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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

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

## Practical application of the Guiding Principles on Business and Human Rights to the activities of technology companies, including activities relating to artificial intelligence

### Report of the Office of the United Nations High Commissioner for Human Rights\*

#### *Summary*

The present report is submitted pursuant to resolution 53/29 of the Human Rights Council, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to prepare a report on the practical application of the Guiding Principles on Business and Human Rights on challenges, good practices and lessons learned in applying the Guiding Principles to the activities of technology companies, including activities relating to artificial intelligence, and to submit it to the Council at its fifty-ninth session. The report was informed by deliberations that took place during a one-and-a-half-day expert consultation, also mandated by resolution 53/29.

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\* The present report was submitted to the conference services for processing after the deadline for technical reasons beyond the control of the submitting office.



## I. Introduction

1. In its resolution 53/29 on new and emerging digital technologies and human rights, the Human Rights Council addressed the impact of digital technologies on human rights. It emphasized, *inter alia*, the need for international and multi-stakeholder cooperation to ensure that those technologies were developed and used in ways that respected human rights and fundamental freedoms and called upon States to implement the Guiding Principles on Business and Human Rights and businesses to integrate them into their operations.

2. In line with the resolution, the Office of the United Nations High Commissioner for Human Rights (OHCHR) convened an expert consultation on 28 and 29 November 2024<sup>1</sup> to explore how States and companies designing, developing and deploying artificial intelligence (AI) could apply the Guiding Principles on Business and Human Rights to enhance the protection of and respect for human rights. The present report, which was informed by the expert consultation and the work of OHCHR,<sup>2</sup> demonstrates the value and practical application of the Guiding Principles in preventing and addressing the adverse impacts of digital technologies and, in particular, AI on human rights. The report was also informed by an earlier report submitted to the Human Rights Council on the application of the Guiding Principles to the technology sector.<sup>3</sup>

## II. Application of the Guiding Principles on Business and Human Rights to the technology sector, including activities relating to artificial intelligence

### A. Background

3. The rapid acceleration of AI innovation has become a defining feature of the twenty-first century, transforming the world of work and beyond. That technological surge, while promising unprecedented advancements, also brings significant challenges and risks for the protection of human rights.<sup>4</sup> The Pact for the Future highlighted that AI innovation was crucial to achieving the 2030 Agenda for Sustainable Development. Yet AI that is not embedded with human rights safeguards will not deliver the outcomes that are sought and, indeed, could set development back and undermine peace and security. Clarifying the role and duties of States and the responsibilities of companies when developing and deploying AI is crucial to ensuring a responsible AI innovation ecosystem that benefits humanity.<sup>5</sup>

4. In the present report, an emphasis is placed on AI as defined by the Organisation for Economic Co-operation and Development (OECD), namely, a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate such outputs as predictions, content, recommendations or decisions that can influence physical or virtual environments.<sup>6</sup> Adverse impacts on people stemming from AI, from the present to the medium term, and the complex question of the long-term societal and possibly existential risks to humans have been in the spotlight of various public debates.<sup>7</sup> While the possible existential implications of AI are important to understand and essential to mitigate, there are already present-day impacts of various subsets of AI, such as generative AI, which has the capacity to create content (text, image, music, video) via input prompts and demonstrates the

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<sup>1</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/concept-note-agenda-net-res-ungps-ai.pdf>.

<sup>2</sup> See <https://www.ohchr.org/en/business/b-tech-project>.

<sup>3</sup> [A/HRC/50/56](#).

<sup>4</sup> See [A/HRC/56/45](#).

<sup>5</sup> See OHCHR, “Artificial intelligence must be grounded in human rights, says High Commissioner”, 12 July 2023, available at <https://www.ohchr.org/en/statements-and-speeches/2023/07/artificial-intelligence-must-be-grounded-human-rights-says-high>.

<sup>6</sup> See <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449>.

<sup>7</sup> See [A/HRC/48/31](#) and OHCHR, “Artificial intelligence must be grounded in human rights, says High Commissioner”, 12 July 2023.

wide range of human rights that can be negatively affected.<sup>8</sup> Such impacts include bias and discrimination, privacy violations and the disruption of labour markets.<sup>9</sup> The use of AI in autonomous weapons systems also poses enormous potential risks.<sup>10</sup> Within all those areas, the opacity of AI systems complicates the ability to monitor and fully understand such challenges.

5. The private sector has driven AI innovation, supplying products to businesses and Governments and wielding substantial influence in shaping global AI governance. The Guiding Principles on Business and Human Rights constitute a key framework for defining the roles of States and businesses in upholding human rights in the context of AI and emerging technologies.<sup>11</sup> By establishing a level playing field for States and businesses, the Guiding Principles can mitigate the risks and promote the benefits of AI globally. The application of the Guiding Principles to AI, however, must be placed within a wider context and discussion on the governance of digital infrastructure and its underlying value alignment with international human rights law, including treaty obligations and customary law.

6. Besides the novel challenges brought by technological advancement in AI, underlying issues regarding the way in which data are collected, processed and analysed in the technology sector and beyond persist. AI models rely on large data sets for development, training and deployment. The non-transparent provenance of such data, in particular personal data, has raised data protection and privacy concerns.<sup>12</sup> Training data may be collected without user consent and include sensitive personal data that may resurface in future models' outputs.<sup>13</sup> Furthermore, the working conditions of data enrichment workers in AI value chains in many countries have come under stark criticism for such exploitative practices as low pay and a lack of mental health protections.<sup>14</sup>

7. The global governance landscape is evolving to address the societal challenges and opportunities presented by AI, with approaches varying in terms of normative anchoring, discipline, depth, sectoral focus and geographical scope.<sup>15</sup> Those efforts, while laudable, remain fragmented and relatively incipient in relation to the rapid expansion of AI in both reach and sophistication. Many developing countries lack AI strategies<sup>16</sup> and numerous nations are absent from governance initiatives.<sup>17</sup> The General Assembly has encouraged private sector alignment with the Guiding Principles on Business and Human Rights,<sup>18</sup> while the Global Digital Compact underscores their value for guiding AI governance.<sup>19</sup> International and regional bodies, including the United Nations Educational, Scientific and

<sup>8</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/B-Tech-Generative--concept-note.pdf>; and <https://www.ohchr.org/en/documents/tools-and-resources/taxonomy-generative-ai-human-rights-harms-b-tech-gen-ai-project>.

<sup>9</sup> See United Nations High Commissioner for Human Rights, statement to the Generative Artificial Intelligence and Human Rights Summit on the attentive governance of artificial intelligence risks, focusing on people's rights, 30 November 2023, available at <https://www.ohchr.org/en/statements-and-speeches/2023/11/turk-calls-attentive-governance-artificial-intelligence-risks>.

