Gender, tech and the role of business: APC submission to the UN Human Rights B-Tech Project call for inputs

Association for Progressive Communications (APC)
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"A feminist internet starts with enabling more women and queer persons to enjoy universal, acceptable, affordable, unconditional, open, meaningful and equal access to the internet. It further ensures access to unrestricted data and information, through which (all) women can claim their space in the digital world."[1]

Introduction

The Association for Progressive Communications (APC) is a networked organisation dedicated to empowering and supporting people working for peace, human rights, development and protection of the environment, through the strategic use of information and communication technologies (ICTs). The APC network has 62 organisational members and 41 associates active in 74 countries, mostly in the global South. We work to build a world in which all people have easy, equal and affordable access to the creative potential of ICTs to improve their lives and create more democratic and egalitarian societies.

APC welcomes the opportunity to present this submission in response to the call for inputs for the development of a briefing paper on *Gender, tech and the role of business*, issued by UN Office of the High Commissioner for Human Rights under the B-Tech Project.[2]

The rapid expansion of technology has the potential to increase all women's, girls' and people of diverse genders and sexualities' participation and access to information and provide new tools for mobilisation, exchange and activism. Simultaneously, however, the increased use of digital technology amplifies the challenges that they have historically fought, including harassment, misogyny, hatred and violence. Recent studies demonstrate the widespread nature of online harms, especially to women.[3] This is intrinsically linked to the offline structural discrimination that characterises societies, driven by imbalances in power, wealth and resources, often worsened by business models, "gender-neutral" practices and legislation.

We have been observing growing attention to gender equality and human rights, including by states and businesses. Yet this attention too often remains siloed and "tokenistic", paying too little or inadequate attention to the diverse experiences of all women, girls and people of diverse genders and sexualities in implementing their respective duties and responsibilities. To eliminate all forms of discrimination and achieve substantive gender equality, states and businesses must work together with women's organisations and movements, and all other relevant actors, to create systematic and sustainable changes.[4]

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1 https://www.apc.org/en/pubs/feminist-principles-internet-version-20
2 https://www.ohchr.org/en/business-and-human-rights/b-tech-project
3 https://www.apc.org/en/pubs/overview-manifestations-and-impacts-technology-facilitated-gender-based-violence-and-need
4 https://www.business-humanrights.org/en/big-issues/gender-business-human-rights/gender-business-human-rights-blog-series/

This paper aims to contribute to the goal of providing clear guidance to states and businesses on digital related issues from an intersectional gendered perspective. Such guidance must be based on binding, universal standards that adopt, at their core, a human rights-based approach while recognising the differentiated impact that tech companies and their business models have on all women, girls and people of diverse genders and sexualities. On the same lines, the B-Tech Project's new workstream on gender, digital tech, and the role of business, must be founded on an intersectional feminist perspective to ensure that the ongoing digital transformation can usher in a gender-just world that is affirming to all individuals and their path to self-actualisation.[5] All individuals of the global digital ecosystem, no matter who they are or where they are based, must be able to enjoy equal rights to safety, freedom and dignity. This means equal protection from persecution, discrimination, abuse and surveillance; equal access to information, opportunity and community; and equal respect for privacy, identity, self-expression and self-determination. This paper aims to outline practical steps towards this goal.

1. The state's duty to protect

How does the state's duty to protect the human rights of women apply in the technology sector?

Protection from what?

Offline violence can be amplified online. Indeed, the violations experienced by women and girls – especially those from the most marginalised and vulnerable communities – take place within a context of existing structural inequalities that put them at particular risk of violence and discrimination. Digital technologies, however, can be used to incite online violence and harassment; enable surveillance, censorship and threats to privacy rights via artificial intelligence (AI), including regarding women's bodily autonomy and intimate lives; and ultimately create and widen the digital divide. Digital technologies replicate and perpetuate gender biases and stereotypes, including via algorithmic discrimination and patriarchal business models based on data exploitation, attention economics and faulty advertising schemes. Online access raises concerns about privacy, for instance, for women and girls, including in the offline world where they are too often controlled – by states and non-state actors, including in their intimate relationships, families and friendships, among others. Moreover, for many women and girls, even accessing the online world is a difficulty, due to a lack of financial resources, absence of infrastructure to enable access, or political and/or patriarchal control. Ultimately, their freedom of expression, right to privacy and even their right to political affiliation are challenged so that they

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5 https://www.apc.org/sites/default/files/gdc_joint_submission_on_gender_final.pdf

cannot engage in political debates, cultural or economic activities. The impact of all this is known – albeit with some continued lack of public awareness – yet it continues to be underreported and not the priority of policies and law-making agendas.

