

**Business & Human Rights Resource Centre****[Submission on Gender, Tech & the Role of Business](#)**

1 October 2023

**Introduction:**

The [Business & Human Rights Resource Centre](#) (BHRRC) has developed this submission in response to the call from [B-Tech](#) for inputs on gender, tech, and the role of business. BHRRC promotes corporate accountability and transparency by drawing attention to the social and environmental impacts of over 10,000 companies worldwide, across a number of sectors, including digital technologies. The BHRRC digital action platform —which includes relevant company policies and practices, details of lawsuits over alleged rights violations, research and analysis, and human rights benchmark rankings — is relied on by executives, advocates, and investors, amongst others, to develop more nuanced understandings of corporate behaviour, governance, and best practice, as well as material risk.

Objective and data-driven, the BHRRC technology team focuses on the rights of people to accountable digital technologies. We have approached tech companies and their investors 684 times since 2005 through our [Company Response Mechanism](#), asking the companies to respond to specific human rights allegations linked to them. Since 2005, our global response rate for tech-related allegations averages at 65%. However, as BHRRC has expanded its tech company coverage to new firms and new sub-sectors, the responsiveness of tech companies to our CRM requests has declined over the past five years, during which period their response rate has dropped to 36%.

The BHRRC adopts an anti-colonial, feminist, preventative protection approach, focusing on the need for human rights due diligence to prevent rights abuses, particularly those impacting marginalised and at-risk communities and workers. To date, we have logged over 1,038 datapoints in our database related to technology, gender, discrimination, harassment and/or violence. Women and gender non-conforming persons<sup>1</sup> continue to feel a disproportionate impact of poorly designed, developed and deployed technologies, as evidenced by the fact that the latest technological tools, including generative AI, are released with flaws and biases that amplify [sexism](#) and [gender stereotypes](#), [facilitate the social control of women](#), disempower [women patients](#), discriminate against [female job applicants](#), facilitate the [targeting of women human rights defenders](#), and disadvantage women in their [access to welfare benefits](#), amongst other harms.

While emerging technologies unquestionably hold enormous promise – and investors and companies enthusiastically promote their existing and future benefits – the needs of, and risks to, women and gender non-conforming persons cannot be an afterthought. To the contrary, technology will only deliver on its full potential for society if it demonstrates cognisance and care for the whole of the global population, and particularly for vulnerable groups.

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<sup>1</sup> In line with the call for submissions, we are using this term to include all persons who may identify as women or gender non-conforming, of all sexual orientations and ages.

### **The need for a gendered approach to tech, both internally and externally:**

It is imperative for technology companies, using the United Nations Guiding Principles as a framework, to proactively address and rectify [gender-based barriers, disparities and biases](#) within their workspaces and products or services, to ensure they are not exacerbating and further entrenching systemic, patriarchal harms present within the firms and externally, in policy and in practice.

Diversity in the workforce and a commitment to respecting women's rights are preconditions to mitigating bias-related harms in the tech sector. However, to date, even tech [companies with immense resources](#) to dedicate to creating an inclusive working environment and championing gender diversity for the sector have fallen short. Amongst the largest global tech companies ([Alphabet](#), [Apple](#), [Meta](#), [Amazon](#), [Microsoft](#) and [Nvidia](#)), only two (Meta and Microsoft) mention in their public human rights policies that they are committed to operating in accordance with the Convention on the Elimination of All Forms of Discrimination Against Women. Three of those companies (Alphabet, Amazon and Apple), do not mention gender or women in their policies at all, and instead include broad statements about prohibiting discrimination, harassment, and retaliation in the workplace.

In respect of tech sector employees, [Alphabet](#), [Apple](#), [Meta](#), [Amazon](#) [Microsoft](#), and [Nvidia](#) have women representing between 19% and 43% of the companies' respective global workforces.<sup>2</sup> Statistics reveal the number of women in leadership positions within tech companies [tends to be even lower](#). In addition, the [gender pay gap in tech](#) persists, and during the sweeping tech worker layoffs of the past year, a [disproportionate percentage](#) of the workers asked to leave were women. Women and gender non-confirming persons' representation in the tech sector may be more critical than other industries, because without their involvement in the design, development and deployment of technologies, it is substantially more difficult to ensure that these are created with their specific needs and gender-based risks in mind.

