ARTIFICIAL INTELLIGENCE PROCUREMENT AND DEPLOYMENT

ENSURING ALIGNMENT WITH THE GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS (A/HRC/59/53)

EXECUTIVE SUMMARY OF THE REPORT OF THE WORKING GROUP ON BHR



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BACKGROUND AND FOCUS

As part of its mandate to promote the **United Nations Guiding Principles on Business and Human Rights** ("the UNGPs"), the **United Nations Working Group on Business and Human Rights** ("the Working Group") examined how the UNGPs apply to the procurement and deployment of artificial intelligence (AI) systems by States and businesses that do not develop AI themselves.

The Working Group has recognized the vital roles of new technologies and notes the increasing instances of procurement and deployment of AI systems across the public and private sectors. In its stocktaking exercise of the implementation of the Guiding Principles on Business and Human Rights over the first decade since their adoption in 2011, the Working Group acknowledged that digital technologies were essential for achieving the Sustainable Development Goals by 2030. AI has the potential, for example, to enhance the efficiency of the financial sector, reduce hunger through precision farming, improve the affordability of healthcare, or ensure better access to legal system. At the same time, the use of technological products and services can have an adverse impact on virtually all internationally recognized human rights. AI presents significant challenges in terms of data protection, liberty and security, privacy, discrimination, exclusion, fair trial, freedom of association and collective bargaining, and the right to a clean, healthy and sustainable environment. Further, AI systems can be exploited to influence information and interfere with democratic processes, unduly restricting freedom of expression, stifling dissent and limiting access to diverse viewpoints.

The Working Group seeks to achieve four key objectives with the present report:



To review existing and emerging regulatory frameworks and outline how States can further enhance efforts to protect human rights when regulating, procuring and deploying AI systems



To map emerging practices and clarify the responsibilities of businesses to incorporate a human rights-based approach into the procurement and deployment of AI systems in their operations, products and services

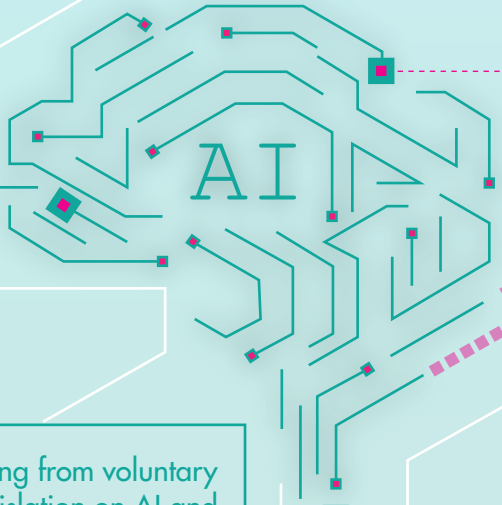


To consider what remedial mechanisms exist for rights holders affected by the procurement and deployment of AI systems, and how they can be strengthened



To provide States and businesses with clear guidance regarding the implementation of the Guiding Principles on Business and Human Rights in the procurement and deployment of AI systems

KEY FINDINGS



States are increasingly shifting from voluntary guidelines to binding legislation on AI and human rights, such as through the European Union AI Act and Council of Europe AI Convention. However, there are significant gaps in terms of rights-respecting procurement and deployment of AI systems, including a lack of a human rights-based approach, no consensus on key definitions, insufficient integration of the perspective of the Global South, the provision of broad exceptions and limited involvement of civil society. Further, enforcement gaps and loopholes are weakening human rights protections in existing legislation on AI and human rights.

The lack of universal standards and fragmented approaches are additionally leading to inconsistencies in AI governance across jurisdictions, creating the potential for adverse human rights impacts.