<sup>10</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/digitalage/artificial-intelligence-military-domain-briefer-1-en.pdf>.

<sup>11</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/introduction-ungp-age-technology.pdf>.

<sup>12</sup> See [A/HRC/39/29](#) and [A/HRC/48/31](#).

<sup>13</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/taxonomy-GenAI-Human-Rights-Harms.pdf>.

<sup>14</sup> See [https://sdgs.un.org/sites/default/files/2024-05/Rani%3B%20Gobel%3B%20Dhir\\_Development%20of%20.pdf](https://sdgs.un.org/sites/default/files/2024-05/Rani%3B%20Gobel%3B%20Dhir_Development%20of%20.pdf).

<sup>15</sup> See [https://wilkins.law.harvard.edu/misc/PrincipledAI\\_DocumentTimeline.jpg](https://wilkins.law.harvard.edu/misc/PrincipledAI_DocumentTimeline.jpg).

<sup>16</sup> See <https://unctad.org/press-material/ais-48-trillion-future-un-trade-and-development-alerts-divides-urges-action>.

<sup>17</sup> See *Governing AI for Humanity* (United Nations publication, 2024).

<sup>18</sup> See General Assembly resolution 78/265.

<sup>19</sup> General Assembly resolution 79/1, annex I.

Cultural Organization,<sup>20</sup> OECD<sup>21</sup> and the Council of Europe<sup>22</sup> have introduced frameworks to guide AI governance, emphasizing rights-based approaches and business responsibility. The Artificial Intelligence Act of the European Union contains a classification of AI risks<sup>23</sup> and such regional organizations as the Southern Common Market<sup>24</sup> integrate human rights principles into governance. Various national AI regulations and strategies complement those broader efforts.<sup>25</sup>

## **B. Combining artificial intelligence innovation with human rights: the corporate responsibility to respect human rights**

8. The Guiding Principles on Business and Human Rights provide that all companies have a responsibility to respect human rights, requiring that they avoid causing or contributing to adverse human rights impacts through their activities. In addition, companies should seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services through their business relationships, even if they have not contributed to those impacts.

9. Accordingly, companies involved in AI development and deployment need to implement measures to safeguard human rights throughout their operations.<sup>26</sup> Among other things, the Guiding Principles on Business and Human Rights require companies to have a human rights policy in place to ensure that human rights considerations are integrated into decision-making, risk assessments and operational processes. The Guiding Principles further outline that companies need to conduct human rights due diligence as a continuous practice to identify, mitigate and address potential risks to human rights.

### **1. Human rights due diligence for artificial intelligence products and services**

10. Human rights due diligence is essential for companies to actively manage potential and actual adverse human rights impacts. The core expectations include identifying and assessing human rights risks, integrating findings into company processes, taking appropriate action, tracking the effectiveness of measures and communicating the ways in which impacts are addressed.<sup>27</sup> Under the Guiding Principles on Business and Human Rights, human rights impacts should be assessed regularly, for example before the introduction of new AI products and services or significant changes to AI offerings, particularly since such changes and new products could have an unpredictable impact on human rights.<sup>28</sup> OHCHR has developed practical guidance on the application of the Guiding Principles in the technology sector.<sup>29</sup>

<sup>20</sup> See <https://www.unesco.org/en/artificial-intelligence/recommendation-ethics>.

<sup>21</sup> See <https://www.oecd.org/en/topics/sub-issues/due-diligence-guidance-for-responsible-business-conduct/responsible-business-conduct-and-technology.html>.

<sup>22</sup> See <https://www.coe.int/en/web/artificial-intelligence/the-framework-convention-on-artificial-intelligence>.

<sup>23</sup> See <https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence>.

<sup>24</sup> See <https://www.raadh.mercosur.int/wp-content/uploads/2024/04/DECLARACION-SOBRE-LOS-PRINCIPIOS-DE-DERECHOS-HUMANOS-EN-EL-AMBITO-DE-LA-INTELIGENCIA-ARTIFICIAL.pdf> (in Spanish).

<sup>25</sup> See <https://rm.coe.int/brochure-artificial-intelligence-en-march-2023-print/1680aab8e6>.

<sup>26</sup> See [A/HRC/50/56](#).

<sup>27</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/key-characteristics-business-respect.pdf>; <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/identifying-human-rights-risks.pdf>; and [https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/ConceptNote\\_and\\_Agenda.pdf#:~:text=In%202019%2C%20it%20launched%20the%20Business%20and%20Human,to%20the%20development%20and%20use%20of%20digital%20technologies](https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/ConceptNote_and_Agenda.pdf#:~:text=In%202019%2C%20it%20launched%20the%20Business%20and%20Human,to%20the%20development%20and%20use%20of%20digital%20technologies).

<sup>28</sup> See <https://www.ohchr.org/en/documents/tools-and-resources/b-tech-foundational-paper-identifying-human-rights-risks-related-end>.

<sup>29</sup> See <https://www.ohchr.org/en/b-tech>.

11. Human rights due diligence will look different in different organizations and contexts. Nonetheless, certain of its fundamentals are especially important when addressing risks to people connected to AI products and services:<sup>30</sup>

(a) *Timing and leverage.* Human rights due diligence should take place early and often throughout product design, development and use and will invariably require technology companies to establish and use leverage to seek to influence the behaviours and practices of other actors;

(b) *Knowing and showing.* Companies need to understand and demonstrate how they address the adverse impacts that may result from the use of their AI products and services;

(c) *Involvement framework.* In the context of the end use of its AI products and services, a technology company can cause, contribute to or be linked to an adverse human rights harm. In practice, a technology company's involvement with an impact may shift over time depending on its own actions, omissions and evolving standards of good practice;

(d) *Maintaining a wide view of possible impacts.* Identifying the risks to all human rights related to the full range of a company's business activities and relationships includes whether and how the design, development, promotion, sales, licensing, contracting and use of its products and services could lead to adverse human rights impacts;

(e) *Prioritization by severity.* Any prioritization of focus should be based on where a company's business activities result in or could result in the most serious, widespread or lasting harms to people. Whenever a company needs to prioritize where to focus in taking steps to address impacts, it should use a principled approach focused on the severity of the risks to people.<sup>31</sup> Under the Guiding Principles on Business and Human Rights, the severity of impacts should be judged on their scale, scope and irremediability. Scale is concerned with how grave or serious the impact is, scope with how widespread the impact is or the numbers of people affected and remediability refers to the ability to restore those affected to a situation the same as or equivalent to their situation before the impact.

