

제12회 아시아 인권포럼
The 12th Asia Human Rights Forum

신기술 시대의 인권과 인권경영

Human Rights, Business, and Technology:

An Evolving Agenda



2019.10.29 - 30 09:00 - 18:00

3F, Diamond Hall, FKI Conference Center, Seoul

서울 전경련회관 3층 다이아몬드 홀

CO-ORGANISERS:



고려대학교 인권센터
Korea University of
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The Human
Rights, Big Data
and Technology
Project



SSK
HUMAN RIGHTS FORUM



한국인권학회
Korean Association of
Human Rights Studies

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Program

Day 1

(Oct. 29, Tue)

Time	Program
09:00-09:30	Registration
09:30-10:00	<p>Opening Ceremony</p> <p>Opening Remarks</p> <ul style="list-style-type: none"> Changrok Soh, President of Human Asia, UN Human Rights Council Advisory Committee Member, and Director of Korea University Human Rights Center <p>Welcoming Remarks</p> <ul style="list-style-type: none"> Lene Wendland, Chief of the Business and Human Rights Section, OHCHR Lorna McGregor, Professor of International Human Rights Law, Director of the Human Rights Center and PI and Director of the ESRC Human Rights, Big Data and Technology Project at the University of Essex Seonghoon Anselmo Lee, Vice-President of Korea Association of Human Rights Studies (KAHRS) and Adjunct Professor, Graduate School of Public Policy & Civic Engagement, Kyunghee University <p>Congratulatory Remarks</p> <ul style="list-style-type: none"> Sangchul Lee, Standing Commissioner, National Human Rights Commission of Korea Heeseok Hwang, Director-General of Human Rights Bureau, Ministry of Justice
10:00-10:20	Break
10:20-12:20	<p>Session 1: UN Responses to the Human Rights Impact of New and Emerging Technologies</p> <ul style="list-style-type: none"> Moderator: Lene Wendland, Chief of the Business and Human Rights Section, OHCHR Presentation 1: Tackling Challenges of New and Emerging Technology (Changrok Soh, UN Human Rights Council Advisory Committee Member, President of Human Asia, and Director of Korea University Human Rights Center) Presentation 2: UN Secretary General's High Level Panel on Digital Cooperation - Report Briefing & an Ethical Framework for Responsible Artificial Intelligence (AI) (Soowon Eom, Panel Member of the UNSG's High-level Panel on Digital Cooperation, and Founder and CEO of Adriel) <p>Panel discussion:</p> <ul style="list-style-type: none"> John Sagar, First Secretary (Political Affairs) at the Delegation of the European Union to the Republic of Korea Kyungsin Park, Professor at Korea University Law School and Director, Open Net Korea Heisoo Shin, Member, UN Committee on Economic, Social and Cultural Rights(CESCR) and Invited Professor, Graduate School of International Studies(GSIS), Ewha Womans University Edwin Rekosh, Co-Founder of Rights Colab Sabrina Rau, Senior Research Officer for The Human Rights, Big Data and Technology Project <p>Open discussion</p>
12:20-13:30	<p>Lunch</p> <p>Luncheon speech ¹ By Kihwan Kweon, Director-General for International Organizations, Ministry of Foreign Affairs (MOFA)</p>

¹Luncheon generously sponsored by Ministry of Foreign Affairs, Republic of Korea

13:30-15:30

Session 2: The Human Rights Implications of AI

- Moderator: Ryan Seryeon Song, Professor at Kyung Hee University School of Law
- Presentation 1: Lorna McGregor, Professor of International Human Rights Law, Director of the Human Rights Center and PI and Director of the ESRC Human Rights, Big Data and Technology Project at the University of Essex
- Presentation 2: Gendered impact of artificial intelligence: Are we responding intelligently? (Surya Deva, Associate Professor at the School of Law of City University of Hong Kong, and Member of the UN Working Group on Business and Human Rights)
- Presentation 3: Shortcuts, Gaps and Traps (Daniel Connolly, Research Professor at Korea University Graduate School of International Studies)

Panel discussion:

- Minseob Kim, Deputy Director of the Human Rights Policy Division, National Human Rights Commission of Korea
- Daewon Kim, Director of Policy Support Team at Kakao Corporation
- Kelly Kha Yeun Kim, Attorney-at-law, Open Net Korea
- OK Baek, Distinguished Fellow & Head of Cognitive & Self-Adaptive AI (CybreBrain) Research and Development, ETRI

Open discussion

15:30-15:50

Break

15:50-17:50

Session 3: Exemplary Practices of Corporate Human Rights Management

- Moderator: Sangcheoul Lee, Professor and Coordinator in the Department of Public Policy and Management of Pusan National University, and Member of Korean Committee for the Management of Public Institutions
- Presentation 1: Establishing Mechanisms on Human Rights and Business for the Public Enterprises (Seungkee Shim, General Manager of the Corporate Culture Team at the Management Cooperation Department, Korea Gas Corporation, KOGAS)
- Presentation 2: Positive Impacts of the Corporate Sector on Human Rights (Gahee Jin, Assistant Manager at Postal Savings & Insurance Development Institute, PoSID)

Panel discussion:

- Yujung Shin, Deputy Director, Ministry of Justice, Korea
- Minwoo Kim, Research Professor at Korea University Human Rights Center
- Kyungjae Jho, Deputy Director, Data & Statistics Division, Daegu Metropolitan City (Former Specialist in Business and Human Rights, Economic Social Cultural Rights Division, National Human Rights Commission of Korea)
- Sangsoo Lee, Professor at Sogang University School of Law
- Angela Joohyun Kang, Founder and Executive President, Global Competitiveness Empowerment Forum (GCEF)
- Eunseok Kim, Principal Consultant, KOREA'S Most Admired Companies (KMAC)

Open discussion

17:50-18:00

Closing comments

Day 2**(Oct. 30, Wed)**

Time	Program
09:00-09:30	Registration
09:30-11:30	<p>Session 4: The Role of States and Businesses in Human Rights Accountability and Remedy</p> <ul style="list-style-type: none"> • Moderator: Lene Wendland, Chief of the Business and Human Rights Section, OHCHR <p>Panel discussion:</p> <ul style="list-style-type: none"> • Ohyoung Song, Director of the Economic Social Cultural Rights Division at National Human Rights Commission of Korea • Surya Deva, Associate Professor at the School of Law of City University of Hong Kong, and Member of the UN Working Group on Business and Human Rights • Hyunphil Na, Director of the Korean House for International Solidarity (KHIS) • Jaechang Oh, Attorney-at-law at Haemaru Law Firm and Commissioner of the Korean National Contact Point (NCP) • Kyungsin Park, Professor at Korea University Law School and Director, Open Net Korea <p>Open discussion</p>
11:30-13:00	Lunch
13:00-15:00	<p>Session 5: Enhancing the Effectiveness of Non-State-Based Grievance Mechanisms for Business-Related Human Rights Abuses</p> <ul style="list-style-type: none"> • Introduction: Lene Wendland, Chief of the Business and Human Rights Section, OHCHR <p>Panel discussion:</p> <ul style="list-style-type: none"> • Suhasini Singh, India Country Manager of the Fair Wear Foundation • Lalanath De Silva, Head of the Green Climate Fund's Independent Redress Mechanism • Donghyun Kim, Attorney-at-law, Korean Lawyers for Public Interest and Human Rights <p>Open discussion</p>
15:00-15:30	Break
15:30-17:30	<p>Session 6: Access to Remedy Through Non-State-Based Grievance Mechanisms in the Technology Sector</p> <ul style="list-style-type: none"> • Moderator: Lene Wendland, Chief of the Business and Human Rights Section, OHCHR • Introduction: Lorna McGregor, Professor of International Human Rights Law, Director of the Human Rights Center and PI and Director of the ESRC Human Rights, Big Data and Technology Project at the University of Essex <p>Panel discussion:</p> <ul style="list-style-type: none"> • Changrok Soh, UN Human Rights Council Advisory Committee Member, President of Human Asia, and Director of Korea University Human Rights Center • Byoungil Oh, President, Korean Progressive Network Jinbonet • Chenie Yoon, Head of Public Policy at Twitter Korea <p>Open discussion</p>

첫째 날

10월 29일 화요일

Time	Program
09:00-09:30	등록
09:30-10:00	<p>개회식</p> <p>개회사 - 서창록, 휴먼아시아 대표, 유엔 인권이사회 자문위원회 위원, 고려대학교 인권센터장</p> <p>환영사 - Lene Wendland, 유엔인권최고대표사무소(OHCHR) 기업과 인권 소장 - Lorna McGregor, 에섹스대학교 국제 인권법 교수 및 인권센터장, 영국 경제사회 연구위원회 (ESRC), 인권, 빅데이터와 기술프로젝트 연구책임자 및 소장 - 이성훈, 한국인권학회 부회장, 경희대학교 공공대학교 특임교수</p> <p>축사 - 이상철, 국가인권위원회 상임위원 - 황희석, 한국 법무부 인권국장</p>
10:00-10:20	휴식
10:20-12:20	<p>세션 1. 신기술 인권의 영향에 대한 UN의 대응</p> <p>좌장: Lene Wendland, 유엔인권최고대표사무소(OHCHR) 기업과 인권 소장</p> <p>발제 1 - Tackling Challenges of New and Emerging Technology (서창록, 유엔 인권이사회 자문위원회 위원, 휴먼아시아 대표, 고려대학교 인권센터장) 2 - UN Secretary General's High Level Panel on Digital Cooperation - Report Briefing & an Ethical Framework for Responsible Artificial Intelligence (AI) (엄수원, 디지털 협력에 관한 유엔고위급패널 위원, 아드리엘, Adriel, 설립자 및 대표)</p> <p>지정토론 - John Sagar, 주한유럽연합 대표부 제1서기관 - 박경신, 고려대학교 법학전문대학원 교수, 오픈넷 코리아 이사 - 신혜수, 유엔 경제적 사회적 문화적 권리위원회 위원, 이화여대 국제대학원 초빙교수 - Edwin Rekosh, Rights CoLab 공동설립자 - Sabrina Rau, 영국 경제사회 연구위원회(ESRC), 인권, 빅데이터와 기술프로젝트 책임연구원</p> <p>자유토론</p>
12:20-13:30	<p>점심 시간 오찬사 권기환, 외교부 국제기구국장</p>

<p>13:30-15:30</p>	<p>세션 2. 인권에 대한 인공지능(AI)의 영향</p> <p>좌장: 송세련, 경희대학교 법학전문대학원 교수</p> <p>발제</p> <p>1 - Lorna McGregor, 에섹스대학교 국제 인권법 교수 및 인권센터장, 영국 경제사회 연구위원회 (ESRC), 인권, 빅데이터와 기술프로젝트 연구책임자 및 소장</p> <p>2 - Gendered Impact of Artificial Intelligence: Are We Responding Intelligently? (Surya Deva, 홍콩시립대학교 교수, 유엔 기업과 인권 실무그룹 위원)</p> <p>3 - Shortcuts, Gaps and Traps (Daniel Connolly, 고려대학교 국제대학원 연구교수)</p> <p>지정토론</p> <ul style="list-style-type: none"> - 김민섭, 국가인권위원회 인권정책과 사무관 - 김대원, 카카오 대외정책팀 이사 - 김가연, 오픈넷 코리아 변호사 - 백옥기, 한국전자통신연구원 (ETRI), IDX+ 원천기술 (인공지능) 연구개발 총괄책임 연구위원 <p>자유토론</p>
<p>15:30-15:50</p>	<p>휴식</p>
<p>15:50-17:50</p>	<p>세션 3. 인권경영의 모범사례</p> <p>좌장: 이상철, 부산대학교 공공정책학부 교수, 기획재정부 공공기관운영위원회 민간위원 겸 평가소위 위원장</p> <p>발제</p> <p>1 - 공기업의 인권경영 메커니즘 구축 (심승기, 한국가스공사 경영협력처 기업문화부 부장)</p> <p>2 - 인권에 대한 기업의 긍정적 영향 (진가희, 우체국 금융개발원 대리)</p> <p>지정토론</p> <ul style="list-style-type: none"> - 신유정, 법무부 인권정책과 사무관 - 김민우, 고려대학교 인권센터 연구교수 - 조경재, 대구광역시 데이터기획팀장(前 국가인권위원회 사무관) - 이상수, 서강대학교 법학전문대학원 교수 - 강주현, 글로벌경쟁력강화포럼(GCEF) - 김은석, 한국능률협회컨설팅(KMAC) 수석컨설턴트 <p>자유토론</p>
<p>17:50-18:00</p>	<p>폐회</p>

Time	Program
09:00-09:30	등록
09:30-11:30	<p>세션 4. 책임과 구제에 관한 정부 및 기업의 역할</p> <p>좌장: Lene Wendland, 유엔인권최고대표사무소(OHCHR) 기업과 인권 소장</p> <p>지정토론</p> <ul style="list-style-type: none"> - 송오영, 국가인권위원회 사회인권과 과장 - Surya Deva, 홍콩시립대학교 교수, 유엔 기업과 인권 실무그룹 위원 - 나현필, 기업과 인권 네트워크 소속, 국제민주연대 사무국장 - 오재창, 법무법인 해마루 변호사, 한국 NCP 민간위원 - 박경신, 고려대학교 법학전문대학원 교수, 오픈넷 코리아 이사 <p>자유토론</p>
11:30-13:00	점심
13:00-15:00	<p>세션 5. 기업 관련 인권 침해에 관한 비국가기반의 독립적 고충해결 시스템의 효과를 어떻게 증진할 것인가?</p> <p>소개: Lene Wendland, 유엔인권최고대표사무소(OHCHR) 기업과 인권소장</p> <p>지정토론</p> <ul style="list-style-type: none"> - Suhasini Singh, Fair Wear 재단 인도 지부장 - Lalanath De Silva, 녹색기후기금 시정조치부서 대표 - 김동현, 희망을 만드는 법 공익 인권변호사 모임 변호사 <p>자유토론</p>
15:00-15:30	휴식
15:30-17:30	<p>세션 6. 기술 분야에서 비국가기반의 고충해결 시스템을 통한 구제에의 접근</p> <p>좌장: Lene Wendland, 유엔인권최고대표사무소(OHCHR) 기업과 인권 소장</p> <p>소개: Lorna McGregor, 에섹스대학교 국제 인권법 교수 및 인권센터장, 영국 경제사회 연구위원회(ESRC), 인권, 빅데이터와 기술프로젝트 연구 책임자 및 소장</p> <p>지정토론</p> <ul style="list-style-type: none"> - 서창록, 유엔 인권이사회 자문위원회 위원, 휴먼아시아 대표, 고려대학교 인권센터장 - 윤채은 트위터 코리아 정책실장 - 오병일, 진보네트워크센터 대표 <p>자유토론</p>

Opening Remarks **개회사**



Good morning distinguished guests and participants. It is my honour to welcome you all to the 2019 12th Asia Human Rights Forum, entitled ‘Human Rights, Business and Technology: An Evolving Agenda’. My name is Changrok Soh. I am a Professor at Korea University’s Graduate School of International Studies; the Director of Korea University Human Rights Center; and the President of Human Asia. I am also currently a member of the United Nations Human Rights Council Advisory Committee.

I would firstly like to express my gratitude to the co-organisers of this year’s forum. Human Asia has been hosting this event since 2006 and has conducted the forum successfully on several occasions with our partners at Korea University and SSK Human Rights Forum. This year we have been lucky enough to also co-organise the event with the Korea Association of Human Rights Studies, the Office of the United Nations High Commissioner for Human Rights, and the Essex Human Rights Centre’s Human Rights, Big Data and Technology Project, from the University of Essex. I would like to thank all of our generous sponsors; without whom this forum would have never been able to expand internationally in the way that it has. I would further like to extend a warm welcome to all of the organisations, companies and universities who have sent representatives to participate today: some from across the country, and others from across the world.

The main objectives of this year’s forum are twofold. Firstly, the forum seeks to explore and assess the impact of new and emerging digital technologies on human rights, and determine how effectively UN mechanisms are addressing the human rights implications of the Fourth Industrial Revolution. Secondly, the forum will investigate challenges and tasks within regional trends relating to businesses and human rights, focusing on legal mechanisms for human rights in the context of business activities, and on accountability and access to remedy for victims of business-related human rights abuses through non-state-based grievance mechanisms.

This agenda is in response to the dramatic corporate, technological and social change that has unfurled across the world in the past decade. The UN Guiding Principles on Business and Human Rights represented the first global standard against potential adverse impacts on human rights through business activity. This initial stimulation by the UN resulted in twenty-one countries to date actively

implementing National Action Plans on business and human rights, with an additional twenty-three - including Asian states such as Japan, Myanmar, Malaysia, and Taiwan - in the preparation process. It now seems that involved stakeholders increasingly recognise the benefits of human rights-centric policies in business strategies: from realizing sustainable development, to improving corporate competitiveness.

Yet human rights-related concerns still remain. OHCHR's Accountability and Remedy Project, for instance, has highlighted the ongoing struggle for victims of business-related human rights violations in accessing remedy, despite the right to remedy being recognised within the Guiding Principles. The rise of AI and hyperconnectivity has led to questions on the effectiveness of present policies, legal systems and due diligence practices. And, as demonstrated throughout our past forums, cooperation and communication within Asia on both these and other human rights-related issues remains lacking.

Given such developments, I believe that this forum will function as a much-needed open space where business leaders, innovators, international organisations, academics and members of civil society can discuss corporate responsibility, accountability, and technology through a human rights framework. It is a unique opportunity to evaluate the changing nature of these issues, and conceptualise pragmatic, human-rights friendly approaches. I hope that these discussions will spur greater cooperation for human rights in Asia now and in the future, in two vital and ever-expanding areas.

Thank you for your attention.

Changrok Soh

President of Human Asia

Director of Korea University Human Rights Center

Professor at Korea University, Graduate School of International Studies

Welcoming Remarks 환영사



Thank you, Professor Soh.

Excellencies, distinguish representatives of government, business, civil society, academia and others,

It is a very great pleasure for me to be here at the 12th Asia Human Rights Forum. It is my first time in the Republic of South Korea and I am delighted and honoured that my first visit is on the occasion of this important event, focused on the topic of Human Rights, Business, and Technology.

It is a particular pleasure to have worked with the co-organising organisations Human Asia, Korea University Human Rights Center, The Human Rights, Big Data and Technology Project at the University of Essex, the SSK Human Rights Forum, and the Korean Association of Human Rights Studies to bring together so many stakeholders and experts to join the deliberations.

The United Nations Human Rights Office has, alongside other human rights bodies and mechanisms, over the last few years significantly expanded our focus on the interlinkages between human rights and digital technologies.

There is no need for me to remind this audience of the positive impact of digital technology, both for development and for human rights. These tools enable us to connect, communicate, investigate, empower, design, structure, deliver and evaluate as never before, helping to drive progress towards each of the Sustainable Development Goals.

However, these many, and unquestionable, benefits of the digital revolution do not cancel out its risks to human rights. One major concern is the bias that is embedded into many of the artificial intelligence systems in use by Governments and businesses. The future medical conditions of large numbers of people, their suitability for jobs and bank loans, and even the likelihood that they may commit crimes, are being assessed by AI systems which may reflect the unconscious prejudice of their designers.

Poorly supervised systems for predictive analytics and automated decision-making are also increasingly being used to calculate social protection benefits and reimbursements, as the Human Rights Council's Special Rapporteur on extreme poverty showed last month, in a ground-breaking report to the General Assembly.

To ensure that respect for human rights are firmly at the core of how we develop, use and govern digital technologies is a task that requires far more than a quick de-risking, some training programs or episodic impact assessments. Codes of conduct, ethics statements and voluntary compliance are also not sufficient or robust enough

for challenges on this scale.

This is where the international human rights framework can come in to help us navigate the uncertain terrain presented to us by developments in the digital sphere. Internationally agreed human rights standards have unrivalled global legitimacy, provide the kind of precision that ethical frameworks lack, and constitute a concrete, legal foundation on which States and firms can build their responses in the digital age.

The UN Guiding Principles on Business and Human Rights also help to clarify the respective roles and responsibilities of States and the private sector, and offer road maps to:

- o Outline what responsible business conduct looks like – in practice – in terms of the development, application, sale and use of digital technologies;
- o Guide policy-makers in laying down human rights safeguards, through a smart mix of regulation, incentives and public policy tools
- o Develop workable models for remedy and accountability when harm has occurred.

UN Human Rights has recently launched a project, entitled the B-Tech Project, that will engage all stakeholders to assess the risks and opportunities they encounter through digital technologies. We will seek to use the Guiding Principles on Business and Human Rights to provide advice to companies and policy-makers on how to identify and mitigate risks and best ensure that digital technology is a force for good, by preventing and addressing related human rights harms.

I am delighted to explore the challenges, opportunities and solutions related to digital technology with all of you over the next two days. There is an urgency to what we will be discussing: At its best, the digital revolution will empower and connect people, and generate vast new opportunities and well-being for everyone. At its worst, it will disempower, disconnect, misinform, distort and marginalise. We all need to work together to achieve the former and prevent the latter outcome of these momentous developments facing all of human kind.

Thank you for your attention.

Lene Wendland

Chief, Business and Human Rights, OHCHR
Human rights, Business and Technology

Welcoming Remarks 환영사



Good morning and welcome to our esteemed speakers, guests and participants.

We are delighted to co-host this important conference together with Human Asia, Korea University Human Rights Center, the Korean Association of Human Rights Studies, the SSK Human Rights Forum and the UN Office of the High Commissioner for Human Rights. We would like to extend our sincere thanks and gratitude to our partners for their extensive work and support in putting together what is a very exciting programme for the next two days.

I am the Director of a multi-disciplinary research project, the Human Rights, Big Data and Technology Project which is based at the Human Rights Centre at the University of Essex in the UK.

We are a team of computer and data scientists, economists, lawyers, philosophers, political scientists and sociologists who research how human rights are both put at risk and can flourish through the use of big data analytics, artificial intelligence and other new and emerging technologies. We do this by researching individual technologies, such as facial recognition technologies, and the integration of various technologies in smart homes and smart cities. We look at their impact in particular contexts such as when used by law enforcement, for health care and social care, and in the humanitarian context. Through this research we have found that all human rights are potentially at risk by the use of such technologies but also that new and emerging technologies may enhance our enjoyment of human rights, by for example, enabling us to live independently at home in later life.

Our project proposes ways in which to deal with the risks posed by new and emerging technologies, particularly through governance and regulation of states and companies, so that we can all enjoy the benefits offered by new technologies. A key approach in our work is to emphasise the importance of embedding existing human rights principles in the design and use of new and emerging technologies. Many national AI strategies and AI policies issued by technology companies focus on ethical and 'responsible' AI principles. These are important but they are insufficient to address the risks of these technologies. In our work, we have identified that human rights principles are critical to embed within the regulation, governance, design and use of new and emerging technologies. This is because

- Human rights are underpinned by ethical concepts, such as dignity, fairness, participation and inclusion
- They provide concrete definitions and established test to determine harm
- They are based on existing state obligations and business responsibilities so do not require the reinvention of the wheel
- They provide a framework for accountability, oversight, and remedies which is often absent in AI strategies
- They are agile and adaptable and not anti-innovation

In this regard, we look forward to the important work of Professor Soh as the rapporteur of the Advisory Council of the UN Human Rights Council and emphasise the important role of the UN in this space, as well as the leadership of states and companies.

We are very much looking forward to the next two days so that we can learn from the esteemed speakers and participants on how to ensure that human rights are not only protected but able to flourish in the age of AI.

Prof Lorna McGregor

Director, ESRC Human Rights, Big Data and Technology Project
Human Rights Centre, University of Essex

Congratulatory Remarks 축하



안녕하십니까?

국가인권위원회 상임위원 이상철입니다.

오늘 열두 번째를 맞이하는 아시아 인권포럼에서, 인권에 대한 신기술의 영향 및 인권경영을 주제로 포럼이 개최되는 것에 대해 진심으로 환영하고 축하드립니다.

아울러 오늘과 내일, 이틀에 걸쳐, 각 분야의 전문가 분들께서 모여 기업의 인권존중 책임 이행을 위한 논의를 해주시는 것에 대해 진심어린 감사와 격려의 말씀을 전하며, 이 행사를 준비하신 관계자 여러분들께도 감사드립니다.

오늘 여기 모이신 여러분들께서 잘 아시는 바와 같이, 이미 유엔 등 국제사회는 기업의 사회적 영향력이 점차 커짐에 주목하고, 2011년 「유엔 기업과 인권 이행지침」을 마련하여 인권보호를 위한 국가의 의무, 기업의 인권존중 책임, 인권침해 발생 시 구제 등 3대 원칙을 천명하였습니다.

이러한 원칙을 실행하기 위해 미국, 독일 등의 국가에서는 기업과 인권에 관한 국가 인권정책기본계획(기업과 인권 NAP) 수립 등을 통해 기업의 인권존중 책임 실현을 위한 제도적 기반을 마련하였습니다. 이에 따라 해외 다국적 기업들은 인권영향평가를 실시하고, 기업활동 과정에서의 인권침해 예방을 위해 노력합니다.

이러한 국제동향에 발맞추어 2018년 8월 국가인권위원회도, 위원회가 마련한 인권경영매뉴얼을 활용하여 각 공공기관이 인권경영을 실행할 것을 권고하였습니다. 이에 따라 대부분의 공공기관은 인권경영 체계를 구축하고 인권경영을 선언하였으며, 인권영향평가를 준비하고 있습니다.

뿐만 아니라 정부는, 제3차 국가인권정책기본계획 수립 시 기업과 인권에 관한 장을 별도로 신설하였으며, 법무부는 인권경영을 민간기업으로 확산하기 위해 2019년 연구용역을 진행하는 등 인권경영은 이제 국내외적으로 거스를 수 없는 시대적 흐름입니다.

그러나 여전히 우리 사회와 기업에서는, 가슴기 살균제 사건 등과 같이 소비자의 생명과 건강 침해, 기업 내에서는 직장 내 괴롭힘과 성차별 문제 등과 같은 다양한 인권 문제가 발생합니다.

