FUTURE OF HUMAN RIGHTS IN AI ERA

Lakhendra Kumar Chhokar
Research Scholar
School of legal studies
Jigyasa University, Dehradun
Formerly Himgiri Zee University
Email:adlakhindra@gmail.com

Dr. Bhupnesh Kumar
Associate Professor
School of legal studies
Jigyasa University, Dehradun
Formerly Himgiri Zee University

Abstract:

This digital age is growing rapidly throughout the globe. As technology is evolving it gives a lot of new techniques and machines to human beings for their development. Artificial intelligence is one of them and it provides benefits to the society around the world but another aspect also is that it will cause some problems for society as well. Intrusion of AI is spreading every aspect of the human being whether it is private or professional lives. So it may be the biggest future problem for human beings all over the world. Human rights are available to everyone worldwide without any discrimination, but with AI machines it can't be accepted that it will do justice to human rights. This research paper focuses on human rights issues and challenges in the era of AI. Such issues include unfairness, adverse effects on workers, privacy & data protection, liability for damages and lack of accountability etc.

Keywords:

Artificial Intelligence, Human Rights, Machine, Law & Regulation, Ethics

1. Introduction

Technology is rapidly growing every day and we are all witnessing of precious technology and machines. Technical advancement and competency in machines have become the major factors in success of the human beings all over the world. The use of technology and artificial intelligence in our respective fields will determine how far we will be successful in the future. Among all the creatures on this planet, humans are the most valuable creation of God. Nevertheless, everyone has the right to live a dignified life thanks to human rights. Human rights are those that every person has from birth simply because they are human, and they are available to everyone without distinction based on nationality, caste, religion, or race. They were written and approved worldwide and received widespread public support. These fundamental human rights have been interpreted and developed over time to define the parameters of equality, justice, and freedom for all individuals. The concept of human identity is being redefined by artificial intelligence (AI)[1]. Its mechanisms and procedures have the power to drastically change the human condition. In addition to public policy domains like healthcare and traffic safety, AI will impact human autonomy, relationships, and dignity. Lifestyles and occupations, the future trajectory of human growth, and the type and scope of conflicts will all be impacted.[2] Community relationships as well as those between people, the government, and businesses will be altered. All societies can benefit greatly from AI, but there are risks as well. These hazards could include the widening gap between the privileged and the underprivileged, the deterioration of personal liberties due to pervasive monitoring, and the substitution of automated control for autonomous reasoning and judgment.

2. AI and Human Rights

In the present scenario AI has gained popularity all around the world for intelligence and accuracy like a computer, this machine is helping us to furnish our daily tasks in all fields and AI has become an important aspect of every profession. AI provides machine-aided translation of different languages, calculates data for research and helps in the medical field etc. So to define AI is not an easy task and still there is no precise definition of AI that may be acceptable universally.

Many definitions of artificial intelligence have been proposed by scholars. The first was provided in 1955 as part of the Dartmouth Summer Research Project on A.I. by American mathematician and computer scientist John McCarthy, who was a pioneer in the field. McCarthy defined AI as "the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings"[3]. By this definition, a machine or computer that can perform any task that a human being can is referred to as artificial intelligence. According to Marvin Minsky,

AI is "the science of making machines do things that would require intelligence if done by men."[4] The definition of artificial intelligence (AI) in a recent report from Stanford University is "a science and a set of computational technologies that are inspired by but typically operate quite differently from the ways people use their nervous systems and bodies to sense, learn, reason, and take action"[5]. According to Stuart Russell and Peter Norving, AI can be divided into the following groups in their alternative definition: 1) human-like thought systems; 2) human-like behavior systems; 3) rational thought systems; and 4) rational behavior systems.[6]

The idea of human rights has received a lot of recognition and has been handled delicately because it pertains to everyone's basic existence, regardless of a lot of differences in culture. Human rights are the fundamental privileges that every individual in any community is entitled to. Because of their humanity they are relevant to people. In any society, they are the unavoidable prerequisite for a civilized human existence. Human rights can be broadly defined as the fundamental rights of all people, with an emphasis on equality, justice, freedom, and respect for all.

Human rights are covered by the laws of many nations, but there is a notable international provision as well. In actuality, the international recognition and existence of human rights precede the entrenchment of human rights in many nations.[7] In order to achieve this, international bodies have created laws that equally address human rights; these laws must be ratified and implemented by the member nations. One of the key documents that established fundamental human rights and called on all states to uphold them is the "Universal Declaration of Human Rights" (UDHR). As a response to the desire for human rights to be included as an internationally recognized law, the UDHR law is extremely fundamental to the history of law. The Declaration, which was drafted by representatives from all over the world with varying legal and cultural backgrounds, was adopted as a universal benchmark for success by all peoples and all countries by the UN General Assembly in Paris on December 10, 1948.[8]

It lays out for the first time the universal protection of fundamental human rights. A corpus of international law contains the universal and legally binding principles of human rights. Both governments and businesses must respect human rights, though governments have extra duties to uphold and protect these rights. The application of human rights law to evolving situations, including technological advancements, is articulated by a comprehensive network of regional, international, and domestic institutions and organizations.

