

## A SOCIO-LEGAL STUDY OF THE RELATIONSHIP BETWEEN AI AND HUMAN RIGHTS IN THE CONTEMPORARY ERA

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### ABSTRACT

In present time, Artificial Intelligence is deeply involved in our daily lives. This Artificial Intelligence facilitates scale expansion and real-life impact. Experts examine artificial intelligence through several lenses. However, results have been found that artificial intelligence required intensity and scope to be effective in human life. Now it need to assess whether AI offer benefit or drawbacks in a balance manner. This paper addresses the harmful aspects that are inconsistent with human rights. So AI needs to be used in a way that protects the society as well as human rights. Further research needs to be invested in developing artificial intelligence systems and government use of special protections that protect and future test private sector use. This paper provides a jumping off point for future conservation and research on the topic. We don't know what artificial intelligence means for the future of society, but we need to work on developing some tools to protect people from its most dangerous applications.

This may put pressure on temporal concepts of human rights such as declarations, treaties, conventions and protocols of the international community. Risks and challenges are presented by analyzing various topics related to artificial intelligence and human rights: consciousness, rights and agency, bias, discrimination and socioeconomic rights.

**Key words:** Artificial Intelligence, Human Rights, Society, Guidelines, Robots Future.

### Introduction:

At the inherent of human right is that people are also rights. These two words are very important and significant. By human rights we mean those rights with which human beings are born and which help to develop into a complete human being. Man is the best creature. Human rights are necessary to rise to the peak of people. Without human rights there is no perfection of a human being. Just as life and death are an integral part of human being, fundamental rights are also an integral and indispensable part.

The Artificial Intelligence poses challenges for human rights. A central concept of human life without violating any law or principle that deserves less protection than other aspects of

life. Beings that are not living but sentient and intelligent that are morally stronger than humans. It is now realized that technology can be applied to other areas of human rights. In this modern age artificial intelligence is very important to improve or advance the world.

This has made the applicability of artificial intelligence prevalent and important in almost every aspect of life. Advances in these capabilities have changed the way people live and will also revolutionize the world of employment. The contribution and impact of Artificial Intelligence technology has played an important role in human life. From education to food, clothing, shelter, reproduction and basic human rights, concerns are growing about the impact of our reliance on artificial intelligence on democratic societies. The way of Artificial

Intelligence works at different forms has also raised many questions about its interaction and impact on human rights. Artificial Intelligence is designed to perform tasks that humans can do in a better way and faster. It is appropriate to think of Artificial Intelligence as a definition. McCarthy, during the 1956 Dartmouth Summer Research Project, defined Artificial Intelligence as any system capable of performing actions that would qualify as intelligent if a human were to perform them. A recent Stanford University report defines Artificial Intelligence as “a set of science and computational technologies that are inspired by but operate in a fundamentally different way than humans use their nerves and bodies to sense, learn, reason and take action”. In another definition, Stuart Russell and Peter Norving suggest that the categories of Artificial Intelligence can be divided into:

- Systems must be designed to think like humans.
- Systems that act like humans.
- So that system thinks correctly.
- Systems that work rationally.

All these Artificial Intelligence systems are designed in such a way that they help to make human work very easy. The result of an intelligent system is indistinguishable from a process carried out by humans.

Artificial Intelligence is a digital system that has the ability to make its own decisions. This system is one that develops, learns, and may even have its own language. It can determine actions that are not dependent on human input i.e. artificial intelligence evolve alone, analyzing data. As a result of its advanced capabilities, it has the means to learn and structure more data than humans. In 1942 the Russian Science fiction writer Isaac Asimov conceived three laws.

- i. A robot cannot hurt a human.
- ii. A robot must obey commands given by humans.
- iii. A robot must protect itself as long as this protection is not violated.

For 75 years these clauses have inspired research and coordination on robot rights. Since the advent of UNIVAC in 1946, the impact of computers on the world has been profound. Computers seemed unimaginable to the individual at first, but today the forefront of computer technology around the world is the development of artificial intelligence. Nowadays people are immobilized without computers at home or in the office. In this explosive period of high-tech innovation, machines and humans with artificial intelligence will grow rapidly. Artificial Intelligence and realization of living computer circuits called biochips. The most important virtue of specialized systems is the infinite capacity to store even the most trivial information and to access and compare it with other information at great speed to make a decision. Microsoft division head Eric Horvitz believes that with the development of artificial intelligence, issues such as legal, ethical and psychological nature will arise.

#### **Conceptualizing Human Rights under relevant Domestic and International Law:**

The concept of human rights has been discussed in depth and is considered a delicate subject as it encompasses the existence of every human being apart from geographical and cultural differences. Human rights are fundamental rights of all people in any society. These requirements are essential for the survival of civilized people in any society. Human rights as a concept can be broadly defined as basic human rights centred on equality, justice, freedom and equal rights for all.

