

*UN Human Rights B-Tech Project First Multi-Stakeholder Expert Consultation,  
13<sup>th</sup> June 2019, RightsCon, Tunis*

### **Introductory remarks**

Good afternoon, my name is Lene WENDLAND and I lead the work on Business and Human Rights in the UN Human Rights Office. It is my great pleasure to welcome you all to the **very first consultation** on the UN Human Rights B-Tech project.

#### **❖ WHY the B-Tech Project?**

Over the past years there has been an acute focus on the interrelationship between human rights and technology. The number of people, sessions and topics here at RightsCon is a key indicator of this, as is the vast amount of papers, principles and initiatives being launched practically on a daily basis all year around.

An enormous amount of good work is done by very many smart people from both the government, corporate and civil society sectors with the intent to ensure that the promise of digital technologies for transformational change to the benefit of all of humanity is realised in a manner that effectively guards against the risk of harm to people.

However, there is a danger that the sheer volume of voices and initiatives gets in the way of clarity of purpose and action. Many companies express confusion about where to go for guidance, and government responses to the challenges risk being reactive and *ad hoc*, and – in the heat of the moment – perhaps overlooking the frameworks and standards we already have, and reinventing

wheels rather than providing principled and rights based responses firmly founded in universal norms and standards.

Rather than going down the path of ‘tech exceptionalism’ in seeking bespoke responses to the challenges posed by digital technologies, UN Human Rights submits that already existing global standards are the most legitimate and effective lens through which to identify principled and practical responses to the collective challenges. International standards, including those applicable to all business enterprises which also include tech companies, already clarify the core duties and responsibilities for different actors with regard to human rights.

So, instead of spending time re-litigating the normative foundations of who has responsibility for what, we want to focus on clarifying what the already agreed standards of duties and responsibilities mean in practice and in the context of specific issues and circumstances.

This is what the B-Tech project aims to do. More specifically, it aims to use the UN Guiding Principles on Business and Human Rights as the lens to help clarify the respective roles and responsibilities of States and the private sector when it comes to core challenges in the digital technologies space.

Through an inclusive, multi-stakeholder process of consultation and research, the B-Tech project will seek to deliver

- Guidance on what responsible business conduct looks like in practice
- Guidance to policy makers in applying the “smart mix of measures”
- Guidance on workable models for remedy and accountability where harm has occurred.

## ❖ WHY UN Human Rights?

As the UN's foremost agency responsible for human rights and as the 'guardians' of the UN Guiding Principles, UN Human Rights can offer a unique and authoritative platform for initiating, hosting, stewarding and amplifying principled responses to the challenges we are facing in this space. We will need to work with all of you, and many others, to channel the best and most constructive solutions and guidance that you are all contributing to the international level, in order to facilitate alignment and convergence of rights based approaches. We believe that convergence and alignment in approaches and responses rather than fragmentation and *ad hocism* set the foundations for action at the scale required.

I should also say that this is an initiative of UN Human Rights. We have not been mandated by the (inter-governmental) UN Human Rights Council to do this work, though at some stage it might add strategic value to seek a mandate from the Council.

And speaking of mandates, we were delighted to see that the Secretary-General's High Level Panel Report on Digital Cooperation, co-chaired by Melinda Gates and Jack Ma, which was issued earlier this week, recognises the need for a B-Tech Project. Allow me to quote from the report:

"The roles of government and business are described in the 2011 UN Guiding Principles on Business and Human Rights. Though not binding, they were unanimously endorsed by the Human Rights Council and the UN General Assembly. They affirm that while states have the duty to protect rights and provide remedies, businesses also have a responsibility to respect human rights, evaluate risk and assess the human rights impact of their actions.

There is now a critical need for clearer guidance about what should be expected on human rights from private companies as they develop and deploy digital technologies.”

### ❖ **HOW will the Project work?**

The process will be dynamic and iterative, with outputs made available on an ongoing basis. We will also strive to make the outputs short and action-oriented, with a focus on policy as well as practical applications.

As set out in the draft paper, we will engage with partners such as yourselves in conducting research and will convene multi- and single- stakeholder consultations to explore ideas and policy and practical responses. We cannot – and should not – do this on our own – the legitimacy of our efforts requires broad engagement and buy in across stakeholder groups.

As a practical matter, we will “crowd-source” events and initiatives, and aside from the events we take the lead in convening, we can collaborate with your efforts to expand the range and depth of the engagement.

### ❖ **WHAT is the PROCESS?**

We are firm believers in the importance of process-legitimacy. My own experience working with John Ruggie for six years in developing the UN Guiding Principles taught me that process is an integral and indispensable part of the outcome. We will therefore invest some time in getting the foundations for the Project right and in a way that is considered legitimate by stakeholders.

We have had some conversations with internal and external stakeholders, but today’s meeting is really the start of the consultation process. Or, to be precise, the pre-start of the process. We have shared a DRAFT scoping paper with you for comments. Based on the feedback we receive in this meeting, we will revise

the DRAFT paper and post it online for public comment. Based on comments received from this public consultation phase, we will aim to finalise the scoping paper by early September and then kick off.

### ❖ **FUNDING**

We think this is an exciting opportunity, but we cannot do it without your support. We are fully convinced we can deliver real impact through this work, and we are designing it in response to the needs identified as critical by many in this room including during the past year of constructive engagement and activities with tech companies and the broader technology community of NGOs, universities, etc. in the Silicon Valley Area.

We are looking for companies who see this as a useful initiative to join with us in getting this going – providing seed funding so that we can launch quickly, as the demand is high. We are also asking governments for support. We would love to see a group of those interested commit to invest in this effort, both by joining us in the work itself, and by supporting the expert team responsible for the project.

### ❖ **AIM of this meeting**

As stated in the draft paper we shared, we will have to try to limit the scope of the Project to some key, inter-related focus areas, which we have set out in the paper. We would like to hear your comments or suggestions on the questions set out in the box on page 8 of the paper. We want to hear from you if these roughly are the areas where a UN Human Rights led process can add most value, and also hear ideas from you on resources and opportunities for collaboration.

We will take the four focus areas in order, spending around 20-25 minutes on each, though we do appreciate the inter-relationship and overlap.

We will be having this discussion under Chatham House rules, meaning that you are free to refer to what has been discussed, but should refrain from attributing any of the comments to specific individuals.

[Start introduction and discussion of the identified focus areas]