States' duty to protect

States must protect against all human rights abuses within their territory and/or jurisdiction by third parties, including businesses. Digital rights, which are at the intersection of a multitude of rights, including the rights to privacy, freedom of expression (FoE) and freedom of assembly and association (FoAA), are fundamental and universal rights that should be enjoyed without discrimination by all women, girls and people of diverse genders and sexualities. States must be aware of both the opportunities and the multifaceted and layered risks that the online world represents, most especially for women and girls, in order to comply with their duty to protect all their citizens. Access to a safe internet is a right, and denial of access is a violation of rights and the norms of international human rights law. This requires states taking steps to prevent, investigate, punish and ensure redressal for such abuse by undertaking legal, institutional, policy and programming measures appropriate to the digital transformation,[6] to respect, protect and promote all individuals' human rights.[7] Fundamentally, it also requires states to reform archaic patriarchal systems entrenched in the offline world. And states must certainly not use online regulation and tools to violate rights, especially those of the most vulnerable and marginalised groups.[8]

What are the specific issues for which states should provide appropriate guidance to businesses by recognising the challenges that may be faced by women?

States must ensure that an intersectional gendered approach is a central concern to any tech initiatives, which should take into consideration potential and real risks, before development, during development and deployment of technologies, and in post-deployment assessments. Efforts to address gender concerns must consider gender alongside race, class, caste, ethnicity, sexual orientation, religion, (dis)ability and any other relevant factor as central to address any discrimination and inequality.[9] Referring to the above-mentioned risks, we lay out some concrete steps for states to guide businesses:

- **Privacy:** All have the right to control their personal information and be informed about how their data is collected, used, and shared – specifically

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6 https://www.ohchr.org/sites/default/files/Documents/Issues/Business/BookletGenderDimensions GuidingPrinciples.pdf

7 https://www.apc.org/sites/default/files/gdc_joint_submission_on_gender_final.pdf

8 https://www.business-humanrights.org/en/latest-news/ethiopia-misleading-govt-facebook-ads-for domestic-workers-allegedly-leading-to-forced-labour-cases-in-saudi-arabia-incl-co-comments/

9 https://www.apc.org/sites/default/files/gdc_joint_submission_on_gender_final.pdf

concerning data on sexual and reproductive health and rights (SRHR), gender identity and expression, etc. Companies must strengthen systems to support data and network security, ensuring infrastructure integrity, from external attacks. Moreover, digital platforms must be accountable with regards to responses to online gender-based violence (OGBV) and must adopt measures to fight it. As such, considerations of privacy must include (1) perspectives that relate to decision making over one's own personal data, also in the public space, and (2) autonomy, bodily integrity, sexuality and sexual expression.

- **Artificial intelligence:** Women, in all their diversity, may be affected differently by AI and would have differentiated needs or expectations. States – themselves users of the new technology in their social security, health and justice systems, for example – must guide companies related to AI to keep in mind the intersectional dimensions of gender discrimination, so as to not to enhance existing patriarchal social norms.[10]

- **Gendered disinformation**: This is an element of OGBV and can be defined as "a subset of online gendered abuse that uses false or misleading gender and sex-based narratives against women, often with some degree of coordination, aimed at deterring women from participating in the public sphere. It combines three defining characteristics of online disinformation: falsity, malign intent, and coordination."[11] It is a global and complex phenomenon, driving women away from online spaces, which states must push companies to tackle, by reinforcing access to accurate data. Companies need to provide better responses to gendered disinformation and computational propaganda generated by state and non-state actors who are deploying technologies to influence political events/debates.