12. The consideration of the potential human rights implications in AI research activities enables companies developing or deploying AI to apply a preventative lens in product development processes. Since all human rights due diligence is context specific, such AI technologies as generative and agentic AI require context-specific testing and risk management processes, as not all risks can be anticipated before deployment and may propagate throughout the so-called tech stack ecosystem. Tackling those risks requires, among other measures, value chain collaboration, as developers may overlook context-specific risks and deployers may misunderstand the AI model's functionality.<sup>32</sup>

13. Independent audits informed by human rights experts strengthen oversight and accountability. Transparency is maintained through public reporting on human rights performance and risks, including gender impact assessments. Internal capacity-building ensures that AI development teams receive specialized training, fostering expertise in human rights challenges.

14. Such data-driven AI systems as machine learning carry inherent risks of inaccuracy, which can be complex to fix. Much depends on the data used for training the model. In the Guiding Principles on Business and Human Rights, proportionality is emphasized: the higher the risk, the more complex the processes should be.<sup>33</sup> Since AI innovation is driven largely by the private sector, that sector plays a crucial role in ensuring responsible AI. General-purpose AI raises human rights concerns due to its many spheres of application and the opaque decision-making, rapid deployment, embedded data biases, minimal human

<sup>30</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/key-characteristics-business-respect.pdf>.

<sup>31</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/identifying-human-rights-risks.pdf>.

<sup>32</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/recommendations/advancing-responsible-development-and-deployment-of-GenAI.pdf>.

<sup>33</sup> See [A/75/212](#).

oversight, harmful content generation and unclear accountability that characterize its development and use.<sup>34</sup>

## 2. Business models in the artificial intelligence ecosystem

15. Companies are expected to conduct human rights due diligence across all their business activities and relationships. That includes addressing situations in which business model-driven practices and AI design decisions create or exacerbate human rights risks.<sup>35</sup> Business leaders and entrepreneurs should see human rights due diligence as an opportunity to innovate and increase business model resilience. Investment in AI business models that prioritize human rights remains insufficient. While AI products are sometimes positioned as solutions to human rights challenges, their effectiveness depends on infrastructure designed to safeguard human rights.

16. A more responsible approach requires aligning AI investment strategies and the resulting business models with human rights. Good practices to address the risks of business models include: (a) reviewing performance incentives for top management and key functions to reward actions that respect human rights; and (b) stress-testing the design of AI products and services to minimize the risks of human rights harms, as opposed to optimizing only for revenue, and scrutinizing plans for the testing and expansion of AI products and services in new markets.<sup>36</sup>

## 3. Stakeholder engagement with regard to artificial intelligence products and services

17. Meaningful stakeholder engagement is a cornerstone of human rights due diligence and needs to account for varying contextual risks and be tailored to geographical contexts and local realities.<sup>37</sup> Engaging with a wide range of stakeholders, including employees, community members, supply chain workers, relevant experts and consumers, allows companies developing and deploying AI to better understand and address specific concerns relating to their AI products and services. Engagement must be inclusive and culturally and linguistically sensitive and ensure that marginalized and vulnerable groups can participate meaningfully. Their perspectives are crucial for identifying potential or actual harms linked to AI and developing mitigation strategies. Five key aspects to consider are:

- (a) Engaging external stakeholders across all aspects of human rights due diligence and remedy;
- (b) Closing the feedback loop with stakeholders on how their inputs have shaped business practice and decisions;
- (c) Establishing and nurturing relationships, not transactions;
- (d) Collaborating to engage voices from the global South;
- (e) Resourcing stakeholders to engage with companies' human rights due diligence.<sup>38</sup> With appropriate safeguards, AI itself can support such engagement.<sup>39</sup>

## 4. Current efforts to embed the Guiding Principles on Business and Human Rights in corporate practice with regard to artificial intelligence

18. To date, no comprehensive analysis of technology company practices exists that assesses how such companies embed the Guiding Principles on Business and Human Rights in their AI products and services and how robust their human rights due diligence is regarding those products and services. That is partly due to a lack of data disclosures by companies and

<sup>34</sup> See <https://www.ohchr.org/en/documents/tools-and-resources/advancing-responsible-development-and-deployment-generative-ai>.

<sup>35</sup> See [https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/B\\_Tech\\_Foundational\\_Paper.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/B_Tech_Foundational_Paper.pdf).

<sup>36</sup> Ibid.

<sup>37</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/btech-stakeholder-engagement-paper.pdf>.

<sup>38</sup> Ibid.

<sup>39</sup> See [bhr-consultation-tech-stakeholder-engagement-summary-note.pdf](https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/btech-stakeholder-engagement-summary-note.pdf).

because human rights impacts are inherently contextual. Such contextuality and the related methodological implications can present challenges in comparing different company models and measures with each other. Initiatives exist that are aimed at benchmarking company conduct.<sup>40</sup>

19. A growing number of technology companies use the Guiding Principles on Business and Human Rights to identify, assess and mitigate the human rights impacts of digital technologies across different levels of technological sophistication, including AI, yet the full scope is not known. The implementation of the Guiding Principles is often complemented and deepened by technology sector-specific principles and initiatives, such as the Global Principles on Freedom of Expression and Privacy of the Global Network Initiative.<sup>41</sup> Examples include the Google celebrity recognition application programme interface human rights assessment,<sup>42</sup> embedded in the company's broader human rights policy, which is anchored in the Guiding Principles.<sup>43</sup> Microsoft recently commissioned an assessment of its enterprise cloud services and AI technologies, grounded in the Guiding Principles.<sup>44</sup> The technology company Kakao of the Republic of Korea has developed self-assessment tools for responsible AI based on the Guiding Principles.<sup>45</sup>

20. Such efforts are a step in the right direction, yet the uptake of the Guiding Principles on Business and Human Rights by companies developing and deploying AI remains nascent for several reasons:

(a) Multiple frameworks exist to govern AI in companies, often with an emphasis on safety and security and not fully incorporating human rights;

(b) As the consideration of human rights often occurs too late in the AI product development stage, improvements are required to embed human rights earlier in the process;

(c) Small and lesser-known companies that develop AI can have a significant impact on human rights, yet they are less likely to be aware of and have support in applying the Guiding Principles;

(d) A lack of transparency on existing operational corporate practices to address human rights issues resulting from data provenance, curation and the subsequent AI model outputs persists. More transparency could enable industry exchange about good practices and produce a race to the top.

