

“Human Rights in the Era of Artificial Intelligence”

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ABSTRACT

An artificial intelligence is a type of computer program that mimics the activities and intellect of humans. It can also be put in to other machines that shows human-related attributes, such as problem-solving. Human Rights declares that , all men are created equally by God, and they are furnished with certain universal rights, such as Life, Liberty, and Equality. AI is becoming more prevalent in our daily lives, as it can be used in various ways, such as by our phones and in cars. Due to the increasing number of reports about the harmful effects of AI on individuals' privacy, it is important that the public debate about its usage is conducted in order to understand its various advantages and disadvantages. This paper aims to provide a comprehensive analysis of the multiple factors of AI that affect human rights. The purpose of this paper is to discuss the various advantages of AI and how it can make India's human rights. Besides analysing the pros and cons of AI, the paper additionally provides a comprehensive understanding of how it can hinder the rights. Suggestions on how to overcome the effects of AI on the Human Rights has also been discussed.

Keywords: Artificial Intelligence, Human rights, Privacy, Fair trial

INTRODUCTION

When scientific vision is brought to bear on a technological issue, history changes its pace. One of the most significant developments that has occurred in this field is the emergence of the technological advancements that have occurred with the development of Artificial Intelligence have made it widely applicable and can be used in almost any field of life¹. The increasing intellectual capabilities of AI are expected to change the method persons live and perform their duties. The quick emergence and development of AI has greatly contributed to the indubitable nature of its impact and usefulness on human lives². This is why it is important that the various aspects of its operation are thoroughly studied. Artificial Intelligence, which is a type of machine that can be used to transform human society involves the study of various aspects of

¹ Cataleta, M.S and Anna, "Artificial Intelligence and Human Rights:An Unequal Struggle," *CIFILE journal of International Law journal* , vol. 1, pp. 40-63, 2020.

² Eileen, D. and Megan M. "Artificial Intelligence and Human Rights," *Journal of Democracy*, pp. 115-126, 2019.

human intelligence, such as language, data mining, and machine learning. However, since human intelligence is prone to bias, some of the products that are created using AI may also have characteristics that are similar to human intelligence.

UNDERSTANDING MEANING OF ARTIFICIAL INTELLIGENCE

According to Marvin Minsky, AI is the science of creating machines that can perform certain tasks and actions that men would require intelligence to complete. John McCarthy refers to it as the engineering and science of creating intelligent computers.³

An AI system can perform a wide range of tasks that typically require the expertise of humans, such as speech recognition, visual perception, and language translation. The goal of developing AI is to create machines that can think and behave like humans.

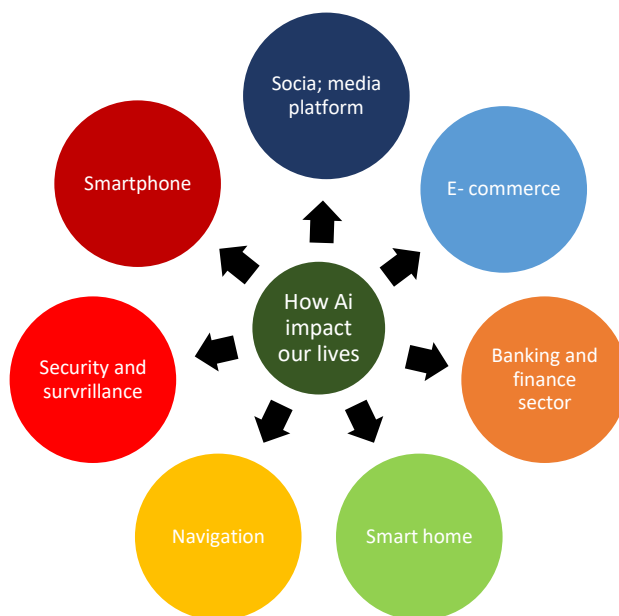


Figure 1:. Impact of AI in our life.

UNDERSTANDING MEANING OF HUMAN RIGHTS

Human rights can be broadly defined as the rights of individuals that are focused on equality, fairness, and freedom which are the minimum requirement for a society to be civilized, regardless of one's race, religion, nationality, gender, or other status, human rights are the basic privileges that every individual should have. Human rights encompass a wide range of cultural, political, social, and economic rights. It can help create a society wherein everyone respects the law and is able to share mutual understanding and tolerance⁴.

³ McCarthy, John and Minsky, Marvin L, et al. "A proposal for the dartmouth summer research project on artificial intelligence, august 31, 1951," *AI Magazine*, vol. 27, no. 4, p. 12, 2006.