3. Artificial Intelligence's Effect on Human Rights

In this technological era human rights which are thought to be fundamental to every human being's existence have come under scrutiny due to growth of the

artificial intelligence. The development of artificial intelligence, has affected opinions about its necessity and avoidance. The fact that humans create artificially intelligent systems is an important consideration. Artificial intelligence (AI) was developed by humans to speed up and simplify human tasks. The creation and application of AI are not occurring in a vacuum.[9] Rather, some social actors are automating decision-making in particular domains through the use of AI. To achieve what they consider desirable, they are acting in this manner, given social structures that already have implications for human rights. Fundamentally, there are differing views on how artificial intelligence impacts human rights because of the way it is designed to make decisions for people. Both positive and negative ones are present.

Right to privacy and data protection

"No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks."[10]

A fundamental right that is vital to human dignity is privacy. The freedom of expression and association are two more rights that are strengthened by the right to privacy. Nowadays, a lot of governments and regions acknowledge that data protection is a fundamental right. Protecting your personal information is the main goal of data protection. In the context of the UN human rights system, it is closely associated with and even a component of the right to privacy. Big data sets can be accessed and analyzed to train AI systems.[11] In order to establish feedback mechanisms, facilitate calibration, and enable continuous improvement, data is also gathered. The rights to privacy and data protection are violated by this data collection. Even if the data is derived from big data sets fed from publicly available information, the use of AI systems for data analysis may expose personal information about individuals that is protected information and should be handled with utmost care. For instance, scientists have created machine learning models that, using only the location data from a person's cell phone, can reliably determine that person's age, gender, occupation, and marital status. Additionally, using past data and friend location information, they were able to forecast an individual's future location. Human rights require that this information be handled in the same manner as other personal data.

Right to freedom of movement

"Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are

necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. No one shall be arbitrarily deprived of the right to enter his own country."[12]

Artificial intelligence's use for surveillance is closely linked to its potential to limit people's freedom of movement. In systems that integrate information from satellite imagery, cameras with facial recognition, and cell phone location data, among other sources, artificial intelligence (AI) can forecast future locations and give a comprehensive picture of people's movements. Governments could thus readily use it to enable more accurate limitations on the freedom of movement, both individually and collectively.

Rights to equality and non-discrimination

"All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."[13]

AI models are made to filter and sort, whether it's by classifying individuals into buckets or ranking search results. Human rights may be violated by this discrimination if it treats various groups of people differently. Discrimination of this kind can occasionally serve constructive social goals, such as when it is employed in initiatives to support diversity. Bias in the criminal justice system frequently leads to this discrimination. From loan applications to prison sentences, the use of AI in certain systems can continue historical injustice. Research indicates that the online ad space can lead to discrimination and reinforce historical biases, despite people's perceptions that it has little effect on their lives. Google showed significantly fewer advertisements for high-paying executive positions to women in 2015, according to Carnegie Mellon researchers. The artificial intelligence (AI) that powers Google's personalized ad algorithms is trained to learn from user behavior. The algorithm converts more internet searches, clicks, and sexist or racist online behavior into advertisements.[14] This becomes a part of a cycle and is exacerbated by discriminatory advertising preferences. "Search results influence how people perceive things, which influences how people perceive things."

Rights to work, an adequate standard of living

"The States Parties to the present Covenant 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. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual."[15]

States are required to strive toward full employment even though the right to work does not equate to the absolute and unconditional right to obtain employment. AI's potential to automate jobs could seriously jeopardize people's right to employment by keeping some people from ever entering the workforce. Some industries have seen job losses due to automation, and AI is generally expected to speed up this trend. There is no denying that artificial intelligence (AI) will cause some changes in the labor market, both through the creation of new jobs and the destruction of existing ones, despite significant disagreement regarding the extent to which job automation will be accomplished.