21. In addition, it has been noted that the current geopolitical environment risks pitting innovation against steps that are seen to slow down the process, without the recognition that including human rights safeguards early in the product development process can not only reduce risks but also enhance innovation through the consideration of different user segments and the potential interactions with their environments.<sup>46</sup>

22. The fragmented uptake of the Guiding Principles on Business and Human Rights by technology companies is particularly concerning with regard to those involved in use cases that, on their face, pose high risks in terms of human rights and international humanitarian law, for example companies in the weapons, surveillance, immigration and military domains. The deployment of several AI technologies in conflict or fragile State settings requires particularly close attention and higher guardrails. Most AI technologies, whether initially designed for civilian or military use, are inherently dual-use and readily repurposed, blurring the line between civilian use and military applications. For example, AI-powered technologies initially developed for military applications, such as facial recognition, have been used in civilian contexts, such as law enforcement and border control operations. In the

<sup>40</sup> See, for example, <https://rankingdigitalrights.org/bte25/executive-summary>.

<sup>41</sup> See <https://globalnetworkinitiative.org/gni-principles>.

<sup>42</sup> See <https://www.bsr.org/reports/BSR-Google-CR-API-HRIA-Executive-Summary.pdf>.

<sup>43</sup> See <https://blog.google/outreach-initiatives/public-policy/respecting-rights-global-network-initiative-assessment-report>.

<sup>44</sup> See <https://www.jdsupra.com/legalnews/a-human-rights-impact-assessment-of-9523904>.

<sup>45</sup> See <https://www.mk.co.kr/en/it/11178216>.

<sup>46</sup> See, for example, <https://www.belfercenter.org/publication/design-margins>.

military domain, an AI system might misidentify civilians as combatants, posing a risk to the protection of civilians.<sup>47</sup>

## **C. Safeguarding rights in the age of artificial intelligence: the State’s role in addressing corporate conduct**

23. In line with international law, the Guiding Principles on Business and Human Rights reaffirm the State’s duty to protect human rights, emphasizing the obligation to safeguard against adverse impacts by third parties, including impacts stemming from or linked to corporate activities.<sup>48</sup> That duty extends to the development, deployment and use of AI technologies by companies. The Guiding Principles introduce the concept of a “smart mix” of mandatory and incentive-based measures to require companies to respect human rights. That approach is aimed at achieving policy coherence across national, regional and international frameworks, aligning expectations for corporate conduct.

### **1. Regulatory developments regarding artificial intelligence**

24. Grounding regulatory approaches to AI, including generative AI, in the international human rights framework will help to ensure that the human rights of individuals are protected and build policy coherence at the global level.<sup>49</sup> Recent regulatory efforts that include provisions relating to the private sector’s role in respecting human rights in AI development, deployment and use include those of Brazil, the Republic of Korea and the European Union, as described further below.

25. As a starting point, regulation should be focused on the impact on people, rather than on generic risk models centred on security or safety. While some regulatory schemes impose a dichotomy between the private and the public sector use of AI technologies, both sectors should be focused on human rights protection, given their interrelationship.<sup>50</sup> In addition, AI regulation should ensure transparency, accountability and the mitigation of the impact on human rights in both the public and the private sectors. Closely connected to transparency are crucial considerations around data governance, especially regarding privacy and data protection.

26. Robust regulation should incorporate human rights due diligence, including human rights impact assessments of the AI life cycle from design, development and deployment to end use, with the full range of human rights considered. Given the wide range of applications of AI, a consistent application of due diligence is essential to identify, assess and mitigate risks, prioritizing the mitigation of severe human rights abuses. A focus on the entire AI value chain would ensure a holistic approach, while targeted interventions may be necessary to regulate specific harms, such as AI-generated child sexual abuse material.

27. To make regulation more effective, regulatory efforts should be accompanied by a comprehensive suite of incentive-based policy instruments, enforcement provisions and implementation support for businesses.

28. In line with the Guiding Principles on Business and Human Rights, transparency and process-oriented legislation should clarify what is expected of businesses, while remaining sensitive to the diversity of business models and realities regarding AI. Appropriate notice, due process and non-discrimination requirements enable companies to integrate provisions

<sup>47</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/digitalage/artificial-intelligence-military-domain-briefer-1-en.pdf>.

<sup>48</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/b-tech-foundational-paper-state-duty-to-protect.pdf>.

<sup>49</sup> The scope of the present report includes a discussion of legislation from the viewpoint of the Guiding Principles on Business and Human Rights pertaining to responsible business conduct, including in public-private sector relationships. Examples of legislation and State and company practices are used for illustrative purposes and a mention does not imply endorsement.

<sup>50</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/civicspace/2025-02-state-regulation-key-ai-1-en.pdf>.

in a rights-respecting manner in relevant corporate systems and processes relating to AI products and services.<sup>51</sup>

29. Mandatory due diligence and reporting standards are emerging, with a trend towards requiring technology companies to identify and address risks, an approach akin to that of the Guiding Principles on Business and Human Rights. For example, the protection of human rights in the deployment and use of AI systems is emphasized in the Artificial Intelligence Act of the European Union, in accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).<sup>52</sup> The Act prohibits such high-risk AI applications as real-time biometric surveillance in public spaces unless justified for national security or criminal investigations. Deployers of high-risk AI systems must conduct assessments to evaluate potential risks to individuals' rights, ensuring accountability and transparency. Under the Digital Services Act of the European Union, platforms are required to assess and mitigate risks associated with their operations, including their content governance approach. Similarly, in its Basic Act on the Development of Artificial Intelligence and the Establishment of a Foundation for Trustworthiness, set to take effect in January 2026, the Republic of Korea adopted a risk-based approach.<sup>53</sup> Bill No. 22338/2023 of Brazil, currently under consideration in the Chamber of Deputies, regulates the development, implementation and use of AI and is structured around a risk-based approach, with additional regulation for "excessive" and "high-risk" applications. In some other countries, legislation on mandatory human rights due diligence across sectors has been established or is being developed.

## 2. Policy measures regarding artificial intelligence

30. Regulation is closely interlinked with policy measures to incentivize companies to adopt a rights-respecting approach to AI, such as government funding for rights-respecting AI research and development. Some experts emphasize the necessity of using public funding to shape AI development towards clearly defined public interest goals, with a transparent rationale for which types of AI are needed and for which specific use cases.<sup>54</sup> One way to achieve that is by anchoring industry policy in a commitment to encourage the development of responsible technologies and practices, including by allocating funds to support the development of responsible AI and digital infrastructure. Other policy measures for responsible business conduct can be integrated into national AI strategies incorporating a human rights-based approach.

31. Another leverage point is the State's role as a procurer of AI products and services from the private sector and across sectors, such as health, mobility, e-Government, education, public order, safety, welfare, criminal justice, the judiciary and surveillance technology.<sup>55</sup> Embedding human rights requirements in public procurement processes can serve as an incentive for companies to align their practices with human rights standards.<sup>56</sup> In addition, the State's role in the activities of development finance institutions provides additional incentivization opportunities for ensuring that human rights are included in digital transformation projects.

