Policy Guide for Implementing Transformative AI Policy Recommendations

GPAI | THE GLOBAL PARTNERSHIP ON ARTIFICIAL INTELLIGENCE

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Policy Guide for Implementing Transformative AI Policy Recommendations

The purpose of this guide is to support policy makers and regulatory bodies in implementing key recommendations from the report *Towards Substantive Equality in AI: Transformative AI Policy for Gender Equality and Diversity*.

The guide aims to assist national policy makers – in your duty to protect, promote and fulfil human rights – to integrate transformative AI policies into broader governmental frameworks and practices.

These policy makers include but are not limited to: 1) leaders of national AI strategies and digital transformation initiatives ensuring that gender equality and diversity are core principles in AI policy frameworks, laws and regulations; 2) leaders for justice and human rights working to embed substantive equality considerations into AI governance and ensuring accountability for algorithmic harms; and 3) regulatory bodies and authorities responsible for enforcing policies that protect marginalised communities from harm, discrimination and exclusion in AI systems. The guide allows you to adapt, prioritise and tailor your application of the key recommendations based on your specific national and regional contexts.

The transformative AI policy recommendations work to achieve substantive equality and advance human rights in AI and beyond. Successful implementation requires a sustained commitment to addressing structural barriers, actively engaging marginalised voices in decision-making, and ensuring that AI systems promote fairness, equity and justice. By adopting these transformative principles, you can shape an AI governance that not only prevents harm but also empowers marginalised groups and promotes broader human rights goals.

The policy guide provides an iterative, step-by-step road-map for successful implementation. Following the road-map is an overview of available policy instruments linked to the key recommendations, complemented by practical examples drawn from promising practices included in the report. Finally, the guide includes a list of additional resources.

Table of Key Transformative AI Policy Recommendations

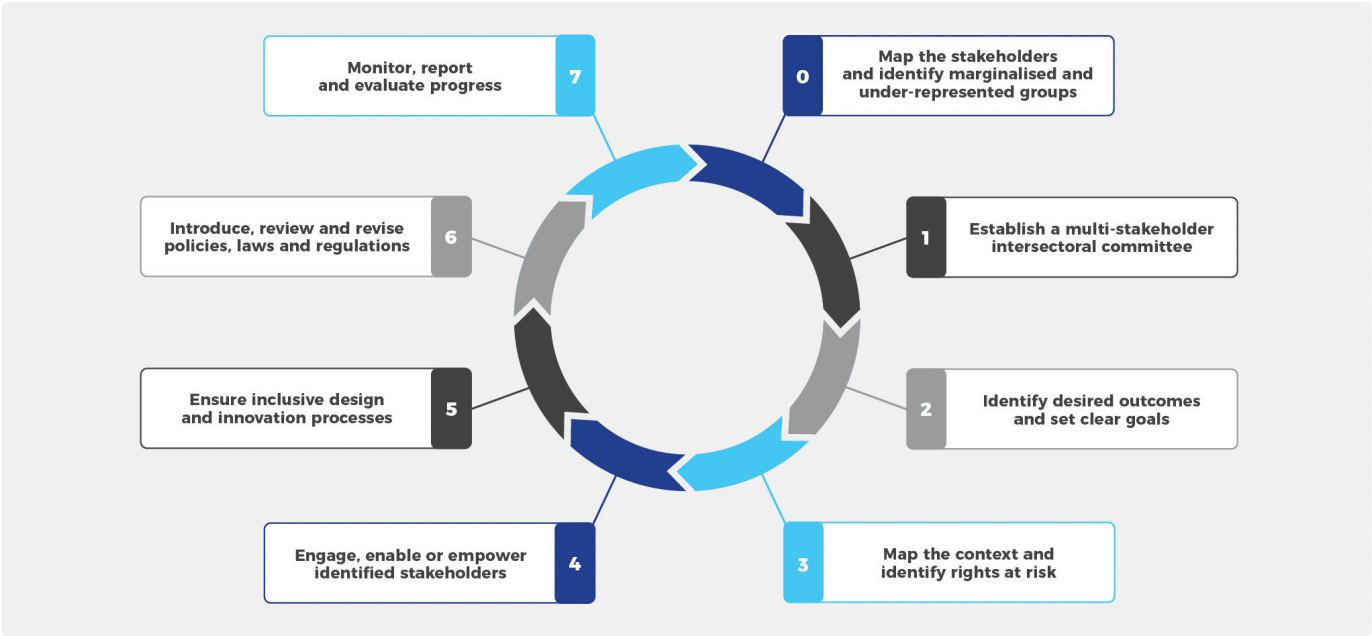
Inclusive Design and Democratic Innovation	
1.	Involve Marginalised Groups in Technical and Non-Technical Roles Throughout the AI Ecosystem
2.	Invest in Capacity Building for Institutional Inclusion
3.	Permit Processing of Special Categories of Data
4.	Fund Transformative Technology Research and Design Approaches in AI Innovation
Meaningful Participation in AI Governance	
5.	Promote Effective Public Engagement and Community Participation
6.	Invest in Capacity Development Among Marginalised Groups
7.	Legislate for Ex Ante Public Participation Rights
8.	Protect Collective Data and AI Rights

