



Human Rights in the Digital Era:

Business Respect for Civil and Political Rights in Times of Emergency

13:30-15:00 (Bangkok time, GMT+7), 11 June 2020

United Nations Virtual Forum on Responsible Business and Human Rights

New Challenges. New Approaches.

Asia and the Pacific | 9-11 June 2020 | www.rbhrforum.com

Background

In response to the COVID-19 pandemic, various governments have introduced measures with significant consequences for human rights. For example, while some governments have introduced limitations to qualified rights such as freedom of expression, others have taken extreme steps by further derogating from their human rights obligations. Measures relating to mass bio-surveillance, censorship and misinformation, and even artificial intelligence potentially have severe consequences on the enjoyment of human rights by the society and individuals. There are a number of States that are tracking people's movements, communications and health data through telecommunications, camera footage, transport bookings, financial data, social media, facial recognition, and temperate checkpoints, among other means. Moreover, various laws are being adopted to counter the spread of misinformation, some of which are used to restrict free speech, access to information, and crack down on political opponents. States themselves may even spread misinformation. Finally, artificial intelligence is being deployed for purposes of mass surveillance and social control, often without proper oversight, regulation, and checks and balances.

While governments are setting up these systems, businesses are providing the means and the tools. This raises the urgent question about the responsibility of businesses when governments are pushing the boundaries of what is acceptable under international human rights law. In these contexts, businesses may be aiding States in measures that violate basic civil and political rights. Alternatively, businesses may adversely impact the enjoyment of these rights without any involvement States whatsoever. Given these circumstances, it is imperative to reflect on whether and how businesses should address their actual or potential adverse impacts on civil and political rights.

Session Description

Discussions will highlight the responsibility of digital technology businesses in respecting civil and political rights during and after COVID-19. Particular attention will be paid to how such businesses can respect the right to freedom of expression (which includes the freedom to seek, receive and impart information and

ideas of all kinds), the right to be free from discrimination, and the right to be free from arbitrary detention.

Session Objectives

This session aims to:

- Identify potential adverse impacts on civil and political rights by digital technology businesses in the context of COVID-19
- Discuss these businesses can respect civil and political rights, even when States violate their human rights obligations and seek to involve businesses
- Conclude how digital technology businesses can future-proof their activities in line with the UNGPs

Questions

- What are the most pressing business-related human rights abuses (potentially) caused by digital technologies employed in the context of COVID-19?
- How much room do businesses have to respect civil and political rights when States seek to involve these businesses in questionable practices and measures in response to COVID-19? In this respect, what should businesses do when confronted with conflicting requirements under State policies/regulation and the UNGPs?
- What are the most pressing issues digital technology businesses (or alternatively: your company/organization) faces, and how do you plan on addressing these in the future?