그런데 과거와는 달리 인권침해 문제에 제대로 대응하지 못하는 기업은, 매출의 하락뿐만 아니라 생존의 문제에 직면하게 됩니다.

또한 공공기관 경영평가 시 인권증진을 위한 노력과 사회적 책임에 관한 사항이 포

함되어 각 공공기관이 인권경영 체계를 구축하고 있고, 인권침해가 발생하는 기업의 글로벌 시장 진출 및 생존이 어렵다는 점에서, 각 기업에서는 지속가능한 성장을 위해서라도 인권 존중의 경영 활동이 필수적으로 요구됩니다.

여러분!

여러분들께서 잘 아시는 바와 같이, 인권경영은 기업의 모든 경영활동에 있어 인권을 고려하는 것을 의미하며, 구체적으로는 직장 구성원뿐만 아니라 소비자, 지역주민, 하청업체 등 공급망, 더 나아가 해외 현지 주민의 인권까지 침해하여서는 안된다는 원칙을 말합니다.

그러나, 여전히 많은 기업들은 인권과 사회적 책임에 대해 사회공헌 활동 정도로만 이해하고 있으며, 이러한 인식은 공공기관도 크게 다르지 않습니다.

인권경영은 기업의 본질적 경영활동, 다시 말해 물건을 생산하고 판매하며 소비자가 사용하는 과정 등에서 모든 이해관계자에게 발생할 수 있는 인권침해를 예방하기 위해 등장한 개념이며, 4차 산업혁명 시기를 맞이하여 새로운 기술과 새로운 유형의 노동 증가로 인해 그 중요성은 더욱 커진다고 할 수 있습니다.

특히 정보통신기술 발전에 따라 일상생활 속에서도 사생활에 대한 침해 가능성이 높아지고, 배달대행업과 같은 플랫폼종사 노동이 증가함에 따라 노동취약계층이 증가하고 노동관계법에 의한 보호가 약해져, 이들의 인권이 침해될 가능성이 높아지고 있습니다. 또한 향후 인공지능(AI)와 로봇기술 발달에 따른 인권문제에도 대비할 필요가 있습니다.

이러한 점에서, 오늘 마련된 이 포럼은 미래기술 발전에 대비해 인권 문제를 사전에 점검한다는 점에서 매우 중요하다고 할 수 있습니다.

이에 대해 오늘 모이신 여러 전문가 분들께서 좋은 논의를 진행해주시리가 믿어 의심치 않고, 저희 국가인권위원회도 포럼에서 논의된 내용을 토대로 인권경영 확산 및 인권침해 예방을 위해 더욱 노력하겠습니다.

미래 기술발전과 인권을 위해 고민해주시고 애써주시는 여러분들께 다시 한번 감사드리며, 가정 내 건강과 행복이 가득하시길 기원합니다. 감사합니다.

국가인권위원회 상임위원 **이상철**

Congratulatory Remarks 축하



1.

여러분 반갑습니다.

법무부 인권국장 황희석입니다.

먼저, ‘신기술 시대의 인권과 인권경영’을 주제로 한 ‘제12회 아시아 인권포럼’에 함께하게 되어 매우 기쁩니다.

이번 아시아 인권포럼은 지난 7월 우리 정부의 주도로 유엔 인권이사회에서 “신기술과 인권” 결의가 채택된 뒤, 처음으로 정부, 기업, 유엔 인권기구 등 다양한 분야의 전문가들이 모여 국제인권규범의 틀에서 ‘신기술과 인권’ 문제를 논의하는 매우 뜻깊은 자리입니다.

빅데이터, 사물인터넷, 인공지능 등 신기술의 발전이 우리의 일상에 나날이 큰 영향을 미치는 가운데, 시의적절한 공론의 장을 마련하여 주신 주최 측에 감사드립니다.

2.

인간의 존엄을 수호하고 개인의 인권을 보호하는 것은 모든 국가의 목표이자 의무입니다.

그러나 오늘날, 신기술의 급속한 발전으로 국가는 인권을 보호하기 위한 정책을 만들고 집행하는 데에 새로운 도전을 맞고 있습니다.

인공지능, 빅데이터 등 새로운 정보기술은 우리나라를 포함한 많은 국가에게 다변화된 현대사회를 보다 정확하게 예측하고 대응하기 위하여 반드시 필요한 기술이자, 새로운 성장 동력이기도 합니다.

그러나 빛이 있는 곳에 그림자가 있듯, 신기술의 발전이 인권에 부정적인 영향을 미친다는 우려의 목소리도 높습니다.

특히 빅데이터 기술과 정보인권, 깃(gig) 이코노미*와 불안정한 노동 등이 각국의 사회·경제적 문제로 부상하고 있습니다.

※ 깃(gig): 기업이 수요에 따라 단기·임시로 인력을 채용하는 현상. 우버(uber) 운전자가 대표적 사례.

또, 2016년 캠브리지 애널리티카 스캔들과 같이 ICT 기업이 정보주체의 의사를 넘어서서 개인정보를 수집하고, 활용한 사건들은 기업이 다른 사회 구성원의 인권을 존중하지 않는다면 신기술의 부정적 영향이 더욱 커질 수 있음을 보여줍니다.

따라서 사회경제적 변화에 대응하여 인권을 보호할 국가의 의무와 함께, 기업의 책임, 즉 ‘기업과 인권’에 대한 논의 역시 ‘신기술과 인권’ 문제의 중요한 축을 이룹니다.

이러한 상황에서, “과연 어떻게 기술의 발전이 인간의 자유롭고 존엄한 삶에 보다 이로운 방향으로 활용될 수 있도록 할 것인가?”라는 질문은 오늘날 인권정책을 설계하고 집행하는 모든 주체에게 주어진 무거운 숙제입니다.

3.

법무부는 지난해 ‘인권정책의 신(新)패러다임 - 사람 중심 지능정보사회, 어떻게 이

를 것인가?’를 주제로 ‘제4차 국제인권 심포지엄’을 개최하여, 과학기술의 발전에 따른 급격한 경제적·사회적 변화가 인권에 미치는 영향과 보다 효과적인 인권보호 방안에 대한 국내외 전문가의 의견을 청취하였습니다.

올해에는 민간 기업을 위한 ‘기업 인권경영 지침’ 발간을 추진하며, ‘기업과 인권’ 관련 국제인권기준을 국내에서 제도화하기 위한 첫걸음을 내딛고 있습니다.

이러한 법무부의 노력에도 불구하고, 국내에서 기술의 발전이 인권에 미치는 영향을 진단하여 부정적 파급효과를 최소화하는 정책을 만들어내기까지는 더 많은 관심과 논의가 필요합니다.

법무부는 정부 내 인권옹호 사무의 주무부처로서 관계 부처 및 시민사회와 협력하며, 경제적·사회적 변화에 발맞춘 인권정책을 수립하기 위해 최선을 다하겠습니다.

4.

오늘 이 자리를 마련해 주신 주최 측에 다시 한 번 감사드리며, 이번 ‘아시아 인권포럼’이 정부, 유엔 인권기구, 기업, 국가인권위원회 등 다양한 주체가 함께 ‘4차 산업혁명’ 시대의 새로운 인권정책을 모색해 나가는 계기가 되기를 바랍니다.

법무부 역시 오늘 개진되는 의견 하나하나를 소중히 경청하도록 하겠습니다.

고맙습니다.

한국 법무부 인권국장 황희석

SPEAKERS
주요연사

Opening Ceremony >>>>



Changrok Soh

- Opening Ceremony
- Opening Remarks

Changrok Soh is Professor of Korea University Graduate School of International Studies and the Director of Human Rights Center. He is a member of the Advisory Committee of UN Human Rights Council (UN HRC) and is the President of Human Asia, which is a UN DPI accredited Human Rights NGO. He also serves as the President of Korea Academic Council on the United Nations System (KACUNS), a Vice President of Korean Association of Human Rights Studies and the Director of SSK (Social Science Korea) Human Rights Forum, an inter-university research group on human rights funded by the National Research Foundation of Korea. He has a special interest in the field of human rights and human security, especially in East Asia, where he has published many notable articles including “Business and Human Rights Case Study of Korean Companies Operating Overseas: Challenges and a New National Action Plan,” “Extending Corporate Liability of Human Rights Violations in Asia,” “Permanent War: Oppositional Memory Work and North Korean Human Rights,” and “Cosmopolitan Memories in East Asia: Revisiting and Reinventing the Second World War.” Professor Soh has integrated his academic research into human rights policy through his role in the advisory committee of UN HRC, where he provides expertise to the Council. In order to protect and promote human rights in the Asian region, he has led human rights advocacy campaigns and community development projects in many Asian countries such as Nepal and India. After graduating from the Department of International Relations at Seoul National University, he received his Ph.D. as well as MALD from the Fletcher School of Law and Diplomacy at Tufts University in the US.



Lene Wendland

- Opening Ceremony
- Welcoming Remarks

Lene Wendland is Chief of the Business and Human Rights Section in UN Human Rights. She was part of the team of former Special Representative of the UN Secretary-General on Business and Human Rights, Professor John Ruggie, and contributed to the development and drafting of the UN Guiding Principles on Business and Human Rights. Lene directs the UN Human Rights’ Corporate Accountability and Remedy Project, which aims to enhance accountability and access to remedy in cases of business involvement in human rights abuses. She also directs a new initiative by UN Human Rights – the B-Tech Project – applying the UN Guiding Principles on Business and Human Rights to key human rights challenges related to digital technologies. Lene is a member of the FIFA Independent Human Rights Advisory Board and represents UN Human Rights in the Governance Committee of the Centre for Sport and Human Rights. Lene holds a Masters degree in law from the University of Copenhagen.



Lorna McGregor

- Opening Ceremony
- Welcoming Remarks

Lorna McGregor is a Professor of International Human Rights Law and Director of the Human Rights Centre at the University of Essex. Lorna's current research focuses on big data, artificial intelligence (AI) and human rights. She is the PI and Director of the multidisciplinary ESRC Human Rights, Big Data and Technology (HRBDT) project. Her research has been funded by the British Academy, the ESRC and the Nuffield Foundation. Lorna is a Co-Chair of the International Law Association's Study Group on Individual Responsibility in International Law and a Contributing Editor of EJIL Talk!. She has held positions as a Commissioner of the British Equality and Human Rights Commission (2015 - 2019) and as a trustee of the AIRE Centre. Prior to becoming an academic, Lorna held positions at REDRESS, the International Bar Association, and the International Centre for Ethnic Studies in Sri Lanka.



Seonghoon Anselmo Lee

- Opening Ceremony
- Welcoming Remarks

Anselmo LEE is Vice-president of Korea Association of Human Rights Studies (KAHRS) and adjunct professor at the Graduate School of Public Policy and Civic Engagement at Kyunghee University in South Korea.

He is also a member of Policy Advisory Committee of the Ministry of Foreign Affairs (MoFA), Human Rights Expert Committee of the Korea International Cooperation Agency (KOICA) and Policy Committee of the Korea NGO Council for Overseas Development Cooperation (KCOC).

Internationally, he was one of the founders of the Asia Democracy Network (ADN) and the Asia Development Alliance (ADA), a regional network of national CSO platforms on UN Sustainable Development Goals (SDGs) and now senior adviser to both. He used to be a member of the International Board of CIVICUS (2012-2016)

He has engaged in human rights for almost two decades in various positions including Executive Director of the Korea Human Rights Foundation (KHRF) (2010-2017), Director General in charge of Policy at the National Human Rights Commission of Korea (NHRCK) (2008-2010) and Executive Director of Asian Forum for Human Rights and Development (FORUM-ASIA), a Bangkok-based regional human rights NGO (2005-2008).

Previously he used to work for Pax Romana ICMICA-International Catholic Movement of Intellectuals and Professionals as Secretary General based in Geneva. (1997-2004) and International Movement of Catholic Students (IMCS) Asia in Hong Kong (1988-1991)

이성훈 교수는 한국인권학회 부회장으로 경희대학교 공공대학원 특임 교수로 2008년부터 인권과 개발협력/ODA 및 지속가능발전목표(SDGs)에 대해 강의하고 있다. 2010-2019년부터 한국인권재단 비상근 상임이사로 활동했고 2017년 한국인권학회 설립에 총무이사로 참여하였다. 2011년부터 광주 세계인권도시포럼 기획 및 자문위원으로 활동했고 제1기 서울시 인권위원(2013-15)을 역임했다.

현재 국가인권위원회 국제인권 자문위원, 외교부 정책자문위원과 한국국제협력단(KOICA) 인권전문위원 및 자문위원 역할을 수행하고 있다. 국제시민사회에서는 아시아발전연대(ADA)와 아시아민주주의네트워크(AND) 창립에 기여하고 공동대표 역할을 수행했고 연재는 자문 역할을 수행하고 있다. 2008-10년 2년간 국가인권위원회에서 정책교육본부장으로 일했고 태국 방콕의 아시아인권단체연합회(FORUM-ASIA) 및 스위스 제네바의 국제가톨릭 지식인포럼(Pax Romana-ICMICA) 사무총장을 역임했다.



Sangchul Lee

- Opening Ceremony
- Congratulatory Remarks

주요경력

- 제24회 사법시험 합격
- 대구지방법원 판사
- 서울고등법원 판사
- 대구고등법원 판사
- 대구지법 안동지원장
- 서울중앙지방법원 부장판사
- 서울북부지방법원 수석부장판사
- 민주평화통일자문회의 상임위원
- 대한변호사협회 북한인권특위 위원
- 세월호참사 특별조사위원회 비상임위원
- Passed the 24th Judicial Examination
- Judge, Daegu District Court
- Judge, Seoul High Court
- Judge, Daegu High Court
- Head of Andong Branch, Daegu District Court
- Head Judge, Seoul Central District Court
- Chief Judge, Seoul Northern District Court
- Standing Commissioner, National Unification Advisory Council
- Member of North Korean Human Rights Committee, Korean Bar Association
- Non-standing Commissioner, National Special Investigation Committee on Sewol Ferry Disaster



Lene Wendland

- Session 1
- Moderator

Lene Wendland is Chief of the Business and Human Rights Section in UN Human Rights. She was part of the team of former Special Representative of the UN Secretary-General on Business and Human Rights, Professor John Ruggie, and contributed to the development and drafting of the UN Guiding Principles on Business and Human Rights. Lene directs the UN Human Rights' Corporate Accountability and Remedy Project, which aims to enhance accountability and access to remedy in cases of business involvement in human rights abuses. She also directs a new initiative by UN Human Rights – the B-Tech Project – applying the UN Guiding Principles on Business and Human Rights to key human rights challenges related to digital technologies. Lene is a member of the FIFA Independent Human Rights Advisory Board and represents UN Human Rights in the Governance Committee of the Centre for Sport and Human Rights. Lene holds a Masters degree in law from the University of Copenhagen.



Changrok Soh

- Session 1
- Presenter

Studies and the Director of Human Rights Center. He is a member of the Advisory Committee of UN Human Rights Council (UN HRC) and is the President of Human Asia, which is a UN DPI accredited Human Rights NGO. He also serves as the President of Korea Academic Council on the United Nations System (KACUNS), a Vice President of Korean Association of Human Rights Studies and the Director of SSK (Social Science Korea) Human Rights Forum, an inter-university research group on human rights funded by the National Research Foundation of Korea. He has a special interest in the field of human rights and human security, especially in East Asia, where he has published many notable articles including "Business and Human Rights Case Study of Korean Companies Operating Overseas: Challenges and a New National Action Plan," "Extending Corporate Liability of Human Rights Violations in Asia," "Permanent War: Oppositional Memory Work and North Korean Human Rights," and "Cosmopolitan Memories in East Asia: Revisiting and Reinventing the Second World War." Professor Soh has integrated his academic research into human rights policy through his role in the advisory committee of UN HRC, where he provides expertise to the Council. In order to protect and promote human rights in the Asian region, he has led human rights advocacy campaigns and community development projects in many Asian countries such as Nepal and India. After graduating from the Department of International Relations at Seoul National University, he received his Ph.D. as well as MALD from the Fletcher School of Law and Diplomacy at Tufts University in the US.



Soowon Sophie Eom

- Session 1
- Presenter

Sophie Eom is co-founder and CEO of Adriel. Since founding the company in 2018 with Olivier Duchenne, she has led the company's rapid growth, securing \$6.5M funding only in a year. Sophie received her Master's degree in Finance from HEC Paris in 2012. After graduating, she worked at Oliver Wyman Financial Services as a consultant, and then moved to AXA, where she got an idea of using machine learning to help financial companies give better credit scores. Based on this idea, she founded Solidware, an AI startup that provides Machine Learning-based predictive analysis solutions to large financial institutions around the world. After her successful exit, Sophie turned her frustration with complicated and inefficient digital marketing experience into a vision for what became Adriel. Adriel has been helping more than 10 thousand businesses around the globe to thrive through easy and effective digital marketing. Sophie was listed in 2017 Forbes Asia 30 Under 30, and served as a member of UN Secretary General's High Level Panel on Digital Cooperation, along with Melinda Gates and Jack Ma. Sophie is a mother of 2 children.

인공지능 광고대행사 (주)아드리엘의 공동 창업자인 엄수원 대표는 인공지능 기술을 통해 금융, 광고 등 비 IT 업종을 혁신하는 스타트업을 두 번 창업한 연쇄창업가이다. 금융데이터 분석용 인공지능 솔루션 개발업체 (주)솔리드웨어를 창업 후 7개월만에 데일리금융그룹에 인수되었으며, 이후 솔리드웨어 대표이사 겸 데일리인텔리전스 인공지능본부장으로서 활발히 활동하였다. 2017년 포브스 아시아의 영향력 있는 30세 이하 리더 30인으로 선정되었으며, 멜린다 게이츠, 잭 마 등이 참여하는 UN 사무총장 직속 High Level Panel (고위급 패널) 멤버로서 활동하였다. 악사손해보험 및 올리버 와이만에서 근무하였고, 프랑스 고등경영대학원 (HEC Paris)에서 재무금융학 석사 학위를 취득하였으며, 서울대학교와 서울과학기술대학교를 졸업하였다. 두 아이의 어머니이다.

Session 1 >>>>



John Sagar

- Session 1
- Panel

John SAGAR is the First Secretary (Political Affairs) at the Delegation of the European Union to the Republic of Korea. He is responsible for issues related to human rights, inter-Korean relations and domestic political developments. He has worked for the European Union's diplomatic service for twenty years, specialising in EU-Korea relations. Mr Sagar graduated from the University of Hull and the University of Birmingham in the UK.



Kyungsin Park

- Session 1
- Panel

Professor, Korea University Law School. Co-founder and executive director of www.opennetkorea.org. member of UK/Canada governments' Global Media Freedom Initiative High-Level Panel of Experts (2019 July-). Board member of Global Network Initiative (2017- present) and advisor to Freedom Online Coalition (2015-present).

Served as Commissioner at Korean Communication Standards Commission, a presidentially appointed Internet content regulation body (2011-2014). Served as Member of the National Media Commission, a Parliament-appointed advisory body on newspaper-broadcasting co-ownership bans and other media and Internet regulations (2010). Served as International Relations Counsel to the Korea Film Council and arranged the Korea-France Film Co-production Treaty, and advised on the UNESCO Cultural Diversity Convention (2002-2007).

Has served both as Executive Director, PSPD Law Center (2006-2016), and Open Net Korea (2013-present) which have pursued and won several high profile impact litigation and legislative advocacies in freedom of speech, privacy, net neutrality, web accessibility, digital innovation, and intellectual property. Founding Editor of Korea University Law Review and founder of the Law Schools' Clinical Legal Education Center and founded www.internetlawclinic.org (online digital rights legal services), www.transparency.kr (neutral reporter on status of digital censorship and surveillance in the country) and International Human Rights Clinic under that Center.



Heisoo Shin

- Session 1
- Panel

Trained as a sociologist, Prof. Heisoo Shin has been working for forty years in the areas of human rights at the national, regional and international levels. She served as a member of the UN Committee on the Elimination of Discrimination against Women for eight years (2001~2008), as well as a commissioner of the National Human Rights Commission in Korea for three years (2005~2008). Academically, she has taught at various universities, as a full-time or part-time faculty. Currently, she is an invited professor at the Graduate School of International Studies at Ewha Womans University. She is also the Chair of the Board of Directors of the Korea Center for United Nations Human Rights Policy (KOCUN), a human right NGO with a consultative status with UN ECOSOC. Since 2011, she has been a member of the UN Committee on Economic, Social and Cultural Rights (CESCR), elected to serve her third term until 2022, reviewing the State party's implementation of its obligations and dealing with individual complaints. Currently CESCR is discussing its general comment on 'science and economic, social and cultural rights', which the Committee expects to adopt in 2020.



Edwin Rekosh

- Session 1
- Panel

Ed is Co-Founder of Rights CoLab, where his work is aimed at reimagining civil society in the Global South by looking beyond grant-funded NGOs, exploring new organizational forms and alternative resource models. He founded PILnet: The Global Network for Public Interest Law in 1997 to develop global resources and networks in support of local human rights advocacy around the world, serving as President & CEO until 2015. He was a member of the adjunct faculty of Columbia Law School for 21 years and a visiting professor of law at Cardozo Law School and Central European University. Ed has helped create innovative human rights initiatives in China, and in over 30 other countries in Europe, Asia and Africa, including while living in Romania and Hungary for ten years. He received the American Bar Association's International Human Rights Award in 2009, and he was a co-founder of the International Human Rights Watch Film Festival.

Session 1 >

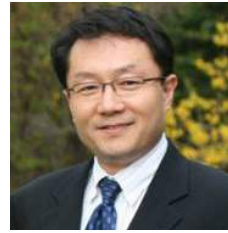


Sabrina Rau

- Session 1
- Panel

Sabrina Rau is a Senior Research Officer in the Human Rights, Big Data and Technology (HRBDT) project based at the University of Essex. Her work focuses primarily on rights, regulation and remedies and the role of business in the digital age. Sabrina's current research revolves around the role of consent online, the implications of data supply chains on responsibility of various actors under international law, and on effective remedy in the tech sector for those subjected to business-related human rights abuse. Sabrina holds a BA from the University of Toronto in political science and environmental studies and an LLM in international human rights and humanitarian law from the University of Essex.

Session 2 >>>



Ryan Saeryeon Song

- Session 2
- Moderator

Ryan Song is currently an associate professor of law at Kyung Hee University Graduate School of Legal Affairs/Law School. His main areas of interest are corporate social responsibility, business and human rights, as well as science and technology policy in the context of global governance. Also, he serves as a board member for Korean Human Rights Foundation, and makes a regular appearance in the media as a commentator and/or a host of current affairs programs. His previous professional endeavors include McKinsey & Company, a consultancy, Hong & Chang, a corporate law firm, and KAGRO, a business association. He holds a J.D. from Boston College Law School as well as M.P.P. from Harvard Kennedy School. He was admitted to the California Bar in 1990.

송세련교수는 현재 경희대학교 법무대학원/법전문 부교수로 재직중이며 법전문에서 영미법, 계약법, 글로벌거버넌스 등을 강의하고 있다. 연구분야는 기업과인권, 기업지배구조, 기업의 사회적책임 및 과학기술정책 등에 초점을 맞추고 있다. 주요 외부활동은 한국인권재단, 한국인권학회, 한국과학기술한림원 과학과 인권 인권위원회 전문위원 등이다. 대학에 몸담기 이전에는 경영컨설팅회사인 McKinsey & Co.에서 컨설턴트, 미국캘리포니아 주변호사(1990년~) 및 LA 폭동 이후 한미식품상협회 법률고문겸 사무국장으로 재직했다. 송교수는 Boston College Law School 법학(J.D.), Harvard Kennedy School 정책학(M. P. P.) 및 Boston College 물리학 (B.S.)을 수학했다.



Surya Deva

- Session 2
- Presenter

Surya Deva is an Associate Professor at the School of Law of City University of Hong Kong, and a member of the UN Working Group on Business and Human Rights. Prof Deva's primary research interests lie in Business and Human Rights, India-China Constitutional Law, and Sustainable Development. He has published extensively in these areas, and has advised the UN bodies, governments, multinational corporations and civil society organisations on matters related to business and human rights. He is one of the founding Editors-in-Chief of the Business and Human Rights Journal, and sits on the Editorial/ Advisory Board of the Netherlands Quarterly of Human Rights, the Vienna Journal on International Constitutional Law and the Australian Journal of Human Rights. Prof Deva is an elected member of the Executive Committee of the International Association of Constitutional Law.



Daniel Connolly

- Session 2
- Presenter

Daniel Connolly holds the position of Research Professor at the Graduate School of International Studies, Korea University. His research interests are broad, ranging from the history of international relations to science and technology studies. His doctoral dissertation, entitled "Lethal, Profitable and Civilizing Agency: Drone Technopolitics Within and Beyond the Westphalian State," examined contemporary debates over pilotless aircraft and traced key techniques used to imbue technological artifacts with political and economic meanings. His current research areas include the human rights consequences of the Fourth Industrial Revolution and the technopolitics of missile defense in East Asia.

Minseob Kim

- Session 2
- Panel



Daewon Kim

- Session 2
- Panel

주식회사 카카오, 대외정책팀/정책담당/이사/Ph.D
언론학 박사(AI시대의 미디어 전략/정책 전공)
매일경제신문사 기자
30여편의 국내외 논문 게재
우수 신진학자상(사이버커뮤니케이션학회, 2018년),
한국언론학회(올해의 신진학자 논문상, 2018)



Kelly Kha Yeun Kim

- Session 2
- Panel

Kelly Kim is Legal Counsel at Open Net. Open Net is a non-profit, civil society organization founded in 2013 to defend and promote Internet freedom and digital rights in South Korea. She focuses on issues regarding freedom of expression online, privacy and mass-surveillance, and Internet governance. She successfully defended Internet users who were criminally charged for insulting public figures like KANG Yongsuk. In the wake of KakaoTalk surveillance scandal in 2014, she carried out "Ask My Info" campaign with the PSPD in 2015 regarding warrantless access to telecom users' personal information by investigation authorities including the National Intelligence Service. She is representing 20 citizens in a lawsuit against the government for the warrantless surveillance. She is leading three constitutional cases against the insult law, children's smartphone monitoring law, and the mobile phone registration system. She also actively engages in international discussions regarding digital rights including the UN Internet Governance Forum.

