail to meet their own human rights obligations which include to protect against human rights abuses by businesses.

Companies should not wait for the necessary regulations and other institutional underpinnings to be in place, as important as that may be. Given the severity of the current crisis, they should look to existing authoritative frameworks to guide action in a way that addresses the immediate risks of violence while also mitigating risks to freedom of expression and assembly.

To this end, the [United Nations Guiding Principles on Business and Human Rights](#) provide a framework for technology companies to help guide their actions and to “know and show” that they are living up to their human rights responsibilities. For those impacted by company decisions and the broader society, the Guiding Principles also provide a framework basis for consumers and societies to assess the adequacy of company actions and hold companies to account for the measures they are taking.



Of particular relevance to the recent events, the Guiding Principles clarify that:

- **Technology companies have a responsibility to respect all internationally recognized human rights, including civil rights**, in the way they conduct their business, paying particular attention to those people who may be most seriously impacted.
- To meet this responsibility, **respect for human rights should be embedded at the level of senior leadership and within governance structures**.
- **Technology companies should conduct human rights due diligence in order to prevent, mitigate, and account for how they address any human rights harm** that the company is, or may become, involved in.
- Depending on the nature of their involvement in actual or potential human rights harms, companies will have to take differing actions:
 - **Taking all reasonable measures to stop any contribution to harm**. This is necessary whether the harm comes from their acts or from omissions to act. This includes situations where a company can be considered to enable a user or group of users on their platform to incite violence. Companies should also be assessing, over time, whether their business models are perpetuating risks of harmful behavior.
 - Where a company identifies a risk of harm to people due to their business partners' use of the company's products or services, it should use any **leverage** or influence it may have with the business partner to make them stop. This may include enforcing codes of conduct or terms of use policies.
 - In situations where a company lacks or has been unsuccessful in using its leverage to effect change, the Guiding Principles stipulate that the company **"should consider ending the relationship. ... [T]he more severe the abuse, the more quickly the enterprise will need to see change before it takes a decision on whether it should end the relationship."** (Guiding Principle 19 and Commentary).
 - Deciding whether to take steps to end a business relationship, for example by terminating the provision of services to a client, or taking other steps to stop any contribution to the risk, the company should take **"into account credible assessments of potential adverse human rights impacts of doing so."**
- The actions technology companies take in response to human rights risks should be **proportionate to the severity of the risks**. Where lives are in danger more stringent measures are warranted. Depending on the circumstances of each case, a wide range of actions may be considered, from attaching warning labels to posts to removing content and suspending or banning accounts. **The necessity of such response measures should be continually assessed and adjusted if or when the situation changes**.

- Where companies are faced by **dilemmas involving competing rights**, companies should refer to international standards and principles, for example [The Rabat Plan of Action](#) which considers the distinction between free expression and incitement to hatred, and contains principles that help guide companies in this assessment.
- At all times, but particularly in situations where the measures taken in response to human rights risks (e.g., the rights to life and to security) may by themselves pose human rights risks (e.g., the right to free expression) **companies should be transparent and communicate publicly about** their efforts to assess, integrate, and track the adverse human rights impacts of services and products. This includes explaining **the reasons for their actions and the specific company policies and processes they are based upon**. Transparency about the basis for taking a specific action and an ongoing effort to assess the risk situation and course correct where possible are essential to **ensure accountability**.
- Companies are also expected to **engage affected stakeholders and credible experts** throughout the human rights due diligence processes described above, including to assess risks such as the link between online content and offline harms and to inform their decision-making processes.
- Finally, companies **should have available or participate in credible mechanisms for individuals impacted by the company's actions to address [any grievances and to provide remedies](#) where appropriate**.

** The Guiding Principles were unanimously endorsed by UN member states in 2011. The U.S. government was part of the consensus and has worked actively since 2011 to promote implementation of the Guiding Principles by US business. They have also been affirmed by global and national business organisations, including the US Council of International Business. This global support, including from business, makes the Guiding Principles the authoritative global framework for preventing and addressing human rights risks involving business. A number of major US tech companies recognise the Guiding Principles as a key framework to guide their work to prevent and address human rights risks.*