Kayode Eao J.S.C in the case of Ransome kuti & ORS v. A.G. Federation & Ors<sup>339</sup> as thus: here human rights were narrowly defined as rights that always exist, even before discipline dictates that would be sought. It is the basic condition of a civilized existence that transcends the common law of the land. Human rights are the freedoms, immunities which, according to natural law, modern values and international

<sup>339</sup> Ransome-Kuti v. A. G. FED AIR 1985, 1 SC 123

law, all people are entitled to enjoy as a matter of right in the country or society in which they live. Human rights are those that enable a person to maintain his humanity. Without human rights, life is meaningless, worthless a mere shadow. Intelligence is highly valued for human rights violations without adequate and credible justification. For example, the 1999 Constitution of the Federal Republic of Nigeria enshrines the fundamental human rights of citizens. Fundamental rights lie within domestic law and are guaranteed by the country's fundamental law. Human rights under domestic law are the laws of the land, particularly those enshrined by constitutions; Right to land, right to human dignity, right to personal liberty, right to fair hearing, right to private and family right, right to freedom of thought, conscience and religion, right to freedom of expression and right to press, right to peaceful assembly and association, right to freedom of movement, right to freedom of discrimination.<sup>340</sup>

Although many countries have human rights provisions in their laws, they are notably non-existent. By nature, the existence and recognition of human rights is antecedent in many countries. International organizations and laws have stipulated that laws focusing equally on human rights are subject to ratification and enactment by member states. For example, Article 12(1) of the Constitution of the Federal Republic of Nigeria states that no treaty between the federal and any other country shall be made by law except to the extent that the National Assembly has the authority to enact such treaty. One of the International laws associated with human rights is the Universal Declaration of Human Rights 1948; the UDHR Act is a response to the desire for the inclusion of human rights as an internationally recognized law.<sup>341</sup> International law that includes a category of human rights is the International Covenant on Civil and Political Rights (ICCPR). The rights

guaranteed by this treaty are fundamental rights that are generally enforceable through a judicial process in the legal systems of democratic countries.

The African Charter on Human & people's Rights, also known as the Banjul Charter, was created to promote the rights of individuals and peoples in Africa. It is right to freedom from discrimination, right to equality, right to be treated equally, right to life and personal equality, right to dignity and freedom from cruel, inhuman and degrading treatment, right to religion, and right to healthcare.

Although all these laws exist, human rights are not dependent on these laws per se because they predate the political formation of a country.<sup>342</sup>

### **The Impact of Artificial Intelligence on relevant Human Rights:**

Human Rights are defined as any human need to live that is questioned in connection with the development of Artificial Intelligence. An important point is that humans themselves create artificial intelligence systems. This is why humans have developed artificial intelligence which makes easier and faster. Also certain actors in society have deployed artificial intelligence to further automate decision-making in specific areas of endeavour. Artificial Intelligence designed primarily for humans to make decisions has created many positions for human rights implications. Along with artificial intelligence, it proves its contribution to simplify every aspect of life.

The 20<sup>th</sup> century ushered in what some has called a "golden age of surveillance"- not only by states and corporations, but also by non-state actors such as groups, news organizations, and open source investigators- and the Syrian archives gained massive access to the global public. With the proliferation of other imaging platforms, including versatile mobile phones and hundreds of high-resolution imaging satellites, some progress towards

<sup>340</sup> A.I. FOWOWE, "Artificial Intelligence and Human Rights" (2021) (June 25, 2024) [https://www.researchgate.net/publication/356443230\\_AI\\_and\\_Human\\_Rights](https://www.researchgate.net/publication/356443230_AI_and_Human_Rights).

<sup>341</sup> Ibid.

<sup>342</sup> Ibid.

ubiquity has emerged. This wave can be characterized in two directions, i.e. positive and negative. On the positive side, security in a state can be improved through the use of artificial intelligence.<sup>343</sup> For example, in 2017 the International Criminal Court issued an indictment for the arrest of a Libyan warlord based on satellite images and videos of executions ordered by his followers posted on social media. This is in many ways the beneficial aspect of artificial intelligence in human rights.

### **Artificial Intelligence and Right to Personal Liberty:**

The right to personal liberty is one of the most basic human rights associated with physical movement of a human being. Although this right can be extended to all geographical locations, it must meet certain prerequisites set by the country. This right to liberty requires that the arrest or detention of a person be lawful. The right to personal liberty is essentially where the government cannot interfere and the provision of this right is undoubtedly an important and inherent right that every individual must have. The Nigerian Constitution provides that every individual shall be entitled to his personal liberty and no person shall be deprived of such liberty. In the International community, the right to freedom has been recognized and respected for inclusion in laws or treaties ratified by many nations. In the International Covenant on Civil and Political Rights: The Universal Declaration of Human Rights is based on laws that provide for the right to personal liberty. Everyone has the right to liberty and security of person. Everyone has the right to liberty and security of person such that no one shall be arbitrarily arrested or detained; no one shall be deprived of his liberty, without any reason or in accordance with the procedure established by law.