김가연 변호사는 사단법인 오픈넷의 상근 변호사입니다. 오픈넷은 2013년 자유, 공유, 개방의 인터넷을 만들자는 기치 하에 설립된 정보인권 분야 시민 사회단체이며, 김가연 변호사는 주로 온라인 표현의 자유, 통신 감시를 포함한 프라이버시, 인터넷 거버넌스와 관련된 활동을 담당하고 있습니다. 강용석 변호사와 같은 공인에 대한 모욕죄로 고소당한 네티즌들에게 법률지원을 제공하고, 2014년 카카오톡 사이버 사찰 사태를 계기로 2015년에는 참여연대와 함께 국가정보원 등 수사기관이 이통사 이용자의 개인정보를 무단으로 제공받았는지를 확인하는 통신자료 제공 확인 캠페인을 벌였습니다. 캠페인을 통해 통신자료 제공을 당한 20여명의 시민을 대리하여 수사기관을 상대로 국가배상 청구소송을 진행하고 있습니다. 또한 모욕죄, 청소년 스마트폰 감시법, 휴대폰 실명제에 대해 헌법소원을 진행중입니다. 그리고 UN 인터넷 거버넌스 포럼과 같은 정보인권에 관한 국제적인 논의에 적극적으로 참여하고 있습니다.



OK Baek

- Session 2
- Panel

OK Baek is the distinguished Fellow and Head of the Cognitive AI Research & Development at the National Artificial Intelligence Research Institute of Korea. He is leading the strategic national initiative for R&D of the basic/original technologies for "Cognitive AI for Thinking Machine", or "CybreBrain" in short. The research objectives are to address the constraints and short-comings inherent in today's AI technology and to enable deductive reasoning, real time inferencing, progressive and incremental learning, and self-adaptation to unanticipated changes and exceptions, and uncertainty management.

Prior to joining ETRI, he had worked in North America and Europe for about 45 years and led multinational mega-projects for emerging industries as the 'Global Solutions Executive & Chief Architect' at IBM Corporation, focusing on advanced leading-edge technologies such as Artificial Intelligence and Cognitive Computing and emerging industry solutions such as for Life Sciences and Healthcare, Energy and Smart Grid, Railway and Train Management, and Real-time Banking System.

He is a multidisciplinary scientist and engineer, trained in Electronics, Computer Engineering, Computer Science, Software Engineering, Information Science, Bioinformatics, Neuroscience, Molecular Biology, and Clinical Genomics.

He has published 3 books through John Wiley & Sons and currently holds over 15 international patents related to distributed or parallel processing, cognitive computing and life sciences informatics. He has developed and taught various courses in modeling, architecture, end-to-end solution design, and R&D methodologies.

Session 3>>>>



Sangcheoul Lee

- Session 3
- Moderator

Sang Cheoul Lee is a Professor and Coordinator in the Department of Public Policy and Management of Pusan National University. He is a member of Korean Committee for the Management of Public Institutions. Prior to joining CMPI, he has worked in the Korean Evaluation Committee of State Owned Enterprise for a long time. He is well known as Author of the book 'Understanding Korean Public Enterprises' and President of the Korean Association of Local Government Studies.

이상철교수는 현재 부산대학교 공공정책학부 교수 겸 학부장이다. 기획재정부 공공기관운영위원회 민간위원 겸 평가소위 위원장을 맡고 있고 오랜 기간 공기업 평가위원으로 활동하였다. 그는 '한국공기업의 이해'의 저자로서 유명하며 한국지방정부학회장을 맡고 있다.



Seungkee Shim

- Session 3
- Presenter

KOGAS(Korea Gas Corporation) / Management Cooperation Dept. / Corporate Culture Team / General Manager / Seung Kee

심승기 부장은 한국가스공사에서 대내외 이해관계자를 포괄하는 사람중심의 인권경영을 추진하고 있는 기업문화부의 장을 맡고 있다. 그는 한국가스공사가 국가인권위의 인권경영 매뉴얼 시범기관으로서 인권경영 체계, 인권경영 위원회 구성, 인권상담센터, 진정심의위원회(인권침해 구제) 등 인권경영의 성공적 도입을 주도하고 있다. 심승기 부장은 마케팅, 요금제도, 전략, 청렴윤리, 반부패 등 공사 내부에서 수년간 다양한 업무경험을 쌓아왔다.



Gahee Jin

- Session 3
- Presenter

Assistant Manager at Postal Savings & Insurance Development Institute, PoSID

진가희는 우체국금융개발원에서 보험심사 및 보험 민원부서에서 근무하다 현재는 인권경영 및 혁신협업을 담당하고 있습니다. 인권경영 담당자로서 국가인권위원회의 기업과 인권분야 강사양성과정을 수료하였고 우정유관기관 및 공공기관과의 인권경영협의체를 구성하여 기관내 인권경영을 정착시키려 노력하고 있습니다.



Minwoo Kim

- Session 3
- Panel

Research Professor Minwoo Kim of the Korea University Human Rights Center received his Ph.D. in International Relations from Korea University with a focus on business and human rights. Prior to joining the Human Rights Center, he dedicated himself to global education and evaluation for major multinational corporations as a senior researcher at the Center for Global Human Resource Development at Sookmyung Women's University, and as a director at the Princeton Review Korea. Currently, he is serving for the Korean Association of Human Rights Studies as a director of the business and human rights department. He currently teaches human rights courses including 'Business and Human Rights', 'Human Rights in Asia', and 'Introduction to Human Rights' at Korea University. His research interests are specialized primarily in human rights issues such as business and human rights. One of his latest publication is 『The Relationship between Corporate Human Rights Responsibility Disclosure and Performance』.

고려대학교 인권센터 김민우 연구교수는 고려대학교에서 기업과 인권에 관한 연구로 국제관계학 박사학위를 받았으며 고려대학교 인권센터 재직 전에는 숙명여자대학교 글로벌 인적자원개발센터 연구기획실장, 프린스턴리뷰 코리아의 기획본부장으로 대년간 주요 다국적기업의 글로벌경영을 위한 교육 및 평가 프로그램을 총괄 기획하고 운영하였다. 현재 한국인권학회 기업과 인권분과 이사, 서울시 성북구청 인권위원, 한국가스공사 인권경영자문위원 등으로 활동 중이다. 고려대학교에서 『인권의 이해』, 『기업과 인권』 등 인권분야 전문강의를 하고 있고 기업의 책임경영과 지속가능성을 비롯한 기업과 인권에 관한 다양한 정책연구를 진행하고 있다. 최근 논문으로는 『The Relationship between Corporate Human Rights Responsibility Disclosure and Performance』 등이 있다.

Session 3 >>>



KyungJae Jho

- Session 3
- Panel

Team leader Jho Kyung-jae has been in charge of data planning operations in Daegu Metropolitan City since April 2019. As the specialist on business and human rights at the National Human Rights Commission of Korea, he was in charge of improving laws, systems, policies and practices on businesses and human rights at the National Human Rights Commission from 2014 to March 2019. He majored in international human rights law at the University of York in the U.K. and earned a degree in law (LL.M.)

조경재 팀장은 2019년 4월부터 대구광역시에서 데이터기획업무를 총괄하고 있다. 그는 국가인권위원회 기업과 인권 전문관으로서 2014년부터 2019년 3월까지 국가인권위원회에서 기업과 인권에 관한 법령과 제도, 정책, 관행의 개선을 담당하였다. 그는 영국 요크대학교 로스쿨에서 국제인권법을 전공했고 법학석사(LL.M.) 학위를 취득하였다.



SangSoo Lee

- Session 3
- Panel

Sang Soo LEE is Professor in Sogang University School of Law, Seoul, Korea, delivering lectures of 'BHR & Law' in addition to legal ethics and sociology of law. He is also Director of Sogang Institute for Legal Studies and President of Korean Society for Sociology of Law. He graduated from Seoul National University and received a PhD degree thereof. He was a visiting professor in National Law School of India University, Bangalore, India (2003-2004) and Institut de Recherche Juridique de la Sorbonne, Paris, France (2015-2017). He published more than 10 articles on BHR, which include ones on UNGP, OECD Guidelines for MNE, supply chain issue, corporate HRs legal accountability, case studies etc, as well as several government research projects. He translated Just Business (John Ruggie, 2013) into Korean.

He closely collaborates with the Korean government and NGOs on BHR issues. He plays various advisory roles in Korea Human Rights Commission, Ministry of Justice and Supreme Court Sentencing Committee, mostly as a BHR specialist.

서울대학교 법과대학 학사, 석사, 박사(법사회학)
1997년-2007년, 한남대학교 법과대학 교수
2007-현재, 서강대학교 법학전문대학원 교수
2003.9-2004.8, 인도 국립로스쿨 방문교수
2015.9-2016.7, 프랑스 파리 제1대학 방문교수
2018-현재 국가인권위원회, 인권증진행동계획추진단 자문위원
2018-현재 법무부 인권정책자문단 자문위원
2018-현재 한국법사회학회 회장
2018-현재 양형연구회 부회장, 양형위원회 자문위원
2018-현재 서강대학교 법학연구소 소장



Angela JooHyun Kang

- Session 3

- Panel

Angela Joo-Hyun Kang is Founder and Executive President of Global Competitiveness Empowerment Forum (GCEF), established in 2008, registered under Ministry of Trade, Industry & Energy based in Seoul, South Korea, with 28 years of experiences in private, public, and nonprofit sectors.

With a former work career as a PR, international sales and marketing manager, after she obtained a Mid-Career Master's degree of Public Administration from Harvard Kennedy School, she worked as research associate of the Boston College Center for Corporate Citizenship, a judge of health enhancement category of Asian CSR Awards hosted by AIM-Ramon V. Del Rosario Sr. Center for Corporate Social Responsibility in Manila, Philippines (2010-2011), and a non-executive CSR advisor to the new integrated Samsung C&T Corporation's CSR committee (2015).

For public sector, Ms. Kang was an evaluation group member of leadership and responsible practices of state-owned enterprises and governmental organizations appointed by the Ministry of Strategy and Finance (2012-2014), a regulation reform committee member of the Ministry of Trade, Industry & Energy (2012-2016), an advisor to the Presidential Council of Nation Branding (2009-2010), and an advisor to the Global CSR Committee of Korea Trade-Investment Promotion Agency (KOTRA) (2013-2015).

As a nonprofit leader, she was the project architect and the project initiator and led two South Korean collective action projects of Siemens Integrity Initiative by Siemens AG and World Bank, NABIS (Northeast Asia Business Integrity School) as the project manager and Fair Player Club as a co-project leader. She has been a Business Ethics Trainer of the Korea Specialty Contractors Association, appointed by the Ministry of Land, Infrastructure, and Transport (2016 - present) and a member of the Business and Human Rights Committee of Korea Rail Network Authority (2018 - present).

Globally, Ms. Kang was an Asia Pacific jury member of Cartier Women's Initiative Awards invited by Cartier headquarter in Paris, France (2012-2014), a Business 20 (B20) taskforce member during Chinese, German, and Argentine G20 presidency years, a South Korean delegate of Women (W20) during German, Argentine, and Japanese G20 presidency years, and currently an OECD BIAC Anti-Bribery/Corruption Committee member.

- 글로벌경쟁력강화포럼 설립자 및 상임대표 (2008-현재)
- 한국철도시설공단 인권경영 위원 (2018 - 현재)
- G20 기업경제계 B20 테스크포스 멤버 (2016-2018)
- G20 여성경제계 W20 한국대표 (2017-현재)
- OECD BIAC(기업산업자문위원회) 뇌물방지/반부패 위원회 멤버 (2017 - 현재)
- 까르띠에 프랑스 본사 까르띠에 여성기업가 이니셔티브 어워드 아시아 태평양 심사위원 (2012-2014)
- 필리핀 아시아경영대학원 Asian CSR Awards 보건 분야 심사위원 (2010-2011)
- 세계은행 감사실과 독일 지멘스 공동주최 지멘스 청렴성 이니셔티브 한국 프로젝트 동북아기업윤리학교 (나비스/2011-2014) 설계자, 주관기관 대표, 프로젝트 매니저 & 페어플레이어클럽 (2015-2018) 설계자, 주관기관 대표, 공동 프로젝트 리더
- 산업통상자원부 규제개혁위원회 위원 (2012-2016)
- 기획재정부 공공기관 경영평가단 위원 (2012-2014)
- 국가브랜드위원회 민간 자문위원 (2009-2010)
- KOTRA 해외 CSR 자문위원 (2013-2015)
- 보스턴 칼리지 기업시민센터 연구원 (2006-2007)
- 하버드케네디스쿨 행정학 석사 졸업 (2006)
- 기업사회공헌 컨설팅사 엔씨스콤 컨설턴트 (2004-2005)
- 국제청소년재단 한국 파트너 전략재휴팀장 (2003-2004)
- 기업에서 홍보·해외마케팅·영업 분야 경력 (1992-2002)
- 저서 <혁신리더의 글로벌경쟁력: CSR 전략과 CSV 인재>(2015/서울/스타북스) <The World Guide to Sustainable Enterprise: Asia Pacific Volume 한국편> (2015/영국 런던/Greenleaf Publishing)

Eun-seok Kim

- Session 3
- Panel



Lene Wendland

- Session 4
- Moderator

Lene Wendland is Chief of the Business and Human Rights Section in UN Human Rights. She was part of the team of former Special Representative of the UN Secretary-General on Business and Human Rights, Professor John Ruggie, and contributed to the development and drafting of the UN Guiding Principles on Business and Human Rights. Lene directs the UN Human Rights' Corporate Accountability and Remedy Project, which aims to enhance accountability and access to remedy in cases of business involvement in human rights abuses. She also directs a new initiative by UN Human Rights – the B-Tech Project – applying the UN Guiding Principles on Business and Human Rights to key human rights challenges related to digital technologies. Lene is a member of the FIFA Independent Human Rights Advisory Board and represents UN Human Rights in the Governance Committee of the Centre for Sport and Human Rights. Lene holds a Masters degree in law from the University of Copenhagen.



Ohyoung Song

- Session 4
- Panel

Ohyoung Song is Director in Economic Social Cultural Rights Division of NHRCK. He has been working since 2007. He became a director after investigator, head of planning team and head of policy team.

- Investigator, Rights of Persons with Disabilities Division(2007~2008)
- Head of Panning team, Planning and Finance Division(2015)
- Head of Policy team, Human Rights Policy Division (2016~2018)
- Director, Economic, Social and Cultural Rights Division (2018~)

Hyun-Phil Na

- Session 4
- Panel

Session 4>



Jae Chang Oh

- Session 4
- Panel

- Haemaru Law Firm, Partner (1998-Present)
- Korea Commercial Arbitration Board, Arbitrator (2005-Present)
- Korea Civil Enforcement Law Study, Director (2008-Present)
- National Human Rights Commission of Korea, Specialist on International Human Rights Law(2004-2006)
- Korea Fair Trade Commission, Distribution Subcommittee Expert (2007-2009)
- Korea Competition Law Studies, Director (2001-2016)
- Korea Competition Law Studies, Vice Chairman (2016-present)
- Human Rights Comm. Of Korea Bar Association, Member (2011-Present)
- Hanyang University Law School, Adjunct Professor (2011-2012)
- Korea University Law School, Adjunct Professor (2012-2013)
- Human Rights Policy Consultation Commission Of the Korean Ministry of Justice, Member (2013-2016)

Session 5>>>



Suhasini Singh

- Session 5
- Panel

Sushasini Singh has been working with Fair Wear foundation (FWF) since 2013. As a Country Manager for India she oversees Fair Wear's work and stakeholder engagement in India. Prior to Fair Wear she was working as Program Director at CIVIDEP which is a labour rights organization based in Bangalore, India. Since 2007, she has focused her work on labor rights issues in supply chain -garment industry in particular, primarily concerned with the working and living condition of women workers in global supply chain. Her work interests are wages, business and human rights and gender. She is the author of a number of articles and research reports on the issue of working conditions for garment workers and corporate accountability in the supply chain. Ms. Singh is a Commerce graduate from Delhi University and holds a Masters in Business Administration (MBA) with specialization in Rural Development from Institute of Rural Management, Jaipur. She likes to be healthy and loves reading, travelling and music. She lives in Bangalore, India with her husband and two children.



Lalanath De Silva

- Session 5
- Panel

Dr Lalanath de Silva is the Head of GCF's Independent Redress Mechanism. He has extensive experience in legal affairs, with more than 30 years of service as a practicing lawyer. In Sri Lanka, he supported the Ministry of Environment as a legal consultant, and was a member of his country's Law Commission. Lalanath previously worked at the Environmental Claims Unit of the UN Compensation Commission in Geneva, and served as Director of the Environmental Democracy Practice at the World Resources Institute (WRI) in Washington DC. As a member of the Compliance Review Panel of the Asian Development Bank (ADB), he led the review of multiple compliance cases. Lalanath has a PhD from the University of Sydney, a Master of Laws from the University of Washington, and graduated from the Sri Lanka Law College as an Attorney-at-Law.



Donghyun Kim

- Session 5
- Panel

Attorney at law, KLPH, KTNCWATCH

공익인권변호사모임 희망을만드는법 변호사. 기업에 의한 인권의 침해의 예방과 피해자의 구제에 관심을 가지고 활동해왔다. 미얀마, 방글라데시, 멕시코, 필리핀, 중국 등 해외 진출한 한국기업의 인권침해 실태 파악 및 대응을 위한 현지조사에 참여하고 대응활동을 했다. 조선소 하청노동자의 산업재해 문제를 해외 선주사와 투자자에 알리고 이들을 통해 현장의 변화를 모색하는 활동을 해오고 있으며, 최근에는 라오스 댐 사고와 관련하여 대응 활동에도 참여하고 있다. 또한 밀양 송전탑, 강정 해군기지 등 국가가 주도하는 정책 사업에 의하여 발생한 인권 침해 문제에 대해서도 관심을 가지고 변호활동에 참여했다.

Session 5 >>



Byoungil Oh

- Session 5
- Panel

As an activist of the Korean Progressive Network 'Jinbonet', he has been active for over 20 years to promote human rights in the information society, including freedom of expression, privacy, access to knowledge, network neutrality etc, and has been the president of the organization since 2019. The Jinbonet is a non-profit organization established in 1998, which provides network services for social movements and advocates digital rights, and is a member of the Association for Progressive Communications(APC), a global network of digital rights organizations.

진보네트워크센터의 활동가로서 인터넷 표현의 자유, 프라이버시, 지식접근권, 망중립성 등 정보인권 옹호를 위해 20년 동안 활동을 해 왔으며, 2019년부터 대표를 맡고 있다. 진보네트워크센터는 1998년에 설립된 비영리 민간 단체로서 사회운동을 위한 네트워크 서비스 제공과 정보인권 옹호 활동을 하고 있으며, 세계 정보인권단체 네트워크인 진보통신연합(APC)의 회원단체이다.



Chenie Yoon

- Session 5
- Panel

Chenie Yoon is Head of Public Policy at Twitter Korea working at the intersection of business and human rights. Her work encompasses a diverse array of topics in the human and civil rights arena with a focus on the right to freedom of expression and gender equality.

As an ambassador for #DigitalDiplomacy and the government's open communication with its citizens, she works closely with partners including the Blue House and key Ministries in addition to diplomatic missions and UN agencies in Seoul. The policy side of her work also requires her to cooperate with law enforcement and other major agencies including the Women's Human Rights Institute of Korea.

Previously, she served at the Special Procedures of the Human Rights Council in Geneva supporting two Special Rapporteurs: Mr. Richard Falk, on the situation of human rights in the Palestinian territories occupied since 1967 and Mr. Frank La Rue on the Promotion and Protection of the Right to Freedom of Opinion and Expression. Prior to Geneva, she had served as an International Communications Officer for the National Human Rights Commission of Korea.

She holds a Master in Public Policy degree from Harvard Kennedy School and a Bachelor's degree in English literature from Ewha Woman's University.



Session 1
**UN Responses to the Human Rights Impact
of New and Emerging Technologies**

Tackling the Challenges of New and Emerging Technologies

CHANGROK SOH

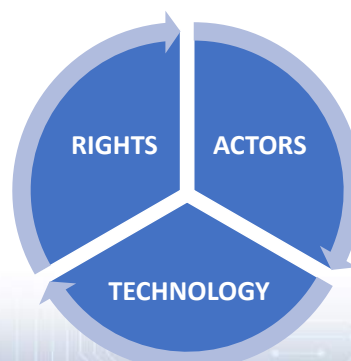
President, Human Asia
Director, Korea University Human Rights Center
Member, UN Human Rights Council Advisory Committee

Resolution (A/HRC/RES/41/11) adopted by the Human Rights Council on 11 July 2019

1. *Requests* the Advisory Committee to prepare a report, from within existing resources, on the possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights, including mapping of relevant existing initiatives by the United Nations and recommendations on how human rights opportunities, challenges and gaps arising from new and emerging digital technologies could be addressed by the Human Rights Council and its special procedures and subsidiary bodies in a **holistic**, inclusive and pragmatic manner, and to present the report to the Council at its forty-seventh session;

Holistic Approach

- ◆ **Rights** – we need to consider the consequences of new and emerging technologies on all human rights, not just privacy. Moreover, we need to look at positive as well as negative impacts
- ◆ **Actors** – we need to include the voices of all stakeholders to truly understand and respond to this issue
- ◆ **Technology** – these technologies are part of a common trend, not isolated innovations. Something seen as innocuous by itself can be problematic as part of a larger system



New and Emerging Technologies

- ◆ Our entire technological ecosystem is undergoing a rapid change because of new digital technologies like AI, cloud computing, blockchain, and machine-learning
- ◆ New technologies and business models are creating governance gaps at the domestic and international level
 - ◆ The use of fake news in the 2016 US election and the misuse of social media data by Cambridge Analytica
 - ◆ Chinese “social credit” system
 - ◆ Data-sharing between the US government and social media companies
- ◆ The Fourth Industrial Revolution is causing transformative shifts in the global economy, affecting social and economic rights as well...

The New Digital Ecosystem

- ◆ Emerging technologies are part of an overall **data cycle** that has various human rights impacts
- ◆ **Datafication** is the translation of real-world objects into digital traces
- ◆ **Distribution** is the movement and recombination of digital information between and within organizations
- ◆ **Decisions** are then made by applying digital data to the real-world



Example 1: Blockchains



<https://innovation.wfp.org/project/building-blocks>

- ◆ Instead of cash payments, blockchain ledgers and biometrics allow the people who need aid to benefit from international assistance
- ◆ Blockchain is more secure and reduces the need for intermediaries
- ◆ International aid organizations can become more efficient and collect operational data that helps them improve their services
- ◆ Imagine a world in which aid money was delivered with precision to those who needed it most

Example 2: Drones



Zipline Delivery Drone

- ◆ Humanitarian drones promise to make the delivery of aid and emergency assistance faster, more efficient and accurate than ever before
- ◆ Drones represent a key “fact” of new and emerging technologies
- ◆ They can turn our communities and landscapes into data but are also capable of physically intervening in these communities
- ◆ Emerging technologies are merging online and offline worlds
- ◆ Huge potential for sustainable development

Promise and Peril



Importance of International Human Rights

- ◆ How can we regulate emerging technologies?
 - ◆ National regulators
 - ◆ Private sector voluntary guidelines
 - ◆ Culture-specific ethical codes
- ◆ Fragmented responses to **transnational technologies** will result in **governance gaps**
- ◆ Only the UN has the legitimacy and universal membership to tackle this issue
- ◆ Universal human rights provide the most legitimate common standard to apply to new technologies
- ◆ This is a global problem...and it is accelerating!

Key Challenges

PRESERVATION

Confidence in Existing HR Framework

- Some actors will use new technologies to erode existing human rights, i.e. privacy, or to establish dangerous new precedents

Need for Expertise

- How can the UN and human rights bodies build the technical competency to engage with these issues?

REFORM
&
ADAPATION

Need for Coherency

- Discussions of new technologies are scattered among different bodies, resulting in silos
- How can we create a holistic approach to the issue?

Need for long-term thinking

- Existing international human rights frameworks may work now, but what about in the long-term?

