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## *AI Takes the Spotlight at the UN Forum on Business and Human Rights*

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At the United Nations Forum on Business and Human Rights (the “Forum”) held at the UN headquarters in Geneva, Switzerland this past week, some 4000 thought leaders, human rights defenders, companies, civil society organizations, and government representatives, along with leading business and human rights practitioners, convened to discuss the most pressing matters impacting human rights.

The UN High Commissioner for Human Rights opened a plenary session highlighting the 75th anniversary of the Universal Declaration on Human Rights (UDHR). The High Commissioner highlighted the legacy of the document, having been created in the wake of the devastation of World War II and the Holocaust in the hopes of setting a foundation for global peace. He called on every organ of society to achieve the vision set forth in the document and reaffirmed the role of the UN Guiding Principles on Business and Human Rights (UNGPs), which sets forth a framework that outlines the state duty to protect human rights and the responsibility of every business enterprise to respect them.

The sheer number of attendees—particularly from the business community—reflects the rapid growth of business and human rights. Substantively, there was a wide diversity of topics, including important discussions on remedy, a potential business and human rights treaty, responsible political engagement, the updates to the OECD Guidelines, the role of public procurement, labor trafficking, and a range of other subjects. However, of particular note, Artificial Intelligence (“AI”) was top of mind at this Forum—none of the sessions last year featured the phrase “AI.” The focus arises in part because of the popularity of chatbots powered by AI models that took off at the end of 2022 (though AI development had been rapidly advancing in the years prior) and the ensuing uptake of AI in all sectors in the lead-up to this year’s session.

While the U.S. AI Executive Order, signed on October 31, 2023, places particular focus on foundation models powered by vast computational power exceeding much of today’s current computational capabilities (also known as frontier models), speakers raised concerns about the potential adverse human rights impacts of AI, and especially generative AI, in the current applications today. The forum hosted an entire session focused on the potential risk of AI, from the potential risk to privacy resulting from the data being used to train models, the potential bias that might occur or be reinforced if models are trained only in certain languages, and the desire for transparency and accountability. The issue also was picked up in other sessions, and was a focus of a B-Tech Project of the Office of the High Commissioner on Human Rights event the day after the Forum.

There remain significant questions on the horizon as companies from all sectors confront the challenges and opportunities posed by AI across the value chain, whether it is with the creators of foundation models or companies across all sectors incorporating the power of AI into their business. How human rights due diligence takes shape in this area is still being evaluated and depends on the business—for example, for some, embedded due diligence tied to product development may be more impactful to match the speed at which AI and generative AI are being adopted industry-wide.

What is clear is that diverse stakeholders ranging from government to civil society are raising concerns regarding AI, and many businesses that are incorporating AI are already thinking through how to evaluate the human rights risks and opportunities posed by AI through the use of human rights due diligence, which we expect to continue to pick up speed in future months.



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