Transparency and Accountability for Harm Prevention	
9.	Establish the Right to Information in AI Systems and Enhance Algorithmic Transparency
10.	Enable and Conduct Obligatory Human Rights Impact Assessments
11.	Develop Accountability Measures for Public-Sector Algorithmic Systems and Processes
Effective Access to Justice	
12.	Strengthen Contextual Liability for Non-Discrimination in AI Systems
13.	Empower Equality Bodies to Initiate Action
14.	Ease the Burden of Proof for Claimants

Roadmap

The roadmap takes you through the different steps for successful implementation of the key recommendations. In a given process related to artificial intelligence in public decision-making, refer to these steps and action points to effectively implement transformative AI policy. Implementing transformative change is an iterative process. Each step listed in the roadmap should therefore be considered throughout the process. The numbers of relevant key recommendations are represented next to each step throughout the roadmap.

The steps are:



0. Map the stakeholders and identify marginalised and under-represented groups
1. Establish a multi-stakeholder intersectoral committee
2. Identify desired outcomes and set clear goals
3. Map the context and identify rights at risk
4. Engage, enable or empower identified stakeholders
5. Ensure inclusive design and innovation processes
6. Introduce, review and revise policies, laws and regulations
7. Monitor, report and evaluate progress

STEP 0.

R1 R2

Map the stakeholders and identify marginalised and under-represented groups

Perform a participatory mapping of stakeholders with care to identify key marginalised and under-represented groups that may be affected by the process. This will enable a better understanding of existing power imbalances, opportunities and needs for action.

Action Points

- ☐ Identify agencies or institutions responsible for protecting human rights and advancing gender equality and diversity in AI systems and related governance processes.
- ☐ Identify marginalised groups and representative organisations that may be affected by discrimination or unequal treatment in AI systems, ecosystems and governance processes. Groups who are typically excluded from initial stakeholder identification include feminist organisations, human rights defenders and representative organisations or federations of marginalised groups.
- ☐ Identify other actors relevant to the process, such as private actors, academia, technical communities,, NGOs or others. Assess their interest in advancing substantive equality.
- ☐ Evaluate the power or capacity of identified marginalised groups to influence, participate in or lead the decison-making processes.
- ☐ Consider their current context, needs and priorities from their perspective.

STEP 1.

R1

Establish a multi-stakeholder intersectoral committee

Establish a multi-stakeholder intersectoral committee to ensure diverse perspectives before identifying, planning and initiating decision-making processes related to AI.