32. Policy measures, such as the Algorithm Register introduced by the Government of the Kingdom of the Netherlands in 2022, can also promote responsible conduct.<sup>57</sup> The register requires public bodies to publish algorithmic use, including a statement on its intended use and an assessment of the potential human rights impacts. The Artificial Intelligence Assurance Framework of the United Kingdom of Great Britain and Northern Ireland similarly

<sup>51</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/unga-b-tech-gen-ai-governance-note.pdf>.

<sup>52</sup> See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689>.

<sup>53</sup> See Margareth Theresia, "Newly enacted law sets basis for nat'l development of artificial intelligence", Korea.net, 27 December 2024.

<sup>54</sup> See <https://ainowinstitute.org/publications/research/redirecting-europes-ai-industrial-policy>.

<sup>55</sup> A/HRC/59/53, paras. 20, 28 and 30.

<sup>56</sup> See Frederike Kaltheuner and others, eds., *Redirecting Europe's AI Industrial Policy: From Competitiveness to Public Interest* (AI Now Institute, 2024).

<sup>57</sup> See <https://algoritmes.overheid.nl/en/footer/over>.

introduced human rights in addition to cybersecurity and quality management to measure and evaluate the trustworthiness of AI systems.<sup>58</sup>

33. Governments play a key role in promoting policy coherence by engaging with technical standard-setting bodies,<sup>59</sup> such as the International Telecommunication Union, and advocating for the integration of human rights in technical standard-setting processes and the development of interoperable AI standards.<sup>60</sup> Policy translations of human rights principles into technical language can help experts to embed them throughout AI development life cycles. In that regard, standard-setting organizations are increasingly recognizing the importance of incorporating human rights into technical standards for AI.<sup>61</sup> At the national level, for example, the National Institute of Standards and Technology of the United States of America emphasizes the importance of human rights in its Trustworthy and Responsible Artificial Intelligence initiatives and helps to align technical standards with human rights frameworks.<sup>62</sup>

#### **D. Accountability and remedy for human rights harms resulting from the use of technologies, including artificial intelligence**

34. Integrating human rights into remediation mechanisms, processes and strategies for human rights harms resulting from the use of technologies, including AI, is essential. Pillar III of the Guiding Principles on Business and Human Rights provides a framework for remedying human rights harms caused by technologies, including AI products and services.<sup>63</sup> The framework is grounded in the right to an effective remedy, as established in international human rights law.

35. Various mechanisms and processes contribute to providing remedies for human rights harms resulting from the use of technologies, including AI products and services.<sup>64</sup> Three types of mechanisms to ensure effective remedies are identified in the Guiding Principles on Business and Human Rights: judicial mechanisms, State-based non-judicial mechanisms and non-State-based grievance mechanisms.<sup>65</sup> In the Guiding Principles, States are urged to take appropriate steps to prevent, investigate, punish and redress such abuses occurring within their jurisdiction. Businesses are also expected to provide or cooperate in remediation processes when they have caused or contributed to adverse impacts, including those related to AI products and services.<sup>66</sup>

36. Ensuring that affected individuals and stakeholder groups have access to remedies that are responsive to their diverse experiences and in line with the effectiveness criteria of the Guiding Principles on Business and Human Rights is of paramount importance.<sup>67</sup> While delivering on access to remedy can be challenging no matter the industry or operating context, it has proven particularly so regarding digital technologies. The complex and intertwined

<sup>58</sup> See <https://www.gov.uk/government/publications/introduction-to-ai-assurance/introduction-to-ai-assurance#ai-assurance-in-context>.

<sup>59</sup> See <https://freedomonlinecoalition.com/joint-statement-technical-standards-and-human-rights-in-the-context-of-digital-technologies>.

<sup>60</sup> See [A/HRC/53/42](#).

<sup>61</sup> Ibid.

<sup>62</sup> See United States, National Institute of Standards and Technology, Department of Commerce, *Artificial Intelligence Risk Management Framework* (Washington, D.C., 2023).

<sup>63</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-concepts-and-principles.pdf>.

<sup>64</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-ecosystem-approach.pdf>; and <https://www.ohchr.org/en/business/ohchr-accountability-and-remedy-project>.

<sup>65</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-ecosystem-approach.pdf>; and <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-concepts-and-principles.pdf>.

<sup>66</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-company-based-grievance-mechanisms.pdf>.

<sup>67</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-perspectives-needs-affected-people.pdf>.

nature of digital ecosystems can make it difficult to identify responsible parties, establish new remediation mechanisms and navigate existing ones. Digital technologies often involve intricate technical issues that, in addition to the rapid pace of technological innovations, add additional layers to the process of seeking remedies.<sup>68</sup>

## 1. Key considerations with regard to access to remedy related to artificial intelligence-facilitated harm

37. The human rights risks posed by AI technologies extend beyond bias, discrimination and privacy violations to include health risks, welfare concerns and other human rights concerns, including those relating to freedom of expression and access to information. Not all risks can be anticipated fully before deployment, as they may be either unintended or not foreseeable. Addressing them therefore necessitates a comprehensive and multifaceted approach. Victims of AI-related harms may face additional difficulties in access to remedies linked to the specificities of the technology, such as the complexity and opacity of AI systems, which make it difficult to understand how decisions are made and the involvement of various stakeholders, rendering the determination of liability extremely complex.

38. Key considerations in that regard include:

(a) *Transparency in AI decision-making processes and accountability.* The current lack of transparency means that affected individuals may not be aware of the AI-facilitated harm that they have suffered, complicating their ability to challenge those decisions and increasing the burden of proof. That is compounded by the lack of clear communication channels for affected individuals to report issues;

(b) *Explainability.* The ability to document and explain decision-making processes in AI in an understandable way promotes accountability and safeguards the rights of those affected. Addressing the “black-box effect” in AI requires such measures as mandatory risk assessment reporting and giving researchers access to foundation models;

(c) *Technical expertise.* Proving algorithmic bias requires technical expertise that many victims and the judiciary lack. Victims of AI-driven discrimination on social media platforms often face hurdles in access to remedies because they cannot prove, on a technical level, that they have been discriminated against;

(d) *Privacy and data protection.* Protecting the privacy and personal data of individuals affected by AI systems is essential and remedies should include measures to safeguard data misuse. For example, breaches involving biometric recognition technology are particularly challenging, as biometric data cannot be changed once compromised;

(e) *Specific hurdles for stakeholder groups.* AI tools used in social services, for example, can perpetuate biases, making it difficult for marginalized communities to seek remedies. Children affected by AI-related harms, such as online grooming or exposure to harmful content, face significant challenges in access to remedies. Legal systems may not be equipped to handle the complexities of AI-driven exploitation or parents struggling to understand how to protect their children.<sup>69</sup> Women and girls face specific barriers to reporting AI-facilitated gender-based violence due to, inter alia, the limited awareness of reporting mechanisms and the inadequacy of the legal frameworks, which is linked to underreporting.<sup>70</sup>

## 2. Good practices for addressing artificial intelligence-facilitated harm

39. Public awareness plays a crucial role in addressing the challenges faced by individuals affected by AI-driven decisions. Many victims encounter difficulties in recognizing their rights or locating effective mechanisms for redress. Public awareness campaigns and educational initiatives serve as important tools in equipping such individuals with the knowledge needed to pursue justice.