Recent Progress

- ◆ **February 2018** – UNRISD expert workshop in Geneva
- ◆ **June 2018** – “How to Create a Human-Centered Information Society” conference, Seoul
- ◆ **September 2018** – Official Side Event of the United Nations Human Rights Council on “New Technologies and Human Rights”
- ◆ **December 2018** – “Human Rights in the 4th Industrial Revolution” conference, Seoul
- ◆ **June 2019** – Official Side Event of United Nations Human Rights Council on “New and Emerging Technologies and Human Rights”

Recent Progress

- ◆ **June 2019** – Final report by General Secretary’s High-Level Panel on Digital Cooperation
- ◆ **June 2019** – UN Human Rights B-Tech Project First Multi-Stakeholder Expert Consultation in Tunis with Essex University’s Human Rights, Big Data and Technology Project (HRBDT)
- ◆ **July 2019** – UN Human Rights Council adopted the resolution “New and emerging digital technologies and human rights” that asked the advisory committee to prepare a report on the human rights impacts, opportunities and challenges of new and emerging digital technologies
- ◆ **October 29-30, 2019** – Asian Business and Human Rights Forum

UN 사무총장 디지털 협력 고위급 패널 리포트 브리핑

엄수원

(주)아드리엘 대표이사 | 고위급 패널 위원



3번의 패널미팅 | 연구 및 로드트립 | 리포트 발행



- 2018년 9월 뉴욕
- 패널의 목적 확인



- 2019년 1월 제네바
- 제안 영역 선정



- 2019년 4월 헬싱키
- 구체적 제안 사항 결정

패널의 목적: 글로벌 디지털 협력을 위한 제안 마련

- 디지털 시대에는 정부, 민간산업계, 학계, 시민단체, 국제단체가 각자의 목적과 활동 범위를 넘어 협력할 필요가 있음. 따라서 패널은 다음의 역할을 하기 위해 결성됨:
- **정부 등 공공기관에** 디지털 기술 및 혁신의 중요성과 경제사회에 미치는 영향력에 대한 **인지 제고**
- 범 국가적인 국제사회의 디지털 협력이 필요한 분야와 주제를 선정하여 **협력 메커니즘 및 공유되어야 할 가치** 제안
- **구체적인 제안**을 통해 효과적인 협력 시스템을 마련할 수 있는 시발점을 제시



리포트의 핵심: 5가지 영역에서의 제안

포괄적 디지털 경제 사회 건설



인권 및 자율성 보호



글로벌 디지털 협력 장려



인간과 기관의 역량 개발



신뢰, 보안 및 안정성 증진

1. 포괄적 디지털 경제 사회 건설

- 모든 성인이 2030년까지 디지털 네트워크 및 디지털 금융 및 건강 서비스에 접근 및 이용 할 수 있도록 함
- "디지털 공공재"와 지속 가능한 개발 목표를 위한 데이터 공유 목적의 동맹 창출
- 여성과 소외 계층을 대상으로 디지털 포용과 평등을 지원하는 정책을 채택
- 디지털 포괄성을 위한 지표를 설정하고 사용하는 데 있어 강력하고 신속하게 동의

세계은행 및 UN이 주도하며, 각 정부 및 민간 기관이 적극 지원



2. 인간과 기관의 역량 개발

- 정부, 시민 사회 및 민간기관이 디지털 기술의 영향을 관리할 수 있도록 지역 및 전세계 “디지털 헬프 데스크”를 설립

각 지역의 주도로 필요 및 보유 역량에 따라 “디지털 헬프 데스크” 설립



3. 인권 및 자율성 보호

- 유엔 사무 총장은 인권 규범이 디지털 기술에 어떻게 적용되는지에 대한 총체적 검토를 수행해야 함
- 소셜 미디어 기업은 정부, 국제 및 지역 시민 사회 단체 및 인권 전문가와 협력하여 인권 문제를 이해하고 대응해야 함
- 설명 가능한 자율 지능 시스템 (Autonomous Intelligent Systems)을 설계하고 인간은 이러한 시스템 사용에 대해 책임을 져야 함

유엔의 인권에 대한 정의 및 검토 아래 민간 기관 및 기술 집단의 인권 이해 및 책임을 강조

4. 신뢰, 보안 및 안정성 증진

- 디지털 안정성 및 보안에 대한 공유 비전을 수립하고 책임감 있는 기술 사용 규범 구현을 강화하기 위해 디지털 신뢰를 구축

정부 및 민간 기관에 모두 책임이 부과



5. 글로벌 디지털 협력 장려

- 유엔 사무 총장은 페널이 제안한 옵션을 출발점으로 글로벌 디지털 협력을 위한 최신 메커니즘을 개발하기 위한 협의 과정을 촉진하고, 2020년 유엔 창립 75주년을 맞아 "디지털 협력을 위한 글로벌 공약"을 수립
- 디지털 시대의 목적을 위해 적응적이고 포괄적이며 적합한 다양한 이해 관계자 "시스템" 접근 방식을 협력 및 규범에 적용

협력 주도 및 시스템 설정에서의 유엔 역할 강조

우리는
무엇을
해야
하는가?



정부, 민간, 학계, 일반 국민에 국제사회 디지털 협력 발의 및 내용, 공유된 가치에 대한 홍보를 통해 인지도 제고



한국은 디지털 선진국으로, 배우는 입장보다는 선진 사례를 전하는 역할을 할 가능성이 큼



다양한 정부/민간/학계 협력 성공 사례 전달



혁신에 대한 긍정적이고 건설적인 이해를 바탕으로 한 지원 사례를 국제 사회에 선보이기 위한 노력이 필요



"한국형 디지털 협력"으로 국제사회 디지털 협력 노력에서 선도적인 역할을 할 필요

감사합니다.



Session 2
The Human Rights Implications of AI



Advancing human rights in the age of AI and the digital society

Prof Lorna McGregor
29 October 2019



Impact of AI on Human Rights

New and emerging technologies offer huge opportunities, including to human rights

- Target resources to those who need them most
- Enable older persons and persons with disabilities to live at home and support independent decision-making
- Enable humanitarian organisations to be better prepared for refugee and IDP movements
- Enable human rights organisations to document violations

Need to Avoid Rights Trade Offs

- New and emerging technologies carry significant risks, particularly to human rights
- It is critical to avoid a rights-trade off whereby technology enhances the enjoyment of certain human rights but at the expense of other human rights
- We need a framework that addresses these risks so that the benefits of technology can be enjoyed

Rights at Risk

- Initial focus on the right to privacy: impact on human rights underplayed or seen as a data protection issue only
- Recognising the impact on privacy remains critical, particularly as privacy is a gatekeeper and because of the nature of technology (e.g. personal assistants and smart homes)
- But a privacy focus is insufficient

Rights at Risk: Discrimination

- Centrality of algorithms to support and make decisions
- Bias in input data due to incomplete data sets and historically discriminatory data collection
- Discrimination risk due to how algorithms work
- Discrimination in outcomes
- Lack of transparency about the use of algorithms at all and challenges in assessing whether discrimination played a role in the outcome

Rights at Risk by Use of AI in Different Areas of Life

Social care (personal care and companion robotics)

- Risks to privacy
- Security and life
- Risks of increased loneliness
- Risks of techno-institutionalisation

Rights at Risk by Use of AI in Different Areas of Life

Law Enforcement (predictive policing and facial recognition technology)

- Risks of discrimination because of historically overpoliced communities and bias in algorithms
- Risks to safety and security through tablet policing
- Chilling of freedom of expression, assembly and association

Rights at Risk by Use of AI in Different Areas of Life

Misinformation

- Elections right of everyone to take part in the conduct of public affairs and other rights affected by targeting of voters and political candidates and domestic and international interference
- Protests, use of disinformation to affect freedom of assembly, association and expression and chilling effect
- Use of disinformation to facilitate hate speech and 'other' individuals and communities, leading to offline consequences

Responses By States

State AI Strategies and National Action Plans: Ethical Frameworks

- vary but principles such as fairness, transparency, explainability, human centricity and social inclusion
- Establishment of AI innovation centres
- Some but not much mention of law

Responses By Tech Companies

- AI Policies – ‘responsible AI’
- Oversight and ethical committees
- Positions on particular technologies, e.g. content moderation, facial recognition regulation

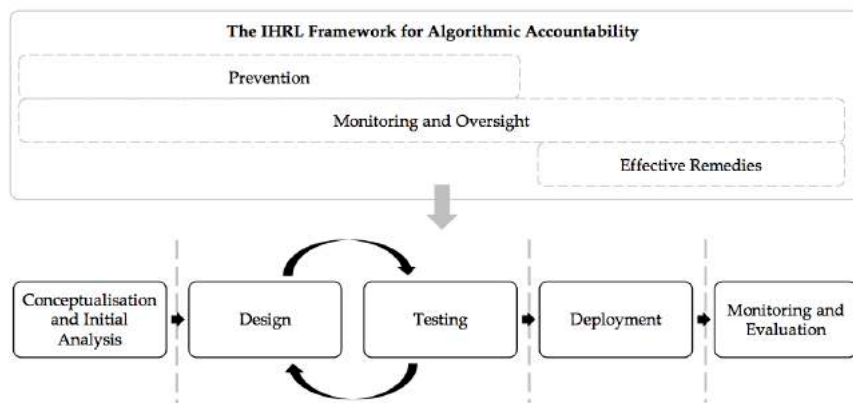
Critiques

- 1) Lack of Normative Grounding
- 2) ‘They provide little help to practitioners in navigating daily ethical problems in practice or in diagnosing ethical harms’
- 3) Insufficient accountability, oversight and remedies
- 4) Acting as a proxy for self-regulation

Role for human rights?

- Shared understanding and internationally established ways to identify and address harm
- Existing state obligations and business responsibilities – not reinventing the wheel
- Accountability frameworks
- Shifts us to a position of applying established law (including GDPR)
- Shifts from a position when just experiment or start designing or using tech by creating decision-making processes and procedures for identifying and addressing harm
- Still leaves room to identify gaps and laws that may need to be reformulated

Maps on to Tech Lifecycle



Operationalising

- 1) Avoid cherry-picking human rights
- 2) Internal oversight of decisions to use technology and in its implementation from conception to deployment
- 3) Independent Oversight - industry regulator?
- 4) Grievance mechanisms

Dispelling Concerns

- Human rights are an adaptable and agile tool
- Not anti-innovation – redlines
- But about creating environments for ethics and human rights to work rather than being seen as barriers



The Human Rights, Big Data and Technology Project

**Advancing human rights in the age of AI and the
digital society**

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Human Rights Council

Forty-first session

24 June–12 July 2019

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Gender dimensions of the Guiding Principles on Business and
Human Rights**

**Report of the Working Group on the issue of human rights and
transnational corporations and other business enterprises***

Summary

In the present report, submitted to the Human Rights Council pursuant to Council resolutions 17/4 and 35/7, the Working Group on the issue of human rights and transnational corporations and other business enterprises highlights the differentiated and disproportionate impact of business activities on women and girls. It develops a gender framework for the Guiding Principles on Business and Human Rights and proposes gender guidance specific to each of the 31 guiding principles. Both States and business enterprises should consider the gender framework and guidance set out in the present report and the annex thereto in implementing the Guiding Principles.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.

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I. Introduction

A. Context

1. In the present report, the Working Group on the issue of human rights and transnational corporations and other business enterprises provides guidance to States and businesses on how to integrate a gender perspective in implementing the Guiding Principles on Business and Human Rights, in order to apply the “protect, respect and remedy” framework to the realization of the rights of women in the context of business-related human rights abuses. All references to “women” in the present report should be understood to include girls as well as transgender and intersex women.

2. The overall context of the report is provided by three main factors. First, as the Working Group noted in the report it submitted to the General Assembly at its seventy-second session, rights holders are not a homogenous group.¹ Therefore, measures to implement the Guiding Principles in the form of laws, regulations, policies, plans, practices and decisions must be responsive to differences among rights holders. Women experience adverse impacts of business activities differently and disproportionately. They may also face additional barriers in seeking access to effective remedies. Moreover, because of intersecting and multiple forms of discrimination, different women may be affected differently by business activities in view of their age, colour, caste, class, ethnicity, religion, language, literacy, access to economic resources, marital status, sexual orientation, gender identity, disability, residence in a rural location, and migration, indigenous or minority status.

3. Second, since women’s human rights are an inalienable, integral and indivisible part of universal human rights,² both States and business enterprises should take concrete steps to identify, prevent and remedy gender-based discrimination and inequalities in all areas of life. In this vein, there are several references to gender and women’s human rights in the Guiding Principles, as described below. However, neither States nor business enterprises have paid adequate attention to gender equality in discharging their respective obligations and responsibilities under the Guiding Principles. The limited integration of a gender perspective in existing national action plans on business and human rights³ and the gender-neutral nature of current modern slavery legislation⁴ illustrate this. Consultations convened by the Working Group revealed that many businesses relegated gender to a “tick-box exercise”, without meaningfully addressing structural forms of inequality. Therefore, States and businesses could benefit from specific and practical gender guidance in implementing the Guiding Principles.

4. Third, pursuant to Human Rights Council resolution 17/4, the Working Group has an explicit mandate to integrate a gender perspective throughout its work. In line with this mandate, the Working Group has been paying attention to gender equality issues in its reports and during country visits.⁵ The gender-lens project it launched in 2017, from which the present report stems, is aimed at embedding gender as a cross-cutting issue in the business and human rights field.⁶

¹ A/72/162, para. 26.

² Vienna Declaration and Programme of Action, part I, para. 18.

³ See <https://globalnaps.org/issue/gender-womens-rights/>.

⁴ Surya Deva, “Slavery and gender-blind regulatory response”, Cambridge Core blog (8 March 2019). Available at <http://blog.journals.cambridge.org/2019/03/08/slavery-and-gender-blind-regulatory-responses/>.

⁵ See, e.g., A/72/162, A/HRC/41/43/Add.1 and A/HRC/38/48/Add.1.

⁶ See www.ohchr.org/EN/Issues/Business/Pages/GenderLens.aspx.

B. Objectives

5. In the present report, the Working Group seeks to achieve one primary and two secondary objectives. The primary objective is to provide guidance to States and businesses on integrating a gender perspective in implementing the Guiding Principles. The Working Group proposes a three-step gender framework – gender-responsive assessment, gender-transformative measures and gender-transformative remedies – and uses the framework to develop gender guidance specific to each of the 31 guiding principles (see annex).

6. The two interrelated secondary objectives of the report are: (a) to raise awareness about the need for gender integration in the business and human rights field; and (b) to highlight good practices of gender integration implemented by States and businesses.⁷

C. Methodology

7. The gender framework and guidance proposed in the present report and the annex thereto builds on existing gender equality standards. The adoption of Convention on the Elimination of All Forms of Discrimination against Women, the Vienna Declaration and Programme of Action and the Beijing Declaration and Platform for Action reflect the need to adopt specific measures to achieve substantive gender equality. The standards in the business and human rights field are becoming increasingly sensitive to gender equality and women's rights. The Women's Empowerment Principles and the OECD Due Diligence Guidance for Responsible Business Conduct are examples of this trend.⁸

8. The report, as well as the compilation of good practices, is also informed by: (a) the work of various international organizations and United Nations agencies, treaty bodies and special procedures; (b) submissions made by States, businesses, industry associations, civil society organizations and academics in response to an open call for input issued by the Working Group;⁹ and (c) insights gained at multi-stakeholder regional consultations that the Working Group convened in Bangkok, Geneva, Mexico City, Nairobi, New Delhi, Ottawa, Suva and Sydney.¹⁰

D. Scope and limitations

9. The present report contains gender guidance for States and business enterprises in relation to all three pillars of the Guiding Principles. The term “gender” refers to socially constructed roles of and power relations among men, women and gender non-binary persons, all of whom may be affected differently by business activities. However, considering that women have historically been discriminated against owing to patriarchal norms and power structures, the guidance in the report focuses only on women, although the gender framework proposed herein could be used in relation to any group of rights holders. The guidance should be read together with other relevant standards, such as the standards of conduct for business, published by the Office of the United Nations High Commissioner for Human Rights, aimed at tackling discrimination against lesbian, gay, bisexual, transgender and intersex persons, and the Children's Rights and Business Principles.

10. The gender guidance provided in the present report is generic in nature: it applies to all States and to all businesses irrespective of their size, sector, location, operating context, ownership and structure. However, the development of specific guidance for different types

⁷ Some specific examples of these good practices will be posted on the Working Group's website. See www.ohchr.org/EN/Issues/Business/Pages/GenderLens.aspx.

⁸ See also “Stakeholder statement on implementing gender-responsive due diligence and ensuring the human rights of women in mineral supply chains”. Available at <https://mneguidelines.oecd.org/Stakeholder-Statement-Implementing-Gender-Responsive-Due-Diligence-and-ensuring-human-rights-of-women-in-Mineral-Supply-Chains.pdf>.

⁹ See www.ohchr.org/EN/Issues/Business/Pages/2018Survey2.aspx.

¹⁰ See www.ohchr.org/EN/Issues/Business/Pages/GenderLens.aspx.

of businesses (e.g., informal businesses, small and medium-sized enterprises and multinational corporations) would be useful. Similarly, business enterprises operating in different sectors might benefit from supplementary guidance tailored to the specific challenges that they face.

II. Women, business and human rights: challenges

11. Women comprise almost half of the world's population. Despite non-discrimination provisions in the constitutions and laws of many countries, in practice women continue to experience various forms of discrimination and violence in all spheres of life due to discriminatory social norms, patriarchal power structures and gender stereotypes. For example, the World Bank recently reported that the average global score in the Women, Business and the Law index is 74.71, indicating that a typical economy gives women only three quarters of the legal rights of men in the measured areas.¹¹ As at 1 January 2019, only 24.3 per cent of national parliament members worldwide were women.¹² In 2018, only 4.8 per cent of chief executive officers of the Fortune 500 companies were women,¹³ while women comprised just 8 per cent of directors of Hollywood's 250 top-grossing films.¹⁴ Worldwide, as compared to 72 per cent of men, only 65 per cent of women have bank accounts,¹⁵ and women own less than 20 per cent of the world's land.¹⁶ About 21 per cent of women aged 20 to 24 worldwide were married as children,¹⁷ while 71 per cent of the estimated number of people in modern slavery are women.¹⁸ About 327 million fewer women than men worldwide have a smartphone and can access mobile Internet.¹⁹

12. Women's contribution to economy is either not recognized (e.g., household work) or is undervalued (e.g., in feminized occupations and industries). Women carry out the majority of care work (e.g., caring for children, elderly and sick persons and persons with disabilities in families), but most do not get paid for this work. Women are overrepresented in informal, casual and part-time work worldwide, as well as in supply chains of numerous industries, where they are more vulnerable to exploitation and abuse.²⁰ Moreover, women face pregnancy and maternity-related discrimination, are underrepresented in managerial positions and, on average, are paid approximately 20 per cent less than men across the world.²¹

13. Trade unions could play a key role in protecting women's rights and fighting against discrimination in the organized work place. However, owing to several factors (e.g., patriarchal values and household responsibilities), many women workers are unable to play an active role in trade unions. Moreover, as women remain marginalized with respect to decision-making positions in most trade unions, their human rights concerns are frequently overlooked or not taken seriously. These factors undermine the potential of trade unions in promoting gender equality at work.

¹¹ World Bank, *Women, Business and the Law 2019: A Decade of Reform* (Washington, D.C.), p. 3.

¹² Inter-Parliamentary Union, "Women in national parliaments". Available at <http://archive.ipu.org/wmn-e/world.htm>.

¹³ See <http://fortune.com/2018/05/21/women-fortune-500-2018/>.

¹⁴ Martha M. Lauzen, "The celluloid ceiling: behind-the-scenes employment of women on the top 100, 250 and 500 films of 2018" (2019). Available at https://womenintvfilm.sdsu.edu/wp-content/uploads/2019/01/2018_Celluloid_Ceiling_Report.pdf.

¹⁵ See <https://globalfindex.worldbank.org/basic-page-overview>.

¹⁶ See www.weforum.org/agenda/2017/01/women-own-less-than-20-of-the-worlds-land-its-time-to-give-them-equal-property-rights/.

¹⁷ United Nations Children's Fund (UNICEF), "Child marriage: latest trends and future prospects" (2018), p. 2.

¹⁸ See www.globalslaveryindex.org/2018/findings/highlights/.

¹⁹ Organization for Economic Cooperation and Development (OECD), *Bridging the Digital Gender Divide: Include, Upskill, Innovate* (2018), p. 13.

²⁰ Danish Institute for Human Rights, *Women in Business and Human Rights* (2018), pp. 14–18.

²¹ International Labour Organization, *Global Wage Report 2018/19: What Lies Behind Gender Pay Gaps* (Geneva, 2018), p. 23.

14. The Working Group's consultations confirmed that sexual harassment and gender-based violence is pervasive in all walks of life: at home, in educational institutions, at work, in sports, in markets, in public transport, in social gatherings, in cyberspace and in the community generally. Consultations revealed that demands for sexual favours in return for better work conditions are common and that sexual violence by security guards in the extractive industry is an endemic problem. Yet, of 189 examined economies, 45 do not have laws on domestic violence and 59 do not have laws protecting women from sexual harassment at work.²² Multiple barriers, including fears of social stigmatization, job loss and further victimization, discourage women from reporting sexual harassment and gender-based violence.

15. In marketing and delivering products and services, many businesses tend to perpetuate gender stereotypes, normalize discriminatory social norms and objectify and sexualize women's bodies, resulting in the commodification of women. The digital manipulation of women's images in advertisements to create an unrealistic ideal of beauty, which puts pressure on women to use excessive cosmetics, resort to unhealthy dieting or undergo plastic surgery, illustrates this.²³ In some extreme forms, businesses play a role in trafficking of women for sexual exploitation,²⁴ including for production of pornography.

16. Women also tend to experience a disproportionate impact on their human rights in conflicts and post-conflict situations,²⁵ settings that businesses may operate in, contribute to or benefit from. For instance, in conflicts, sexual violence is used as a tool to show male power and dominance. In addition, the adverse impacts on women's human rights in conflicts are not meaningfully addressed in peacebuilding and transitional justice responses because women's experiences are not adequately considered.

17. As trade and investment policies are often gender-neutral, they tend to exacerbate existing discrimination against women. Adverse impacts of the exploitation of natural resources, tax evasion, austerity measures²⁶ and the privatization of public services²⁷ are also experienced by women differently and disproportionately. Moreover, the "fourth industrial revolution" might affect women more adversely if regulatory responses are not gender-responsive, for example, as a result of automation of tasks that are predominantly conducted by women currently.²⁸

18. The impacts of environmental pollution, climate change and land acquisition are not gender-neutral either. If a water source is polluted by a business activity, this may mean a longer walk every day for the affected women in a rural area to fetch potable water. Similarly, when land is acquired for infrastructure and mining projects, or to build a dam, women dependent on such land for their livelihood and/or subsistence are rarely consulted or involved specifically in the decision-making processes. Consequently, they might not receive a fair share in the development project nor receive compensation for loss of livelihood.

19. Women affected adversely by business activities face additional barriers in seeking access to effective remedies.²⁹ Even if affected women are able to access certain judicial, non-judicial or operational-level mechanisms, they are unable to enforce suitable remedies, because these remedial mechanisms typically adopt gender-neutral processes or, worse, operate within existing patriarchal norms.

20. Women human rights defenders – who play a vital role in challenging business-related human rights abuses and promoting and protecting human rights, including the right

²² World Bank, *Women, Business and the Law 2018* (Washington, D.C.), pp. 19–20.

²³ See generally A/HRC/32/44, paras. 65–66.

²⁴ A/67/261, paras. 9–11.

²⁵ See www.ohchr.org/EN/Issues/Women/WRGS/Pages/PeaceAndSecurity.aspx.

²⁶ See A/73/179.

²⁷ Danish Institute for Human Rights, *Women in Business*, pp. 32–40.

²⁸ See Institute for Women's Policy Research, *Women, Automation, and the Future of Work* (2019).

²⁹ A/72/162, para. 30; Committee on the Elimination of Discrimination against Women, general recommendation No. 33 (2015) on women's access to justice, paras. 3, 8–10 and 13.

to an effective remedy – often face additional and different risks,³⁰ such as sexual violence, misogynistic public shaming and online harassment, and domestic violence.

21. The forms of discrimination noted above all reflect a failure to integrate a gender perspective in laws, regulations, policies, plans, practices, processes and decisions. The current general business practice of gender-neutral human rights due diligence is a case in point.³¹ A gendered approach to decision-making by States and businesses should also consider the intersectional nature of discrimination. For example, a single mother, a migrant woman, a lesbian, a woman of colour and a woman with disability may experience discrimination and sexual harassment at work in varied ways.

III. Selected existing standards

Convention on the Elimination of All Forms of Discrimination against Women

22. The Convention on the Elimination of All Forms of Discrimination against Women provides a gender-transformative articulation of the International Bill of Human Rights by setting the goal to eradicate all forms of discrimination against women and achieve substantive gender equality. The Convention defines “Discrimination against women” broadly (art. 1). It requires States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise (art. 2 (e)). This may include adopting temporary special measures – also known as affirmative action – to achieve substantive equality (art. 4).

23. The Committee on the Elimination of Discrimination against Women has elaborated further on the implication of several provisions of the Convention. In its general recommendation No. 13 (1989) on equal remuneration for work of equal value, the Committee suggests ways to overcome the gender-segregation in the labour market, which remains a concern in certain male-dominated sectors, such as the extractive sectors, as well as in, for example, the garment industry, where most workers are women. The situation of unpaid women workers in family enterprises and unremunerated domestic activities are dealt with in, respectively, the Committee’s general recommendations No. 16 (1991) on unpaid women workers in rural and urban family enterprises and No. 17 (1991) on the measurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product. In general recommendation No. 26 (2008) on women migrant workers, the Committee makes several recommendations for countries of origin and destination to protect the rights of women migrant workers. In general recommendations No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that States take measures to deal with gender-based violence, including by non-State actors. In its general recommendation No. 33 (2015) on women’s access to justice, the Committee outlines a range of measures to improve women’s access to justice for human rights abuses.

24. The standards contained in the Convention apply to all businesses as part of their responsibility to respect human rights under the Guiding Principles. The relevance of the provisions of the Convention to businesses can be illustrated here briefly. To respect article 5, corporate advertisements should avoid promoting sexual stereotyping, and to act in conformity with article 6, businesses should not facilitate trafficking of women (including for sexual exploitation). To act in line with article 10, private education providers should ensure that women have equal access to education and vocational training. All businesses should eliminate discrimination against women in every aspect of employment, including with regard to the gender pay gap, pregnancy-based discrimination and a lack of work-family life balance (art. 11). If women are not able to access bank loans and other forms of financial credit on an equal footing with men, this may breach article 13 of the Convention.

³⁰ A/HRC/40/60, para. 6.

³¹ See Joanna Bourke Martignoni and Elizabeth Umlas, *Gender-Responsive Due Diligence for Business Actors: Human Rights-Based Approaches* (Geneva Academy of International Humanitarian Law and Human Rights, 2018).

The business practice of requiring women to undergo pregnancy tests, and restrictions on marriage during employment, would infringe article 16.

Beijing Declaration and Platform for Action

25. The Beijing Declaration and Platform for Action mark an important step in that they invite Governments, the private sector and civil society organizations, including women's groups, to take concrete actions to achieve gender equality and empower women in all spheres of life. In the Beijing Declaration, it is reaffirmed that women's empowerment and their full participation on the basis of equality in all spheres of society are fundamental for the achievement of equality, development and peace (para. 13), and men are encouraged to participate fully in all actions towards equality (para. 25).

26. In the Platform for Action (para. 44), Governments and the private sector, among others, are called on to take strategic action in areas of concern such as the persistent and increasing burden of poverty on women; inequalities and inadequacies in and unequal access to education and training; violence against women; inequality in economic structures and policies; and gender inequalities in the management of natural resources and in the safeguarding of the environment. Moreover, regional development banks, regional business associations and other regional institutions are invited to contribute to and help mobilize resources in their lending and other activities for the implementation of the Platform for Action (para. 351).