Action Points

- ☐ Following the mapping of stakeholders in step 0, identify and invite representatives of key stakeholders with an emphasis on marginalised groups to share their diverse perspectives and experiences throughout formative stages of the process.
- ☐ Compensate participants for their time and expertise, and make reasonable accommodations to ensure accessibility.
- ☐ Ensure that the process creates the conditions for marginalised groups to exercise their agency.
- ☐ Refer to Step 4 to ensure meaningful engagement with committee participants.

STEP 2.

R1 R2 R4 R7

Identify desired outcomes and set clear goals

Set explicit goals and include marginalised groups in your overall planning process to enable successful strategic interventions and evaluations. Begin by outlining specific goals that align with the transformative recommendations, ensuring that each objective reflects the principles of equality and inclusion. Translate these goals into detailed action plans by identifying targeted actions for marginalized communities and representative organizations of marginalised groups. Action plans include checklists, allocated responsibilities, monitoring indicators, budgets and guidelines dedicated to achieving each goal. In parallel, develop a plan to assess your institutional policies and processes. Identify gaps or areas for improvement to better align with the recommendations. Establish milestones to track progress over time, with clear indicators to measure success.

Action Points

- ☐ Set explicit goals that include marginalised groups.
- ☐ Align the goals with the transformative AI policy recommendations for gender equality and diversity.
- ☐ Translate the goals into action plans, including checklists, responsibilities, monitoring indicators, budgets and guidelines.
- ☐ Establish milestones to track progress over time.
- ☐ Define clear indicators to measure success.
- ☐ Evaluate the sustainability and relevance of proposed solutions for marginalised groups to prevent and respond to AI-related harms.

STEP 3.

R1 R3 R5 R7 R8

Map the context and identify rights at risk

Understanding the social, economic, demographic, political, historical and cultural context in which processes take place is important to adequately adapt transformative AI policy. This also includes identifying relevant human rights legislation, policies, regulations and frameworks, and identifying what rights may be at risk in relation to specific decision-making processes.

Action Points

- ☐ Identify relevant international normative and regulatory policies and frameworks for human rights, and applicable regional or national commitments.
- ☐ Assess whether existing international treaties and national laws are sufficient to ensure the protection, promotion and fulfilment of relevant rights.
- ☐ Review available legal analyses to evaluate the strength of protections.
- ☐ Consider the social, economic, demographic, political,historical, and cultural characteristics that could influence the process.
- ☐ Identify the main causes of exclusion of marginalised groups in the context of the process, and how AI amplifies them.

- ☐ Assess how the proposed process risks causing harm to any group, and what particular rights are at risk.
- ☐ Include key stakeholders, particularly those whose rights are most at risk, in the process of identifying and addressing potential risks.

STEP 4.

R1 R2 R5 R6 R7 R9 R13 R14

Engage, enable or empower identified stakeholders

Strategically selecting whom to engage with actively, and how, throughout policy processes contributes to addressing the root causes of disempowerment. Following the evaluation of power, capacities and interests in the stakeholder analysis, identify stakeholders to engage with, enable or empower to advance substantive equality. This includes identifying and addressing barriers to participation for marginalised groups. It then entails identifying people in need of resources, time, skills, opportunities, and confidence to participate or lead, and supporting this development. It also includes identifying those who possess resources, time, skills, opportunities, and confidence and incentivising them to work towards inclusive AI design, development and governance.

Action Points

- ☐ Ensure that all actors involved have the necessary resources, time, skills, and opportunities to participate effectively or to actively lead processes that serve their needs. Fund or support development as needed.
- ☐ Confirm that marginalised and under-represented groups are aware of their rights; if not, fund or support activities, educational programmes, initiatives or networks to raise awareness.
- ☐ Allocate a budget for participation costs. Include specific budget lines to cover the costs of participation by representatives of marginalised groups, such as compensation for their time and expertise, and reasonable accommodations to ensure accessibility (e.g. sign language interpreters, guide interpreters for deaf-blind people, Indigenous language interpreters).
- ☐ Provide financial, technical or other support to efforts to develop the capacity of associations representing marginalised groups.
- ☐ Identify and support initiatives that build the capacity of authorities, investors and private actors to monitor and adhere to legal and voluntary human rights instruments.
- ☐ Work with marginalised groups and their representative organisations, including those focused on AI and broader human rights and equality issues, to hold awareness sessions and consultations that enhance their understanding and engagement.
- ☐ Consider context-specific power dynamics (gender, gender expression, age, race, class, culture, identity, ability and language) when facilitating participation.
- ☐ Create incentives for private actors to engage in the development of inclusive AI design, development and governance processes.
- ☐ Empower oversight bodies to hold AI providers and deployers accountable.