Tech investor diversity is also critical to ensuring the products which make it to market have been developed using a gender-sensitive and intersectional approach. In the United States, where the largest venture capital firms with the most assets under management for tech funding are domiciled, only [8.6%](#) of all venture capitalists are women. Within private equity, women also [remain largely underrepresented](#) within leadership roles. In turn, it is therefore instructive that startups with all-women founder teams only received [1.6% of venture capital funding](#) allocated in the first half of 2023. [A lack of sector diversity can impact the ability or willingness](#) of investors to carry out robust gender-sensitive human rights due diligence when making investment or divestment decisions.

Tech companies (even as startups) should be required to identify and mitigate negative, gendered impacts prior to bringing their products to market, during the initial roll-out phases and after the point of sale. At present, due to the lack of female representation within the tech sector, companies should pay particular attention to meaningful stakeholder engagement with the

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<sup>2</sup> Microsoft (30.7%); Amazon (43.1%); Meta (37.1%); Apple (34.8%); Alphabet (34.1%) and Nvidia (19%)

women and gender non-conforming persons impacted by their technologies and invest in effectively, timeously remediating women's rights and other human rights issues that arise as a consequence. Through [the BHRRC database](#) and the [Tech Company Dashboards](#), it is possible to search through the gender-linked human rights allegations most frequently tagged in correlation with each tech company and the salient human rights risks that disproportionately affect women and gender non-conforming persons. We have outlined the main trends for the sector below.

### **Salient human rights risks disproportionately impacting women and gender non-conforming persons:**

While monitoring the impacts of technology companies, the Resource Centre has covered a wide range of gender-related human rights harms across the globe. Importantly, these harms often encompass both [gendered and racial dimensions](#). In identifying salient human rights risks, companies must account for the compounding impacts of harms that at-risk groups may experience, and prioritise deployment of a feminist and intersectional approach to this assessment.

The most salient human rights risks for women and gender non-conforming persons linked to the tech sector include:

- **Safety & security of person (both offline and online)** - Technology can disproportionately affect [women, girls](#) and [gender non-conforming persons](#) by enabling new forms of online harassment and [stalking](#), making them vulnerable to digital abuse and threats that may not have existed in the pre-digital era. Examples include targeted [online defamation campaigns](#) using doctored content; exposing them to [at-risk situations](#) when participating in the gig economy; and sexual exploitation through the sharing of secretly filmed, stolen, or leaked images [alongside personal details](#) to blackmail [women and gender non-conforming persons](#).
- **Privacy and human dignity** – In addition to the related issues mentioned above, technology's facilitation of surveilling and tracking can threaten the dignity and agency of women, particularly pro-choice [women](#) and [LGTBIQ+](#) women. Biometrics, [mass surveillance cameras](#), [spyware](#) and geo-tracking tools can inhibit women's ability to safely exercise their rights, or these technologies can be used to [falsely target](#) non-conforming individuals.
- **Freedom of expression** – Linked to harassment, threats and violence, the targeting and silencing of women and gender non-conforming persons gravely impacts freedom of expression, the right to information, freedom of assembly and civic participation. Reports revealing alarming safety concerns, including threats of physical and sexual violence, disproportionately impact women [human rights defenders](#), [journalists](#), [politicians](#) and [climate scientists](#). Hostile digital environments can deter their full participation in online spaces. The impact of content moderation and censorship impacts feminist movement building, as exemplified by the role of digital platforms in the [Iranian #MeToo movement](#).
- **Non-discrimination** - Gender-based discrimination in the technology sector has a grave impact on the policies and [practices of companies](#) as well as the technologies they deploy.



This is evidenced by biased [content moderation](#), biased [search results](#), biased algorithms used in [hiring processes](#), biased automated decision-making systems in the [financial sector](#), and the disproportionate arrests and sentencing for marginalised groups in the [criminal justice system](#).