<sup>68</sup> See <https://www.ohchr.org/sites/default/files/access-to-remedy-concepts-and-principles.pdf>.

<sup>69</sup> See [https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/B\\_Tech\\_Unicef\\_Briefing\\_%20for\\_consultation.pdf](https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/B_Tech_Unicef_Briefing_%20for_consultation.pdf).

<sup>70</sup> See <https://rutgers.international/decoding-technology-facilitated-gender-based-violence>.

40. Empowering judges and other legal professionals to handle cases involving digital technology and human rights arising in State-based judicial grievance mechanisms is vital. Strengthening expertise enables the legal system to respond effectively and fairly to the evolving challenges presented by technology.

41. Non-judicial grievance mechanisms at the State level play a key role in complementing and supplementing judicial mechanisms in cases of AI-related human rights abuses. Such mechanisms may include regulators, ombudspersons, inspectorates, public complaint-handling bodies, the national contact points for responsible business conduct under OECD<sup>71</sup> and national human rights institutions.<sup>72</sup> Under the Guiding Principles on Business and Human Rights, companies must engage actively in remediation, including where they identify that their AI products and services caused or contributed to harm. One effective means of enabling remediation is through company-based grievance mechanisms that meet the core criteria of the Guiding Principles.<sup>73</sup> With the necessary human rights safeguards in place, AI can support access to remedy, ranging from the documentation of technology-facilitated gender-based violence on dating applications linked to AI features to the documentation of war crimes on social media platforms.

### **III. Applying the Guiding Principles on Business and Human Rights: women’s and girls’ rights and corporate responsibility relating to artificial intelligence technologies**

42. The Guiding Principles on Business and Human Rights are grounded in the recognition of States’ obligations under international human rights law, which includes the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The Guiding Principles complement that framework as regards the respect of businesses for women and girls, including in the development, deployment and use of AI products and services.<sup>74</sup>

43. AI technologies can empower individuals by enhancing access to education, employment and platforms to amplify their voices. Such benefits, however, are accompanied by significant human rights risks, which often disproportionately affect disadvantaged groups, including persons belonging to national, ethnic, religious, linguistic or racial minorities, Indigenous Peoples, local communities, persons in rural areas, economically disadvantaged persons and persons in vulnerable or marginalized situations.<sup>75</sup> Within those groups, women and girls face elevated risks due to intersectionality and discrimination tied to the perpetuation of existing patterns of gender inequality and the reinforcement of stereotypes. In addition, the underrepresentation of women and girls in science, technology, engineering and mathematics limits their involvement in the design and development of AI.<sup>76</sup>

44. Women and girls are particularly exposed to some AI-related harms, including such gender-based violence as stalking, sexual harassment and exploitation.<sup>77</sup> AI-generated deepfakes often target women<sup>78</sup> and can be used to harass, intimidate and damage reputations, with the ease of creation and distribution escalating the scale of abuse. Such challenges are

<sup>71</sup> See <https://www.oecd.org/en/networks/national-contact-points-for-responsible-business-conduct.html>.

<sup>72</sup> See *National Human Rights Institutions: History, Principles, Roles and Responsibilities* (United Nations publication, 2010).

<sup>73</sup> See <https://www.ohchr.org/en/business/ohchr-accountability-and-remedy-project/phase3-non-state-based-grievance-mechanisms>.

<sup>74</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/B-Tech-gender-tech-role-business-one-pager.pdf>.

<sup>75</sup> See Committee on the Elimination of Discrimination against Women, general recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems.

<sup>76</sup> *Ibid.* and Human Rights Council resolution 53/29.

<sup>77</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/taxonomy-Genartificial-intelligence-Human-Rights-Harms.pdf>.

<sup>78</sup> See Suzie Dunn, “Women, not politicians, are targeted most often by deepfake videos”, Centre for International Governance Innovation, 3 March 2021.

likely underreported due to the limited awareness of reporting mechanisms and the inadequacy of the legal frameworks linked to reporting.<sup>79</sup> Moreover, AI systems can produce discriminatory outcomes in, inter alia, hiring, lending and law enforcement, reinforcing existing inequalities and limiting opportunities, including for women and girls. That is also true when it comes to AI-induced job losses<sup>80</sup> and adverse impacts on privacy and autonomy related to surveillance and data exploitation.<sup>81</sup> Intersecting and multiple forms of discrimination result in the different experiences of AI-related harms by women and girls, requiring concerted efforts by policymakers, companies and civil society to address such compounded risks.

45. As part of their corporate responsibility to respect human rights, technology companies should adopt gender-sensitive policies and practices across their organizations and value chains to prevent harm to women's and girls' rights from AI products and services, considering their prominent decision-making power in the marketplace regarding the design of gender-sensitive products and services. For instance, they could introduce workplace initiatives focused on gender equality, provide training to employees on gender-sensitive practices or ensure that AI tools do not perpetuate harmful stereotypes. They could also foster inclusive design practices for digital products, support women's representation in technology leadership roles or partner with organizations advocating for gender equality.

46. Gender impacts should be considered in regular human rights impact assessments, especially before new activities or major changes to a technological product or service, building on the meaningful participation of women with diverse backgrounds.<sup>82</sup> Gender impact assessments examining business models and algorithmic transparency, especially regarding recommender systems that amplify harmful content through a gender lens, should be encouraged by companies developing and deploying AI. Consultations with women's groups, civil society organizations and technical experts can help in monitoring the effectiveness of mitigation efforts in relation to gender-related harm. For example, tools are available that help to prevent the non-consensual sharing of intimate images online by using on-device hashing technology to detect and block distribution across participating platforms.<sup>83</sup>

47. In an encouraging sign, two Internet search engine companies recently acted to reduce non-consensual intimate deepfake content in search results and two major technology companies collaborated to propose new standards to mitigate the misuse of Bluetooth devices for stalking.<sup>84</sup>

48. Some States have started to take legislative steps to protect women's and girls' rights in the digital realm, including in AI regulation.<sup>85</sup> Such an approach entails the mandating of algorithmic impact assessments, requiring regular audits for bias and discrimination in high-risk AI systems and establishing accountability mechanisms for discriminatory outcomes, including redress for affected individuals. In addition, States, including Canada, have issued guidance on rights-respecting practices for women.<sup>86</sup> States can also draw on the report of the Working Group on the issue of human rights and transnational corporations and

<sup>79</sup> See <https://rutgers.international/decoding-technology-facilitated-gender-based-violence>.