STEP 5. R1 R2 R3 R4 R5 R6 R9 R14

Ensure inclusive design and democratic innovation processes

Ensure inclusive design and democratic innovation processes throughout your activities to make sure that the desired outcome and solutions accurately reflect the problems experienced.

Action Points

- ☐ Implement co-design measures that engage marginalised communities and other relevant stakeholders throughout the AI life cycle.
- ☐ Together with affected groups, ensure that the spaces for engagement are safe, secure and accessible to all, especially for those facing discrimination based on gender, race, disability and other factors.
- ☐ Ensure that there are mechanisms in place to safely inform people about situations that are not safe, secure and accessible to all.
- ☐ Involve marginalised communities in problem identification, problem formulation, design and decision-making in AI governance.
- ☐ Integrate diverse perspectives into AI design and development to prevent systemic biases and discriminatory outcomes.
- ☐ Ensure that information and consultation processes are accessible and inclusive for marginalised groups. Create and distribute easy-to-read materials beforehand to ensure that people with no formal education or AI knowledge can understand the key issues. Avoid technical jargon when simple language suffices.
- ☐ Confirm that your organisation or team has sufficient knowledge and awareness of marginalised communities' rights and experiences; if not, support capacity development.
- ☐ Make information and consultation processes accessible, free and comprehensible to marginalised groups, using appropriate language and communication channels.
- ☐ Ensure that marginalised communities that may be exposed to risk can participate safely and securely.
- ☐ Establish funding, grants or public recognition programmes to encourage AI innovations grounded in inclusive and transformative design principles (e.g. feminist technology design).
- ☐ Embed inclusive and transformative design principles and participatory methodologies into national or regional AI strategies to ensure that AI systems respect the autonomy, dignity and cultural values of marginalised groups.
- ☐ Conduct accessibility assessments and establish checklists for all forums and online activities.
- ☐ Update anti-harassment and anti-discrimination policies to avoid direct or indirect discrimination against marginalised groups.
- ☐ Incentivise public and private actors to establish organisational anti-harassment and anti-discrimination human resource policies that redress barriers and ensure accessibility and reasonable accommodation.
- ☐ Implement safeguarding policies, including mechanisms to disclose discrimination, situations of violence and other situations that hamper the participation of women and other marginalised groups in the workplace on an equal basis with others. Ensure access to these mechanisms to enable the reporting and redress of grievances.

STEP 6.

R3 R7 R8 R9 R10 R11 R12 R13 R14

Introduce, review and revise policies, laws and regulations

Addressing structural barriers that prevent the realisation of actual equality requires a review of law and policy to prevent harm and discrimination and ensure effective access to justice. The core components of this step are accessibility, transparency, interpretability and explainability to the greatest extent possible for accountability. This also requires access to remedying mechanisms. These are key to the state's duty to protect and private actors' responsibility to respect. Without them, duties and obligations become vague and public trust in AI may be eroded. States must ensure the effectiveness of domestic judicial mechanisms and facilitate access to effective non-state-based grievance mechanisms dealing with harms related to AI systems and processes.