In the Case of America v. Iran<sup>344</sup>, Recognizing the primacy of the right to personal liberty, the International Court of Justice has held that unjustly depriving people of their liberty and subjecting them to physical restraint in difficult circumstances is incompatible with the principles of the United Nations Charter and the fundamental principles enshrined in the Universal Declaration of Human Rights.

The development of artificial intelligence has extended the reach of criminal justice systems in many countries by developing software that performs risk assessments and the likelihood of a crime being committed by a place or person. Given higher sectarian judicial decisions, such as whether to imprison a person before their trial, it would seem unusual for a machine to make the decision to send a suspect to prison.<sup>345</sup>

### **Artificial Intelligence and Work and Employment:**

The right to work and employment refers to the right of a person to earn a living while being permitted to work. And this right may mean a right to a job for every person rather the phrase right to work is used to refer to a set of right, including the right to dignified work, equal access to work, etc. It is consistent with the ultimate goal of the right to ensure that every person is able to earn and support a livelihood for himself and his family. There are also instances where a country has denied this right to aliens, giving rise to an international law to address and recognize this impending right. International treaties on economic, social and cultural rights provide for these rights with appropriate provisions. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to earn his living by work which he shall freely and to take appropriate measures to protect the right.

<sup>343</sup> Ibid.

<sup>344</sup> United States v. Iran, ICJ GL No 64, AIR 1980 ICJ Rep 3, ICGJ 124 (ICJ1980).

<sup>345</sup> Supra 2.

Over the years Artificial Intelligence systems have made significant advances in business service and operations. These changes involve the participation of employees in the company and the management of large amounts of data and information that is used to make decisions about them, despite not being aware of their Artificial Intelligence.

Artificial Intelligence has virtually changed the nature and status of human work, which is tantamount to affecting people's right to work and employment. Artificial Intelligence has created a reliable regulatory framework that reduces the potential for human rights violations. It is one of the functions of the state government to ensure that the rights of the citizens ensure that any individual is a beneficiary of any social service from the government. The principle of non-discrimination and equality in economic, social and cultural rights must be simultaneously activated as it plays an important role in ESC rights.<sup>346</sup>

#### **Artificial Intelligence in the Judicial System:**

Judiciary, being a democratic institution, is an embodiment of the judicial branch of government. The Judiciary is the system that interprets, defends and applies the law in legal disputes/ disagreements and legal cases. The judiciary is responsible for deciding how to apply the law's meaning to real situations and whether a law violates the Constitution. Judiciary is a system of courts that interprets and defends laws on behalf of the state. Under the doctrine of separation of powers, the judiciary generally does not legislate or apply the law but rather interprets the law on the facts of each case. In many countries, the judiciary can change its powers through a process of judicial review.

The Judiciary is also empowered to strike down laws consistent with a nation. Judiciary is a necessary organ of government for any state. The scope of artificial intelligence equally

revolves around a country's judicial system. The processing of judicial information through this system-derived approach can improve the transparency of the judicial process, predictability of law enforcement and the consistency of case law.<sup>347</sup>

#### **The Impacts of Artificial Intelligence on Democracy:**

Democracy has become the foundation of good governance for the government of any country. It ensures that the existence of any government is based on the welfare and decisions of the people. Democracy can be defined as a form of government in which all the people exercise political control through directly elected representatives. Democracy is a system in which the people can change their rulers by peaceful means and the government is given the right to rule. In short, democracy is government by the people and for the people. Due to the nature of Artificial Intelligence related to democracy directly or indirectly affects and it includes the principle of rule of law. This Artificial Intelligence is often used during trials, helping to facilitate the determination of individual violence risk during pre-trial bail setting. A key principle of Artificial Intelligence is transparency, which means that individuals have a right to know everything.

#### **AI Law for Human Rights:**

The development of Artificial Intelligence in social life is an uncorrected trend. As a result of the industrial revolution and the advancement of machines, artificial intelligence brought many benefits to social life. On the Other hand, it creates many negative results and effects on people. It is imperative to take advantage of the values it brings and develop solutions to address the negative impacts of artificial intelligence on human rights. Adopting a set of laws to regulate artificial intelligence systems is essential, but this can be difficult and challenging in the age of artificial intelligence.

<sup>346</sup> Ibid

<sup>347</sup> Ibid.