<sup>80</sup> See Janine Berg, "Minimizing the negative effects of artificial intelligence-induced technological unemployment", International Labour Organization, 9 October 2024.

<sup>81</sup> See <https://privacyinternational.org/learn/women>.

<sup>82</sup> See <https://aiequalitytoolbox.com/methodology/white-papers/english>.

<sup>83</sup> See <https://stopncii.org>. See also <https://cdt.org/press/cdt-ccri-and-nnedv-announce-multistakeholder-working-group-to-address-non-consensual-intimate-images>.

<sup>84</sup> See <https://blog.google/products/search/google-search-explicit-deep-fake-content-update>; and <https://blogs.microsoft.com/on-the-issues/2024/09/05/an-update-on-our-approach-to-tackling-intimate-image-abuse>.

<sup>85</sup> Examples include the Digital Services Act of the European Union, the Online Safety Act of the United Kingdom and the Marco Civil da Internet of Brazil.

<sup>86</sup> See [https://www.international.gc.ca/world-monde/issues\\_developpement-enjeux\\_developpement/human\\_rights-droits\\_homme/playbook-manuel\\_instructions.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_developpement-enjeux_developpement/human_rights-droits_homme/playbook-manuel_instructions.aspx?lang=eng).

other business enterprises on the gender dimensions of the Guiding Principles on Business and Human Rights.<sup>87</sup>

49. Despite the challenges in access to judicial remedy, there have been some instances of judicial remedies involving technology companies, including class action cases against female health technology companies for sharing data without consent.<sup>88</sup> Company-based grievance mechanisms could also be improved to better address and remedy gender-based impacts. For example, only a few of the 100 binding decisions issued by Meta's Oversight Board<sup>89</sup> in 2024 were focused on gender-related concerns.<sup>90</sup>

#### **IV. Role of investors in encouraging corporate respect for human rights in the technology sector**

50. In addition to increasing understanding of the practical application of the Guiding Principles on Business and Human Rights in the corporate sector, further attention needs to be given to ensuring that the sector meets its responsibilities. The investment sector can play a critical role in that regard while, at the same time, meeting its own responsibilities under the Guiding Principles. By prioritizing human rights in investments, investors can encourage companies to embed respect for human rights across operations and value chains. At present, awareness of those responsibilities among investors remains low, in particular those relating to AI investments.<sup>91</sup>

51. Investors enjoy unique influence over technology companies' governance and decision-making.<sup>92</sup> In different ways, public equity and private capital investors have access to levers of influence that allow them to encourage technology companies to move their business models in more rights-respecting directions.<sup>93</sup>

52. A growing number of investors in a variety of asset classes are demonstrating a willingness to advocate more vocally for portfolio companies to make changes to business models to prevent or mitigate serious adverse human rights impacts. Some investors also maintain human rights- or sustainability-based exclusion criteria that prevent them from making investments that carry high levels of human rights risk in the first place.<sup>94</sup>

53. It is crucial that more investors incorporate such strategies into their decision-making regarding the development and deployment of AI by companies. Applying a human rights lens to pre-investment due diligence, assessing the adequacy of portfolio companies' own human rights due diligence processes and encouraging improvements to those processes, where necessary, are crucial strategies. When investors implement such strategies, they can contribute to the reduction of the level and scope of human rights risks connected to the development, deployment and use of AI products and services. While progress has been made

<sup>87</sup> [A/HRC/41/43](#).

<sup>88</sup> See <https://www.cbc.ca/news/canada/british-columbia/flo-health-privacy-class-action-1.7137600>; <https://www.classaction.org/blog/class-action-alleges-fertility-app-flo-secretly-shared-users-personal-info-with-advertisers>; and <https://iusomnibus.eu/ius-omnibus-v-flo-health-inc>.

<sup>89</sup> See <https://www.oversightboard.com/decision>.

<sup>90</sup> See, for example, <https://www.oversightboard.com/news/682162975787757-oversight-board-overturns-original-facebook-decision-case-2020-004-ig-ua>.

<sup>91</sup> See [https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/20230329-B-Tech\\_Investor\\_Engagement\\_Tool.pdf](https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/20230329-B-Tech_Investor_Engagement_Tool.pdf); <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/Venture-Capital-Technology-Startups-Human-Rights.pdf>; and <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/Human-Rights-Toolkit-Venture-Capital-Limited-Partners.pdf>.

<sup>92</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/B-Tech-Briefing-Investment.pdf>.

<sup>93</sup> See [https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/20230329-B-Tech\\_Investor\\_Engagement\\_Tool.pdf](https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/20230329-B-Tech_Investor_Engagement_Tool.pdf).

<sup>94</sup> See <https://www.ap6.se/wp-content/uploads/2024/10/Policy-for-Responsible-Investment-and-Ownership-AP6.pdf>; and <https://www.robeco.com/files/docm/docu-exclusion-policy.pdf>.

towards enhancing the uptake of such practices among investors,<sup>95</sup> further efforts are needed to mainstream them, including among the large institutional investors that own most public equities and the venture capital investors who finance the cutting-edge start-ups responsible for some of the most influential AI technologies.