Right to health

"The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: (a) The provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child; (b) The improvement of all aspects of environmental and industrial hygiene; (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases; (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness."[16]

In the healthcare industry, artificial intelligence (AI) has shown great promise and impact. It can help physicians diagnose illnesses more precisely, recommend more individualized treatments for patients, and make expert medical advice more widely available.[17] AI, however, has the potential to jeopardize the right to health in other ways. AI-powered systems have the potential to discriminate or be programmed to prioritize results (like cost saving) over patient welfare.[18] For instance, an AI system might be created to suggest various treatments based on a patient's insurance status or financial situation, potentially depriving someone of life-saving care due to their socioeconomic background and hurting underprivileged populations that already struggle with limited access to high-quality healthcare. Negative feedback loops that might arise from relying too much on an AI system's direction are another possible problem. For instance, if doctors have a tendency to stop treating patients with certain diagnoses, like severe brain injuries or extremely preterm birth, an

ML-based system might discover that these diagnoses are almost always fatal and advise the doctor not to treat them, even though treatment might be beneficial in some circumstances. Of course, there is also the effect of any system's unavoidable error rates.

4. Human Rights and the Difficulties Presented By AI

As our everyday lives continue to be impacted by artificial intelligence. AI has many advantages for all societies, but it also has drawbacks. These risks might include the growing disparity between the rich and the poor, the erosion of individual freedoms as a result of widespread surveillance, and the replacement of free thought and judgment with automated control.

Data Protection

Data protection is a major risk in this technological age everywhere. The largest obstacle to protecting each person's data is the use of AI in all facets of our daily lives, including our routine work. The adoption of comprehensive data protection laws that should apply to both the public and private sectors can greatly reduce the number of human rights threats posed by AI. Since data is the foundation of AI, any laws requiring the protection of personal data will unavoidably have an impact on AI systems. Given the global push for data protection laws, this is both positive and helpful.[19]

Equal rights: prejudice and discrimination

Artificial intelligence carries a significant risk of enshrouding discrimination because it typically treats people by applying rules rather than evaluating each person on the basis of their merits. This is because the rules it applies may directly or indirectly distinguish between people based on protected characteristics. In fact, there are many instances of this kind of prejudice and discrimination in the application of AI:

Researchers discovered in 2015 that women were significantly less likely than men to see Google ads for high-paying positions.[20]

The Austrian Public Employment Service (AMS) started employing an algorithm in 2020 that allowed it to categorize job seekers based on their chances of finding new employment. The algorithm has drawn criticism for intersectional discrimination as well as discrimination based on gender, disability, and other factors. The algorithm's use has been halted by AMS while legal challenges are being resolved.[21]

Therefore, it is difficult to say whether discrimination has occurred as a result of AI. People usually become aware of discrimination when they compare their treatment or the outcomes of their treatment to those of others.

Independence

AI poses two primary threats to independence. First, the ability to identify and quantify human emotion as it manifests itself in speech, body language, behavior, and expressions is being developed by empathic AI. Second, it is becoming more and more capable of simulating and responding to human emotion in an effort to elicit empathy from its human users. Empathic AI is starting to show up in a wide range of gadgets and environments, from mobile phones and games to automobiles, houses, and toys, as well as in sectors like retail, insurance, and education.

Fairness and due process in the process of making decisions

When it comes to important life decisions, AI decision-making carries the risk that the "computer says no" without any chance of review or challenge. This raises concerns about the fairness of the process and the caliber of decision-making in AI systems in addition to discrimination.[22] It raises questions about whether the use of AI to reach the decision was fair as well as whether AI reached or helped reach a fair decision in the particular case, and if not, what the potential remedies might be.

AI may divide people into groups based on a variety of criteria when making decisions, without taking into account whether segmentation is appropriate in a given situation. Even if these elements have no bearing on the particular decision, it may still lead to unfair treatment of some individuals relative to others. A travel insurance company wouldn't be discriminating on the basis of a protected characteristic, for instance, if it doubled the rates for customers who had chosen not to receive unsolicited marketing materials. However, those who have opted out would be disadvantaged in its decision-making process. When a decision made by a public authority affects a person's human rights, that person should be able to seek a remedy and, in most cases, contest the decision in public law, such as through judicial review. For such a review to be possible, decision-making procedures must be sufficiently transparent.

5. Conclusion

AI's speed and self-learning ability have the potential to completely transform our societies. Compared to a human, it can complete tasks faster and possibly more efficiently. It can perform scientific breakthroughs, produce more accurate forecasts, and calculate fair distributions and outcomes. AI has a huge potential to support human growth and well-being. Despite this, the use of AI technology to accomplish our tasks is increasing daily in this technological age. AI machines are being used by both the public and private sectors to store and compute data for future planning. Therefore, we must all be prepared for the negative impact that AI technology will have on human rights. Since the effectiveness of AI depends on the feeding of data, data protection is a global concern. As a result, we must modernize our legal system to safeguard human rights in the AI era.

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