Women's Empowerment Principles

27. The Women's Empowerment Principles were launched in 2010. They comprise seven principles aimed at promoting gender equality in the workplace, marketplace and community. Representatives of more than 2,000 companies from different sectors operating all over the world have signed a statement of support for the Principles.³² The number of participating companies, while not insignificant, is quite small on a global scale.

28. In March 2017, the Women's Empowerment Principles Gender Gap Analysis Tool was launched to assist companies in assessing their policies and practices vis-à-vis the Principles and, in turn, enable them to design further measures to achieve gender equality. A 2018 report on global trends revealed that although 69 per cent of companies using the Tool had a leadership commitment for gender equality and women's empowerment, only 30 per cent had set time-bound, measurable goals and targets to achieve gender equality through the Principles.³³ Only 16 per cent of companies using the Tool ensure equal participation of women and men in community consultations.³⁴ This shows that much more needs to be done to expand both the breadth and the depth of business engagement with the Principles.

Sustainable Development Goals

29. The 2030 Agenda for Sustainable Development, in which gender is considered both as a stand-alone and cross-cutting issue, seeks, among other things, to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls.³⁵ Goal 5 operationalizes this collective aspiration through targets 5.1 and 5.2, aimed at ending all forms of discrimination and violence (including trafficking and sexual exploitation) against all women and girls everywhere in the public and private spheres. Other targets under the goal include target 5.4, to recognize the value of unpaid care and domestic work, often done by women and girls, and 5.5, to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

³² See www.empowerwomen.org/en/weps/companies.

³³ "Women's Empowerment Principles: global trends report 2018", p. 4.

³⁴ Ibid.

³⁵ General Assembly resolution 70/1, preamble.

30. Targets 5.a to 5.c encourage the use of legislation, policies, reforms and technologies to empower women and girls, which in turn helps to achieve substantive gender equality. A critical role for businesses is envisioned in the 2030 Agenda.³⁶ However, if States and businesses adopt a gender-neutral approach in implementing the Sustainable Development Goals or consider gender an issue relevant only under Goal 5, they might end up leaving behind half of the world's population. A gender perspective should, therefore, be integrated in realizing all the goals and targets under the 2030 Agenda. For example, measures aimed at ending poverty and hunger (Goal 1), promoting decent work for all (Goal 8), reducing inequality within and among countries (Goal 10), combating climate change (Goal 13), providing access to justice (Goal 16) and strengthening public-private partnerships (Goal 17) should be gender-responsive.

OECD Due Diligence Guidance for Responsible Business Conduct

31. The OECD Due Diligence Guidance for Responsible Business Conduct provides enterprises with practical guidance in implementing the due-diligence components of the OECD Guidelines for Multinational Enterprises. The Guidance represents an important step, as it contains recommendations urging businesses to apply a gender perspective to risk-based due diligence.³⁷ OECD recommends that, in assessing adverse impacts, businesses pay special attention “to different risks that may be faced by women and men”.³⁸ Businesses should also “be aware of gender issues and women’s human rights in situations where women may be disproportionately impacted”.³⁹ OECD further recommends “applying a gender perspective to due diligence when appropriate”.⁴⁰ To avoid any doubt, it should be stressed that a gender perspective is always appropriate for all States and businesses in all situations.

32. OECD suggests several gender-sensitive steps that businesses should take, such as collecting and assessing sex-disaggregated data, developing and evaluating gender-sensitive and gender-responsive policies, identifying overlapping or accumulated vulnerabilities, and assessing whether grievance mechanisms are gender-sensitive.⁴¹ It also reminds businesses that stakeholders such as women “may need additional attention in the context of stakeholder engagement activities”.⁴² Although there is no specific reference to gender in the context of the national contact points, the relevance of gender to providing remedies was expressly acknowledged during a workshop on gender convened by the Working Party on Responsible Business Conduct.⁴³ More such awareness-raising and capacity-building workshops could assist in mainstreaming a gender perspective in implementing all components of the OECD Guidelines.

International Labour Organization standards

33. Over the years, the International Labour Organization has developed several gender equality standards:

- (a) The principle of equal remuneration for men and women workers for work of equal value (Equal Remuneration Convention, 1951 (No. 100));
- (b) The prohibition of discrimination on the basis of, among others, sex (Discrimination (Employment and Occupation) Convention, 1958 (No. 111));

³⁶ Paras. 28, 39, 41, 52, 60, 62 and 67, and Goal 17.

³⁷ See also sector-specific due-diligence guidance, available at <http://mneguidelines.oecd.org/duediligence/>.

³⁸ OECD Due Diligence Guidance for Responsible Business Conduct, p. 27.

³⁹ *Ibid.*, p. 41.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*, p. 51.

⁴³ OECD, “Workshop on responsible business conduct and gender: Chair’s summary”, 20 March 2019, pp. 5–6.

(c) The provision of equal opportunities and equal treatment for workers with family responsibilities to engage in employment (Workers with Family Responsibilities Convention, 1981 (No. 156));

(d) The provision on supporting women's reproductive rights (Maternity Protection Convention (Revised), 1952 (No. 103) and Maternity Protection Convention, 2000 (No. 183)).

34. The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, revised most recently in 2017, offers guidance to multinational enterprises and Governments in areas such as employment, training, conditions of work and life, and industrial relations. Although the Declaration does not embed gender as a cross-cutting issue, Governments are asked to "promote equality of opportunity and treatment in employment" and eliminate discrimination based on, among other things, sex (para. 28), "promote equal remuneration for men and women workers for work of equal value" (para. 29) and take "steps to combat workplace violence against women and men" (para. 43). Multinational enterprises should also be "guided by the principle of non-discrimination throughout their operations" (para. 30).

35. Furthermore, the 108th session of the International Labour Conference, in June 2019, will include a discussion of the text of a proposed convention concerning violence and harassment against women and men in the world of work.⁴⁴

IV. A gender framework for the Guiding Principles

36. The Guiding Principles contain several references to gender and women. The references can be grouped into three "gender windows". The first window is framed by the general principle of non-discrimination: the Guiding Principles should be implemented in a non-discriminatory manner with due regard to the different risks that may be faced by women and men.⁴⁵ This is an important cross-cutting principle, which could be employed to develop a gender-responsive reading of the Guiding Principles.

37. The second window is shaped by provisions explicitly highlighting the need to integrate a gender perspective at certain places. The commentary to guiding principle 3 provides that States should provide appropriate guidance to businesses on how to consider effectively issues of, among other things, gender, recognizing the specific challenges that may be faced by women. Guiding principle 7 underlines that States should provide adequate assistance to business enterprises operating in conflict-affected areas to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence. The commentary to guiding principle 18 stresses that when identifying any adverse human rights impacts, business enterprises should bear in mind the different risks that may be faced by women and men. Finally, the commentary to guiding principle 20 provides that business enterprises should make particular efforts to track the effectiveness of their responses to impacts on individuals from groups or populations that may be at heightened risk of vulnerability or marginalization, underlining the importance of using gender-disaggregated data where relevant.

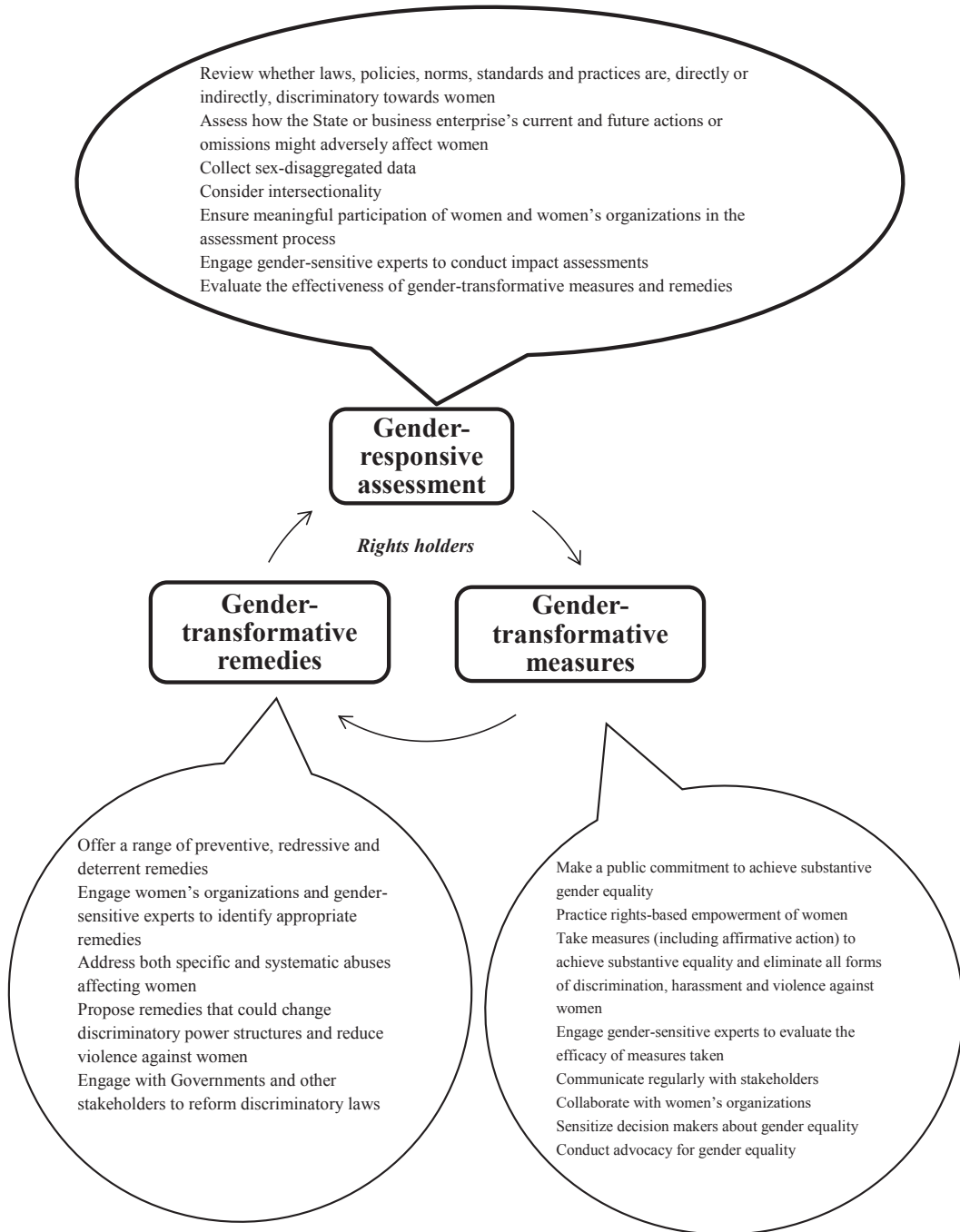
38. The foundation of the third gender window is the commentary to guiding principle 12, which provides that, depending on circumstances, business enterprises may need to consider additional standards. For instance, enterprises should respect the human rights of individuals belonging to specific groups or populations that require particular attention. A specific mention is made of the instruments that have elaborated further on the rights of groups such as women. The Convention on the Elimination of All Forms of Discrimination against Women should be part of the additional standards that businesses should consider at all times, as adopting a gender perspective will be appropriate in all circumstances.

⁴⁴ See www.ilo.org/ilc/ILCSessions/108/lang--en/index.htm.

⁴⁵ A/HRC/17/31, p. 6.

39. Building on those three gender windows and the international standards concerning women's rights discussed in section III above, the Working Group has developed a gender framework for the Guiding Principles, comprising a three-step cycle relevant to all three pillars: gender-responsive assessment, gender-transformative measures and gender-transformative remedies (see figure). The assessment should be responsive: it should be able to respond to differentiated, intersectional and disproportionate adverse impacts on women's human rights as well as to discriminatory norms and patriarchal power structures. The consequent measures and remedies should be transformative in that they should be capable of bringing change to patriarchal norms and unequal power relations that underpin discrimination, gender-based violence and gender stereotyping.

Gender framework for the Guiding Principles on Business and Human Rights



40. States and businesses should periodically carry out gender-responsive assessments of the terrain of laws, policies, norms, practices and activities to identify existing gender inequalities and discriminations, as well as the impact of their respective current and future actions or omissions on such a terrain. Such an assessment process should make use of sex-disaggregated data, engage gender-sensitive experts, and include consultations with women's organizations, including those operating at the grass-roots level. The findings of the assessments should inform States and businesses in taking a full range of gender-transformative measures to achieve substantive gender equality in all spheres of life. If those measures fall short of achieving this goal, gender-transformative remedies should be available for affected women. The remedies should combine preventive, redressive and deterrent elements⁴⁶ and change existing power structures that discriminate against women.

41. The Working Group has applied the gender framework to propose gender guidance specific to each of the 31 guiding principles (see annex). The guidance for each guiding principle includes selective illustrative actions showing how States and businesses can integrate a gender perspective throughout their operations. Examples of good practices that will be posted on the Working Group's website should provide further practical assistance in this integration process.

42. All initiatives and reporting frameworks aimed at facilitating the implementation of the Guiding Principles should integrate the proposed gender framework and guidance. Moreover, any future standards in the business and human rights field should be developed with the meaningful participation of women and should propose gender-responsive measures, in line with the Declaration for Gender Responsive Standards and Standards Development.

V. Conclusions and recommendations

Conclusions

43. **Despite much progress made over the years in achieving substantive gender equality, many challenges remain. Women continue to experience multiple forms of discrimination, disadvantage, exclusion and violence in all spheres of life. They are underrepresented in decision-making positions, are often affected differently and disproportionately by business activities, and face additional barriers in seeking effective remedies. Women might also be affected more adversely by new technologies.**

44. **There is some evidence of an increased integration of a gender perspective in business and human rights standards in recent years. However, most States and business enterprises still pay little or inadequate attention to the diverse experiences of women in implementing their respective duties and responsibilities under the Guiding Principles. This practice of "gender tokenism" must change. To eliminate all forms of discrimination against women and achieve substantive gender equality, States and business enterprises should work together with women's organizations and all other relevant actors to ensure systematic changes to discriminatory power structures, social norms and hostile environments that are barriers to women's equal enjoyment of human rights in all spheres. The proposed gender framework and guidance provide concrete steps on how this can be done.**

Recommendations

45. **The Working Group recommends that:**

- (a) **States apply the gender framework and guidance in developing or revising all initiatives and measures, including national action plans on business and human rights, aimed at implementing the Guiding Principles;**

⁴⁶ A/72/162, para. 40.

(b) States encourage, through a range of effective incentives and disincentives, business enterprises to integrate the gender framework and guidance in discharging their human rights responsibilities under the Guiding Principles;

(c) Business enterprises apply the gender framework and guidance in all aspects of their responsibility to respect human rights, namely, making a robust policy commitment, conducting meaningful human rights due diligence and providing for or cooperating in effective remediation, and in contributing to achieving substantive gender equality;

(d) Business enterprises ensure meaningful participation of potentially affected women, women's organizations, women human rights defenders and gender experts in all stages of human rights due diligence;

(e) Business enterprises provide support and use their leverage to ensure that all their business partners apply the gender framework and guidance in their operations and respect women's human rights;

(f) Experts and consultants advising enterprises on implementing the Guiding Principles adopt a gender-responsive approach and recommend gender-transformative measures and remedies;

(g) Stock exchanges, industry associations and investors take effective steps to encourage businesses to contribute to achieving substantive gender equality in line with the proposed gender framework and guidance and other relevant standards;

(h) International financial institutions integrate the gender framework and guidance, including in the conduct of human rights due diligence, in approving any financial support for projects, in monitoring such projects and in dealing with complaints concerning the supported projects;

(i) National human rights institutions, civil society organizations, trade unions, women's organizations, human rights defenders, lawyers, law firms, judges, journalists and academics make use of the gender framework and guidance in their respective roles in promoting substantive gender equality and implementing the Guiding Principles;

(j) Agencies, organizations and foundations funding projects to support the dissemination and implementation of the Guiding Principles by States and/or businesses should explicitly integrate a gender perspective in such projects in line with the proposed gender framework and guidance.

Annex

Gender guidance for the Guiding Principles on Business and Human Rights*

Guiding principle 1

1. States must take appropriate steps to ensure that all business enterprises operating within their territory and/or jurisdiction respect women's human rights. All State policies, legislation, regulations and adjudication to prevent, investigate, punish and redress all forms of discrimination, harassment and violence against women should integrate the gender framework and guidance for the Guiding Principles on Business and Human Rights.

2. Illustrative actions:

(a) States should address, including through temporary special measures, root causes of discriminatory power structures that operate against women and that prevent the achievement of substantive equality in all spheres;

(b) States should revise existing legislation that directly or indirectly discriminates against women and take effective measures to eliminate sexual harassment and gender-based violence against women, so that women can have access to opportunities on an equal basis with men;

(c) States should encourage and incentivize business enterprises to contribute to achieving substantive gender equality to enable the enterprises to discharge their responsibility to respect women's human rights;

(d) States should ensure the participation of women and women's organizations in taking legal and policy measures to implement, including through a national action plan and other such means, the Guiding Principles;

(e) States should integrate a gender perspective in mandatory human rights due diligence laws, including those concerning modern slavery and transparency in supply chains;

(f) States should ensure that State-based judicial and non-judicial mechanisms are responsive to additional barriers faced by women in seeking effective remedies for business-related human rights abuses.

Guiding principle 2

3. States should not only provide guidance but also create incentives and disincentives to encourage all business enterprises domiciled in their territory and/or jurisdiction to respect women's human rights throughout their operations, including in supply chains.

4. Illustrative actions:

(a) States should work collectively to create international frameworks that require business enterprises to respect women's human rights and eliminate discrimination, sexual harassment and gender-based violence wherever they operate;

(b) States should encourage business enterprises to appoint a certain percentage of women to their boards and report on the gender pay gap throughout their operations;

(c) States should use their diplomatic and trade missions to provide guidance and support to businesses operating overseas on how to respect women's human rights when faced with discriminatory norms or practices;

* All references to "women" in the guidance should be understood to include girls as well as transgender and intersex women.

(d) States should consider offering incentives to business enterprises that demonstrate leadership in taking measurable steps to achieve substantive gender equality throughout their operations;

(e) States should require business enterprises domiciled in their territory and/or jurisdiction to respect the rights of women human rights defenders and whistle-blowers throughout their operations.

Guiding principle 3

5. States should assess and address the direct and indirect discriminatory effects of existing laws and policies on women's human rights. They should take account of the gender framework and guidance for the Guiding Principles in providing guidance to business enterprises on how to respect human rights throughout their operations.

6. Illustrative actions:

(a) States should employ gender equality as a cross-cutting theme in drafting, revising and assessing all laws and regulations that have a bearing on promoting and ensuring business respect for human rights;

(b) States should take proactive measures to ensure meaningful participation of women and women's organizations in developing or updating laws and policies;

(c) States should consider and address the differentiated impact of various laws on women, for example how laws on consumer safety, corporations, labour, human rights, environment, advertising, entertainment, investment, banking, finance, taxation and anti-competition affect women;

(d) State policies, including those concerning implementation of the Sustainable Development Goals, should be gender-transformative. For example, policies related to poverty, health, housing, education, sanitation, decent work, land and climate change should address the root causes of discrimination against women.

Guiding principle 4

7. States should ensure that State-owned or State-controlled business enterprises and State agencies not only lead by example in achieving substantive gender equality but also use their leverage to require their business partners to do the same.

8. Illustrative actions:

(a) States should require educational institutions receiving financial support or recognition to raise awareness about substantive gender equality and to build capacity of the relevant stakeholders to achieve this goal;

(b) State should require all State-owned or State-controlled business enterprises to follow the gender framework and guidance in conducting human rights due diligence and in collecting sex-disaggregated data;

(c) States should require agencies dealing with development aid, export credit, pensions and sovereign investment funds to integrate gender equality policies in their mandates;

(d) States should require all State-owned or State-controlled business enterprises to appoint a certain percentage of women to their boards and annually disclose data on progress made in achieving gender parity in employment;

(e) States should require all State-owned or State-controlled business enterprises to take effective measures to protect the sexual and reproductive health and rights of women;

(f) State should require their agencies, as well as State-owned or State-controlled business enterprises, to have policies and mechanisms to address sexual harassment, gender-based violence, pregnancy- and maternity/paternity-based discrimination and the gender pay gap;

(g) States should require all State-owned or State-controlled business enterprises to establish effective gender-responsive grievance mechanisms.

Guiding principle 5

9. States should ensure that contracts with business enterprises, including those related to the privatization of public services and public-private partnerships, integrate a gender perspective.

10. Illustrative actions:

(a) Before privatizing public services, States should conduct a gender impact assessment to understand the differentiated impacts of such decisions on women;

(b) When awarding contracts for public services, States should give preference to businesses with a track record of taking measures to achieve substantive gender equality throughout their operations;

(c) States should insert gender-equality provisions, including remedial measures for breach of such provisions, into contracts with business enterprises offering public services;

(d) States should forge public-private partnerships to promote the economic empowerment of women, for example by collaborating with banks to offer women easy access to finance to start a new business or pursue higher education.

Guiding principle 6

11. States should integrate a gender perspective in their laws and policies regulating commercial transactions, including public procurement, with business enterprises.

12. Illustrative actions:

(a) States, as well as intergovernmental institutions, should source a certain percentage of products and services from women-owned businesses;

(b) States should conduct commercial transactions only with businesses that have policies and mechanisms in place to address sexual harassment, gender-based violence, pregnancy- and maternity/paternity-based discrimination, the gender pay gap, and underrepresentation of women in leadership and management positions;

(c) States should ensure that export processing zones and special economic zones promote rather than undermine women's human rights and contribute to their economic empowerment.

Guiding principle 7

13. States should take additional measures to protect against abuse of women's human rights, including sexual harassment and gender-based violence, by business enterprises in conflict-affected areas. They should also promote women's participation in peacebuilding and transitional justice processes. These measures should be taken, individually and collectively, by both host and home States.

14. Illustrative actions:

(a) States should foster multi-stakeholder collaborative partnerships to change social norms that tolerate, normalize and justify gender discrimination or sexual harassment and gender-based violence;

(b) States should build the capacity of business enterprises, especially those operating in conflict-affected areas, to identify, prevent and mitigate risks relating to sexual harassment and gender-based violence;

(c) States should, in appropriate cases, caution business enterprises domiciled in their territory and/or jurisdiction against operating in conflict-affected areas where it might not be possible to prevent or mitigate risks relating to sexual harassment and gender-based violence;

(d) States should create disincentives, including withdrawal of economic diplomacy and financial support, to deter business enterprises domiciled in their territory and/or jurisdiction from causing, contributing to, or being directly linked to sexual harassment and gender-based violence in conflict-affected or other areas;

(e) States should ensure that effective gender-transformative remedies are available to women who experience sexual harassment and gender-based violence. They should also ensure that business enterprises that cause, contribute to or are directly linked to sexual harassment and gender-based violence are held accountable swiftly;

(f) States should give women and women's organizations a central role in conflict resolution and peacebuilding processes.

Guiding principle 8

15. States, in line with their international human rights obligations, should treat gender equality as a cross-cutting issue to be integrated in the strategies, policies, programmes and actions of all governmental ministries, departments, agencies and institutions that shape business practices.

16. Illustrative actions:

(a) States should consider setting up an interministerial body to coordinate efforts to promote substantive gender equality in line with international human rights law and policy frameworks across all governmental bodies;

(b) States should organize workshops and peer-learning sessions to enhance gender sensitivity among their officials and policymakers;

(c) States should conduct a gender-impact assessment of all laws and policies, including those related to taxation and budgets;

(d) States should ensure that governmental authorities at the provincial and municipal levels are aware of women's human rights and have the capacity to respect, protect and fulfil them.

Guiding principle 9

17. States should conduct periodic ex ante and ex post gender-responsive impact assessments of their trade and investment agreements. States should explicitly include in such agreements a binding obligation of investors to respect women's human rights under national and international law.

18. Illustrative actions:

(a) States should ensure the effective participation of women and women's organizations before and during the negotiation of trade and investment agreements;

(b) States should use trade and investment agreements as a strategic tool to protect and promote women's human rights and enhance economic opportunities for women;

(c) States should include provisions concerning access to remedy for business-related human rights abuses in their trade and investment agreements.

Guiding principle 10

19. States should encourage multilateral institutions to adopt a gender perspective in discharging their respective mandates. States should also ensure that agreements and policy frameworks negotiated in a multilateral setting promote substantive gender equality and avoid exacerbating existing discrimination faced by women.

20. Illustrative actions:

(a) States should consider the gender impact of international agreements and policy frameworks adopted in all relevant areas, such as labour, trade, finance, investment,

intellectual property, development, energy, environment, climate change, health, population, disarmament, peace and security;

(b) States should address the underrepresentation of women in leadership positions at multilateral institutions;

(c) States should encourage multilateral institutions to promote gender equality through their policies related to, for example, hiring, work environment and procurement.

Guiding principle 11

21. Business enterprises have a responsibility to avoid infringing women's human rights and to address adverse human rights impacts with which they are involved. To discharge this responsibility, business enterprises should contribute to achieving substantive gender equality and avoid exacerbating or reproducing existing discrimination against women throughout their operations.

