



AI, Unemployment, and Human Rights: State Obligations Under Article 6 ICESCR

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Abstract

Artificial intelligence has advanced at an increasingly rapid pace, shaping developments across a multitude of sectors of society. With the rise of artificial intelligence (AI), its increasing use is inevitably reshaping labour markets, raising concerns about unemployment. International law illustrates that states do indeed have obligations to protect the right to work under Article 6 of the ICESCR, yet in a globalised, technology-driven society, these obligations may have limits in terms of their binding nature. This blog aims to explore the scope and limits of state obligations regarding AI-induced unemployment and whether there is an obligation to mitigate the circumstances causing it, specifically under Article 6 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

Keywords: Artificial Intelligence (AI), AI-induced unemployment, right to work, Article 6 ICESCR, labour market transformation, state obligations

Introduction

Your future workplace may increasingly include algorithmic systems as co-workers, which raises the legal question of how states may be equipped to respond to the consequences of this development. During the industrial revolution, the advancements from man to machine were seen as the picture of progress; the disappearance of human labour in trivial tasks that a machine could do posed potential for inexpensive, easy, and efficient labour. The rise of generative artificial intelligence (AI) illustrates a similar story, making menial tasks such as drafting emails, generating art, and even writing scripts nothing but a prompt to be typed in. Subsequently, this has led to a very comparable consequence in the form of displacement of human labour and employment. The ILO highlights that at the current rate of generative AI, 75 million jobs are at risk, specifically



office and clerical jobs. In addition to this, women are currently 2.5 times more likely than men to be affected.¹ The ILO more broadly displays that with new data, globally 25% of employment may be potentially exposed to the effects of AI.² As automation takes over aspects of human life, the legal issue that can't help but be brought to question is, what responsibility do states have to protect the human right to work in an era of potential foreseeable unemployment?

Article 6 of the ICESCR

The primary legal framework that governs the right to work is The International Covenant on Economic, Social and Cultural Rights (ICESCR), which is a binding UN covenant for states that have ratified it. Article 6(1) in particular claims that all relevant parties “*recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.*”³

In the context of the current legal issue, it is important to make the distinction that this provision does not demand that states provide employment to all citizens but instead ensures that states have obligations to protect employment opportunities and ensure access is available. A state has responsibilities to ensure the protection of individuals against foreseeable threats to their right to work, threats including technological advancements that put their jobs at risk. This interpretation is reinforced by CESCR General Comment No. 18, which emphasises that states must adopt appropriate legislative, administrative, and policy measures to safeguard the right to work, even within the framework of progressive realisation.⁴ Threats to the right to work extend beyond income loss; they also affect personal autonomy and the ability to maintain financial dignity. The encroachment of AI in the employment sector threatens fundamental values, which places the consequential displacement that followed its advancement within the scope of the covenant. As

¹ *Minimizing the Negative Effects of AI-Induced Technological Unemployment*, September 18, 2025, International Labour Organization, available at <https://www.ilo.org/resource/article/minimizing-negative-effects-ai-induced-technological-unemployment>.

² *One in Four Jobs at Risk of Being Transformed by GenAI, New ILO–NASK Global Index Shows*, May 23, 2025, International Labour Organization, available at <https://www.ilo.org/resource/news/one-four-jobs-risk-being-transformed-genai-new-ilo%E2%80%93nask-global-index-shows>

³ OHCHR, *International Covenant on Economic, Social and Cultural Rights*, OHCHR, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

⁴ Refworld - UNHCR's Global Law and Policy Database, *General Comment No. 18: The Right to Work (Art. 6 of the Covenant)*, February 12, 2024, Refworld, available at <https://www.refworld.org/legal/general/cescr/2006/en/32433>.



artificial intelligence continues to replace human labour, states may be required to consider introducing labour protections to prevent interference with the right and interests of humans pertaining to employment. A state's failure to recognise the interference automation has on citizens and failure to provide positive obligations, such as labour protections, as a response raises concerns as to the extent they are adhering to international obligations.

State responsibility

The right to work has been examined as a fundamental right that states are obligated to protect, however this does raise the question of how far this obligation extends. It must again be stressed that article 6 of the ICESCR is invoked not only in an event of direct consequence leading to unemployment but also in the event of the right to work being foreseeably threatened.⁵ States have an obligation to respect, protect and fulfil this right as emphasized by CESCR General Comment no. 18, entailing that it should not be permissible for a third party to interfere with this right, as the state should shield the individual from interference. The state should also “provide, facilitate, and promote” the enjoyment of the right to work.⁶ Within the context of AI, the displacement of workers seems to grow more likely as automation is used as a tool in hiring processes and management through algorithms, making this comment increasingly relevant as AI is already impacting the likelihood of being hired and infiltrating the workforce through more ways than simple replacement. A Gartner study reveals that only 26% trusted AI despite most of them being screened by it in their application process, creating not just a perceived unfairness, but also heightened mistrust in employers and the job market.⁷ This effectively portrays the argument that AI deployment should in fact be regulated as individuals may be overlooked without meaningful oversight, hindering the human right to work. As AI recruitment tools shape prospects for many candidates in search of a living through algorithmic oversight, many may be overlooked in search of corporate efficiency.

⁵ OHCHR, *International Covenant on Economic, Social and Cultural Rights*, OHCHR, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

⁶ Refworld - UNHCR's Global Law and Policy Database, *General Comment No. 18: The Right to Work (Art. 6 of the Covenant)*, February 12, 2024, Refworld, available at <https://www.refworld.org/legal/general/cescr/2006/en/32433>.