Action Points

- ☐ Review existing mechanisms and develop strategies to ensure the accessibility of justice for marginalised groups facing discrimination and harms caused by AI systems and related processes.
- ☐ Review existing laws and regulations that promote transparency and accountability in AI systems. Revise existing laws and regulations or introduce new ones if these laws do not already effectively hold domestic and transnational providers and deployers accountable for discriminatory harms and impacts.
- ☐ Implement robust measures to prevent discrimination and harms caused by AI systems and related processes, addressing potential risks posed by AI systems.
- ☐ Ensure that individuals can access information about the use of AI, the data input, and the criteria used in decision-making processes in a way that is easily accessible and understandable.
- ☐ Require, enable and communicate human rights impact assessments (HRIAs) for AI systems to the public.
- ☐ Develop clear protocols ensuring that decisions and interventions meet tests of legitimacy, necessity, and proportionality. This to ensure the protection of rights and freedoms of others where there might be conflicting interests between stakeholders (which may result in disproportionate impacts on a group(s) over another group(s) of people).
- ☐ Ensure that sufficient legal frameworks (both domestic and international) are in place to protect and provide redress for people impacted by AI.
- ☐ Implement safeguarding policies to address discrimination, violence and other barriers that impede the participation of marginalised groups in the workplace.
- ☐ Enable individuals affected by AI systems to seek remedies without fear of reprisal.
- ☐ Develop strategies to ensure that the public at large is aware of the risks and opportunities related to AI, and the mechanisms available to identify when the use or application of AI may have resulted in a violation of their rights.

STEP 7.

R1 R5 R9 R10

Monitor, Report and Evaluate Progress

Defining key indicators to track the success of gender equality and diversity in AI policy implementation will enable the creation of feedback loops to improve policies. Reporting on progress, challenges and remedial actions will also allow for enhanced evaluation measures and build trust.

Action Points

- ☐ Report on engagement outcomes. Provide feedback on how the contributions of marginalised groups were considered and incorporated, and outline how they can continue to be involved in future discussions.
- ☐ Employ participatory and inclusive methods to develop ex-ante and ex-post monitoring and evaluation mechanisms to assess and mitigate bias in AI systems and processes.
- ☐ Conduct audits of AI systems to detect and address direct and indirect discrimination, particularly affecting marginalised communities.
- ☐ Monitor and address any gaps in compliance with human rights commitments.
- ☐ Ensure AI systems undergo rigorous testing for bias and are continually and systematically monitored for discriminatory outcomes. Keep public track of discriminatory outcomes.
- ☐ Define key indicators to track the success of gender equality and diversity in AI policy implementation. Include indicators for budget allocation and remedial actions.
- ☐ Ensure that key indicators reflect the identified needs and priorities of marginalised groups.
- ☐ Set up reporting mechanisms to create feedback loops that improve AI policies over time.

Examples of Policy Instruments to Apply Key Recommendations

The table below provides examples of categories of policy instruments with measures to apply key recommendations. Each category provides examples of illustrative promising practices included in the report *Towards Substantive Equality in AI: Transformative AI Policy for Gender Equality and Diversity*.

Examples of Policy Instruments to Apply Key Recommendations

Category	Measure	Description	Key Recommendation	Promising Practices
Educational and Public Awareness Instruments	Training	Training, awareness-raising, and capacity-building within public and private institutions to strengthen institutions' ability to be more inclusive of marginalised groups.	**2. Invest in Capacity Building for Institutional Inclusion**	AI & Equality Human Rights Toolbox The RIADIS Workshop The Algorithmic Justice League Data Justice in Practice: A Guide for Policymakers
	Collaborations and partnerships	Work with marginalised communities and representative organisations of marginalised groups to hold their own awareness sessions and consultations on AI-related issues, enhancing their understanding and engagement.	**6. Invest in Capacity Development Among Marginalised Groups**	
	Public awareness sessions and campaigns	Organise, develop and support public awareness sessions and materials about AI, the human rights impacts of AI systems, relevant regulatory frameworks and institutional mechanisms that address discriminatory impacts related to AI systems and processes, and avenues for seeking redress and reparation.	**6. Invest in Capacity Development Among Marginalised Groups**	
	Policy guidance	Establish policy guidance on how to conduct Human Rights Impact Assessments (HRIAs) to enable public and private actors to successfully perform due diligence and impact assessments of AI systems.	**10. Enable and Conduct Obligatory Human Rights Impact Assessments**	
Public Participation (Procedural) Instruments	Public consultations and engagement methodologies	Engage with marginalised communities and organisations representing marginalised groups to understand and eliminate specific barriers they face. Utilise deliberative polling, community juries, citizen assemblies, consensus conferences, deliberative mini-publics, online deliberation, participatory budgeting, iterative participatory research and design practices, community assemblies and community reference panels.	**5. Promote Effective Public Engagement and Community Participation** **7. Legislate for Ex Ante Public Participation Rights**	Māori Data Governance Model The Gender and Responsible Artificial Intelligence Network (GRAIN)