The law, which provides a set of rules to regulate artificial intelligence systems, ensures that all those involved in the development and operation of artificial intelligence systems, and have a duty to respect human rights. Governments must regulate and ensure the conditions for compliance with their obligations through policies, laws and, in particular, initiatives to promote human rights obligations. Governments must be held accountable for regulating their own operations using artificial intelligence.<sup>348</sup> Meanwhile, the use of artificial intelligence by the private sector must ensure the implementation of human rights standards in accordance with the UN Business and Human Rights Principles; ensuring the highest possible transparency and accountability; establishing an appropriate accountability and corrective mechanism.

#### **Artificial Intelligence and Human Rights, International level:**

A wide range of international initiatives have been taken on AI. None of the 53 initiatives analyzed are legally binding, instead policies, guidelines, recommendations and self-regulatory initiatives adopted by various actors- notably NGOs, intergovernmental organizations and multinational corporations. In terms of scope, initiatives are for the most part very general and AI systems are generally applicable in all contexts with notable exceptions.

The most common standards adopted at the international level related to transparency and access to information about AI systems. This is an attempt to address some of the well-documented challenges related to the opacity of AI systems, which can negatively impact victims' access to effective remedies and the accountability of businesses developing AI. Some documents emphasize the need for transparency in HRDD processes or impact assessments. Regarding the transparency of AI

systems, the Institute of Electrical and Electronics Engineers (IEEE) assures AI developers that the basis of a particular AI system is always discoverable and helps reach a specific result or decision.<sup>349</sup>

#### **Challenges to addressing the impacts of Artificial Intelligence on Human Rights, Democracy and the Rule of Law:**

Although the impact of Artificial Intelligence contributes to an unquestionable positive development in today's world, there are some obstacles and challenges experienced through the use of Artificial Intelligence. Human Rights, democracy and the rule of law are fundamental foundations of every political environment that functions legally. Democracy ensures that the existence of a government is based on the welfare and decisions of the people. The rule of law is to achieve economic and social progress and development fundamental to international peace and security and political stability and to protect human rights to fundamental freedoms. It is the foundation for people's access to public services, curbing corruption, preventing abuse of power, and establishing a social contract between the people and the state. Human rights are fundamental rights of all people in any society.<sup>350</sup> The impact of Artificial Intelligence on established policies is mainly divided into two ways, negative and positive. A citizen needs to be given the intelligence to make decisions for himself.

However, there are several challenges for Artificial Intelligence to make data sharing easier and faster. It artificial intelligence dictates what information is shown and used, problems with online information are suppressed and spread virally, leading to unequal representation of opinions and voices. Artificial Intelligence can also be used to create and spread misinformation and fakes in the form of text, images, audio or video. As these acts are difficult to detect by citizens, journalists

<sup>348</sup> Minh Tuan Dang, Vietnam National University, Hanoi: Human Rights and Law in the Age of Artificial Intelligence, 2021 Vol: 24 Issue: 4S (June 16, 2024) <https://www.accessnow.org/wp-content/uploads/2018/11/AI-and-Human-Rights.pdf>.

<sup>349</sup> Artificial Intelligence and Human Rights: Corporate Responsibility in AI Governance Initiatives (June 16, 2024) <https://www.tandfonline.com/doi/full/10.1080/18918131.2022.2137288>.

<sup>350</sup> Supra 2.

or any government agency, it becomes easy to be lead and manipulate the public. Public Institutions are held to high standards in their treatment of individuals and society while observing the rule of law, which is reflected in principles such as fairness, proportionality and competence. Increasing the efficiency of Artificial Intelligence can also undermine the procedural legitimacy and trust of a democratic institution and the authority of the law. These Artificial Intelligence systems actually compete for authority associated with judges and the law and may contribute to the development of justice systems that operate outside the boundaries and protections of the rule of law. One of the most significant impacts of artificial intelligence on human rights is the impact on the prohibition of discrimination and the right to equal treatment. Artificial Intelligence is often biased in violation of a person's right against discrimination. Data-driven systems marginalize social systems by governing human behaviour by proving the existence of biases. These applications of artificial intelligence may jeopardize fair working conditions safety and healthy working environment, dignity in the workplace as well as the right to organize.<sup>351</sup>

### Conclusion:

The impact of Artificial Intelligence on the rule of law, human rights and democracy has, in most cases, brought unprecedented commentary and development. These often threaten a person's equality of life. Artificial Intelligence has helped change things around and is currently able to mitigate some abuses, but more needs to be done to protect human rights. Artificial Intelligence can be a way to increase the quality of life by finding solutions to use to help extend the lives of all people. Humanity needs to learn from past mistakes and be able to quickly so that major social tensions and even war can be avoided.

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<sup>351</sup> Ibid.