22. Illustrative actions:

(a) Business enterprises should create an enabling environment for women to have access to all opportunities on an equal basis with men. For example, sexual harassment, the gender pay gap, a lack of personal hygiene facilities and a work environment that is not menstruation friendly might discourage women from taking job opportunities and remaining in employment;

(b) Business enterprises should take steps to support women workers in forming trade unions and taking up leadership positions in them;

(c) Business enterprises should explore innovative ways to promote women's rights and engage in advocacy to change discriminatory laws and social practices;

(d) Business enterprises should find ways to offer loans and access to finance to women, including women who might not own property because of discriminatory laws or social practices;

(e) Business enterprises should ensure that their land acquisition and compensation processes neither reinforce gender-discriminatory landownership practices nor adversely affect women's livelihoods and subsistence;

(f) Business enterprises should not perpetuate gender stereotypes or objectify and sexualize women's bodies in any process, including sales and marketing, related to their products or services;

(g) Business enterprises should take a range of measures (for example, affirmative action and professional development support) to ensure equal representation of women in the workforce at all levels, including on boards. They should also engage and incentivize their business partners to do the same;

(h) Business enterprises should take effective measures to ensure that women are not harassed, bullied or intimidated in cyberspace and that they are able to use social media platforms without fear of discrimination or threat of violence;

(i) Business enterprises should take steps to respect the sexual and reproductive health and rights of women, for example, by providing paid parental leave, offering flexible work hours or work-from-home options for new parents, and providing breastfeeding rooms at work. Business enterprises should also cease the practice of mandatory pregnancy testing.

Guiding principle 12

23. In order to respect the internationally recognized rights of women, business enterprises should consider, among other instruments, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child relevant in all circumstances and throughout their operations.

24. Illustrative actions:

(a) Business enterprises should respect women's human rights and contribute to achieving substantive gender equality as a normative principle, although there may also be a business case for doing so;

(b) Business enterprises should integrate a gender equality policy across all departments and throughout operations in discharging their responsibility to respect women's human rights. This may require building the capacity of personnel and business partners with regard to women's human rights and gender equality;

(c) Business enterprises should rely on, and refer to in their codes, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child to avoid the risk of adopting a gender-neutral reading of human rights under the International Bill of Human Rights;

(d) Business enterprises should be aware of the intertwined layers of discrimination faced by women because of intersectionality: different women may be affected differently by business activities owing to variables such as age, colour, caste, class, ethnicity, religion, language, literacy, access to economic resources, marital status, sexual orientation, gender identity, disability, residence in a rural location, and migration, indigenous or minority status;

(e) When business enterprises may adversely affect indigenous women, they should take into account the rights, including to self-determination and of free, prior and informed consent, set out in the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization and in the United Nations Declaration on the Rights of Indigenous Peoples.

Guiding principle 13

25. Business enterprises should not cause or contribute to adverse impacts on women's human rights and should address such impacts when they occur. They should also take adequate measures to prevent or mitigate adverse impacts on women's human rights that are directly linked to their operations, products or services by their business relationships.

26. Illustrative actions:

(a) Business enterprises should avoid undermining women's human rights at a minimum and promote such rights by adopting, and applying in practice throughout their operations, a gender equality policy;

(b) Business enterprises should encourage all their business partners to respect women's human rights, for example by communicating gender equality expectations and assessing performance on that basis, providing advice, building capacity and offering incentives;

(c) Business enterprises should ensure that new technologies such as artificial intelligence and automation do not have disproportionate adverse impacts on women's human rights.

Guiding principle 14

27. All business enterprises, including micro-, small and medium-sized enterprises, should take appropriate steps in line with the Guiding Principles to respect the human rights of women, including those working in the informal economy.

28. Illustrative actions:

(a) A gender perspective should be adopted in determining the severity and irremediable character of adverse human rights impacts under the Guiding Principles;

(b) Business enterprises should use their leverage over business partners with which they are involved to encourage them to respect women's human rights;

(c) Business enterprises should map workers in the informal economy who are part of their supply chains, identify gender-specific issues and take appropriate steps to address these issues;

(d) Business associations, including of micro- and small enterprises, should raise awareness among their members and build the capacity of those members to practise gender equality.

Guiding principle 15

29. Business enterprises should integrate the gender framework and guidance in all policies and processes put in place to implement all aspects of their responsibility to respect human rights under the Guiding Principles, namely, making a policy commitment, conducting human rights due diligence and remediating any adverse human rights impacts caused or contributed to.

30. Illustrative actions:

(a) Business enterprises should use tools such as the Women's Empowerment Principles Gender Gap Analysis Tool to assess the nature and extent of gender discrimination throughout their operations as well as the effectiveness of their gender equality measures;

(b) Business enterprises should integrate gender equality as a cross-cutting issue in all policies, processes and strategies across all departments, rather than treating it merely as a diversity or inclusion issue relevant only for the human resources department.

Guiding principle 16

31. Business enterprises should embed their commitment to respect women's human rights and to contribute to achieving substantive gender equality in a gender equality policy that is developed from the bottom up in a participatory manner but adopted at the highest level. Such a policy may be a stand-alone document or integrated in an enterprise's generic human rights policy.

32. Illustrative actions:

(a) Business enterprises should develop, and review periodically, a gender equality policy in meaningful consultation with women, women's organizations, women human rights defenders and gender experts;

(b) The gender equality policy should:

(i) Make a reference to the relevant international standards, such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and draw on the gender framework and guidance for the Guiding Principles;

(ii) Take account of the intersectional nature of discrimination;

(iii) Include measurable targets and indicators and clearly outline what is expected from business partners;

(iv) Be communicated to all internal and external stakeholders, including women employees and workers, in an accessible language and format;

(v) Be integrated in the operational processes of all departments;

(c) Business enterprises should allocate necessary funds and identify responsible persons to implement the gender equality policy;

(d) Business enterprises should annually disclose sex-disaggregated data concerning the progress made throughout their operations as per the indicators outlined in the gender equality policy.

Guiding principle 17

33. Business enterprises should explicitly integrate a gender perspective in carrying out all steps of human rights due diligence as per the Guiding Principles. The ongoing human rights due diligence should cover both actual and potential adverse impacts on women's

human rights that a business enterprise may cause or contribute to, or that may be directly linked to its operations, products or services by its business relationships.

34. Illustrative actions:

(a) Unless business enterprises adopt a gender perspective, they will not be able to identify differentiated and disproportionate adverse impacts that their operations may have on women;

(b) Business enterprises should internalize gender as an equality issue, rather than treating it as a “tick-box exercise” or as an add-on to human rights due diligence;

(c) If a business enterprise needs to identify priority areas where risks of adverse impacts are most significant, this should be done with the participation of potentially affected communities, including women and women’s organizations;

(d) Business enterprises should always regard sexual harassment and gender-based violence as risks of severe human rights impacts. They should have zero tolerance for such impacts throughout their operations.

Guiding principle 18

35. In identifying and assessing any actual or potential adverse human rights impacts, business enterprises should adopt a gender-responsive approach, draw on gender experts, and conduct meaningful consultations with potentially affected women, women’s organizations (including grass-roots organizations) and women human rights defenders.

36. Illustrative actions:

(a) To overcome practical barriers, patriarchal norms or threats of violence that might discourage potentially affected women from participating in impact assessment processes, business enterprises should take a proactive approach and adopt innovative means (for example, providing childcare during meetings or holding separate meetings for women);

(b) Affected communities may regard participation in consultations meaningful only if it is done before a project commences, adequate information about the project is provided in an accessible and timely manner, concerns expressed by communities are taken seriously and addressed, and continuous and transparent communication is maintained;

(c) Business enterprises should use sex-disaggregated data and outcome indicators to assess the true impact of their activities on women and consider that different women may be affected differently because of the intersectional nature of discrimination;

(d) The presence of women’s organizations and/or trade unions in the consultation process may address the power asymmetry that generally exists between business enterprises and affected communities.

Guiding principle 19

37. Business enterprises should integrate the findings from their impact assessments in all relevant processes and take a range of gender-transformative measures to prevent and mitigate adverse impacts in line with the Guiding Principles.

38. Illustrative actions:

(a) Depending on the impact assessment findings, gender-transformative measures may include:

(i) Revising the gender-equality policy and management processes and practices to address systematic concerns related to adverse impacts on women’s human rights;

(ii) Modifying an ongoing project to prevent or minimize adverse impacts on women;

(iii) Increasing gender sensitivity among enterprise personnel across all departments and supporting business partners in developing gender-responsive management systems;

- (iv) Building the capacity of the enterprise's own personnel and business partners to effectively handle sexual harassment and gender-based violence;
 - (v) Adopting affirmative action policies to overcome underrepresentation of women in managerial positions and on boards;
 - (vi) Developing collaborative partnerships with women's organizations;
 - (vii) Providing effective transformative remedies for, or cooperating in the remediation of, adverse impacts that have already occurred;
- (b) In appropriate cases, business enterprises should also conduct advocacy in support of gender equality.

Guiding principle 20

39. Business enterprises should track the effectiveness of their responses by using sex-disaggregated data, collected in line with a human rights-based approach, and outcome indicators developed in consultation with affected women, women's organizations and gender experts.

40. Illustrative actions:

- (a) Business enterprises should ensure that indicators are gender-responsive, otherwise differentiated impacts on women may not be captured by the tracking process;
- (b) Business enterprises should track the effectiveness of their responses for their entire operations, including supply chains;
- (c) Business enterprises should engage women, women's organizations and local community groups to assess the effectiveness of their gender-transformative responses.

Guiding principle 21

41. Business enterprises should communicate adequate and easily accessible information to the affected stakeholders regularly. Both the information and the means of communication should be responsive to gender discrimination and the differentiated impacts experienced by women.

42. Illustrative actions:

- (a) Business enterprises should take appropriate steps to ensure that the means of communication of information are accessible to potentially affected women;
- (b) If the information communicated concerns sexual harassment and gender-based violence, business enterprises should respect the victims' right to privacy and should not disclose the identity or other personally identifiable information of victims to avoid social stigmatization and further victimization;
- (c) In the information provided, sex-disaggregated data should be used wherever appropriate;
- (d) The commercial confidentiality exception should be interpreted narrowly and with due regard to how a lack of information disclosure could worsen the situation of disadvantaged, marginalized or vulnerable individuals and communities.

Guiding principle 22

43. Business enterprises should provide for, or cooperate in the provision of, gender-transformative remedies where they identify that they have caused or contributed to adverse human rights impacts.

44. Illustrative actions:

- (a) When providing a "bouquet" of remedies to redress adverse impacts, in line with the report submitted by the Working Group on the issue of human rights and transnational corporations and other business enterprises to the General Assembly at its

seventy-second session (A/72/162), business enterprises should keep in mind differentiated intersectional impacts on women and their human rights;

(b) Remedies offered by business enterprises for sexual harassment and gender-based violence should be responsive to women's experiences. Compensation settlements, for example, should never exclude access to judicial or non-judicial mechanisms and non-disclosure agreements should not be used unless requested by the affected women;

(c) In addition to remedying specific adverse impacts, remedies in appropriate cases should also be aimed at bringing about systematic changes in discriminatory power structures. For example, if sexual harassment complaints in factories are not taken seriously owing to an underrepresentation of women in managerial positions, this imbalance should be addressed;

(d) Where adverse impacts, including on women's human rights, are directly linked to a business enterprise's suppliers, the enterprise, while not required to provide for remediation itself under the Guiding Principles, should still require and incentivize its suppliers to provide for effective remedies;

(e) Business enterprises should show coherence in discharging their responsibility to cooperate in remediation of adverse impacts through legitimate processes. For example, they should comply with decisions emanating from such processes and avoid targeting affected communities, including women human rights defenders and trade union leaders, for seeking legitimate remedies.

Guiding principle 23

45. Business enterprises should, in all contexts, respect all relevant national laws, as well as regional and international standards concerning women's human rights, and contribute to achieving substantive gender equality.

46. Illustrative actions:

(a) If norms or social practices in a country discriminate against women, business enterprises should explore innovative ways to uphold women's international human rights and use their influence to positively change those discriminatory norms;

(b) Business enterprises should be mindful of legal liability where they cause or contribute to sexual harassment and gender-based violence.

Guiding principle 24

47. In prioritizing action to address those adverse human rights impacts that are most severe or irremediable, business enterprises should recognize that gender discrimination, sexual harassment and gender-based violence have severe and irremediable impacts.

48. Illustrative actions:

(a) Business enterprises should regard gender-based discrimination, sexual harassment and gender-based violence as adverse impacts to be prevented, mitigated and remediated on a priority basis;

(b) Business enterprises should ensure that any decision in prioritizing action is informed by the meaningful participation of potentially affected women and women's organizations.

Guiding principle 25

49. States must ensure that all necessary judicial, administrative, legislative or other steps that they take to provide affected persons with access to effective remedies for business-related human rights abuses are gender-transformative.

50. Illustrative actions:

(a) States should ensure the participation of women and women's organizations in carrying out legislative, administrative or judicial reform to improve access to effective remedies for business-related human rights abuses;

(b) States should take effective steps to investigate, punish and redress business-related adverse impacts on women's human rights, including sexual harassment and gender-based violence, that occur in their territory and/or jurisdiction;

(c) States should create mechanisms and processes to redress extraterritorial adverse impacts caused, or contributed to, by business enterprises domiciled in their territory and/or jurisdiction, and enhance cross-border cooperation in cases with a transnational dimension;

(d) States should ensure that judicial and non-judicial institutions are capable of providing gender-transformative remedies to achieve substantive gender equality;

(e) States should build the capacity of judges, prosecutors, police officers and other relevant actors to ensure that they operate with gender sensitivity and without discriminatory gender stereotyping when dealing with complaints about adverse impacts on women's human rights.

Guiding principle 26

51. When taking steps to reduce legal, practical and other barriers in accessing domestic judicial mechanisms for cases of business-related human rights abuse, States should pay attention to the additional barriers faced by women in seeking effective remedies.

52. Illustrative actions:

(a) In line with general recommendation No. 33 (2015) on women's access to justice, of the Committee on the Elimination of Discrimination against Women, States should take proactive and targeted measures to reduce additional barriers that may be faced by women in holding businesses accountable for human rights abuses, for example a low level of literacy, limited economic resources, gender stereotyping, discriminatory laws, patriarchal cultural norms and household responsibilities;

(b) States should introduce systematic reform to address gender bias and discriminatory power structures that disadvantage women in seeking effective remedies for business-related human rights abuses. For example, the gender pay gap would result in women having fewer resources to seek remedies;

(c) States should put in place mechanisms to ensure that no reprisals or retaliatory action are directed against women, including women human rights defenders and trade union leaders, seeking remedies;

(d) States should consider how technological innovations could be used to reduce practical barriers, including with regard to physical access and additional victimization caused by repeated testimonies, faced by women in accessing courts;

(e) Legal aid schemes may adopt a differential financial threshold to provide support to affected women seeking remedies, while support should be available to all victims of sexual harassment and gender-based violence.

Guiding principle 27

53. States should confer an explicit mandate on non-judicial grievance mechanisms, and provide them with adequate powers and resources, to deal with business-related human rights abuses, including gender-discrimination and sexual-harassment complaints against business enterprises.

54. Illustrative actions:

(a) States should grant non-judicial grievance mechanisms the powers necessary to provide effective transformative remedies in business-related cases of gender discrimination and sexual harassment;

(b) When making appointments to non-judicial grievance mechanisms, such as national human rights institutions and national contact points, States should consider the gender balance;

(c) Global and regional associations of national human rights institutions should build the capacity of their members to integrate gender equality as a cross-cutting issue throughout their operations, including in dealing with complaints;

(d) The national contact points should identify and address additional barriers that women face in filing complaints. They should also adopt a gender-responsive approach in examining complaints and a gender-transformative approach in facilitating conciliation, mediation or dialogue between parties and in making recommendations in final statements;

(e) States should ensure that customary or indigenous justice systems operate in line with women's international human rights standards.

Guiding principle 28

55. States should take necessary steps, individually or collectively, to ensure that all non-State grievance mechanisms, whether administered by business enterprises, industry associations, multi-stakeholder bodies or international financial institutions, dealing with business-related human rights abuses apply the gender framework and guidance for the Guiding Principles.

56. Illustrative actions:

(a) States should provide guidance to business enterprises establishing operational-level grievance mechanisms and exercise oversight over the process to bridge the various asymmetries that exist between enterprises and affected communities, including women;

(b) Grievance mechanisms established by international financial institutions should take specific measures to make potentially affected women aware of those mechanisms, draw on input from women's organizations, adopt a gender-responsive approach in all stages of the complaint process and recommend gender-transformative remedial measures.

Guiding principle 29

57. Operational-level grievance mechanisms established by business enterprises should integrate a gender perspective in accordance with the gender framework and guidance for the Guiding Principles.

58. Illustrative actions:

(a) Business enterprises should ensure that potentially affected women, women's organizations and women human rights defenders meaningfully participate in designing and administering operational-level grievance mechanisms. Moreover, the composition of bodies processing complaints should be gender-balanced;

(b) Operational-level grievance mechanisms should take into account various forms of discrimination, disadvantages and barriers faced by affected women in seeking remedies and take appropriate measures to overcome those limitations;

(c) Business enterprises should not require affected individuals or communities to waive their right to seek judicial or non-judicial remedies for human rights abuse;

(d) Business enterprises should ensure that women making complaints do not face any intimidation or reprisals.

Guiding principle 30

59. Grievance mechanisms established under human rights-related standards of industry associations, multi-stakeholder bodies or other collaborative initiatives should be developed in a gender-responsive manner and should be able to provide gender-transformative remedies.

60. Illustrative actions:

(a) The entire process of developing, and reviewing the effectiveness of, such grievance mechanisms should involve the participation of women representatives, draw on

sex-disaggregated data about adverse impacts on women's human rights and consider additional barriers that women face in accessing grievance mechanisms;

(b) The remedies provided by these industry-wide or multi-stakeholder grievance mechanisms should be aimed at redressing not only specific human rights abuses but also systemic root causes of discrimination against women.

Guiding principle 31

61. All effectiveness criteria for non-judicial grievance mechanisms should be interpreted in a gender-responsive manner, considering especially the intersectional nature of discrimination faced by women in accessing such mechanisms and in enforcing effective remedies against business enterprises.

62. Illustrative actions:

(a) Non-judicial grievance mechanisms should take targeted measures:

(i) To ensure that non-judicial grievance mechanisms are accessible to potentially affected women and enjoy their trust;

(ii) To address the imbalance of power, information, financial resources and legal expertise faced by affected communities, including women;

(b) Non-judicial grievance mechanisms should be gender responsive in dealing with complaints about adverse impacts on women and ensure that the remedies granted are in line with women's international human rights standards;

(c) Non-judicial grievance mechanisms should collect sex-disaggregated data and consult women's organizations and women human rights defenders to enable gender-responsive continuous learning.

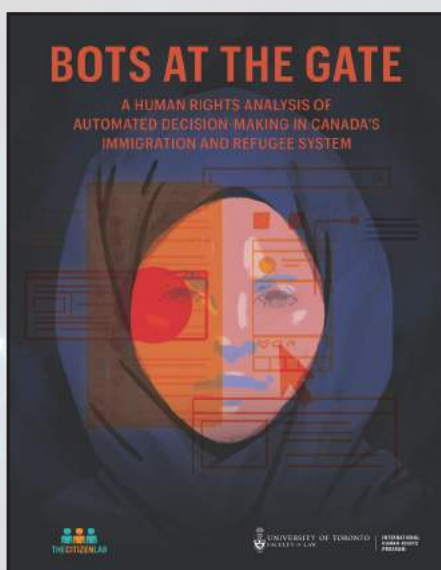
Shortcuts, Gaps and Traps

The Human Rights Implications of Artificial Intelligence in a Historical Perspective

Dr. Daniel Connolly
Korea University

Introduction

- “I deduce that from the fact that I have been accused but cannot find the least thing I am guilty of with which I could be charged. But that, too, is a matter of secondary importance, the main question is, by whom have I been accused? Which of the authorities is conducting the proceedings? Are you a state official? None of you is in uniform...” (Kafka 2009, 12)
- Despite being written a hundred years ago, this quote encapsulates the mainstream debates about AI today



Artificial Intelligence in Context

- The problems created by artificial intelligence are governance problems rather than technological problems
- These challenges are rooted in developments dating back to the First Industrial Revolution, if not earlier
- A historically informed social scientific approach to the issue can help highlight possible blind spots in current examinations of the interaction between new technologies and human rights

Shortcuts

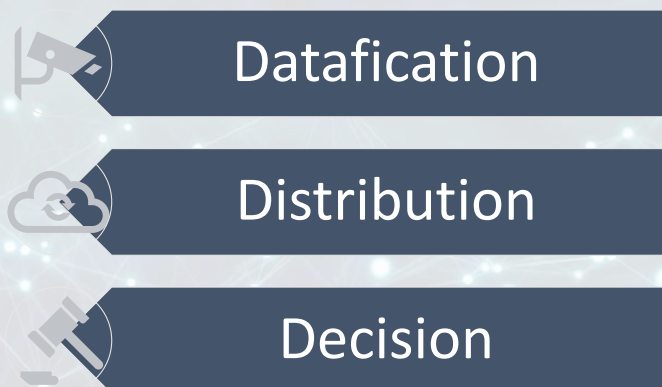
Gaps

Traps

The Algorithmic State/Enterprise

- **Algorithms:** a process or set of rules to be followed in calculations or other problem-solving operations
- “Assemblages of institutionally situated code, practices and norms with the power to create, sustain, and signify relationships among people and data” (Ananny 2016, 93)
- Max Weber’s (1978) account of the formation of bureaucracy in the modern state highlights key similarities
 - Body of specialized technical rules
 - Non-democratic
 - Independent
- “Precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal cost” (p. 973)

Datafication Cycle and AI



I. Shortcuts

- New technologies can help corporations and states avoid human rights liabilities by creating a world with less human interaction
- **Automated factories**
 - No workers to get sick or complain of discrimination
- **Privacy-by-design**
 - Allows actors to utilize personal data without being processed by humans
- **Microwork/Crowd Work**
 - Extremely short interactions conducted across legal boundaries
- **Prosumption**
 - Customers are also informal workers and vice-versa

Paradoxical Successes?

- Although these shortcuts are often beneficial in the short-term, we need conversations about their long-term consequences
- Are human rights discourses being co-opted or re-interpreted by powerful actors?
- Which implicated users are we focusing on?
- What are the hidden costs of short-term, distributed, and autonomous corporations/government agencies of the future?
- One scholar Lee (2013) has even suggested that human rights law has created an obligation for states to use weaponized drones to protect the rights to life of their soldiers (also see Strawser 2010).



II. Gaps

- Hopgood (2013) distinguishes between *Human Rights*, the international legal regime, and *human rights*, a grassroots struggle against injustice and domination
- In our struggle to guarantee the survival of *Human Rights* are we missing important structural shifts that may be reducing its relevance to the problems that people face in their daily lives?
- If 85% of future jobs do not have a name for them yet (Institute for the Future 2017, 14), what about emerging threats to individuals and communities?
- In fact, emerging structures of dominancy may not fit our traditional rights framework

A. Political Economy of New Technologies

• Asymmetries of Power

- Artificial intelligence marks a profound shift in power relationships and erodes the effectiveness of existing institutions designed to manage these relationships (Liu 2018; van der Sloot 2017)
- New threats to human agency and mental integrity (Ienca and Andorno 2017)
- Lack of democratic accountability and erosion of the commons (Feenberg 2002; Lessig 2001)
- Erosion of standard employment models
- Commodification of private life and personal data (Andrejevic 2002; 2007)
- Is human rights still the best emancipatory strategy for oppressed people around the world?

B. Exploitation is Complicated

• Consent

- There are large swaths of daily life where we give consent but have very little choice, like job interviews, workplaces, schools, etc.
- Once technical capabilities are created, it becomes more difficult to say no to these applications
- Consent given by one individual also implicates others

• Threats are not individual

- Many new technologies and data processing techniques are seeking to predict and influence group behavior
- Focus on traditional types of vulnerable people misses the danger of new forms of ad hoc and micro-categorization (Gillespie et al 2014)
- With enough data and computing power, society may be controllable at the system level (Otterlo 2016)

C. Match Three Games



https://medium.com/@john_23522/a-brief-history-of-match-three-games-31233dcdfcc5

- Simple and popular games that require the player to match three colored tiles and pass to the next level
- Achieve maximum user engagement through interlocking engagement loops and dynamically difficulty adjustment (DDA)
- Great deal of academic research focused on how to trigger emotional responses in users, maximize their playtime, and keep them coming back
- These strategies will be applied to life and work (Reeves and Read 2009; Thaler and Sunstein 2008)
- Is this exploitation?

III. Traps

- There are also broader concerns about the dehumanizing influences of new technologies
- The modern state was rational and scientific, but it was also cold and dangerous
 - “Bureaucracy develops the more perfectly, the more it is ‘dehumanized,’ the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation” (Weber 1978, p. 975)
- Is the growing use of algorithms changing the tone of human politics, culture, and economics in ways that erode human dignity?

Constructive Power of Technology

- Technology embodies the values and interests of powerful actors and perpetuates new types of governmentality/governing logics
 - Technical codes (Feenberg 2001)
 - Society of control (Fuchs 2008, p. 149)
 - Technological optimization and solutionism (Morozov 2013; Liu 2018)
 - Instrumentarianism (Zuboff 2019)
 - New temporal modalities
- Human rights organizations are going to be applying these technologies to vulnerable groups and risk becoming part of the problem

Conclusion

- Most of the twentieth century consisted of a debate between those who saw capitalist firms or states as the optimal algorithm for organizing human life
- The dawn of artificial intelligence represents both continuity and discontinuity
 - Ultimate expression of legal-rational authority
 - Allows the distribution and complete automation of state and private governance structures
- From the perspective of human rights, AI creates potential **shortcuts** by reducing human interaction, **gaps** because of growing asymmetries of power and new capabilities, and **traps** when technical decisions end up subverting our values

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Session 3
Exemplary Practices of
Corporate Human Rights Management

세션3. 인권경영 모범사례

공기업 인권경영 메커니즘 구축

한국가스공사 인권경영 추진성과



NEXT Energy With KOGAS

- 01 한국가스공사 소개
- 02 인권경영 추진 경과
- 03 추진 성과 및 '19년 중점과제



01. 한국가스공사 소개



설립목적

천연가스의 안정적인 공급을 통한 국민생활 편익과 공공복리 향상

- 천연가스 개발, 수송 및 수출입
- 천연가스의 생산기지 및 공급망 건설운영
- 천연가스의 제조, 공급과 그 부산물의 정제판매
- 천연가스 또는 그 부산물을 이용한 신재생에너지 사업 (수소 제조공급 포함)

주요연혁

1980's	1983. 8	한국가스공사 설립
	1986. 11	천연가스 공급 개시
1990's	1999. 12	증권거래소 상장
2000's	2002. 11	전국 천연가스 공급인프라 구축
	2007. 4	시장형 공기업 지정
2010's	2014. 3	Gastech 2014 동북아시아 최초 개최
	2014. 10	세계가스총회(WGC) 2021 유치
	2018. 12	2018 한국의 경영 대상 수상

천연가스사업 Value Chain



KOGAS 주요 해외사업



02. 인권경영 추진 경과



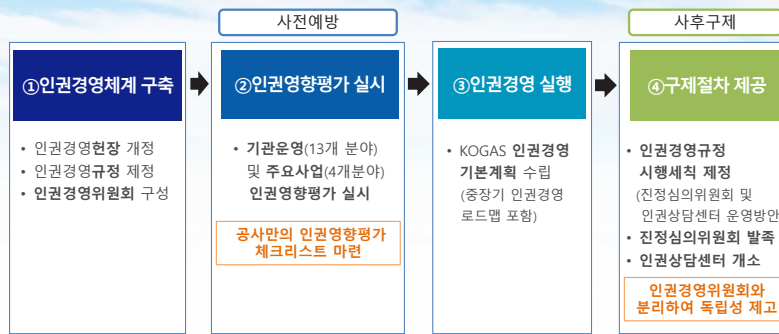
1 한국가스공사에서의 인권경영이란?

