Action Coalition on Responsible Technology / Workstream 3 - Policy Coherence:
Summary of the series of Roundtable discussions

INTRODUCTION

In 2021, the Danish Ministry of Foreign Affairs initiated the Tech for Democracy Initiative. The initiative brings together a wide range of stakeholders including civil society, the tech sector and governments to explore current issues and concrete solutions to aid digital technologies in supporting democracy and human rights. A key component of the initiative is the 'Action Coalitions', which should take concrete actions in support of the initiative during 2022.

For the 2022 Year of Action, the Action Coalition on Responsible Technology (ART) organised a number of activities under three workstreams, the third one of which was on policy coherence. The objective of the workstream on policy coherence was to understand the synergies and complementarities, as well as conflicts, of various regulatory developments on tech as they relate to and support responsible business practices. This was done through four Roundtables co-organized with members of the ART, as well as a panel discussion at the Internet Governance Forum (IGF) in Addis Ababa, which was hosted by The Danish Institute for Human Rights (DIHR). The topics for those events were as follows:[1]

- 1st Roundtable: ***Due diligence, tech and human rights*** (3 June 2022)
- 2nd Roundtable: ***Impact identification, assessment, and monitoring*** (9 September 2022)
- IGF Panel discussion: ***Access to remedy*** (29 November 2022)
- 3rd Roundtable: ***Stakeholder engagement*** (6 February 2023)
- 4th Roundtable: ***Transparency and reporting*** (22 February 2023)

In these four Roundtables, a total of approximately 100 attendees from government, public authorities and regulatory bodies, the business community, investors, civil society organisations and academia (both members and non-members of the ART) have participated and provided diverse, useful and salient inputs to feed into the development of the deliverables in the work stream on policy coherence. The Roundtable discussions were conducted under the Chatham House Rule, but the following pages aim to summarize key points and materials shared.

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[1] The materials from these Roundtables can be shared upon request to the DIHR.

Summary of Key Points from the Roundtable Discussions

	Key discussions	Key additional resources
RT 1	*Due diligence, tech and human rights* • There is a need for a far broader, longer-term perspective on identifying and mitigating the potential human rights risks that stem from development and implementation of digital products/services across different markets. • It is important to develop effective mechanisms for businesses to engage with stakeholders in civil society, making use of active participations to identify salient risks through constructive dialogue with them. Greater transparency is also required in communicating the results of such stakeholder engagement. • Further understanding and unpacking the digital ecosystem can serve to ensure policy coherence as well as to facilitate a more thorough approach to stakeholder engagement.	• DIHR, *How do the pieces fit in the puzzle? Making sense of EU regulatory initiatives related to business and human rights*. (See Section F on pages 46-62) • BSR & GNI, *ACROSS THE STACK TOOL: Understanding Human Rights Due Diligence (HRDD) Under an Ecosystem Lens*.
RT 2	*Impact identification, assessment and monitoring* • The language of human rights-based approaches may have proven less accessible to the tech industry. The language of Algorithmic impact assessments (AIAs), the methodology of which significantly overlaps with human rights impact assessments (HRIAs), could be more accessible to their practice and performance of due diligence. This could lead to a hesitancy among some stakeholders to transcribe the provisions made by HRIAs into legislation. • Difficulties persist in applying current legislation to the evaluation of AI systems. Despite the evolution of jurisprudence in this sphere, evaluation and assessment is still very much conducted on a case-by-case basis, given the uncertainty over the interpretation of key terms within the existing legal framework on privacy and data protection. • Basic differences in the terminology employed across legislative provisions can present difficulties for teams working internally within a business on conducting HRIAs. In addition, the development of novel assessment criteria and new benchmarks and measurement criteria can also present further complexities for effective evaluation of a business's activities compliance with human rights standards.	• DIHR, *HRIA Guidance and Toolbox*. • The UN B-Tech Project's Foundational Papers listed in this website. • The Government of Canada, *the Algorithmic Impact Assessment tool*.
IGF Panel	*Access to remedy* • It is crucial to identify specific groups that are more marginalised in the digital space. In creating awareness and improving digital literacy among marginalised communities and more especially women and children, the best approach is to work through associations, where you can reach many people and institutions. • It is crucial to ensure that services are equitably distributed across the population. It is not one that can be dealt with by one sector alone. It is a challenge that requires a mapping aspect, a monitoring aspect, and reporting - all parts must be performed so that the vulnerable and marginalised groups actually benefit from increased connectivity of networks. • It is important to inform customers as to how they can hold the business accountable when it comes to their data if they're not comfortable with how their data is being processed, or if don't understand what we do with their data. It is important that	• APLA (Association of Privacy Lawyers in Africa). • Vodacom Group, Reports. • Kenya National Commission on Human Rights, *Business & Human Rights*. • Personal Data Protection Office of Uganda, *File a complaint* (online service).