⁴ R. Ebad, "Protection of Prisoner's Human Rights in Prisons through the Guidelines of Rule Of Law," *Journal of Politics and Law*, vol. 10, no. 1, p. 13, 2017.

IMPACT OF AI ON CERTAIN HUMAN RIGHTS

The concept of human rights, which is a fundamental feature of any person's existence, has been questioned regarding the development of artificial intelligence. There has been a lot of discussion about its necessity and avoidance, but one must keep in mind that humans are the creators of AI systems. Humans have been developing AI systems due to the various activities that they perform, which makes them easier and faster to accomplish. Artificial intelligence isn't being created in a vacuum⁵. Rather, it is being utilized by certain actors in society to automate certain tasks. They are doing so to achieve certain desirable outcomes, while still keeping in mind the existing human rights issues in the context of social institutions. The design of AI systems has generated varying positions regarding its potential to affect human rights. increasing number of imaging satellites and the rise of multipurpose mobile devices have led to the emergence of something approaching widespread surveillance. Due to the technological advancements that have occurred, it is now almost impossible for anything to go unnoticed by a camera, both on the ground and in orbit. The negative and positive aspects of this wave can be distinguished from one another. One of the most positive aspects of this technology is the potential of AI to enhance the security of states.⁶

There are many aspects to AI and human rights. On the one hand, it can potentially protect and promote human rights by improving the quality of life for people, and on the other hand, it can potentially violate those rights through its actions in the areas of decision-making and monitoring. While AI can potentially be beneficial in certain areas, it can also raise concerns about its potential impact on human rights. Some of these include discrimination and bias. AI systems can be programmed to carry out actions or behaviors that are designed to maintain an existing bias. It may violate the right to non-discrimination and equality, which is protected by international law. In addition, their use in data processing or surveillance may result in the violation of the privacy of individuals. In certain cases, such as facial recognition, the use of technology can allow corporations or governments to monitor and collect information about individuals without their permission. AI-powered systems can also help address the needs of vulnerable groups, such as those who don't have access to legal services.⁷

⁵ V. Krishnamurthy, "Artificial Intelligence & Human Rights: Opportunities and Risks," *Klein centre for internet & society research publication*, vol. 1, p. 16, 2018.

⁶ Raso, Filippo A and Hilligoss, et al. "Artificial intelligence & human rights: Opportunities & risks," *Berkman Klein Center Research Publication*, vol. 1, 2018

⁷ M. Risse, "Human rights and artificial intelligence: An urgently needed agenda," *Hum. Rts. Q.*, vol. 41, p. 1, 2019.

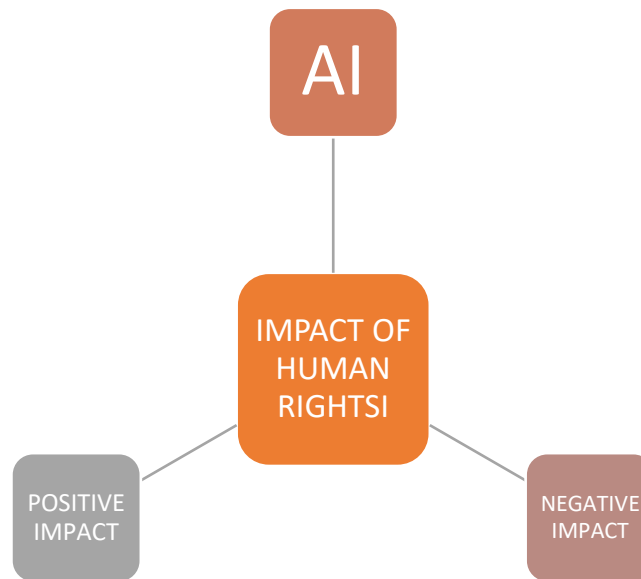


Figure 2. Two impacts of AI human right

IMPACT OF AI ON RIGHT TO PRIVACY

The notion of privacy is a fundamental human right that everyone should have. The concept of the right to privacy is a legal principle that aims to safeguard the privacy of persons by restricting the activities of private and government agencies. It includes various aspects such as the right to be left alone, the protection of personal integrity, and the control over the disclosure of information. The right to privacy also involves rules that prevent unauthorized access and use of one's personal data. The rise of AI has led to the discussion about the increasing number of masses who are worried about the privacy of their online activities.