국가인권위 시범기관으로서 선도적 인권경영 체계 구축과 내·외부 이해관계자 인권증진을 통한 사회적 가치 창출 및 지속가능경영 실현

1 인권경영 추진 경위

- 2017. 4. 인권경영헌장 제정 및 선포
- 2018. 2. 국가인권위 공공기관 인권매뉴얼 시범적용 기관 선정 및 추진계획 수립
- 2018. 6. 인권경영헌장 개정, 인권경영규정 제정 및 인권경영위원회 구성
- 2018. 9. 인권경영규정 시행세칙 제정, 진정심의위원회 신설 및 인권상담센터 개소
- 2019. 3. 2019년 국가인권위 인권경영 포럼 공공기관 대표 발제
- 2019. 5. 2019년 인권경영 기본계획 수립 및 추진
- 2019. 8. 인권경영체계, 인권영향평가 프로세스 및 구제절차 개선 중

1 한국가스공사 인권경영 도입 내용(국가인권위 매뉴얼 적용)



- (사전예방) 인권영향평가를 통한 실제적·잠재적 인권 리스크 파악 및 개선방안 마련
- (사후구제) 인권상담센터 및 진정심의위원회를 통한 인권침해 사건 처리 및 재발방지 노력

1 인권경영 규범

인권경영헌장 (17. 4. 제정) 인권경영 비전 선언을 통한 인권경영 의지 공표	인권경영규정 (18. 6. 제정) 공사 인권경영 실행을 위한 기본 규범 구축	인권경영규정 시행세칙 (18. 9. 제정) 인권 침해사건 처리 및 피해자 구제 관련 세부 추진절차 규정
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인권경영 전담부서	인권 전담 위원회	
<p>경영관리부사장</p> <ul style="list-style-type: none"> • 인권경영 총괄 <p>인권경영담당관 (경영협력처장)</p> <ul style="list-style-type: none"> • 인권경영계획 수립 및 이행 총괄 • 인권실천·점검의무 계획 및 실시 • 인권침해사건 접수 및 조사 등 <p>인권경영 주관부서 (기업문화부)</p> <ul style="list-style-type: none"> • 인권경영 관련 제반 업무 전담 	<p>인권경영위원회</p> <ul style="list-style-type: none"> • 역할 <ul style="list-style-type: none"> - 인권경영 관련 계획 심의 - 인권영향평가 등 인권실천·점검의무 • 구성 <ul style="list-style-type: none"> - 내부위원(4인) : 사장, 상임감사위원, 경영관리부사장, 경영지원본부장 - 외부위원(3인) : 인권전문가 (교수 및 시민단체) <p>→ 공사 최고위층 구성으로 인권경영 실행력 강화</p>	<p>진정심의위원회</p> <ul style="list-style-type: none"> • 역할 <ul style="list-style-type: none"> - 인권침해 사건 심의 - 피해자 구제 조치 권고 • 구성 <ul style="list-style-type: none"> - 내부위원(2인) : 인권경영담당관, 감사실장 - 외부위원(3인) : 외부전문가 (교수, 변호사, 노무사) <p>→ 인권침해 구제의 독립성·신속성 제고</p>

인권경영 추진 경과: ② 인권영향평가 시행

KOGAS

1 인권영향평가 목적

기관운영 전반 및 주요사업 각 영역에서 발생할 수 있는 **실제적·잠재적 인권 리스크**를 파악하고 평가결과를 경영에 반영하여 **인권친화적 경영체계** 구축

2 인권영향평가 주요내용

기관운영 인권영향평가

- 기업활동 전반을 대상으로 한 인권영향도 평가
 - (2018) KOGAS 체크리스트 마련 (13개분야 190개)
 - 정보인권보호, 여성권리모성보호, 직원인권보호 등 추가
 - (2019) KOGAS 체크리스트 개선 (13개분야 202개)
 - 구제제도, 성희롱 예방 및 구제조치, 직장내 괴롭힘 항목 등 추가

* 국가인권위 체크리스트를 참조한 공사만의 인권영향평가 체크리스트 마련

주요사업 인권영향평가

- 기업의 특정 사업을 대상으로 한 인권영향도 평가
 - (2018) 생산운영분야 인권영향평가 시행 (4개분야 58개)
 - 기지건설운영 사업장 시설 및 설비운영, 사업장내 노동인권 평가절차 등
 - (2019) 건설분야 인권영향평가 시행 (4개분야 117개)
 - 인권준중시스템 근로여건의 적정성, 안전보장, 분야별 인권침해 등

* 밸류체인별 인권영향도 평가(이해관계자 범위 분석) 후 인권관련성이 높은 분야 우선 시행

KOGAS 인권영향평가 프로세스

인권경영 추진 경과: ③ 인권경영 실행

KOGAS

1 인권영향평가 결과를 반영한 중장기 로드맵 수립

인권경영을 일상의 문화로 구현하기 위해 인권영향평가 결과를 바탕으로 공사의 경영환경을 반영한 **중장기 로드맵 수립 및 추진과제 도출**

목 표	글로벌 수준의 인권경영 도입·확산으로 사람중심의 사회적 가치 실현			
추진원칙 및 방향	통합적 접근 전사적 경영목표 등 실질적 연계·반영	시너지 효과 윤리경영 및 지속가능 경영 보완	단계적 접근 3년 기본계획에 따른 단계별 과제 추진	쌍방향 접근 최고경영진의 의지(하향식) 및 직원-이해관계자 참여(상향식)
추진단계	도입기(2018)	성숙기(2019)	안정기(2020)	
추진목표	글로벌 수준의 인권경영제도 구축	글로벌 인권경영 도입·실행	인권경영제도 보완 및 공유·확산	
주요과제	<ul style="list-style-type: none"> • 인권관련 규범제정 • 기본제도 구축 • 인권영향평가 • 인권 감수성 교육 	<ul style="list-style-type: none"> • 인권영향평가에 따른 규범·제도 개선 • 밸류체인별 주요사업 인권영향평가 확대 • 인권 감수성 교육 확대 	<ul style="list-style-type: none"> • 인권영향평가에 따른 규범·제도 강화 • 밸류체인별 주요사업 인권영향평가 확대(계속) • 인권경영 3년 종합평가 	

추진과제 실행력 제고 및 시너지효과 창출을 위해
중기경영계획, KOGAS 혁신종합계획, 출자회사 법인장 계약 등과 인권 추진과제 연계

인권경영 추진 경과: ④ 구제절차의 제공

KOGAS

1 대내외 이해관계자를 포괄하는 독립적인 인권 침해 구제절차 마련

- 공사의 기존 구제절차(민원처리창구, 성희롱 고충상담창구 등) + 인권경영규정(인권침해 구제 절차)

기존 구제절차

- (대상) 내부직원 중심
- (심의) 외부전문가 선택적 참여
- (내용) 분야별(부서별) 고충사건 처리

➔

인권상담센터

- (대상) 내부 및 외부 이해관계자
- (심의) 외부 전문가 과반이상
- (내용) 분야별 + 인권침해 사건 전반

➔ 독립성·신속성·효과성을 갖춘 “공사만의 인권침해 구제 절차” 마련

2 인권 침해 구제 프로세스

상담·신고 접수 (인권상담센터)

- (대상) 임직원, 협력사 등 내외부 이해관계자
- (내용) 부당한 대우, 폭력 등 각종 인권문제 상담 및 신고접수

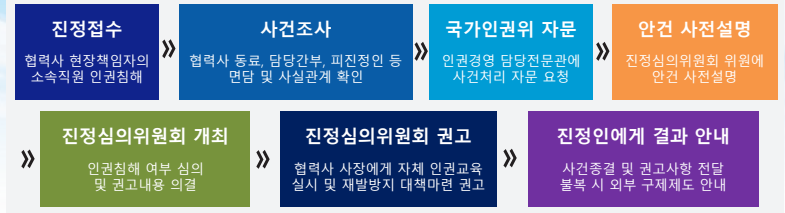
사건분류·조사 (인권경영담당관)

- (1차) 업무분장에 따른 사건분류, 담당부서 자체조치
- (2차) 1차 조치 불복, 진정인의 구제제도 선택 등의 경우 인권 상담센터 직접 조사

사건심의·의결 (진정심의위원회)

- (내용) 피해자 구제 및 재발방지, 유사사건 예방을 위한 진정사건 심의의결
- (절차) 조사결과보고서 심의의결 → 이행 권고

1 인권 침해사건 실제 처리사례



1 시사점 및 향후 개선과제

시사점	개선과제
<ul style="list-style-type: none"> 협력사 내부 인권침해 사건 개입에 따른 부당한 경영간섭 발생 우려 진정인 신원보호 등 조사 및 심의의결 과정의 2차 피해 방지장치 필요 구제조치(이행권고)의 실질적 효과 미흡 상당 및 조사담당 직원의 인권경영 전문성 확보 필요 	<ul style="list-style-type: none"> 인권침해 사례별 구제절차 및 범위에 관한 세부 기준, 원칙 정립 필요 담당직원 교육 강화, 인권상담센터 운영 매뉴얼 및 가이드라인 구체화 구제조치 다양화, 권고 이행 모니터링 강화 외부전문가 자문 확대 담당직원 이론 및 실무교육 강화



03. 추진 성과 및 '19년 중점과제

추진 성과 및 19년 중점과제

1 인권경영 추진 성과 ('18~'19년)

<p>인권경영 총괄 심의의결 기구 신설</p>	<p>대상별·분야별 맞춤형 인권교육</p>	<p>독립적 인권침해 구제절차 마련</p>
<p>60여개 공공기관에 추진성과 공유</p>	<p>대구 이전공공기관 인권업무 협약 체결</p>	<p>공공기관 최초 인권존중 건설현장 구현</p>
<p>영화제 등 지역주민 인권감수성 제고</p>	<p>건설분야 협력사 인권교육 지원</p>	<p>투명한 인권경영 시민보고회 시행</p>

① '19년 인권경영 중점 추진과제

◆ 인권영향평가에 따른 규범 및 제도 개선

- 인권 관련 주요 규정의 인권친화적 개정 등 ('18년 인권영향평가 개선사항)
- 인권침해 구제 제도 효과 진단 및 개선안 마련 ('18년 인권영향평가 개선사항)

◆ 대내외 이해관계자 인권 감수성 고취

- 인권 감수성 교육 대상 확대 및 분야별 인권 전문교육 강화
- 외부 이해관계자 인권교육 지원 (건설분야 협력업체 등)

◆ 인권실천·점검의무 실시

- 2차 기관운영 인권영향평가 시행 및 프로세스 고도화 (인권실태 기초조사 시행 등)
- 주요사업 신규분야(건설분야) 인권영향평가 확대 시행

◆ 추진성과 공개 및 확산

- 지속가능경영보고서 인권분야 확대
- 공공부문 인권경영 확산을 위한 상생협력 (민간 교류 및 확산 등)

NEXT Energy with KOGAS

감사합니다





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- 1 우체국금융개발원 소개
- 2 인권경영 추진 경과
- 3 2019년도 추진 현황
- 4 인권영향평가
- 5 향후 과제

PoSiD 우체국금융개발원
Postal Savings & Insurance Developers Institute



우체국금융개발원 소개

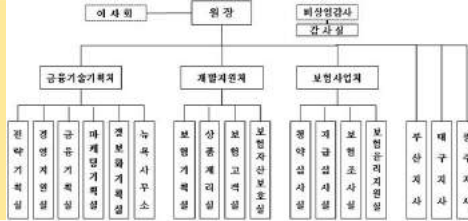
연혁

- 1966. 4. 재단법인 체신저축장려회 설립
- 1976. 12. 재단법인 체신장려회로 명칭 변경
- 1994. 5. 재단법인 체신금융진흥회로 명칭 변경
- 2000. 6. 재단법인 우체국예금보험지원단으로 명칭 변경
- 2012. 4. 재단법인 우체국금융개발원으로 명칭 변경

업무 수탁 근거

- 우정사업운영에 관한 특례법 제17조(우정사업의 위탁) 및 동법 시행령 제14조(우정사업의 위탁)
- 우정사업본부 고시 2015-12(우체국금융사업 위탁법인 및 위탁업무 지정 고시)
※우정사업본부와 업무위탁계약 체결

조직



('19.8.31. 현원 801명)

PosiD 우체국금융개발원
Postal Savings & Finance Development Institute

우체국금융개발원 소개

설립목적

우체국금융업무를 효과적으로 지원함으로써 우체국예금보험 사업의 향상·발전에 기여함

주요업무

금융시장 조사/연구	금융 신서비스 도입/마케팅 연구	예금/보험 자료발간, 세미나 개최
예금/보험 상품개발	청약, 지급심사, 사고조사	보험교육, 고객관리/마케팅 지원
해외투자 현지실사	보험 적립금 재산 수탁관리	금융고객센터 운영 수탁

PosiD 우체국금융개발원
Postal Savings & Finance Development Institute

Part 2

인권경영 추진 경과

PosiD 우
Postal Savings & Finance Development Institute

주요성과



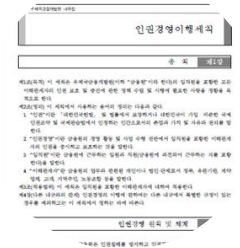
I 인권경영추진조직 운영

- 2018. 7. 인권경영추진단 발족
- 1단장 4반 15반원
- 정부요구사항분석및 이행방안수립



I 인권경영위원회 구성

- 2018. 11. 인권경영위원회 발족
- 위원장: 원장
- 임부위원 4명, 내부위원 3명



I 인권경영이행세척 제정

- 원칙및 운영사항등 총 61개 조
- 2018. 11. 세척 제정



주요성과



I 인권경영헌장 선포

- 2018. 12. 인권경영헌장 선포식
- 사측대표, 노조대표, 남·여직원대표, 신입사원 대표 6인 헌장 낭독 및 선포

인권영향평가(기관운영분야) 결과보고서

□ 평가개요

- 평가목적: 인권영향평가(기관운영분야)를 통해 취약계층 및 소외계층을 파악하여 인권 침해 우려가 큰 사업으로 도약하기 위함
- 평가기간: 2018.12.10(화) ~ 2018.12.12(목)
- 평가주체: 인권영향평가(기관운영분야) 위원 (내외)
- 평가대상: 기관운영(기관운영분야) 서비스의뢰 외 출생건제 제23
- 평가결과

추진 결과	날짜
인권경영이행세척제4상 인권영향평가 실시 제정	'18.11.05.
인권영향평가(기관운영분야) 실시계획 수립 및 체크리스트 작성	'18.11.23.
인권영향평가(기관운영분야) 실시계획 승인 및 체크리스트 의견수렴	'18.11.26.
인권영향평가 체크리스트 작성 담당자 지정	'18.11.30.
* 기타의뢰안 및 체크리스트 교육 실시	'19

* 18. 인권영향평가 제출기간

I 인권영향평가 실시

- 2018. 12. 기관운영분야 실시
- 2019. 10. 주요사업분야 실시

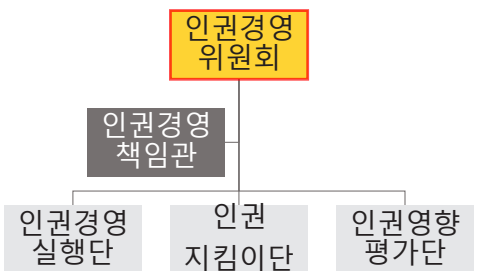


I 인권경영협의체 구성

- 2019. 10. 우정사업유관 공공기관 협의체 구성(5개 기관)



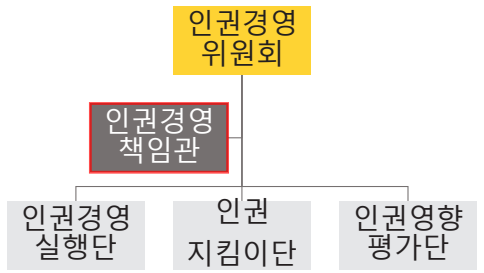
인권경영 추진 조직



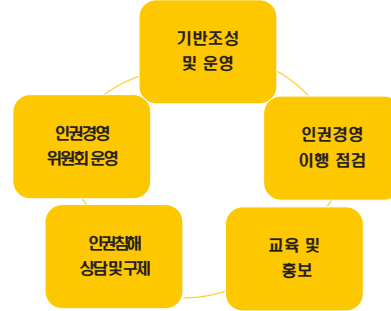
I 인권경영위원회



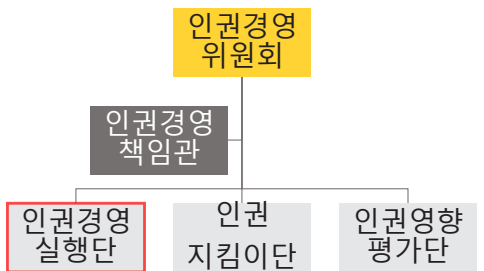
인권경영 추진 조직



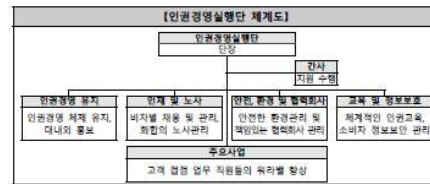
I 인권경영책임관



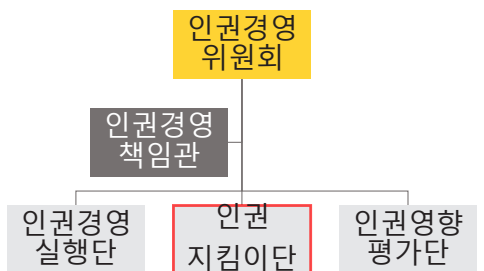
인권경영 추진 조직



I 인권경영실행단



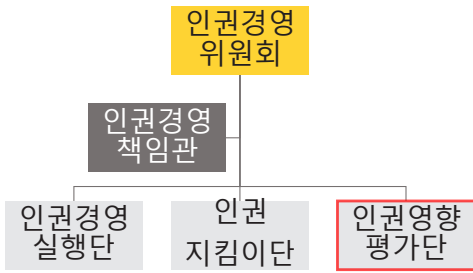
인권경영 추진 조직



I 인권지킴이단



인권경영 추진 조직



인권영향평가단

인권영향평가(주요사업분야) 결과보고서

평가대상: ○ 평가대상: 전담경영부(주요사업분야)를 통해 이해당리 및 이해당리대상 분야에 대한 인권영향평가 실시, ○ 평가대상: 주요사업 및 경영지원부서, ○ 평가대상: 고객지원(고객센터) 등, ○ 평가대상: 전담경영부(주요사업분야)를 통해 이해당리 대상 분야, ○ 평가대상: 사업장(주요사업분야) 및 주요 고객 서비스 센터로 평가 대상

주요사업분야: ○ 평가대상: 전담경영부(주요사업분야)를 통해 이해당리 및 이해당리대상 분야에 대한 인권영향평가 실시, ○ 평가대상: 주요사업 및 경영지원부서, ○ 평가대상: 고객지원(고객센터) 등, ○ 평가대상: 전담경영부(주요사업분야)를 통해 이해당리 대상 분야, ○ 평가대상: 사업장(주요사업분야) 및 주요 고객 서비스 센터로 평가 대상

구분	평가대상	평가대상	평가대상	평가대상
1	1-1	100%	100%	100%
2	1-2	100%	100%	100%
3	1-3	100%	100%	100%
4	1-4	100%	100%	100%
5	1-5	100%	100%	100%
6	1-6	100%	100%	100%
7	1-7	100%	100%	100%
8	1-8	100%	100%	100%
9	1-9	100%	100%	100%
10	1-10	100%	100%	100%
11	1-11	100%	100%	100%
12	1-12	100%	100%	100%
13	1-13	100%	100%	100%
14	1-14	100%	100%	100%
15	1-15	100%	100%	100%
16	1-16	100%	100%	100%
17	1-17	100%	100%	100%
18	1-18	100%	100%	100%
19	1-19	100%	100%	100%
20	1-20	100%	100%	100%



Part 3 2019년도 추진 현황



추진 현황

추진 과제

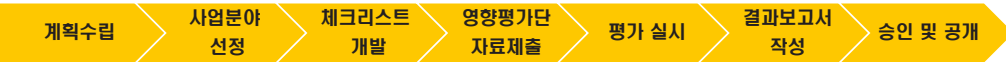
직무스트레스 해소 프로그램	안전보건경영시스템 (ISO 45001) 인증 추진	협력회사 인권경영 유도
<ul style="list-style-type: none"> 금융상담 / 보험심사·조사 대상 	<ul style="list-style-type: none"> 1단계 외부 심사 추진 	<ul style="list-style-type: none"> 내규 개정 완료
<ul style="list-style-type: none"> 조직 BSC 공통지표 반영 	<ul style="list-style-type: none"> 통합 신고센터 추진 	<ul style="list-style-type: none"> 직장 내 괴롭힘 방지
<ul style="list-style-type: none"> 안전·환경 공모전 참여 인권침해사례 방지 직장내 괴롭힘 방지 	<ul style="list-style-type: none"> 홈페이지 신고센터 통합 	<ul style="list-style-type: none"> 직장 내 괴롭힘 근절을 위한 노사 공동선언 실시



Part 4 인권영향평가

인권영향평가 주요내용

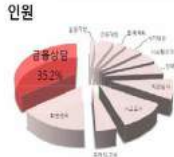
평가 절차



사업 선정

사업 11개로 분류
 ▷ 사업에 따른 인원, 인권리스크 및 이해관계자 민감도 분석

- 주요사업 인원 계층 분석



- 주요사업 인권리스크 및 이해관계자 민감도 분석(여유) 결과



인권영향평가(주요사업분야) 실시안

- 평가목적
 - 기존에 주요사업 부문 중 영향할 수 있는 인권 리스크를 파악하여 사전에 예방하기 위함
 - 인권영향평가를 통해 이해관계자의 인권에 미치는 영향을 분석하여 인권 침해리스크가 발생되는 경우 해교방안을 도출하여 주요 '민감' 인권 침해계급 개선을 도출
- 평가대상 및 결과
 - 평가대상: 기존에 주요사업 분야 활동내용과 인권영향평가 체계가 적용되지 않았던 사업부서
 - 평가결과: 인권영향평가 결과에 따른 인권 리스크를 최소화, 예방
 - 추진방안: 인권영향평가 결과 후 내내외에 공개된 통한 개선

인권영향평가 주요내용

주요사업 선정

사업 분류 ▷ 업무단위에 따른 가치사슬 분석
 ▷ 업무절차에 따른 이해관계자 도출

별칭	인력 배분, 인권리스크 및 이해관계자 민감도 분석 결과
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도
주요사업	인원, 인권리스크, 이해관계자 민감도

별칭	평가대상 주요사업 업무 분석 결과
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도
주요사업	인력 배분, 인권리스크 및 이해관계자 민감도



인권영향평가 주요내용

체크리스트 예시 2개 분류, 4개 인권위험요소, 10개 평가항목, 42개의 지표

▶ 분야-3. 휴식 및 여가

구분	항목	구분	항목	구분	항목
1	근로시간 준수 여부	2	휴식시간 준수 여부	3	여가시간 준수 여부
4	근로시간 초과 여부	5	휴식시간 초과 여부	6	여가시간 초과 여부
7	근로시간 준수 여부	8	휴식시간 준수 여부	9	여가시간 준수 여부
10	근로시간 준수 여부	11	휴식시간 준수 여부	12	여가시간 준수 여부

▶ 분야-3. 건강 및 보건

구분	항목	구분	항목	구분	항목
1	건강보험 가입 여부	2	건강검진 실시 여부	3	안전보건교육 실시 여부
4	건강보험 가입 여부	5	건강검진 실시 여부	6	안전보건교육 실시 여부
7	건강보험 가입 여부	8	건강검진 실시 여부	9	안전보건교육 실시 여부
10	건강보험 가입 여부	11	건강검진 실시 여부	12	안전보건교육 실시 여부

▶ 분야-4. 노동환경

구분	항목	구분	항목	구분	항목
1	작업장 안전보건 관리제도 구축 여부	2	작업장 안전보건 교육 실시 여부	3	작업장 안전보건 점검 실시 여부
4	작업장 안전보건 관리제도 구축 여부	5	작업장 안전보건 교육 실시 여부	6	작업장 안전보건 점검 실시 여부
7	작업장 안전보건 관리제도 구축 여부	8	작업장 안전보건 교육 실시 여부	9	작업장 안전보건 점검 실시 여부
10	작업장 안전보건 관리제도 구축 여부	11	작업장 안전보건 교육 실시 여부	12	작업장 안전보건 점검 실시 여부