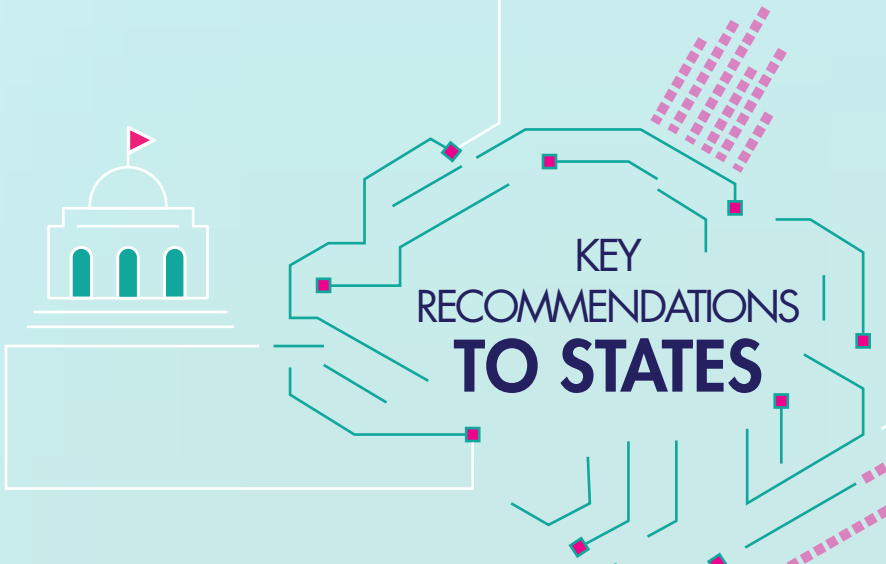
Emerging practices by States include legislation and/or guidance introducing safeguards for AI deployment; standardized public policies for the procurement of AI-based systems; algorithm registers and mandatory impact assessments; or training for public procurement officials. In the private sector, initiatives have included the establishment of grievance procedures for AI-related issues; the development of AI ethics frameworks; evaluations of AI projects against ethical standards; stakeholder engagement when deploying new AI systems; or cross-sectoral collaboration.

Businesses are largely procuring and deploying AI systems without conducting HRDD, risking adverse human rights impacts such as biased decision making, exploitative worker surveillance, or manipulation of consumer behavior.

States are largely procuring and deploying AI systems without adequate safeguards, such as conducting human rights impact assessments as part of human rights due diligence (HRDD), leading to human rights impacts across the public sector, including in relation to healthcare, social protection, financial services, taxation, and others.

Courts are increasingly recognizing the human rights-related concerns of AI procurement and deployment, highlighting the urgent need for transparency and public disclosure for public and private sector procurement and deployment of AI systems, and the fact that existing remedy mechanisms lack resources and enforcement power, leaving communities without effective recourse for AI-related human rights abuses. Stronger legal frameworks, public reporting obligations, and independent oversight bodies are needed to ensure transparency, accountability and redress.

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KEY RECOMMENDATIONS TO STATES

Establish Robust Legal, Regulatory and Policy Frameworks on AI

Develop and implement AI regulations following a human rights-based approach that are aligned with international human rights law, ensuring transparency and accountability in AI procurement and deployment and legal certainty for all.

Mandate HRDD

Require public disclosure, HRDD, and safeguards for AI systems procured and deployed by private and public sector actors, including AI systems used in high-risk sectors like law enforcement, migration management, and social protection.

Prohibit Harmful AI Systems

Ban AI technologies incompatible with human rights, like mass surveillance, remote real-time facial recognition, social scoring and predictive policing.

Promote AI Governance Collaboration

Build global cooperation to establish common AI standards, fostering interoperability and ensuring the representation of Global South perspectives.

Ensure Access to Remedy

Strengthen judicial and non-judicial mechanisms to address AI-related human rights abuses, shifting the burden of proof to businesses and authorities, and ensuring adequate resources.

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Embed Human Rights in AI Policies

Adopt clear AI human rights policies, integrating human rights principles into procurement, deployment, and decision-making.

Conduct Robust HRDD

Identify, prevent, and mitigate AI-related human rights risks, ensuring cross-departmental collaboration and stakeholder engagement.

Ensure Transparency and Accountability in all AI-related processes

Publicly disclose AI systems' capabilities, limitations, and human rights impact assessments, ensuring explainability and non-discriminatory AI procurement and deployment.

Leverage Influence for Ethical AI

Use procurement requirements and industry collaborations to require from AI developers and vendors responsible business practices and sector-wide accountability.

Establish Accessible Grievance Mechanisms

Develop operational-level complaint systems to provide affected individuals early and direct recourse for AI-related abuses.

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Monitor AI Governance

Track AI regulatory developments and hold States and businesses accountable for compliance with human rights standards.

Advance Global AI Governance Frameworks

Work towards internationally enforceable AI regulations, setting rights-based red lines for AI practices that are incompatible with human rights.

Advocate for Inclusive AI Policymaking

Ensure civil society, academia, and marginalized communities have a voice in AI governance discussions.