- **Mental, physical, reproductive and sexual health** - The salient risks associated with reproductive and sexual health rights are closely related with privacy rights, particularly within the technology sector. In this context, reports have shed light on significant risks related to the unregulated data broker industry. One alarming example highlights the increase in violence and threats against abortion campaigners in the US following the Supreme Court's overturning of Roe v. Wade, with [allegations that data brokers sell data to anti-choice groups to target them](#). Furthermore, these reports reveal that [data brokers have sold the location data](#) of individuals who visited abortion clinics, and that reproductive health apps have shared sensitive information with social media platforms. [Additionally, the findings expose that technology companies have profited considerably from advertisements redirecting abortion seekers to crisis pregnancy centers](#). In a recent case, information provided by a social media company to a police department in the US [was used to prosecute a mother and a teenager on abortion charges](#), highlighting the risks such data pose to the exercise of reproductive rights.

#### **Company responses to human rights allegations and concerns:**

The BHRRC has obtained data associated with the technology sector through our [Company Response Mechanism](#) (CRM) since 2005. Over this period, we have sent **21 company response requests** on gender-related allegations to technology companies and investors and received 11 responses. Among the allegations, most of them are associated with the abuse of [surveillance technologies](#), [online harassment](#) and [violence, disinformation](#), as well as [gender non-conforming](#) and sexual orientation-based discrimination. We also reached out to tech companies for their responses to [shareholder concerns](#) regarding gender-related impacts of their products, and we [reached out to investors](#) asking for more information about how they are using their leverage to improve corporate behaviour of startups in which they are investing. Only four of the 11 responding companies to these gender-related allegations since 2005 provided detailed information in responding to the allegations. The others only provided general responses, more broadly citing that they abide by their corporate policies and codes of conduct. Of course, it remains an issue that tech companies and investors typically do not engage with civil society when gender-related concerns arise, as evidenced by the 10 instances of 'no response', and the fact that the majority of the responses failed to adequately address the issue with an explanation about how they will work to redress the situation and mitigate future harm.

#### **Expectations of companies:**

Grounded in the UNGPs and the corresponding ["Gender Dimensions" guidelines](#), tech companies have a responsibility to carry out gender-responsive assessments, take gender-specific measures

and ensure gender-sensitive remedies to human rights harms linked to their business operations (throughout the entire value chain). Below is a non-exhaustive list of topics that need urgent attention from tech corporate leadership.

- **Assess and address gender-related concerns internally:** Companies are expected to ensure they understand the experiences of, and challenges faced by women and gender non-confirming persons in the workplace. They must take all measures to develop and implement solutions to resolve these challenges in consultation with those affected. This must include internal policy responses, addressing organisational culture and ethics, setting up grievance mechanisms and making available publicly accessible data on women and gender non-confirming persons in the workforce.
- **Improve diversity and inclusion:** Companies should prioritise diversity and inclusion within the teams designing, developing and testing the products and services they offer. Leadership, namely those making decisions about company policies and procedures, should also consist of diverse stakeholders and be trained on a gender-sensitive and intersectional approach to understanding the salient human rights risks affiliated with relevant technologies. There should be effective whistleblowing mechanisms within companies to report on gender-related issues that may be preventing an inclusive environment where all those who identify as women or gender non-conforming are able to raise red flags and have their concerns genuinely resolved.
- **Ensure gender-sensitive research, design and development:** Continuously researching and assessing the impact of digital technologies on women and gender non-conforming persons is crucial, and companies themselves need to prioritise this considering they often know their products and services better than most external auditors and they have access to proprietary information. Tech companies should also allow for external, independent researchers to conduct assessments to better understand gendered impacts and use the findings to improve their products and policies (developing additional technical features and non-technical procedures to mitigate harms). These findings should be made public to raise awareness amongst users, who can also confirm or further scrutinise the findings, especially from different geographic or socio-economic perspectives. Users should also be able to customise their product experience based on their gender to ensure that the experience is [suitable for all users](#).
- **Carry out gender-sensitive human rights due diligence:** Companies should actively work to integrate gender-sensitivity into their internal operations, especially when carrying out human rights due diligence prior to designing a new technology, developing new technological features/upgrades, entering a new market, or making a high-risk sale. Technical staff, marketing teams, and sales teams should be trained on gendered impacts of technologies in order to effectively identify relevant risks and mitigate harms.
- **Meaningfully collaborate with civil society:** Collaboration between tech companies and civil society is essential to addressing the unique challenges faced by women and gender non-conforming persons in the digital age (for preventing harms, responding to ongoing concerns, and carrying out effective remediation). Tech companies should actively seek partnerships and meaningfully engage in dialogue and multi-stakeholder initiatives with



