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

Albania,* Andorra,* Armenia,* Austria,* Bosnia and Herzegovina,* Brazil,* Bulgaria,* Chile, Costa Rica, Cyprus,* Czechia, Denmark,* Ecuador,* Estonia,* Finland, Georgia, Germany, Greece,* Guatemala,* Hungary,* Iceland,* Ireland,* Liechtenstein,* Lithuania, Luxembourg, Malta,* Montenegro, Morocco, Netherlands (Kingdom of the),* North Macedonia,* Norway,* Paraguay, Portugal,* Republic of Korea,* Romania, Singapore,* Slovakia,* Slovenia,* Sweden,* Switzerland,* Ukraine and Uruguay:* revised draft resolution

53/... New and emerging digital technologies and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and other relevant international human rights instruments,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms, and affirming that the same rights that apply offline also apply online,

Reaffirming the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other relevant instruments relating to human rights, and international law,

Recalling that, in line with the Guiding Principles on Business and Human Rights, the responsibility to respect human rights requires that business enterprises avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts as they occur, as well as for business enterprises to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts,

Recalling also Human Rights Council resolution 47/23 of 13 July 2021 on new and emerging digital technologies and human rights, and other relevant resolutions adopted by the Council and the General Assembly, the most recent of which are Council resolutions 31/7 of 23 March 2016 on the rights of the child: information and communications technologies and child sexual exploitation, 47/16 of 13 July 2021 on the promotion, protection and enjoyment of human rights on the Internet, and 48/4 of 7 October 2021 on the right to privacy in the digital age, and Assembly resolutions 70/125 of 16 December 2015 containing the

* State not a member of the Human Rights Council.



outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society, 75/316 of 17 August 2021 on the impact of rapid technological change on the achievement of the Sustainable Development Goals and targets, 77/150 of 14 December 2022 on information and communications technologies for sustainable development, and 77/211 of 15 December 2022 on the right to privacy in the digital age, and noting the adoption by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its forty-first session of its Recommendation on the Ethics of Artificial Intelligence,

Taking note of the Secretary-General's initiatives on new technologies, including the Call to Action for Human Rights, launched in 2020, the Road Map for Digital Cooperation, launched in June 2020, and the establishment of the Office of the Envoy of the Secretary-General on Technology,

Taking note also of the ongoing process for the development of a global digital compact to be agreed upon at the Summit of the Future on 22 and 23 September 2024, as well as of the Secretary-General's proposal for the compact to set out principles, objectives and actions for advancing a human-centred digital future that is anchored in universal human rights and that enables the attainment of the Sustainable Development Goals,

Recalling the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011, and encouraging States, who are the primary duty-bearers, and business enterprises, including technology companies, to implement the Guiding Principles in order to foster respect for human rights online and offline in the context of new and emerging digital technologies and human rights due diligence processes,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights on the practical application of the Guiding Principles on Business and Human Rights to the activities of technology companies, submitted to the Human Rights Council at its fiftieth session,¹ and of its report on human rights and technical standard-setting processes for new and emerging digital technologies, submitted to the Council at its fifty-third session,²

Recognizing that new and emerging digital technologies have the potential to facilitate efforts to accelerate human progress, to promote and protect human rights and fundamental freedoms, including economic, social and cultural rights, to bridge all digital divides, to support, inter alia, the enjoyment of the rights of persons with disabilities and those in vulnerable or marginalized situations, the advancement of gender equality and the empowerment of all women and girls, and to ensure that no one is left behind in the achievement of the Sustainable Development Goals,

Recognizing also the risks that new and emerging digital technologies have for the protection, promotion and enjoyment of human rights, including but not limited to the right to life, the right to equality and non-discrimination, the right to freedom of opinion and expression, the right to seek, receive and impart information, the rights to freedom of peaceful assembly and freedom of association, the right to an effective remedy, economic, social and cultural rights, including the right of everyone to the enjoyment of the highest possible standard of physical and mental health, children's rights relating to protection from violence, abuse, neglect and sexual exploitation, and the right to privacy, in accordance with States' obligations under international human rights law,

Recognizing further that new and emerging digital technologies can hold great potential for strengthening democratic institutions and the resilience of civil society, empowering civic engagement and enabling the work of human rights defenders, public participation and the open and free exchange of ideas,

Mindful of the fact that new and emerging digital technologies can be critical enablers of development, and stressing the need to close all digital divides with a view to ensuring that

¹ A/HRC/50/56.