▶ 분야-4. 내성인프라 조달

구분	항목	구분	항목	구분	항목
1	내성인프라 조달 계획 수립 여부	2	내성인프라 조달 예산 확보 여부	3	내성인프라 조달 실적 달성 여부
4	내성인프라 조달 계획 수립 여부	5	내성인프라 조달 예산 확보 여부	6	내성인프라 조달 실적 달성 여부
7	내성인프라 조달 계획 수립 여부	8	내성인프라 조달 예산 확보 여부	9	내성인프라 조달 실적 달성 여부
10	내성인프라 조달 계획 수립 여부	11	내성인프라 조달 예산 확보 여부	12	내성인프라 조달 실적 달성 여부



인권영향평가(주요사업부분) 결과

인권취약 요소



향후 계획

2020년 인권경영 이행 추진계획에 반영 예정



Part 5
향후 과제



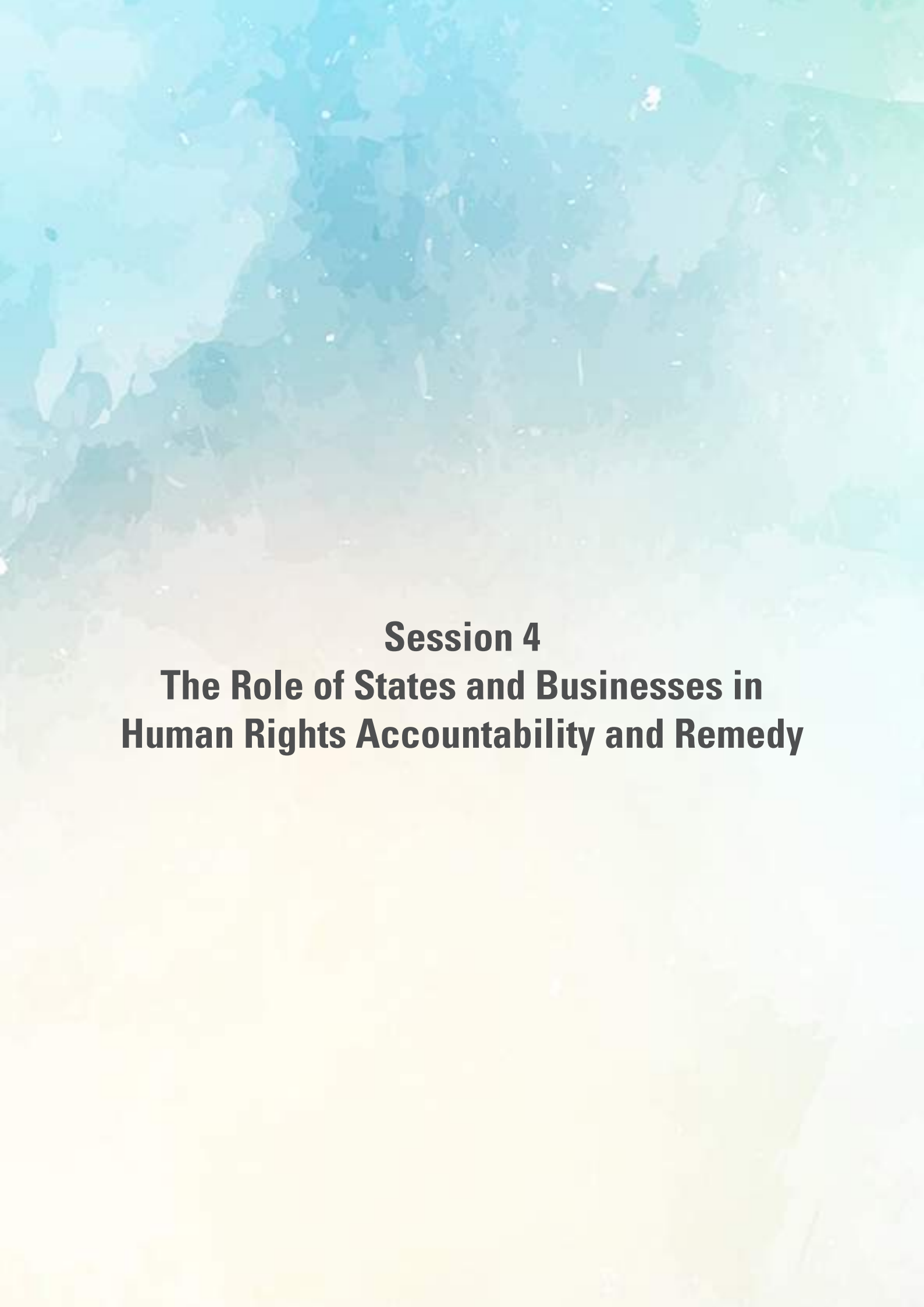
향후 과제



Thank You

안정적 금융생활을 선도하는 금융서비스 전문기관

PosiD 우체국금융개발원
Postal Savings & Insurance Development Institute



Session 4
The Role of States and Businesses in
Human Rights Accountability and Remedy

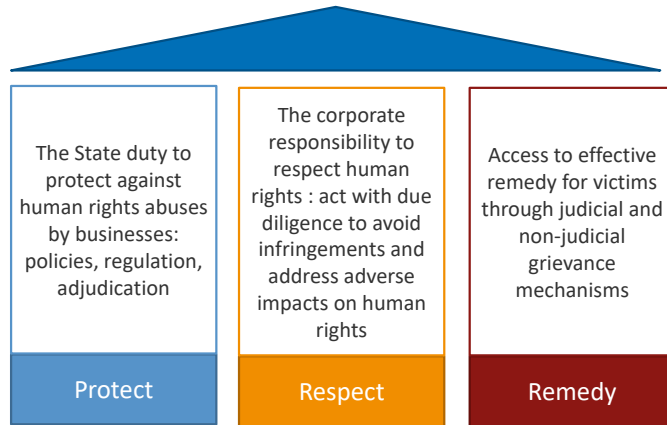
UN Human Rights Accountability and Remedy Project

The 12th Asia Human Rights Forum
Seoul, 29 – 30 October 2019

Session 4: The Role of States and Business in Human Rights
Accountability and Remedy

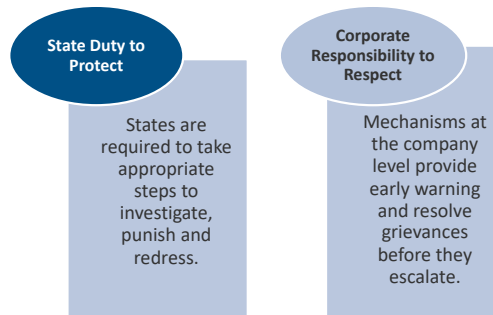


The Guiding Principles – Three Pillars

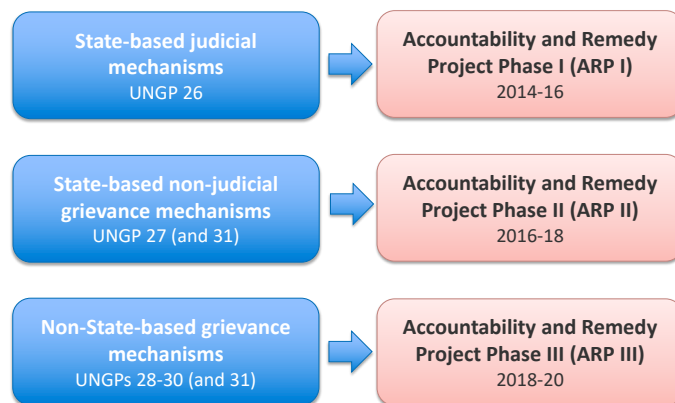


Access to Remedy in the Guiding Principles

- Even where institutions operate optimally, disputes over adverse human rights impacts of company activities are likely to occur. If so, victims must be able to seek redress.



Accountability and Remedy Project Phases



Accountability and Remedy Project: Approach

- Developing **credible, workable and practical recommendations** to enable better implementation of the UNGPs in the area of access to remedy
- **Evidence-based, inclusive, consultative process**
- Global scope, that **takes into account different legal, cultural and economic realities**
- **Recommendations** take the form of a series of **policy objectives** plus “**elements**” showing ways that the objectives can be met





Session 5
**Enhancing the Effectiveness of Non-State-
Based Grievance Mechanisms for Business-
Related Human Rights Abuses**

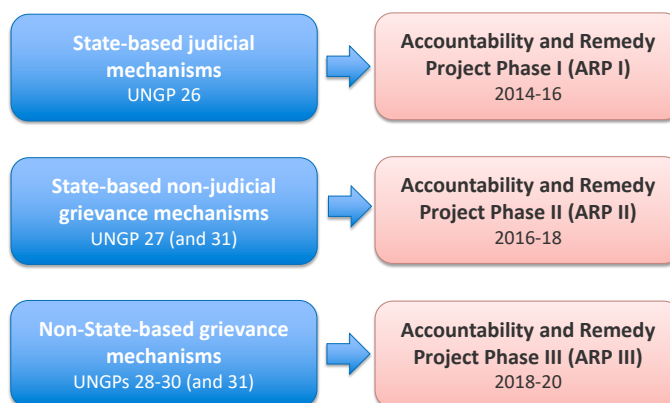
UN Human Rights Accountability and Remedy Project

The 12th Asia Human Rights Forum
Seoul 29-30 October 2019

Session 5: Enhancing the Effectiveness of Non-State-Based
Grievance Mechanisms for Business-Related Human Rights Abuses



Accountability and Remedy Project Phases



ARP III: State-based non-judicial mechanisms

- Requested by consensus HR Council res. 38/13 (2018).
- Final section of UNGPs Pillar III (principles 28-31)
- Covers:
 - The role of States in facilitating access to effective non-State based grievance mechanisms (GP 28)
 - Operational-level grievance mechanisms (GP 29)
 - Grievance mechanisms related to industry, multi-stakeholder and other collaborative initiatives (GP 30)
 - Effectiveness criteria for non-judicial grievance mechanisms (GP 31)
- Same approach and methodology as ARP I and ARP II: Evidence-based, inclusive, transparent process, including multi-stakeholder consultations.



ARP III: Mechanisms in Focus

- **Company-Based Grievance Mechanisms:** mechanisms established and administered by companies (including, but not limited to, operational-level grievance mechanisms);
- **Grievance Mechanisms Developed By Industry, Multi-Stakeholder, or Other Collaborative Initiatives:** mechanisms that are external to companies themselves and administer a set of commitments that companies have agreed to adhere to; and
- **Grievance Mechanisms Associated with Development Finance Institutions:** mechanisms through which a person (or group of people) whose human rights have been adversely affected by an institution-financed project can raise a complaint with the financial institution itself, either through an **independent accountability mechanism** or through other means.



ARP III: Work Streams

1. Practical steps that mechanisms can take to meet the “**effectiveness criteria**” of UNGP 31
2. Understanding the interface between the work of non-State-based grievance mechanisms and the powers and functions of State-based institutions (**the public-private interface**)
3. Understanding **how companies and other organisations can work together** through non-State-based grievance mechanisms to improve the prospects for effective remedy
4. **Safeguarding** rights-holders, human rights defenders and others from retaliation and intimidation as a result of the actual or potential use of non-State-based grievance mechanisms
5. **Meaningful stakeholder involvement** in the design and implementation of remedial outcomes



Preliminary ARP III Thoughts and Insights

- Non-State-based grievance mechanisms are seen as a **potential way of providing affected people with quicker, easier, and cheaper access to remedies** and as a way of reducing the burden on State-based mechanisms...
- ... BUT **we should not overstate** the extent to which these kinds of mechanisms can provide effective remedies on their own. **Remedy seekers rarely receive an “effective remedy” through this route.**
- **The most effective mechanisms have engaged constructively and proactively with people who are or may be affected** by the relevant business operations, and **have empowered the people for whom their use is intended.**
- **Non-State-based grievance mechanisms are increasingly expected to demonstrate their independence** from the businesses that are likely to be the subject of complaints.
- **New technologies are providing exciting opportunities** for improving accessibility, predictability and fairness of these mechanisms and processes.



UNGP 31: The Effectiveness Criteria

- In order to ensure their effectiveness, non-judicial grievance mechanisms... should be:
 - a) **Legitimate**
 - b) **Accessible**
 - c) **Predictable**
 - d) **Equitable**
 - e) **Transparent**
 - f) **Rights-compatible**
 - g) **A source of continuous learning**
- Operational-level mechanisms should also be
 - h) **Based on engagement and dialogue**



Session 5: Non-State-Based Grievance Mechanisms for Business-Related Human Rights Abuses Case Study

- Company A is a corporation with a division devoted to the manufacture and sale of kitchen appliances. Certain parts for these appliances are supplied directly from an independent Factory B, located in a different country with a different language. While Factory B is not part of Company A, 90% of Factory B's orders come from Company A.
- Both Company A and Factory B have a grievance mechanism in place to address and remediate grievances from their workers. Company A's grievance mechanism is explicitly accessible to workers in factories that supply the company.
- The manager of Factory B has begun treating the factory's workers poorly. Workers are deprived of bathroom breaks, have not received their proper wages on time, and are pressured to work excessive overtime without additional payment. Most workers fear retaliation from the manager, as he has already fired two workers after they had filed a complaint at the factory's mechanism.



Session 5: Case Study Question

- **Legitimacy:** What can Company A do to foster trust by the workers of the factory in using Company A's grievance mechanism? How can Company A demonstrate its independence from the factory or the manager? How might this answer change if the factory was a fully-owned subsidiary of Company A?
- **Safeguarding (potential) users from retaliation:** Beyond permitting confidential/anonymous complaints, what can Company A do to make sure that those who attempt to use its grievance mechanism will not be subject to retaliation (a) by (the manager of) Factory B, and (b) Company A? Is there anything that Company A could do to improve Factory B's own approach to resolving worker grievances, so that the relevant mechanisms can be accessed safely and confidently by workers?





WEAR **FAIR**

Suhasini Singh
30th October 2019
Seoul

**Let's make fashion
fair for everyone!**




Who is Fair Wear?

We work with brands, workers and experts to improve conditions in garment factories for those who make our clothes.

www.fairwear.org // +31(0)20 408 4255 // info@fairwear.org < 3 >

Fair Wear community of member brands



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Fair Wear focus

**Most labour intensive part
of the supply chain**

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**Bangladesh, India, China, Turkey, Vietnam,
Bulgaria, Indonesia, Macedonia, Myanmar,
Romania, Tunisia**

How does Fair Wear create change?

■ Brand Performance Checks

■ Audits

■ Trainings

■ Complaints Helplines

The 8 Fair Wear labour standards



Employment is freely chosen

1



Freedom of association and the right to collective bargaining

2



No discrimination in employment

3



No exploitation of child labour

4



5

Payment of a living wage



6

Reasonable hours of work



7

Safe and healthy working conditions



8

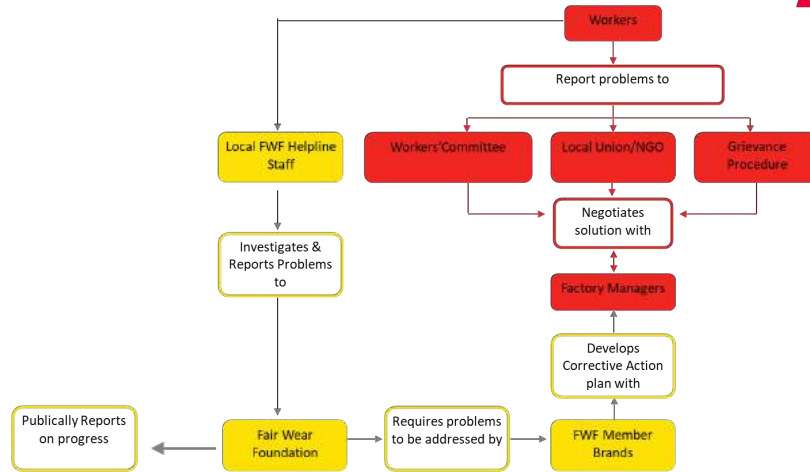
A legally binding employment relationship

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Fair Wear complaints procedure

Primary & Secondary systems



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Types of complaints



FWF's Code of Labour Practices & Gender Based Violence

Reminder: Some complaints are related to serious risks and have to be handled urgently with a stricter monitoring:

- Fire and building safety
- Child labor
- Non-payment of
 - a. the minimum wage
 - b. outstanding salaries
- Any situation presenting an immediate threat to the life of workers
- Sexual harassment
- Complaint from a union indicating a strike reasoning on one of the above mentioned points

Some complaints can be constituted by following labor's rights breach brought up by media.

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The complainant at the factory



Anonymity of the complainant: to prevent risk of retaliation

>> Complaint reports NEVER reveal sex or name of the complainant.

But: Contact details of the complainant might be needed for remediation

>> If so, the complaint handler, member brand, factory and FWF make sure there is no negative consequence.

Whatever whoever does: The complainant should be consulted and steps (especially remediation steps) agreed upon.

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Publication: transparency

[Complaints reports are published on FWF website](#)

- Brand name and country are mentioned while factory and worker(s)' identities remain anonymous
- If a production location is unwilling to collaborate for remediation, the factory name might be released

CHALLENGES

Expansion

LESSONS LEARNT

Local presence

Workers role on remediation plan

Use of brand's leverage

Objective



www.fairwear.org

The Independent Redress Mechanism: Opening Doors to Accountability and Redress

12th Asia Human Rights Forum
Oct 29-30 2019,
Seoul, South Korea



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Independent
Redress
Mechanism

Impetus for non state-based grievance mechanisms?

- Certification organizations
- Equator Principles
- GCF/GEF accreditation requirements
- IFI's lending requirements
- Business case



Independent
Redress
Mechanism

Access

- Use of any language
- Filing a complaint through any medium
- Lowering eligibility bars
- Reducing the burden of producing evidence
- Providing for cost reimbursement



Independent
Redress
Mechanism

Remedies

- Compensation
- Remedial action plan (RAP) quality
- Consulting complainants for RAP
- Improving RAP while in progress
- Making GRM decisions binding



Independent
Redress
Mechanism

Technology

- Case Management System (CMS)
- Improved communication with stakeholders
- Improved case communication with other GRMs
- Ensuring transparency and availability of data
- Monitoring remedies and documenting evidence



Independent
Redress
Mechanism



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Session 6
**Access to Remedy Through Non-State-Based
Grievance Mechanisms in the Technology
Sector**

The 12th Asia Human Rights Forum

*Session 6 Access to Remedy Through Non-State-Based
Grievance Mechanisms in the Technology Sector
30 October 2019*



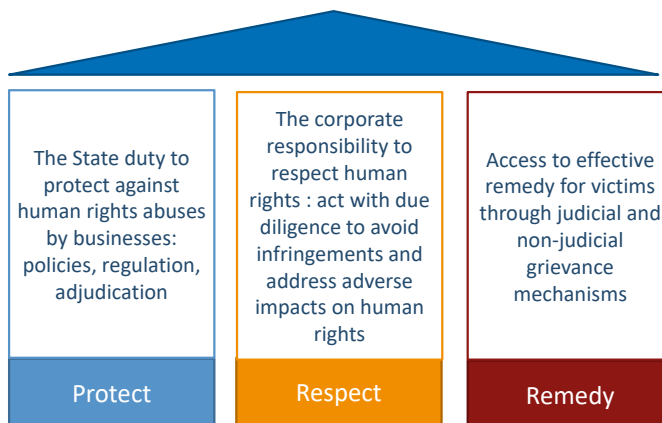
Welcome and introduction

- Why the B-tech project
- Why UN Human Rights
- How will the project work
- What is the process
- Aim of session 6

“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.”
UN Secretary-General’s High Level Panel Report on Digital Cooperation



The Guiding Principles – Three Pillars



How should companies meet their responsibility?

- To meet their responsibility, companies should have in place appropriate **policies and processes**:

Policy commitment

- Sets out the commitment to respect
- Approved at board/executive level
- Clearly communicated internally and externally

Due diligence processes

- Processes to identify potential and actual adverse impacts, appropriate to complexity and nature of risks
- Embedded at appropriate levels

Policies to enable remediation

- Mechanisms that enable complaints to be heard
- Cooperate with legitimate mechanisms



Methodology/approach of the B-Tech project

- Involvement from key actors from the tech sector, government, academia, and civil society to leverage and build on existing expertise and insights.

- Convening of multi-stakeholder consultations including alongside major events/forums and stakeholder-specific sessions.

- Different project's deliverables :

- a) supported by research, often conducted in partnership with relevant universities, think tanks and experts,
- b) short and action-oriented, with a focus on policy as well as practical applications, and be applicable across different technologies and companies.



The B-Tech Project– Introduction to Focus areas 1 and 2

Focus area 1: Addressing Human Rights Risks in Business Models

- What does this mean in the context of digital technologies ?
- How to assess and address the risks ?

Focus area 2: Human Rights Due Diligence and End-Use

- How to understand the potential and actual impacts of products early and on an ongoing basis?
- How to engage external experts and affected stakeholders?
- How to establish and exercise leverage to prevent and mitigate harm associated with the use of products?



The B-Tech Project– Introduction to Focus areas 3 and 4

Focus area 3: Accountability and remedy

- How to provide effective operational level grievance mechanisms when there are a large number of affected rights-holders ?
- How to safeguard access to remedy when dozens of cases are linked to human rights abuses ?
- How to guarantee remedy when abuses result from decisions made by machines and algorithms rather than humans ?

Focus area 4: Exploring regulatory and policy responses

- What a “smart mix” of national and international, mandatory and voluntary, measures look like in this space?
- How to ensure alignment between regulation of digital cases and State’s human rights obligations?



Aim of the session : to discuss access to effective remedy through the use of on-State-based access to remedy

- (1) the different ways that technology companies make use of and participate in private grievance mechanisms
- (2) the challenges associated with the use and administration of such mechanisms
- (3) ideas and lessons learned for enhancing the effectiveness of these mechanisms.



For more information:

<https://www.ohchr.org/EN/Issues/Business/Pages/B-TechProject.aspx>

To get in touch : **B-Tech@ohchr.org**



Thank you!



CO-ORGANISERS



Human Asia

Human Asia, founded in January 2006, is a non-profit human rights organization, striving to establish a regional human rights protection system, which is lacking only in Asia, and to realize the peaceful coexistence of the diverse cultures of Asia. In order to strengthen respect for human rights, and to create an “open and human-oriented Asia” free from any kind of discrimination, Human Asia conducts research to establish a regional human rights protection system in Asia, educating and training young human rights activists, carrying out human rights advocacy activities and campaigns, organizing field activities with humanitarian aid, and collaborating with governments and members of civil society.



고려대학교 인권센터
Korea University
Human Rights Center

Korea University Human Rights Center

KU Human Rights Center is a newly established affiliate institution of Korea University in order to provide adequate human rights education, improvement of the human rights related issues and aid as well as support for those in need under KU motto of liberty, justice and truth.

KU Human Rights Center provides counseling to any possible human rights violation cases within the campus and educations along with various human rights related programs and through diverse forums and international relations, aims to bring up the human rights sensitivity of fellow KU members and continue domestic and international research on human rights.

Universal Declaration of Human Rights states that the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. We ask for support and cooperation from you so that this new establishment of the KU Human Rights Center can contribute in making the ground for the freedom, justice and peace in the world.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

United Nations Human Rights Office of The High Commissioner (OHCHR)

The Office of the High Commissioner for Human Rights (UN Human Rights) is the leading UN entity on human rights. The General Assembly entrusted both the High Commissioner and her Office with a unique mandate to promote and protect all human rights for all people. The United Nations human rights programme aims to ensure that the protection and enjoyment of human rights is a reality in the lives of all people. UN Human Rights also plays a crucial role in safeguarding the integrity of the three interconnected pillars of the United Nations – peace and security, human rights and development.

UN Human Rights provides assistance in the form of technical expertise and capacity-development in order to support the implementation of international human rights standards on the ground. It assists governments, which bear the primary responsibility for the protection of human rights, to fulfil their obligations and supports individuals to claim their rights. Moreover, it speaks out objectively on human rights violations.



The Human Rights, Big Data and Technology Project

Housed at Essex University's Human Rights Centre with partners worldwide, the Human Rights, Big Data and Technology Project considers the challenges and opportunities presented by big data and associated technology from a human rights perspective.

The digital age has brought about a global pattern shift in how we communicate, interact and organise our world. Everyday life generates colossal quantities of digital data. This data can be scrutinised by complex forms of analysis using algorithms, artificial intelligence and other digital tools. This in turn yields highly personalised insights about ourselves, our habits, desires and role in society. Our project explores the challenges and opportunities that big data and artificial intelligence are bringing to human rights. We are researching whether fundamental human rights concepts and approaches need to be adapted in the era of technological advancement and big data. We plan to develop good practice guidelines, regulatory responses and solutions for the human rights sector to improve both enjoyment and protection in the digital age. Our key engagements fall mainly but not entirely into the categories: businesses, international human rights and humanitarian institutions and non-governmental human rights.



SSK Human Rights Forum

The SSK (Social Science Korea) Human Rights Forum is an inter- university research group engaged in multi-year research projects on human rights from a social science perspective, which is an increasingly popular approach to studying human rights. The project, led by Principal Investigator Dr. Changrok Soh (Professor of International Studies, Korea University), is funded by the National Research Foundation of Korea and participating universities include Korea University, Sungkyunkwan University, Yonsei University, Ewha Womans University, Harvard University, the University of Michigan, University of Washington, and University of Georgia. The project is also co-organized by the International Human Rights Research Center at Korea University and the Sungkyunkwan Center for Human Rights and Development.



Korea Association of Human Rights Studies

Korean Association of Human Rights Studies (KAHRS) was founded in June 2017 and acquired the status of a non-profit corporation in 2018. The association has a mandate to provide a platform for researchers, experts, activists from various academic backgrounds including social sciences and professional expertise to discuss and advance issues in the area of human rights studies. This is the first academic society to be established with special reference to "human rights studies" in Korea. The KAHRS aims to prepare the foundation of human rights studies and further develop its activities in an interdisciplinary manner. With other relevant associations, KAHRS seeks to contribute to the development of human rights movement and theories through research and academic movements. Our main activities consist of publishing the Journal of Human Rights Studies together with the Korean Association of Human Rights Law, holding monthly seminars, supporting relevant researches and conferences on human rights studies.