⁷ *Gartner Survey Shows Just 26% of Job Applicants Trust AI Will Fairly e*, July 31, 2025, Gartner, available at <https://www.gartner.com/en/newsroom/press-releases/2025-07-31-gartner-survey-shows-just-26-percent-of-job-applicants-trust-ai-will-fairly-evaluate-them>



The role of corporations

Multinational corporation's influence increasingly grows, presenting an additional layer in the phenomenon of AI induced employment. As the role of state responsibility in a growing AI-driven society has been repeatedly acknowledges, it is also important to acknowledge the role of corporations in endorsing the very practices that lead to its inevitable growth. As mentioned before, the use of automation in recruitment has become an increasingly common practice, companies do not only use AI systems but restructure the entire workplace around the efficiency AI systems may provide; with big corporations such as Google and Amazon integrating it deeply into their functioning, Google has gone so far as to integrate initiatives to turn itself into an "ai powered workforce", suggesting bleak outcomes for its current human workforce.⁸

Furthermore, Amazon, as a corporation, has stated that it will shrink its workforce amidst mass layoffs in pursuit of an increased adoption of artificial intelligence, displaying implications of the perspective that automation can be used as a substitute for human labour.⁹ When some of the largest companies globally decide to prioritise automation over human labour, it begs the question: Is AI use truly neutral when its mass implementation leads to foreseeable labour displacement? Whilst states do indeed bear the brunt of responsibility under international law, the growing influence of multinational corporations over this subject cannot be ignored, the human right to work as a legal framework presents a complex issue in relation to corporations, as the UN conventions bind the national states with territorial jurisdiction and not international, globalised corporations; it becomes increasingly difficult for states to effectively protect and facilitate the right to work with little legal ground to stand on.

Limits of state obligations

The role of corporations in the legal issue presents a complicated limit to a state's jurisdiction and economic protection of its citizens' rights, but what other limits are presented in the application of the legal frameworks protecting the human right to work? Despite Article 6 of the ICESCR

⁸ H. Langley, *An Internal Google Project Is Trying to Supercharge Employees with AI. Codename: Project EAT.*, January 30, 2026, Business Insider, available at <https://www.businessinsider.com/google-project-eat-ai-infrastructure-tools-chips-artificial-intelligence-2026-1>.

⁹ A. Palmer, *AI Will Shrink Amazon's Workforce in the Coming Years, CEO Jassy Says*, June 17, 2025, CNBC, available at <https://www.cnbc.com/2025/06/17/ai-amazon-wcitizens';orkforce-jassy.html>.



containing protections through clear legal obligations, indicating what a state is required to do as per the international agreement they have recognised; the threshold of this provision might pose complications through structural limitations. Whilst article 6(1) recognises a clear right to work, it does not explicitly recognise a right to a job or employment.¹⁰ This distinction is crucial as it may present legal loopholes towards the right to work by presenting flexibility pertaining to whether obligations have been fulfilled. Furthermore, the CESCR comments on the article and the right to work reveals that the threshold states are measured to ensure compliance with international law is not particularly high, as there is a general obligation to “take steps” towards ensuring the right to work is respected.¹¹ This low threshold allows states to be compliant towards a growing issue through discretion in determining what exactly sufficient action is, as the only criterion they would be held against is their efforts due to the lack of strict liability, rather than the actual aid of people in deprivation of their right, international law would only then hold states accountable if effort was not taken rather than if efforts were effective.

Furthermore article 6 is also limited due to the economic discretion states are allowed to possess. As reiterated in Article 2(1) of the ICESCR, states are required to adhere to the covenant “to the maximum of its available resources,” implying that states are allowed economic discretion to enforce measures as they see fit in relation to the resources, they have available. This effectively presents a limit in enforcing Article 6 due to the lack of harmonisation.¹² Additionally AI usage is not strictly mentioned in the legal framework nor is it the purpose of the legal framework as the ICESCR as a document was drafted before the rise of generative AI, this suggests that states may not be held liable for employment displacement due to automation as AI use may only be governed through broad interpretation in relation to human rights, instead they are judged by the threshold of reasonable measures taken to prevent a foreseeable interference with the right to work such as policies, labour protections, and training programs. As a result, states are unlikely to be held liable

¹⁰ OHCHR, *International Covenant on Economic, Social and Cultural Rights*, OHCHR, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

¹¹ Refworld - UNHCR’s Global Law and Policy Database, *General Comment No. 18: The Right to Work (Art. 6 of the Covenant)*, February 12, 2024, Refworld, available at <https://www.refworld.org/legal/general/cescr/2006/en/32433>.

¹² OHCHR, *International Covenant on Economic, Social and Cultural Rights*, OHCHR, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>



for AI induced unemployment, international law must instead focus on whether states have adopted safeguards and taken steps to ensure the right to employment remains protected, the low threshold for enforcement makes it difficult for states to be held accountable.

Conclusion

To conclude, AI has intertwined itself with the labour market, transforming it and raising many questions about human rights and where we as humans stand and compare in terms of efficient labour. AI continues to cause shifts in the labour market at an extremely rapid pace. Whilst our right to work is enshrined in the ICESCR, through establishment of the obligations in force intended to protect the right to work, international law and legal frameworks still limit enforcement, especially in relation to globalised corporations. This article has explored the foundation international law provides for protecting the human workforce that may be affected by AI in the workforce, whilst also recognizing that the current protective framework may be insufficient in fully addressing the societal issue to its fullest extent due to the many layers and complexities relating to AI usage in the workforce. As AI continues to develop and further infiltrate the workforce, to ensure human dignity is protected, we must respect the baseline the ICESCR has laid out for protection and adapt legal oversight to better govern and bind a technologically advanced world.

Areesh Siddiqui (she/her) is a motivated law student with an interest in international law; specifically in a socio-economic and human rights perspective. She is particularly interested in how different socio-economic issues and contexts impacts the governance of international law in relation to business. Her current research focuses on how human rights interact within labour contexts.



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