Category	Measure	Description	Key Recommendation	Promising Practices
Public Participation (Procedural) Instruments	Collaborations and partnerships	Enable and engage in co-design processes with marginalised groups to ensure meaningful inclusion, participation and decision-making procedures in issues that concern them. Centre their voices and perspectives.	**8. Protect Collective Data and AI Rights**	Māori Data Governance Model The Gender and Responsible Artificial Intelligence Network (GRAIN)
	Institutional action plans	Establish action plans outlining goals, responsibilities and monitoring indicators for institutional inclusion of marginalised groups in AI systems and governance.	**2. Invest in Capacity Building for Institutional Inclusion**	
	Accessibility measures	Ensure that information and consultation processes are accessible, free and comprehensible to marginalised groups, using appropriate language and communication channels.	**5. Promote Effective Public Engagement and Community Participation**	
Economic Instruments	Research and development funding and grants	Funding programs, grants, or public recognition for AI systems that apply inclusive and transformative design principles such as feminist technology design.	**4. Fund Transformative Technology Research and Design Approaches in AI Innovation**	The f<A+i>r Network Indigenous Pathfinders in AI
	Funding and grants to strengthen the capacity of marginalised groups	Fund and support educational programmes, networking structures, and other resources that seek to develop the skills and confidence among marginalised groups to participate effectively or to actively lead the innovation and decision-making processes that serve their needs.	**6. Invest in Capacity Development Among Marginalised Groups**	
	Budget allocation for public participation costs	Allocate budget for participation costs for representatives of marginalised groups such as compensation for their time and expertise, and costs for reasonable accommodations to ensure accessibility.	**5. Promote Effective Public Engagement and Community Participation**	
Regulatory and Legislative Policy Instruments	Public regulatory	Encourage public regulatory sandboxes for AI systems in uncharted territories. This will establish clear boundaries for safe usage and reduce harm while enabling innovation and iterative testing.	**12. Strengthen Contextual Liability for Non-Discrimination in AI Systems**	Māori Data Governance Model The Global Index on Responsible AI The Migration and Technology Monitor
	Legislation on Human Rights Impact Assessments (HRIAs)	Requires mandatory assessments of AI systems' impacts on human rights, especially those of marginalised groups, before deployment.	**10. Enable and Conduct Obligatory Human Rights Impact Assessments**	