KEY RECOMMENDATIONS TO OTHER ACTORS

Facilitate Access to Remedy

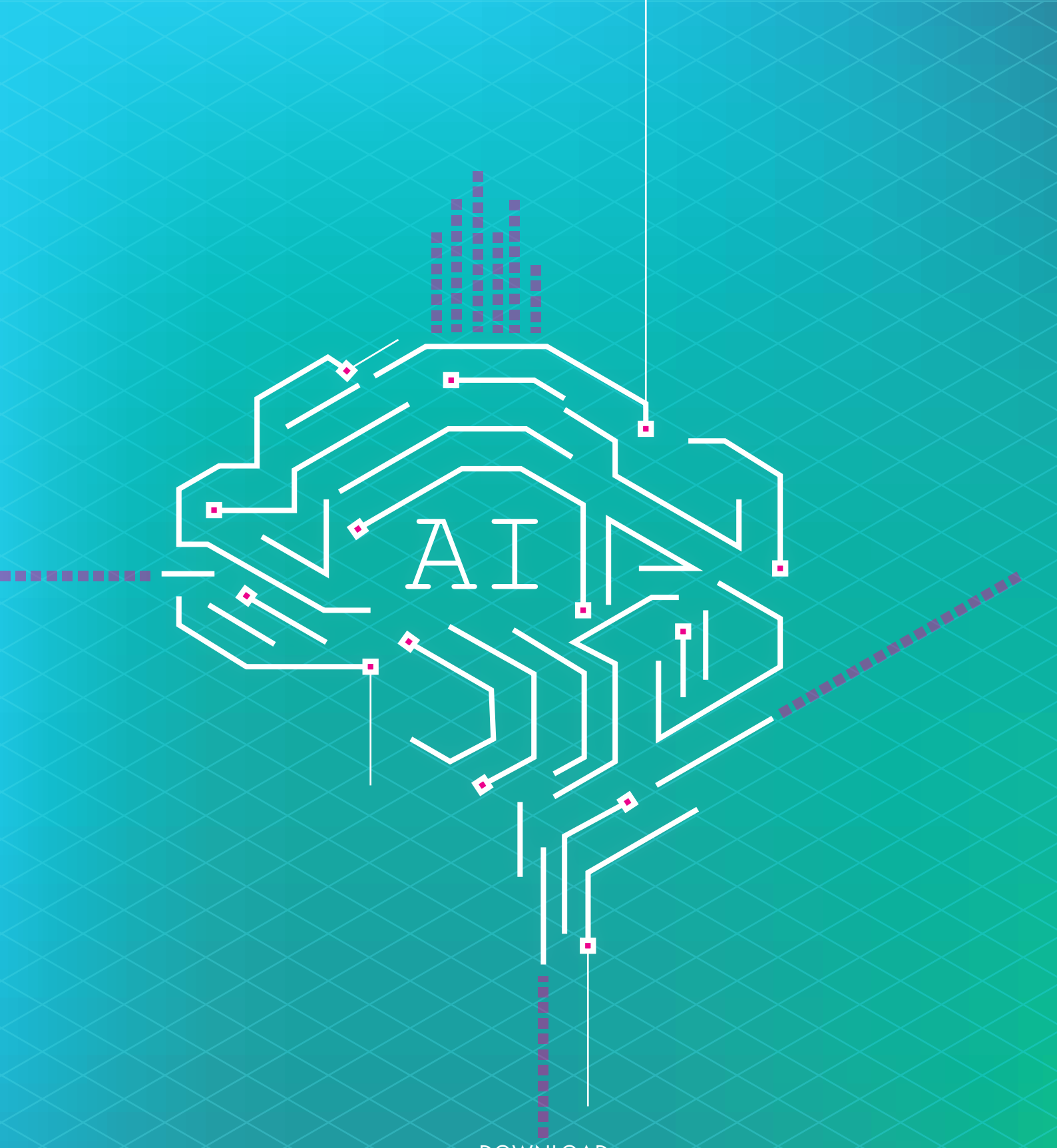
Strengthen legal and alternative redress frameworks, ensuring timely, effective, and accessible remedies for AI-related harm.

Support Awareness-Raising, Capacity-Building and Oversight

Promote training and expertise for public sector procurement teams, businesses, and regulators on AI's human rights implications.



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