- **Access and the digital divide**: States must work with the private sector and local communities in order to bridge the digital divide. First, states must mandate tech companies to adopt human rights-based approaches in the development of their content moderation policies, practices, reporting and redressal mechanisms. Second, they must encourage digital access for all at the school and household level by offering an enabling environment through policy and packages. Third, they must collect data to better understand the factors shaping all women's and girls' ability to benefit from meaningful access. States must guide companies to provide unrestricted access to information relevant to all women, particularly information on SRHR, access to justice, and LGBTQI+ issues (this includes diversity in languages, abilities, interests and contexts). Finally, local-level, community-driven solutions to expand connectivity should be supported, including through access to different sources of public funding.

- **Systemic inclusion**: States need to hold tech companies to account for the harm they cause people, internally and externally. They need diverse

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10 https://www.openglobalrights.org/addressing-gender-bias-in-artificial-intelligence-and automation/?lang=English
11 https://www.wilsoncenter.org/publication/malign-creativity-how-gender-sex-and-lies-are-weaponized-against-women-online

employees, at all levels, and effective whistleblowing mechanisms to report on gender-related issues, from within. Moreover, there needs to be a review of their business models with policies/regulations that discourage commodification of content that promotes OGBV. They must also insist on companies doing human rights due diligence in a periodic, transparent and consultative manner, taking into account the implications of their policies, products and services on the rights of all users to be free from violence and to participate in public life.[12]

What specific actions can states which have recognised the need for enhanced digital policy and improved access to ICTs take to advance digital rights for women and girls?

Legal/policy reform

- States must meet their obligations under international human rights law. They should include in their legislation the language adopted in the 2022 Human Rights Council resolution A/HRC/50/L.11, which, among other things, calls on them to protect, respect and ensure women's, girls' and LGBTQI+ persons' full enjoyment of the right to FoE online and offline without discrimination and to counter all threats of violence and censorship while exercising this right. This must include content relating to women's and LGBTQI+ persons' sexual and reproductive health and choices.
- States must implement policies and measures that are grounded in a human rights-based approach and that recognise, promote, protect and fulfil the rights of the most marginalised groups, including women with disabilities, women of colour, Indigenous women, migrant women, lesbian and bisexual women, trans women, women from oppressed castes and classes, and women from religious minority groups, as well as human rights defenders and sex workers of all genders.[13]
- In this, it is critical to ensure that we have all women's participation in the making of related laws and policies,[14] and that these remain inclusive, participatory mechanisms that are rights-affirming and gender-just.

Beyond legal reform: Legislative reform and/or new legislation regarding OGBV is not sufficient and presents risks. Indeed, when crafting solutions to address abuse online, governments should reconsider restrictive regulatory options and avoid

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12 https://www.business-humanrights.org/en/from-us/briefings/dismantling-the-facade-a-global-south-perspective-on-the-state-of-engagement-with-tech-companies/
13 https://www.apc.org/sites/default/files/gdc_joint_submission_on_gender_final.pdf
14 https://www.apc.org/en/pubs/overview-manifestations-and-impacts-technology-facilitated-gender-based-violence-and-need

criminalisation that could lead to censorship and persecution. International human rights frameworks must be the basis for digital policy that seeks to address violence and digital exclusion while holding both governments and companies accountable. States should also plan for and invest in building the capacity of women via vocational/technical training at both education and work levels. States must push to increase participation of all at international levels too, within decision-making processes on internet governance, infrastructure planning, regulation, and technology development. Other measures include research, movement building and community approaches. Internet policy making must be democratised, and ownership of and power in global and local networks must be diffused.

For instance:

- **Data privacy/protection**: States must ensure the right to data privacy and give all women and girls full control over their personal data information online, especially as technologies evolve and surveillance and data gathering capabilities become more powerful. They must adopt policies and legal and regulatory frameworks that provide comprehensive protection for the use and development of secure digital communications, including by promoting strong encryption and anonymity-enhancing tools, products and services. States must also strengthen policies and regulatory frameworks to address OGBV, and ensure that all responses are in compliance with international human rights obligations, avoiding criminalisation of speech or censorship of women's sexual expression.
- **Gendered disinformation**: State-driven interventions to regulate content online should be subject to particular precautions. Any legitimate intervention must aim for a minimum level of intervention in accordance with the principles of necessity and proportionality, be based on an inclusive consultation process with all relevant stakeholders, and not strengthen the dominant position of the large incumbents. States should also take active steps to address disinformation targeted at all women, girls and people of diverse genders and sexualities. Particular attention should be given to the specific targeting of women and its impact, from an intersectionality perspective.[15]
- **Access and digital literacy:** States must guarantee universal, acceptable, affordable, unconditional, open, meaningful and equal access to the internet for women and people of diverse genders and sexualities. State actors must be held accountable with regard to restricting or over-regulating public access to the internet, and for using existing/new laws aimed at technologies to regulate, curtail and control people's rights to FoE and FoAA. Moreover, they must ensure the creation of enabling environments for diverse expressions, with clear and specific delineations for gender-based hate speech, and access for all that addresses the variety of forms of digital divides, such as affordability, digital skills and continuous access, accessibility, and designing

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15 https://www.apc.org/sites/default/files/APC_submission_on_gender_justice_and_the_right_to_ freedom_of_opinion_and_expression.pdf

national broadband plans to specifically overcome inequalities in access. This also means increasing investment in public access facilities and reforming regulatory environments so they are favourable to different models for connectivity, including community networks.

- **Digital surveillance and confidentiality**: States must adopt a clear, precise, accessible, comprehensive and non-discriminatory legislative framework to regulate all surveillance conducted by law enforcement or intelligence agencies. In accordance with the prohibition on discrimination, surveillance technology should not be used to target individuals or members of a group based on any classification protected by law or on other grounds inconsistent with applicable domestic law or international obligations and commitments.
- **Addressing systemic discrimination and violence**: States must recognise that CSE is vital to address structural inequalities and violence, which are then transferred online. In this, states must ensure that laws regarding GBV put women's rights at the centre, and offer means of swift and meaningful redress for survivors, without infringing on FoE and FoI, and should implement policies that facilitate reporting of online harassment.

2. Companies' responsibility to respect

How does technology companies' responsibility towards women and girls apply regarding impacts stemming from, or being linked to, digital technologies?

The responsibility of business enterprises to respect human rights refers to internationally recognised human rights and norms – understood as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work.[16] And in terms of technology companies and their responsibilities specifically, the UN Human Rights Council recognised in A/HRC/RES/20/8 that "the same rights that people have offline must also be protected online."[17] Finally, the UN Guiding Principles on Business and Human Rights call on the business sector to respect the human rights of all persons affected by their practices. This requires companies, using the United Nations Guiding Principles and their corresponding "Gender Dimensions" Guidelines as a framework, to proactively address and rectify gender-based barriers, disparities and biases within their business operations (in workspaces and throughout the entire value chain) by conducting due diligence to prevent human rights violations, mitigating adverse effects, and providing access to remedy for all persons who experience

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16 https://www.ohchr.org/sites/default/files/Documents/Issues/Business/BookletGenderDimensions GuidingPrinciples.pdf

17 https://www.hrw.org/news/2014/09/11/joint-civil-society-statement-privacy-digital-age-submitted-27th-session-un-human

privacy violations, bearing in mind the different risks that may be faced on the basis of gender.

Yet, as described above, tech companies' responsibility towards women and girls stems from the tools they develop and, fundamentally, from their own biased business models, employee representation and exploitation, policies and economic interests. Companies consistently prioritise profit over people by infringing on the privacy of persons for commercial benefit without their knowledge and consent, and through knowingly driving polarisation by design. However, they too often shift the burden of addressing OGBV to the justice systems of the country where their operations are located or to the victims of harassment on their platform, and do not ensure that policies are upholding the international human rights principles of non-discrimination and equality, and are taking into account contextual factors, such as language, culture and power dynamics.

How can a gender lens be integrated into human rights due diligence? Where do companies need to place specific emphasis on gender aspects in their risk assessment processes?