Positive Impact

With the help of AI, it can quickly identify and classify data that would typically take a person over ten years to process. This is very beneficial for the data businesses as it allows them to comply with privacy regulations and provide their customers with the necessary information. AI can also collect various data sets and apply them into a set of algorithms to improve their classification. This process can help them store and manage their data more accurately.⁸

Negative Impact

Big data is collected by AI systems, which are capable of analyzing and extracting unique insights from vast amounts of information, such as data streams from mobile devices and other electronic gadgets. Unfortunately, this type of information may be used to reveal private details

⁸ Manheim, Karl and Kaplan, Lyric "Artificial intelligence: Risks to privacy and democracy," *Yale JL & Tech.*, vol. 21, p. 106, 2019.

about individuals. Due to the complexion of the data stored by these systems, it should be considered sensitive.⁹

IMPACT OF AI ON PERSONAL LIBERTY

One of the most fundamental rights that humans have is the Right to personal liberty. This right can be granted to people in different geographical locations. However, there are certain prerequisites of that location which must be met in order for it to be granted.

Positive Impact

AI has the potential to enhance people's privacy and personal liberty. It can also help them make informed decisions and improve their access to information. AI-powered tools can help individuals make more informed decisions and ensure that they are treated fairly. They can also help individuals customize their experiences and enhance their personal freedom. AI-powered tools can streamline administrative tasks and free people from the endless tasks that they have to carry out.¹⁰

Negative Impact

Artificial intelligence-powered surveillance systems can monitor and collect information about individuals' activities, which could violate their privacy. They can also perpetuate discrimination and biases by training their algorithms on biased data. The use of AI systems to control and manipulate people's actions and behaviors could limit their autonomy and personal liberty. AI-powered tools that can customize a person's experiences can help enhance their personal freedom. They can also help them free up time and focus on their interests and goals by automating mundane tasks.

IMPACT OF AI ON FAIR TRIAL

Every individual, regardless of their citizenship status, should have the right related to a fair trial during the hearing of any case. This is an inherent right and should be observed in all criminal or civil cases.

Positive Impact

Artificial intelligence can potentially enhance the fairness of trials in several ways. One of these is its ability to analyze vast amounts of data more correctly and swiftly than humans, which could allow it to identify relevant patterns and evidence. Through the use of AI, it can help ensure that all the evidence relevant to a case is considered fairly. For instance, by analyzing past cases and legal precedents, a lawyer or judge can more accurately predict the outcome of a trial. AI-powered decision-making systems can help ensure that trials are conducted fairly and consistently. They can also help reduce the impact of prejudice, which can have an effect on

⁹ S. Blodgett-Ford, *Research Handbook on the Law of Artificial Intelligence*, Edward Elgar Publishing, 2018.

¹⁰ McKernan, Lindsey C and Clayton, et al. "protecting life while preserving liberty: ethical recommendations for suicide prevention with artificial intelligence," *Frontiers in psychiatry*, vol. 9, p. 650, 2018.

the fairness of the proceedings. For instance, by analyzing evidence, AI systems can help eliminate bias in the selection of jurors. They can also help reduce the time it takes to resolve legal proceedings.¹¹

Negative Impact

There are various disadvantages to AI in a fair trial. One of these is its lack of transparency. This can make it hard for the public to understand how the algorithms worked. This issue can be a problem in a trial, where all parties have to be aware of the decision-making process. The lack of human oversight can lead to issues with AI-powered systems making decisions. This can result in errors and biases that can't be detected by humans. Another issue with AI is that it can be trained on data that is biased. This can affect the legal system's ability to make fair decisions. Due to the nature of AI systems, they can also make mistakes that could affect the fairness of a trial.¹²

IMPACT OF AI ON RIGHT AGAINST DISCRIMINATION

The right against discrimination is a fundamental ingredient of human rights that is recognized by international and national legal frameworks. It prohibits discrimination, such as gender, race, and religion based on various characteristics.

Positive Impact

AI can help prevent discrimination in various ways. One of these is its ability to detect subtle biases that may not be apparent to humans. For instance, by examining vast quantities of data, AI systems can identify patterns of discrimination in lending practices and hiring. They can help reduce the likelihood of discrimination in decision-making by making decisions based on data-driven approaches and eliminating human subjectivity. This can help ensure that the decisions are made fairly. AI-powered tools can also help improve the accessibility of legal services by automating some of the tedious tasks that people usually need to do.

Negative Impact

There are various disadvantages to AI when it comes to fighting discrimination like lack of transparency which is tough to understand by the people that how algorithm worked. Also, one of the biggest disadvantages of AI is its ability to perpetuate discrimination. This is because if a system is instructed on a biased set of data, it can still make a decision that is discriminatory. For instance, if an AI program is trained on a dataset that underrepresents a certain group, it might not be able to accurately address the effects of discrimination.

¹¹ Dymitruk, Maria "The right to a fair trial in automated civil proceedings," *Masaryk University Journal of Law and Technology*, vol. 13, 2019.