feminist and gender non-conforming groups and researchers, and women, trans and non-conforming human rights defenders, especially when carrying out human rights impact assessments. Companies have a responsibility to ensure that women’s voices from the Global South are also considered, and that interactions are mutually beneficial and effectively designed in consideration of the needs of rightsholders and their civil society advocates. This engagement can help bridge the gaps highlighted in a recent [BHRRC briefing](#), in which civil society groups and organisations, including advocates monitoring gender-related human rights impacts of tech, expressed a lack of trust in the technology sector. They cited limited efforts by companies to genuinely cooperate in addressing negative impacts to human rights in their communities, referencing opaque business policies, inaccessible company structures, and discriminatory practices, among others.

- **Prioritise transparency and accountability:** Companies should be transparent about their policies, practices, and efforts related to gender equality within the company and the impacts of their technologies and business operations on the diversity of groups within the broad categories of ‘women’ and gender non-conforming persons. According to Ranking Digital Rights Big Tech Scorecard 2022, none of the companies scored have a public, comprehensive human rights impact assessment of the mechanisms used to tailor ads to its users. Recently, [the Center for Countering Digital Hate exposed](#) that technology companies have profited considerably from advertisements redirecting abortion seekers to crisis pregnancy centres. Such practices demonstrate lack of commitment to protecting agency of users, the need for disclosing the basis on which such decisions are taken or consequences for impacts suffered by users. In addition, companies need accessible, understandable, transparent, and effective grievance mechanisms and procedures to facilitate remediation when harms against women occur. Companies should publish gender-specific, disaggregated data about their workforce, including the persons involved in the design and development of products, as well as categorise the types of incidents reported through the grievance mechanism, and provide disaggregated data about remediation.

In addition, companies should proactively and continuously address salient human rights risks that have gendered dimensions, including:

- **Safety & security of person (both offline and online):** Companies should take proactive measures to protect [women and gender non-conforming persons](#) from online harassment, hate speech, sexualisation or violence inducing [smear campaigns](#), cyberbullying, and other forms of digital abuse. This involves implementing robust content moderation policies, reporting mechanisms, and developing technical tools as well as non-technical guidelines for acceptable use to prevent harassment, doxxing and other actions that can manifest offline violence and contribute to deteriorating mental health.
- **Privacy and human dignity:** Women and gender non-conforming persons, like all users, have the right to control their personal information and be informed about how their data is collected, used, and shared—specifically concerning data on women’s and reproductive

health, gender identity and expression, and gender-based violence. Companies should disclose if, when and why women and gender non-conforming persons may be exposed to tech products/platforms which perpetuate gender roles and stereotypes, what the company is doing to mitigate those risks, and how to access remedy when they experience harm due to gender-related data gaps, data breaches, harmful targeted advertisements, and mis/disinformation.

- **Non-discrimination:** Companies should ensure their products (both hardware and software) are designed, audited and deployed in ways that [actively address biases](#) within data training sets or how variables within algorithms are weighted. This is especially crucial in areas such as [hiring](#), lending, education, health, [law enforcement](#) and criminal justice, where biased algorithms can disproportionately impact women and minority groups. Companies should also set strict rules and guidelines for contexts where use of certain artificial intelligence systems or technologies should be prohibited, due to disproportionate, non-mitigable risk or damagingly irremediable outcomes for women and gender non-conforming persons.

### **Conclusion:**

The testimonials that civil society has collected from women and non-gender conforming persons showcases that the tech sector has demonstrably and negatively impacted their mental, physical, reproductive and sexual health, freedom of expression, safety and security and other rights. Our interactions with tech companies and investors show that many responses to gender-related concerns lack specificity and the sector lacks meaningful engagement with a diversity of key stakeholders on these topics (especially those from the Global South), demonstrating a need for more substantial efforts to rectify documented abuses and prevent future harm. Tech companies that do embed a gender-sensitive lens into their application of the UNGPs continue to be exceptional, and this should be the industry standard.

We thank B-Tech for this opportunity to contribute to this research, and we hope that stronger synergies between feminist and gender non-conforming activists, digital rights groups, and corporate accountability actors lead to greater compliance of tech companies with the UN Guiding Principles, in relation to their responsibilities to respect the rights of all individuals.