² A/HRC/53/42.

the benefits of new and emerging digital technologies are available to all, without discrimination of any kind,

Recognizing that digital divides, including age, disability, gender, geographic, urban and rural divides, may reflect and amplify existing social, cultural and economic inequalities,

Recognizing also that new and emerging digital technologies, in particular assistive technologies, can especially contribute to the full enjoyment of human rights by persons with disabilities, and that these technologies should be designed in consultation with them and with appropriate safeguards to protect their rights,

Recognizing further that the risks that new and emerging digital technologies have for the protection, promotion and enjoyment of human rights can affect women and girls disproportionately, including by perpetuating existing patterns of gender inequality and discrimination, further exacerbated by the underrepresentation of women in the sectors of science, technology, engineering and maths, limiting their involvement in the design and development of new technologies, and stressing the need to address violence against women and girls, including sexual and gender-based violence, that occurs through or is amplified by the use of technology,

Mindful that the impacts, opportunities and challenges of rapid technological change with regard to the promotion, protection and enjoyment of human rights and the integrity of democratic institutions, including in cases where changes may occur at an exponential pace, are not fully understood, and of the need to further analyse them in a holistic, inclusive and comprehensive manner in order to leverage the full potential of new and emerging digital technologies to support human progress and development for all,

Noting that uses of new and emerging digital technologies that have an impact on the enjoyment of human rights may lack adequate regulation, and recognizing the need for effective measures to prevent, mitigate and remedy adverse human rights impacts of such technologies in line with the obligations of States under international human rights law and the responsibilities of business enterprises under the Guiding Principles on Business and Human Rights,

Recognizing, in the context of new and emerging digital technologies, the need to address, in a manner that complies with States' obligations under international human rights law, misinformation, and the spread of disinformation that can be designed to incite discrimination, hostility and violence, as well as spread hatred, racism, xenophobia, negative stereotyping and stigmatization,

Recognizing also that artificial intelligence systems, when adequate human rights safeguards are in place, have potential for the promotion, protection and the enjoyment of human rights, including economic, social and cultural rights, in particular by facilitating access to information and participation in public life, strengthening the efficiency and accessibility of health-care services, enabling greater availability and accessibility of education, advancing gender equality and empowering all women and girls, contributing to the full enjoyment of human rights by older persons, persons with disabilities and those in vulnerable situations, strengthening climate mitigation and adaptation and supporting environmental protection,

Recognizing further that artificial intelligence systems, when used without appropriate safeguards and including when used for identification, tracking, profiling, facial recognition, the generation of synthetic photorealistic images, behavioural prediction or the scoring of individuals, can entail serious risks to the protection, promotion and enjoyment of human rights, such as, inter alia, the rights to privacy, to freedom of opinion and expression, to freedom of thought, conscience and religion, the rights to equal protection of the law and to a fair and public hearing, as well as economic, social and cultural rights, in particular by embedding and exacerbating bias which potentially result in discrimination and inequality, and by intensifying threats from misinformation, disinformation and hate speech, which may lead to violence, including political violence, and stressing that certain applications of artificial intelligence present an unacceptable risk to human rights,

Highlighting the importance of a human rights-based approach to new and emerging digital technologies taking into account States' obligations under international human rights law, a holistic understanding of technology and holistic governance and regulatory efforts,

Highlighting also the responsibility of business enterprises to respect human rights in line with the Guiding Principles on Business and Human Rights, including by implementing human rights due diligence policies and participating in good faith in domestic judicial and non-judicial processes,

Highlighting further the importance of ensuring appropriate safeguards and human oversight in the application of new and emerging digital technologies, and of respecting and promoting human rights in national, regional and international regulatory frameworks and legislation, and on the conception, design, use, development, further deployment and impact assessments and technical standard-setting of new and emerging digital technologies while ensuring the meaningful participation of all relevant stakeholders, including the private sector, academia, the media and civil society,

Mindful of the positive and negative impact that technical standards and their subsequent adoption for new and emerging digital technologies can have on the exercise of human rights, and the importance of including a human-rights based perspective within standard-setting processes and bodies and for them to build their human rights expertise, as well as promoting the transparency, openness and inclusivity of such processes and bodies,

Stressing the need for Governments, the private sector, international organizations, civil society, journalists and media workers, the technical and academic communities and all other relevant stakeholders to be cognizant of the impact, opportunities and challenges of the rapid technological change on the promotion and protection of human rights, and recognizing the role of Governments in creating an enabling environment for civil society, independent media and national human rights institutions to contribute to raising awareness about the interrelatedness of new and emerging digital technologies and human rights, to promote respect by business enterprises for human rights in line with the Guiding Principles for Business and Human Rights, and to contribute to accountability for human rights violations and abuses,

Recognizing that rapid technological change affects States in different ways, and that addressing these impacts, which depend on national and regional particularities, States' capacities and levels of development, requires international and multi-stakeholder cooperation in order for all States, especially developing countries and least developed countries, to benefit from opportunities and to address the challenges arising from this change, and to bridge digital divides, while emphasizing that it is the duty of all States to promote and protect all human rights, online and offline,