¹² J. Ulenaers, "The impact of artificial intelligence on the right to a fair trial: Towards a robot judge," *Asian Journal of Law and Economics*, vol. 11, 2020.

The accuracy and reliability of AI tools are often not always guaranteed, especially when dealing with complex scenarios involving human judgment and context. This issue can lead to inaccuracies or errors that could affect the right to discrimination.¹³

IMPACT OF AI ON RIGHT RELATED TO FREEDOM OF EXPRESSION

The concept of freedom of expression, which is recognized by international law, is an indispensable human right that permits people to convey their ideas, beliefs, and opinions without fear of oppression or censorship.

Positive Impact

AI can play a role in various ways in enhancing the freedom of expression. For instance, it can help people with disabilities gain access to more information and communicate with others in different languages. It can also help in the moderation of content, which is a process that involves identifying and removing harmful or illegal content. This can help ensure that the right to freedom is protected.

Negative Impact

Artificial intelligence-powered tools that are used to manage content can be prone to censorship. They can remove content that is not in violation of the terms or laws of the country, which can lead to the suppression of legitimate opinions. On the other hand, they can also be biased, which can lead to the promotion of certain viewpoints.

The use of AI-powered tools to monitor and collect information about individuals can restrict their freedom of speech and expression. This could be especially true if these tools are used to monitor political activists and dissidents. Also, not everyone has the necessary skills to use these tools, which could create an environment of inequality.¹⁴

ARTIFICIAL INTELLIGENCE AND HUMAN LABOUR

Work done by humans through the use of their hand, muscles or any bones of their body is called human labor. By the advancement of artificial intelligence, the human labour is affected in both positive and negative manner.

Positive impact

To allow Workers to focus on advance values activities which require creativity, critical thinking and problem solving the routine tasks can be automated by artificial intelligence. This can lead to increased productivity and efficiency. AI can also help to reduce workplace injuries by identifying potential safety hazards and preventing accidents before they occur. It can also create new job opportunities in various fields related to AI like software development, data analysis, data scientists and machine learnings which can help to drive economic growth. AI

¹³ B. Heinrichs, "Discrimination in the age of artificial intelligence," *AI & society springer*, pp. 3-12, 2022.

¹⁴ Marsden, Chris and Meyer, Trisha Regulating disinformation with artificial intelligence: effects of disinformation initiatives on freedom of expression and media pluralism, European Parliament, 2019.

can also help in personalising products and services for individual customers Which can lead to increase in sales and profit for business.

Negative Impact

By the rapid advancement Of artificial intelligence there is a risk between a group of people that they mean lose their employment which can lead to economic hardship for individuals and some communities. AI can create inequalities among the workers, workers who learn the skills or education which are necessary to work on machine learning may be left behind which will increase economic and social inequality. AI system can sometime be biased As the data they are trained on or if they are programmed with biased algorithms which can result in discriminatory impact and inequalities. There is risk that people may become over reliant on AI systems with advancing in technologies which will lead to or decrease in human intellects. There is also high risk of privacy while using the large amount of data which are collected in the AI systems.

STEPS THAT CAN BE TAKEN TO OVERCOME THE NEGATIVE EFFECTS OF AI

AI can have positive and negative impacts on human rights depending on its nature. On the one hand, it can help improve access to essential services such as healthcare and education, while on the other hand, it can expose individuals to discrimination, privacy violations, and job loss. There are various steps that can be taken to prevent these negative effects.¹⁵

1-Development And Enforcement of Ethical Guidelines

An ethical guideline can help prevent the negative effects of artificial intelligence on humans. It can also help prioritize the rights of individuals when developing it. Before implementing AI, it's important that users and developers thoroughly consider the various human rights it could potentially affect. An ethical framework can identify the biases that appear in algorithms and systems. It should require developers to thoroughly examine and test these systems for fairness and discrimination. It should also urge AI platforms to be more transparent so that users can understand how they perform their duties. Such guidelines can additionally hold companies responsible for the harm their systems cause. This can involve conducting impact assessments before they're deployed, as well as carrying out penalties whenever such issues occur.

2-Increase Transparency

The use of transparency can help address the negative effects of AI on human rights. It can also help build trust between the developers and users of AI systems. Transparency can additionally help users feel more secure about their rights being protected. It allows people to identify discrimination and bias in AI systems. This is because it makes it easier to understand how these systems operate. Through transparency, people can challenge the decisions made in AI

¹⁵ A. Mantelero, AI and Big Data: A blueprint for a human rights, social and ethical impact assessment, Elsevier, 2018.

systems and get the opportunity to argue their case. It allows them to understand how the systems work and whether their rights have been encroached upon.