All risk assessment processes should integrate a gender perspective in a holistic manner, rather than treating gender as merely a sideline issue.[18] This includes:

- **Policy and management reforms**: Companies must start with meaningfully engaging civil society and rights holders, including all women, girls and people of diverse genders and sexualities, in their due diligence, in addition to meaningfully hiring them at all levels.
  - Companies need to better understand the experiences of all women and people of diverse genders and sexualities in the workplace; for this, they should develop solutions in consultation with those affected.
  - Companies should prioritise diversity and inclusion within all teams and at levels, including in the design, development and testing of products and services they offer.
  - Leadership, technical staff, marketing teams and sales teams must be trained on a gender-sensitive and intersectional approach to the human rights risks of technologies.
  - Collaboration with civil society is essential to addressing the unique challenges faced by all users. Tech companies should actively seek partnerships with feminist and gender non-conforming groups, researchers and human rights defenders, for instance.

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18 https://www.genderduediligence.org/what-is-gender-responsive-due-diligence/

- **Acknowledge, identify and address risks**: Companies must actively address the gendered harms in technical products, and mitigate negative, gendered impacts prior to, during and after bringing their products to market.
    - Example 1: Women using anonymous online profiles, for example, to escape an abusive partner, can be adversely affected by the policies on anonymity by certain companies.[19]
    - Example 2: Companies should limit data collection to prevent unnecessary access to and exploitation of data, and consider privacy by default in the design of systems.
- **Track implementation and research**: It is fundamental for companies to continuously research and address how their products can be exploited and used to violate the rights of the most vulnerable and marginalised. The data that informs their product development should be highly disaggregated, for the experiences of women to inform these tools and dismantle gender biases.
- **Communicate internally and externally**: Companies' policies, practices and research findings should be made public for transparency and to raise awareness among users, who can further scrutinise the findings, especially from different geographic or socioeconomic perspectives. Users should also be able to customise their product experience based on their gender.
- **Feedback loop into product development and other necessary gender-related reforms**: Ultimately, products should be designed not just to stop but also to overcome gender discrimination. Technologies should be employed to address challenges faced such as breach of SRHR or trafficking.

How do civil society, academia, and collective action initiatives seek to advance respect for women's human rights by technology companies?

We are observing a myriad of initiatives around the world including strongly coordinated actions for:

- Calling out online attacks[20] and discrimination against women and girls, stemming, for example, from algorithmic biases[21] or from the risks of AI for the most marginalised and vulnerable groups.[22] Digital rights activists and investors continue to push for tech companies to improve their HR processes.[23]

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19 https://www.ohchr.org/sites/default/files/Documents/Issues/Business/Gender/APC.pdf
20 https://www.business-humanrights.org/en/latest-news/myanmar-access-now-statement-calls-out-companies-for-allegedly-helping-junta-build-an-attack-surveillance-infrastructure-incl-company-statements/
21 https://www.business-humanrights.org/en/latest-news/discrepancies-persist-in-social-media-content-moderation-policies-for-mens-and-womens-health-discussions/
22 https://www.business-humanrights.org/en/latest-news/16-women-non-binary-ai-experts-sound-alarms-on-salient-human-rights-risks-that-need-policymakers-attention/
23 https://investorsforhumanrights.org/2023-meta-and-alphabet-shareholder-resolutions

- Leading advocacy with independent investigations, such as the Center on Race and Digital Justice, which aims to investigate civil and human rights threats stemming from unregulated technology,[24] and independent research such as the Distributed AI Research Institute (DAIR), which focuses on independent, community-driven research into technologies – away from Big Tech's influence.[25]
- Provision of safe spaces for the most marginalised and vulnerable groups, including:
    - Online communities which enable members to communicate with others, helping them to realise they are not alone, and allowing them to openly express their emotions.
    - Ensuring that diverse voices are brought to the table[26] and fostering more robust and meaningful multistakeholder collaboration where those who are affected by digitalisation, particularly the most marginalised and vulnerable groups, have a voice in shaping policy at national, regional and international levels. For instance, the Freedom Online Coalition (FOC), with an emphasis on digital inclusion.[27]
- Provision of IT training: a lot of information is gathered by communities, including user-generated content and personally identifiable data.
- Independent fundraising to support women of colour.[28]

Which are examples of measures adopted by tech companies, including in partnership with civil society, to mitigate risks of abuses of women and girls?

