



**The development, deployment, and regulation of Generative AI must be anchored in Human Rights – the UN Guiding Principles on Business and Human Rights provide a framework for guiding responsible business conduct**

OHCHR B-Tech Note regarding the United Nations' plan towards AI Governance at the UN General Assembly 78, September 2023

As world leaders come together in New York this week to debate the Sustainable Development Goals agenda, climate action, and advancement in global health, there is broad interest in and concern among governments, companies, and civil society about the potential role of generative AI. The UN Secretary-General most recently called for guardrails to [ensure AI governance is grounded in human rights, transparency, and accountability](#).

While key decision-makers contend with the increasingly rapid pace of technological innovation broadly and generative AI specifically, human rights-centered frameworks like the [UN Guiding Principles on Business and Human Rights](#) (UNGPs) provide a proven foundation for understanding responsible business practice and rights-respecting regulation in the technology space, including in relation to generative AI.

***Rights Respecting Governance of AI***

The UNGPs clarify that States have a duty to foster responsible business conduct, which they should do through a variety of mandatory and voluntary measures, including regulation and incentive-based requirements. 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 to build policy coherence at the global level. In practice, regulatory approaches (including laws, policies, and standards) that reinforce business responsibility to respect human rights would include:

- Consideration of the full range of human rights when assessing human rights risk and conducting human rights due diligence, due to the wide range of applications of generative AI;
- Consistent application of due diligence practices to assess and mitigate the most severe risks to people's human rights;
- Focus across the full value chain of AI technologies (i.e., both upstream supply chains and downstream end-uses);
- A comprehensive suite of incentive-based policy instruments and enforcement provisions to accompany the implementation of regulation;
- Transparency and process-oriented legislation clarifying the expectations that businesses should meet (legislation should ensure appropriate notice, due process, and non-discrimination in relevant corporate systems and processes);
- Meaningful [stakeholder engagement](#), both by government and business actors;
- Measures enabling easy and direct access to effective remedy and redress.



## ***Responsible Business Conduct & AI***

Endorsed by the UN Human Rights Council in 2011, with strong support by global business and civil society alike, the UN Guiding Principles on Business and Human Rights (UNGPs) have emerged – alongside the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct ([MNE Guidelines](#)) – as the leading global normative framework for responsible business conduct. The UNGPs are structured into three pillars: 1. the State duty to protect human rights, 2. the corporate responsibility to respect human rights, and 3. access to remedy.

While the UNGPs apply across business sectors, they have been increasingly reflected in recent years in public policy documents of technology companies. The [UN Human Rights B-Tech Project](#) was launched in 2019 as a project of the United Nations Office of the High Commissioner for Human Rights, with the goal of promoting the uptake of the UNGPs in the technology sector. The broad frameworks of the UNGPs and the MNE Guidelines are complemented and deepened by tech sector-specific principles and initiatives, such as the Global Network Initiative Principles on Freedom of Expression and Privacy. Equally, mandatory due diligence and reporting standards are emerging, all of which are trending toward requiring tech companies to identify and address risks in a manner consistent with the UNGPs. Examples include the EU Digital Services Act, which mandates risk management obligations for online platforms, as well as the draft EU AI Act and the US NIST Trustworthy & Responsible AI framework.

The UNGPs have informed technological development in many ways. Importantly, it has driven the practice of companies carrying out rights-respecting risk assessment anchored in the UNGPs' concept of human rights due diligence. Human rights due diligence is an ongoing process that companies in the tech sector have applied to the design, development, deployment and end-use of their digital products and services. Tech companies increasingly use the UNGPs to [identify, assess, and mitigate human rights impacts](#) of digital technologies across different levels of technological sophistication, including AI. Examples include the [Google Celebrity Recognition API Human Rights Assessment](#) embedded in [Google's broader human rights policy anchored in the UNGPs](#). Microsoft recently commissioned a [UNGPs-framed assessment of its Enterprise Cloud and AI Technologies](#), grounded in [its UNGPs-based approach](#). The fact that some companies at the forefront of AI development are endorsing and implementing a rights-based approach to risk management points to human rights as a promising foundation for rights-respecting generative AI practices.

In particular, given the rapid evolution of this technology, the UNGPs can be pivotal in enabling companies to identify, respond to, and mitigate harm and proactively protect individual rights. Going forward, it will be critical to [understand how the UNGPs should be applied in practice](#) by different companies developing and using generative AI.

UN Human Rights, through its B-Tech Project, as well as [other key fora](#), will continue convening and engaging with relevant key stakeholders to clarify state duties and private sector responsibilities related to generative AI, and AI more broadly.