1. *Reaffirms* the importance of a holistic, inclusive and comprehensive approach and the need for all stakeholders to collaborate in a more concerted way in addressing the possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights;

2. *Notes* the Secretary-General's call for Member States to place human rights at the centre of regulatory frameworks and legislation on the development and use of digital technologies, and for the Office of the United Nations High Commissioner for Human Rights to develop system-wide guidance on human rights due diligence and impact assessments in the use of new technologies;

3. *Highlights* the importance of the need to respect, protect and promote human rights and fundamental freedoms, in recognition of the inherent dignity of the human person, throughout the lifecycle of artificial intelligence systems and, towards this end, the need to pay particular attention to:

(a) Protecting individuals from harm caused by artificial intelligence systems, including by ensuring the safety of artificial intelligence systems, introducing frameworks for impact assessments related to human rights, exercising due diligence to assess, prevent and mitigate adverse human rights impacts, and ensuring effective remedies and human oversight, accountability and legal responsibility;

(b) Protecting individuals from discrimination on the basis of, inter alia, race, gender, age, disability, nationality, religion and language resulting from the conception, design, use, deployment and further deployment of artificial intelligence systems, while paying attention to individuals at greater risk of having their rights disproportionately affected by artificial intelligence, including persons belonging to national or ethnic, religious and linguistic, racial minorities, Indigenous Peoples as well as local communities, persons in rural areas, economically disadvantaged persons and persons in vulnerable or marginalized situations, including by ensuring that data used in the training of algorithms are accurate, relevant and representative and audited against encoded bias;

(c) Promoting the transparency of artificial intelligence systems and adequate explainability of artificial intelligence-supported decisions, taking into account the various levels of human rights risks arising from these technologies;

(d) Ensuring that data for artificial intelligence systems are collected, used, shared, archived and deleted in ways that are consistent with the States' respective obligations under international human rights law and the responsibilities of business enterprises in line with the Guiding Principles on Business and Human Rights;

(e) Strengthening, as necessary, the oversight and enforcement capacity of respective States relevant to artificial intelligence and sectors where artificial intelligence is being applied to allow more effective measures to protect against human rights risks relating to artificial intelligence;

(f) Promoting research and the sharing of best practices on ensuring transparency, human oversight and accountability in relation to the uses of artificial intelligence systems in ways that prevent and avoid the spread of disinformation and hate speech, including in instances where such systems are used to support content moderation, while ensuring that the right of individuals to freedom of opinion and expression, the freedom to seek, receive and impart information and other human rights are protected, promoted and respected;

4. *Also highlights* the importance of promoting and protecting the right of everyone to enjoy the benefits of scientific progress and its applications, and to this end notes the importance of bridging digital divides, promoting digital literacy as well as public awareness and understanding of new and emerging digital technologies, promoting risk awareness and self-protection training and guidance, and supporting capacity-building initiatives to enhance understanding, knowledge and skills relating to the human rights implications of new and emerging digital technologies;

5. *Requests* the Office of the High Commissioner to prepare a report, in consultation with States, mapping the work and recommendations of the Human Rights Council, the Office of the High Commissioner, the treaty bodies and the special procedures of the Human Rights Council in the field of human rights and new and emerging digital technologies, including artificial intelligence, as well as identifying gaps and challenges and making recommendations on how to address them, while giving due consideration to the United Nations system-wide work on new and emerging digital technologies, and to present the report to the Council at its fifty-sixth session, to be followed by an interactive dialogue;

6. *Requests* the United Nations High Commissioner for Human Rights to expand the capacities within the Office of the High Commissioner, to advance human rights in the context of new and emerging digital technologies, especially by providing advice and technical assistance to States, upon their request and including through its field presences, on issues concerning human rights and new and emerging digital technologies, including artificial intelligence, and to, as appropriate, all relevant United Nations organizations, mechanisms, bodies and processes, building on the work of the human rights mechanisms and experts

7. *Requests* the Office of the High Commissioner to continue to work on the practical application of the Guiding Principles on Business and Human Rights to the activities of technology companies, including by convening a multistakeholder consultation, including with States and business enterprises, including technology companies, civil society and academia, to discuss 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 a report thereon to the Human Rights Council at its fifty-ninth session;

8. *Encourages* discussions among States and relevant stakeholders, including civil society, to consider ways for the Human Rights Council to work more effectively towards promoting and protecting human rights in the context of new and emerging digital technologies in a holistic, comprehensive and inclusive manner, building upon the work of the mechanisms of the Council, the treaty bodies and other relevant work on this topic;

9. *Decides* to remain seized of the matter.