- Example 1: Removal of content linked to bodily autonomy, including of trans people[29]
- Example 2: Removal of content leading to human rights abuse, including human trafficking of Ethiopian women to become domestic workers in Saudi Arabia[30]
- Example 3: Meta's Oversight Board's decision to remove content leading to hate speech and violence, including against trans people in Poland[31]

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24 https://www.business-humanrights.org/en/latest-news/these-5-women-activists-have-been-raising-the-alarm-about-the-human-rights-risks-of-ai-for-years/
25 https://www.business-humanrights.org/en/latest-news/these-5-women-activists-have-been-raising-the-alarm-about-the-human-rights-risks-of-ai-for-years/
26 https://www.business-humanrights.org/en/latest-news/these-5-women-activists-have-been-raising-the-alarm-about-the-human-rights-risks-of-ai-for-years/
27 https://www.apc.org/en/pubs/apc-statement-advancing-2030-agenda-through-inclusive-and-rights-respecting-digital-policy
28 https://www.business-humanrights.org/en/latest-news/these-5-women-activists-have-been-raising-the-alarm-about-the-human-rights-risks-of-ai-for-years/
29 https://www.oversightboard.com/decision/BUN-IH313ZHJ/
30 https://www.business-humanrights.org/en/latest-news/ethiopia-misleading-govt-facebook-ads-for-domestic-workers-allegedly-leading-to-forced-labour-cases-in-saudi-arabia-incl-co-comments/
31 https://oversightboard.com/news/689065426607908-oversight-board-announces-post-in-polish-targeting-trans-people-case/

- Example 4: X developing its user policies to ensure the well-being of its users, including to prohibit hate speech against the most marginalised and vulnerable.[32]

What measures can tech companies take to increase access to digital technology for women and girls, including the internet, smartphones and social media, and to close the digital divide?

APC considers the gender digital divide as both a symptom and cause of violations of the human rights of women, girls and people of diverse genders and sexualities. It is a symptom in that the discrimination that they face on the basis of social and cultural norms is situated within other disparities that they face in society, be they based on location, economic power, age, gender, racial or ethnic origin, or other factors. These are causes of violations of women's human rights, and the gender digital divide leaves women who are without meaningful internet access less equipped to exercise their human rights. Barriers to women's meaningful access to the internet are multifaceted, and we recommend tech companies to take measures regarding:

- **Availability:** For example, women having no broadband access, or no access to public internet centres.
- **Affordability:** For example, insufficient income to pay for data, purchase a device, etc.
- **Capacity and skills:** For example, gender literacy gap, lack of skills to access the internet. Companies must plan for and invest in building the capacity of women and financial/resource provision for internet access for girls in low-income countries.
- **Safety and security:**
  - Companies must take proactive measures to protect all users from online harassment, hate speech, sexualisation or violence-inducing smear campaigns, or cyberbullying. This involves promoting authoritative sources and implementing robust content moderation policies, reporting mechanisms, and developing technical tools as well as non-technical guidelines to prevent harassment or doxxing.
  - In terms of content moderation policies, they must diversify language options, promote content that speaks to women's contexts and needs, clear rules to ensure privacy and safety, and gender-related content not to be censored/restricted issues.

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32 https://www.openglobalrights.org/business-impacts-on-trans-rights-demand-attention-and-action/?lang=English

- **Culture and norms:** For example, provide equipment to counter boys being prioritised for technology use at home, tackle online gender-based violence and gendered disinformation. This will require vocational/technical training at both education and work levels.
- **Women's participation in decision-making roles pertaining to the internet and/or in the technology sector:** For example, when women's participation in relevant policy-making forums is restricted.[33] As described above, companies must work towards hiring a more diverse pool of employees, and ensure that their voices are heard at all levels of decision-making processes and product development.
- **Reform of business models**: In particular, the exploitation of personal data and the use of algorithms embedded with gender biases.

3. Access to remedy

What are the gender-related challenges to the ability of state-based judicial and non-judicial grievance mechanisms to provide for accountability and remedy in case of human rights abuses relating to technology companies? And what are potential solutions to address and/or overcome such challenges?