3-Encouraging Diversity

There are various methods can be employed to encourage the diversity within the design and creation of AI systems, which can help mitigate its negative influence on human rights. AI must only be as objective as the data it is trained on.

When AI systems are trained to ignore biased data, they can exhibit the same bias in their output. Fostering a diverse set of perspectives in the development of such systems can help prevent them from producing biased results. If AI systems are not designed with the proper diversity in mind, they can contribute to the existing inequalities in society. For instance, facial recognition systems are not able to accurately identify people with darker skin complexions. By fostering a more diverse set of perspectives within the development of such technologies, AI systems can be made to work for everyone.

4- Ensure Human Oversight

Human oversight can help prevent the harmful effects of artificial intelligence on people's rights. For instance, it can help spot and reduce biases in AI systems. In addition, human oversight can help guarantee that AI systems are answerable for their actions and decisions. This is especially important in areas such as criminal justice, where these systems could potentially make decisions affecting the rights and freedom of individuals. AI systems can collect large amounts of personal information, which could be used to violate an individual's privacy rights. By ensuring that the systems are planned in a manner that upholds the privacy of their users, human oversight can prevent this from happening.

5- Need For Legislation

To prevent the negative impact of artificial intelligence government should enact and implement legislation and various policies to protect the worker's rights and privacy. It is imported to implement such laws and policies to regulate the use of artificial intelligence in the workplace. The the policies may include the policy of data collection and its use, various rights given to workers during the course of the employment like right to treatment, right to privacy, and they should also be given compensation for any injury during the course of the employment.

6-Education and Training Programs

To minimize the impact of AI on risk of unemployment it is important for the government to make policies and invest in education and programs that can train the workers to prepare them for Future jobs. This can include the education of death analysis, coding, machine learnings and etc.

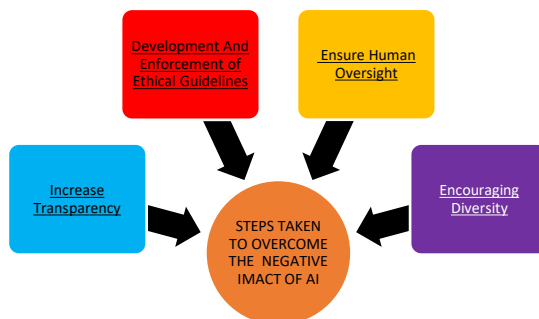


Figure 3: Showing the steps that can be taken to overcome the negative impacts of AI on human rights.

LEGAL ISSUES	HUMAN RIGHTS PRINCIPLE THAT CAN BE AFFECTED
Lack of algorithm transparency	Fair trial Right, due process of law and social rights
Cybersecurity vulnerabilities	Right related to privacy , related to freedom of expression and free flow of information
Unfairness and biasness	Equality before law, equal protection of law, right to life and liberty and equal rights of men and women
Discrimination	All the rights without discrimination and right to fair trial
Lack of certainty	Right related to an effective remedy and access to justice
Privacy and data protection issues	All the rights related to Privacy and also right to life and personal liberty
Lack of accountability	Rights related to life and right to effective remedies

Table 1. Showing how rights can be affected by legal issues.

CONCLUSION

The discussion has made it clear that Artificial Intelligence (AI) is not only limited to phones and home systems, but it is also widely used in various fields such as healthcare, law enforcement, employment and so on. Despite the immense advantages of AI, it is still very important to note that it comes with various risks. One of these is the potential loss of jobs, which could happen due to the automation of repetitive tasks that could be performed by AI robots. This could lead to job polarization, which could affect the right of people to work. Despite the immense potential of Artificial Intelligence, it is still not yet clear how it can be used to its fullest potential.

To manage the public risks associated with this technology, various countries are working on developing regulations that will allow them to prevent it from being abused. Some of these include establishing liability restrictions for developers and requiring certification for the use of AI. In India, the government is working on developing regulations that will allow it to use AI in various sectors, such as industrial and data analysis. At the same time, it is important that the architecture of the technology is designed to prevent it from undermining the principles of human rights. This technology should also be used to protect the rights of individuals. There's a risk that the use of AI would lead to more inequality in the justice system. AI systems could displace jobs, which could disproportionately affect certain groups, such as marginalized communities and low-skilled individuals. The bond between human rights and AI is complex, and it requires a careful approach that considers the possible advantages and disadvantages of the technology. It is therefore important that the development and implementation of AI is done in a manner that is ethical and obvious. This can be done through regulations and guidelines that are designed to address various issues related to its use.