	consumers have at their disposal a resource or various channels to approach the company so they can learn and be informed.	
RT 3	*Stakeholder engagement* • Tech companies are urged to work further on ensuring the transparency on follow-up to engagements, even though tracking whether and how each input from the participants has actually affected their decision-making processes. • Stakeholder engagement should go beyond users of the technology. Depending on how the technology is used, a wider range of people might be affected. This may make the stakeholder engagement complicated, but prioritization based on the UNGPs framework will help tech companies figure out who they should engage with. • Regulatory developments in the field of tech and human rights should ensure that stakeholder engagement is a mandatory element of human rights due diligence processes. In addition to the requirement, practical guidance on specific actions and methods for meaningful stakeholder engagement should be provided for both conveners and participants of the engagement.	• The UN B-Tech Project, *Five Practices to Improve Stakeholder Engagement in Tech Company Due Diligence*.[2] • ECNL, *Framework for Meaningful Engagement*. • GPD & GNI, *Engaging Tech Companies on Human Rights: A How-to Guide for Civil Society*.
RT 4	*Transparency and reporting* • National or regional laws are expected to contribute to standardizing fragmented transparency standards, while transparency standards developed by non-governmental organizations or initiatives should lead the policy discussion by presenting advanced practical examples of transparency measures which adequately address salient human rights issues in the ICT context, such as freedom of expression. • Reporting requirements that are prescriptive or complicated can have a negative effect. Those requirements could lead to a "tick-box" approach by companies without allowing them to have sufficient time and flexibility to focus on how they actually address human rights impacts arising from their business activities. • Not only policy coherence across jurisdictions, but also policy coherence within a jurisdiction, is needed in order to effectively ensure transparency amongst tech companies on their respect for human rights. For example, in the EU, policy makers need to consider coherency among various regulatory processes such as Corporate Sustainability Due Diligence Directive, Corporate Sustainability Reporting Directive, Sustainable Finance Reporting Directive, Digital Services Act, Artificial Intelligence Act, General Data Protection Regulation, etc. through the UNGPs lens.	• Action Coalition on Meaningful Transparency portal • Ranking Digital Rights, *the 2022 Big Tech Scorecard* & the *2022 Telco Giants Scorecard*.[3] • Susan Ness's & Chris Riley's Opinion, blog post, and Module Playbook. • Investors' actions on transparency and accountability of ICT industry through shareholder proposals (Example) • Transparency Centre's Reports Archive to fight disinformation. • Anna-Sophie Harling, et al., *Transparency Reporting: The UK Regulatory Perspective*. • OECD, *Transparency reporting on terrorist and violent extremist content online*. • DIHR, *Sustainability reporting and human rights*.

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[2] UN B-Tech is also working on the UNGPs Compass, which will allow policy makers and other stakeholders to assess whether regulatory or incentive-based initiatives directed towards the tech industry align with the UNGPs.
[3] Ranking Digital Rights' work on investor guidance is available here.