## V. Conclusions and recommendations

54. **The Guiding Principles on Business and Human Rights offer crucial support to both State regulators and companies in responding to the challenge of how societies can best obtain and harness the benefits of AI while preventing and mitigating the substantial risks it poses. They contain guidance on how to avoid and respond to human rights harms across the entire AI value chain, including a framework for implementing the State duty to protect human rights and the corporate responsibility to respect human rights and for providing access to remedy. While some progress has been made by States and companies to meet their respective duties and responsibilities, much more needs to be done to enhance the practical application of the Guiding Principles to the activities of technology companies, including with regard to AI.**

55. **States should, in line with international standards, including international human rights law and the Guiding Principles on Business and Human Rights:**

(a) **Safeguard individuals from human rights abuses linked to corporate activities, inclusive of those involving AI, through the application of a smart mix of regulatory measures and policy incentives that include:**

(i) **Implementing, as part of mandatory measures, regulatory frameworks that ensure that AI products and services incorporate respect for human rights by requiring companies to conduct human rights due diligence to identify, prevent and mitigate human rights risks associated with AI along the entire AI life cycle, including by ensuring that the data models underpinning AI systems are representative of everyone and by requiring enhanced human rights due diligence for high-risk use cases and contexts, such as conflict-affected areas;**

(ii) **Requesting companies developing and deploying AI models to verify the data input and the resulting outputs to ensure representation in terms of gender, race and cultural diversity and safeguard against negative impacts linked to discriminatory AI outputs and their consequences, which often have a disproportionate impact on women and girls and other vulnerable groups and exacerbate intersectional discrimination;**

(iii) **Requiring companies to mitigate the human rights impacts linked to AI and to allow for restrictions, including prohibitions on AI use, when sufficient guardrails are not in place;**

(iv) **Including, as part of incentive-based measures, human rights considerations in the industrial policies that determine the digital infrastructure that underpins AI development and deployment;**

(v) **Incorporating human rights considerations into national AI strategies and research and development strategies to encourage AI development and deployment that is anchored in human rights frameworks and providing additional incentives to conduct human rights due diligence throughout the AI product life cycle, including by encouraging greater racial, cultural and gender diversity within AI development teams;**

(b) **Ensure that individuals have access to effective remedies and full reparation if AI products and services result in violations of their rights, including by requiring transparency about AI-assisted decision-making processes and meaningful human oversight over such decisions;**

<sup>95</sup> See, for example, <https://www.ventureesg.com/wp-content/uploads/2024/09/VentureESG-%E2%80%94Unlocking-ESG-Value-%E2%80%94Sept-2024.pdf>.

(c) Promote coherence across different policy areas and actors that are tackling AI governance at the national, regional and international levels;

(d) Implement safeguards with regard to human rights for the initiatives of development finance institutions that involve AI products and services;

(e) Provide appropriate resources for capacity-building measures for national human rights institutions, judges and legal professionals to equip them with the knowledge and tools to effectively identify and handle cases involving AI-related human rights harms;

(f) Provide digital literacy support to affected stakeholders, ensuring access to information about available remedies in inclusive, clear language and format;

(g) Remove the cost and procedural barriers that have a disproportionate impact on low-income and marginalized groups in access to remediation mechanisms and invest in public-awareness and outreach strategies on possible AI-related harms and available remedies, co-developed with the communities most affected.

56. States developing and deploying AI products and services should, in line with international standards, including the Guiding Principles on Business and Human Rights:

(a) Apply a human rights-based approach to the development, deployment, and use of AI, embedding human rights principles throughout the entire AI life cycle;

(b) Develop and implement AI products and services in a transparent manner, allowing for public scrutiny and accountability, including the clear documentation of how AI systems are designed, trained and deployed and mechanisms for addressing grievances and rectifying harms;

(c) Carry out human rights due diligence throughout the development, deployment and use of AI products and services, including risk assessments to identify potential human rights and gender-related impacts and measures to mitigate identified risks. Such measures need to be reviewed on an ongoing basis to be responsive to the contextual implementation of the products and services;

(d) Conduct stakeholder engagement, including with affected communities and civil society organizations, to involve them in the development and deployment of AI systems;

(e) Conduct their own human rights due diligence on the use of AI products and services, rather than outsourcing that obligation, when procuring AI technologies from third parties.

57. Companies developing and deploying AI should, in line with applicable international standards, including the Guiding Principles on Business and Human Rights:

(a) Have a policy commitment in place that sets out their approach to safeguarding human rights from adverse impacts resulting from their AI products and services and embed human rights considerations into the AI life cycle, including in relevant policies, risk assessments and decision-making processes;

(b) Carry out human rights due diligence to identify, prevent, mitigate and account for adverse human rights impacts that their AI products and services may cause or contribute to, including by assessing human rights impacts on a regular basis, especially before new activities or major changes to an AI product or services, and audit the assessments with input from human rights experts;

(c) Establish or participate in effective operational-level grievance mechanisms for AI products and services and provide effective remedies to affected individuals and communities, including in cooperation with State-based judicial mechanisms;

(d) Carry out meaningful stakeholder engagement with affected groups and civil society organizations to identify and address human rights risks with regard to AI products and services;

(e) Monitor the effectiveness of actions to mitigate gender-based impacts using qualitative and quantitative indicators and consult with affected groups regularly;

(f) Communicate performance and risks related to human rights impacts, including through transparency reports and gender impact assessments;

(g) Expand internal capacity on human rights, including within AI product development teams, and training on gender-sensitive and intersectional approaches to human rights risks.

58. Companies procuring AI products or services should, in line with the Guiding Principles on Business and Human Rights, assess the contextual implementation against adverse impacts on human rights and mitigate harm by carrying out human rights due diligence.

59. Investors should be encouraged, in line with the Guiding Principles on Business and Human Rights:

(a) To exercise their responsibility to respect human rights by channelling investment to companies developing and deploying AI that respect human rights;

(b) To articulate expectations for technology company founders prior to investment, for instance by specifying company due diligence requirements in term sheets;

(c) To identify business activities that may be connected to human rights risks and engage investor relations or other entities within companies developing or deploying AI to mitigate those potential harms;

(d) To recommend that companies assess the human rights impact of their AI products and services;

(e) To review investments in companies developing and deploying AI that fail to address human rights harms connected to their products and services, with a view to disinvestment.

60. Civil society organizations should:

(a) Continue to identify and highlight possible protection gaps and AI products and services that have an adverse impact on human rights;

(b) Engage with States and business actors to address those gaps, including by using the Guiding Principles on Business and Human Rights effectively.

61. The United Nations should continue to promote and disseminate the Guiding Principles on Business and Human Rights throughout the AI life cycle, including by engaging with companies developing and deploying AI, companies procuring AI, States, civil society actors, national human rights institutions and other key actors.

62. The Human Rights Council is encouraged to continue its engagement with regard to the practical application of the Guiding Principles on Business and Human Rights by:

(a) Supporting the development of guidance on:

(i) Human rights due diligence in AI product development;

(ii) Access to remedy in the technology sector for human rights harms related to digital technologies and, in particular, AI tools and services;

(iii) Specific human rights impacts arising from the AI life cycle on women and girls;

(b) Continuing to address, document and identify the risks to human rights posed by the development and deployment of AI;

(c) Considering the provision of further regulatory, operational, sectoral and use case-specific guidance to States, technology companies and other relevant stakeholders regarding the practical application of the Guiding Principles to their activities relating to AI.

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