Category	Measure	Description	Key Recommendation	Promising Practices
Regulatory and Legislative Policy Instruments	Public procurement guidelines	Develop AI-specific public procurement guidelines to protect fundamental rights and due process, addressing complexities and risks introduced by AI systems.	**11. Develop Accountability Measures for Public-Sector Algorithmic Systems**	Māori Data Governance Model The Global Index on Responsible AI The Migration and Technology Monitor
	Legislation and regulation for public participation	Ground AI decision-making processes in ex ante public participation rights such as those established through the UNECE Aarhus Convention.	**7. Legislate for ex Ante Public Participation Rights**	
	Policies for affirmative action	Implement affirmative action across the AI ecosystem to involve women and other historically marginalised groups in technical and non-technical roles throughout the AI ecosystem.	**1. Involve Marginalised Groups in Technical and Non-Technical Roles Throughout the AI Ecosystem**	
	Intellectual property and data frameworks	Revise laws, regulations and frameworks to ensure strong institutional safeguards to protect social sector datasets. Safeguard the data and knowledge sovereignty of Indigenous people and marginalised groups and ensure the right to benefit from scientific progress.	**3. Permit Processing of Special Categories of Data** **8. Protect Collective Data and AI Rights**	
	Access to information laws	Provide legal provisions granting individuals the right to access detailed information about algorithms and data used in AI decision-making.	**9. Establish the Right to Information in AI Systems and Enhance Algorithmic Transparency**	
	Transparency standards	Establish standard of post facto adequation for algorithmic transparency requiring that any inferences from machine-learning algorithms in public functioning must be explainable by a human agent based on available data.	**9. Establish the Right to Information in AI Systems and Enhance Algorithmic Transparency**	
	Audits	Conduct audits of AI systems to detect and address direct and indirect discrimination, particularly affecting marginalised communities.	**9. Establish the Right to Information in AI Systems and Enhance Algorithmic Transparency**	

Category	Measure	Description	Key Recommendation	Promising Practices
Regulatory and Legislative Policy Instruments	Liability laws and regulations	Revise product and fault liability regulations to accurately reflect the complexities of AI systems and ensure contextual accountability in AI.	**12. Strengthen Contextual Liability for Non-Discrimination in AI Systems**	Māori Data Governance Model The Global Index on Responsible AI The Migration and Technology Monitor
	Legal authority	Allow equality bodies to submit complaints to supervisory authorities without identifiable complainants and equip them with the legal authority to effectively address discrimination and harms caused by AI systems and related processes.	**13. Empower Equality Bodies to Initiate Action**	
	Evidence regulations and legislation	Review and revise evidence rules to ease the burden of proof for claimants seeking redress for discriminatory impacts of AI systems.	**14. Ease the Burden of Proof for Claimants**	
Self-Regulatory Instruments	Ethical AI certification programmes	Support certification programmes recognising AI design processes that meet diversity, gender equality and non-discrimination standards.	**1. Involve Marginalised Groups in Technical and Non-Technical Roles Throughout the AI Ecosystem**	Fixing the bAIs: Using AI to Correct Gender Bias in AI
	Anti-discrimination and safeguarding policies, laws and regulations	Enact policies preventing discrimination and harassment, with mechanisms to report and address harms faced by marginalised groups.	**2. Invest in Capacity Building for Institutional Inclusion**	

Additional Resources

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- Global Partnership on Artificial Intelligence (2024), “Data Justice Policy Brief”, /https://gpai.ai/projects/data-governance/data-justice-policy-brief-putting-data-justice-into-practice.pdf
- Partnership on AI (2024), “Retaining Diverse AI Talent: Why It Matters and What Teams Can Do, Recommendation Summary From “After The Offer: The Role Of Attrition In AI’s ‘Diversity Problem’”, https://partnershiponai.org/wp-content/uploads/2022/04/PAI_summary_aftertheoffer.pdf
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- United Nations AI Advisory Body (2024), “Governing AI for Humanity: Final Report” https://www.un.org/sites/un2.un.org/files/governing_ai_for_humanity_final_report_en.pdf
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- United Nations Global Digital Compact (2024), “Global Digital Compact: A comprehensive framework for global governance of digital technology and artificial intelligence”, https://www.un.org/global-digital-compact/en
- United Nations Human Rights Office of the High Commissioner (2011), “Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect, and Remedy” Framework”, https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
- Women at the Table, École Polytechnique Fédérale de Lausanne (2024) “AI & Equality Human Rights Toolbox”, https://aiequalitytoolbox.com/
- World Economic Forum (2022), “A Blueprint for Equity and Inclusion in Artificial Intelligence, https://www.weforum.org/publications/a-blueprint-for-equity-and-inclusion-in-artificial-intelligence/