Internal biases, systemic barriers and potential solutions:

- **Contradictory interests:** States' interests and behaviours may be in direct contradiction to providing accountability and remedy in case of human rights abuses. We have described above the case of surveillance technological tools being used/sold to specifically target parts of the population, including marginalised and vulnerable groups. States must be held accountable including via international human rights law and the UN Guiding Principles.
- **Legal reform:** Mandatory due diligence legislation is still lacking, and there needs to be a push for legislation requiring access to remedy.
- **Systemic biases:** States are not systematically able to ensure that judicial and non-judicial institutions are capable of providing gender-transformative remedies to achieve substantive gender equality. Measures are needed to ensure that remedial mechanisms – both judicial and non-judicial – are responsive to gender bias, discrimination, patriarchal power structures, and asymmetries of information and resources, at the state level and within companies. States must build the capacity of judges, prosecutors, police officers and other actors to ensure that they operate with gender sensitivity

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33 https://www.itu.int/en/council/cwg-internet/Pages/display-oct2017.aspx?ListItemID=54

when dealing with complaints about adverse impacts on women's human rights.

- **Capacity and resources**: When taking steps to reduce legal, practical and other barriers in accessing judicial mechanisms for cases of business-related human rights abuse, states should pay attention to the additional social/economic/political barriers faced by women in seeking effective remedies, for example, a low level of literacy and knowledge of their human rights, limited economic resources, gender stereotyping, discriminatory laws, patriarchal cultural norms and household responsibilities.
- **Coordination with all actors:** States need to keep pushing to ensure that companies' interests align more with the interests of their citizens, and hold tech companies to account for the harm they cause.

How can technology companies make a more positive and proactive contribution to providing remedy addressing technology-related harms, from a gender perspective?

- **Impact:** Companies' focus with respect to remedy is too often on access to operational-level grievance mechanisms, with too little emphasis on the substance. Merely having a grievance mechanism does not mean the company is providing access to remedy: it must result in an outcome whereby the individual or group harmed is restored to their position prior to the harm.[34] This requires:
  - Accessibility: platforms must be designed inclusively to ensure accessibility for all, including people with physical, sensory or cognitive disabilities, people who are not literate, and people who speak minority languages.
  - Affordability: users must access remedy without too much expense.
  - Adequacy: remedies must respond to the current needs of users and their future long-term needs, with room to respond to harms discovered after the conclusion of compensation.
  - Timeliness: claims must be processed quickly, as delays can result in the denial of justice.
  - In high-risk locations, companies should consider establishing independent grievance mechanisms for human rights claims.
  - In addition to remedying specific adverse impacts, remedies in appropriate cases should also be aimed at bringing about systematic changes in discriminatory power structures within companies.[35]

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34 https://www.bsr.org/en/reports/access-to-remedy
35 https://www.ohchr.org/sites/default/files/Documents/Issues/Business/BookletGenderDimensions GuidingPrinciples.pdf

- **Collaboration with vulnerable groups:** Strengthen stakeholder engagement including of vulnerable groups who might be adversely impacted by companies' decisions, policies and products.
- **Capacity building:** Greater resources provided for capacity enhancement of teams in charge of providing remedies including to all women, girls and people of diverse genders and sexualities. Also, integrate human rights lawyers – especially from vulnerable groups – into human rights teams to raise awareness of the costs of unaddressed HR risks and potential violation.
- **Transparency:**
    - Companies should disclose if, when and why users may be exposed to tech products which perpetuate gender roles and stereotypes, what the company is doing to mitigate those risks, and how to access remedies when they experience harm due to gender-related data gaps, data breaches, harmful targeted advertisements, and misinformation/disinformation.
    - Greater transparency is needed in companies' responses to violence in digital contexts, and of their complaint mechanisms, including in order to better address non-English complaints, or to improve their terms of service to specifically mention any human rights abuses, especially those based on gender, sexuality or related issues.[36]
- **Systemic reforms:** Systemic reforms including how decisions are controlled by boards at Meta and X.[37]

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36 See FAQs: https://www.genderit.org/onlinevaw/faq/
37 https://www.business-humanrights.org/en/latest-news/big-tech-executives-continue-to-dismiss-shareholders-human-rights-concerns/