



Human Rights in Era of the AI : An Analytical Study

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Abstract :

Artificial intelligence's exploratory potential to violate human rights only worsens as it continues to permeate our daily lives. Access Now undertakes this study to examine the potential spectrum of human rights concerns that may be raised, keeping in mind this and the fact that the technology is still in its infancy.

The present or a close future.

Numerous problems that come up in analyses of this area are not new, but they are considerably made worse by the scale, widespread use, and practical application that artificial intelligence enables. As a result, there is the potential, the potential of artificial intelligence to benefit and damage people is much larger than that of earlier technologies. While some of these repercussions have already been observed.

Introduction :

The concept of artificial intelligence has been elevated from the realm of science fiction to discussions in the highest circles of academia, industry, and government. However, experts have only just begun to look at the impact of artificial intelligence on human rights, and so far they do not even seem to agree on what the term means. It is evident that use of artificial intelligence and machine learning technology has the potential to effect revolutionary changes in the world. In 2018, it was a key topic at Rights Con, Access Now's annual conference on the intersection of human rights and technology. Leading up to Rights Con, we worked with close partners to draft and publish the Toronto Declaration on protecting the rights to equality and non-discrimination in machine learning systems.¹ We also participated in a workshop on artificial intelligence and human rights hosted by the Data & Society Research Institute in New York, the goal of which was "to consider the value of human rights in the AI space, foster engagement and collaboration across sectors, and develop ideas and outcomes to benefit stakeholders working on this issue moving forward. This report is a preliminary scoping of the intersection of artificial intelligence and human rights. The first section proposes definitions for key terms and concepts, including "artificial intelligence" and "machine learning." We next look at how different artificial intelligence systems are used in the world today and ways in which they can both help or harm society. Turning to human rights, we look at the role human rights law can play in the development of artificial intelligence, including the interplay between these fundamental rights and ethics. Then, looking at widely adopted human rights instruments, we highlight the ways current and foreseeable uses of artificial intelligence can interfere with a broad range of human rights. Finally, we offer a list of recommendations for stakeholders to protect those rights. We recognize that we are offering recommendations in the early stages of the development and use of artificial intelligence, and we are

only beginning to grapple with its potential consequences. That is why one of our recommendations is to direct additional funding and resources to investigate further the issues raised in this report to determine what the safeguards and structures should be for preventing or mitigating future human rights abuses.

Definitions :

ARTIFICIAL INTELLIGENCE OR AI : There is no agreed-upon definition of artificial intelligence. Marvin Minsky, one of the founding AI scholars, defines it as "the science of making machines do things that would require intelligence if done by men.

Another founding scholar, John McCarthy, defines it as "the science and engineering of making intelligent machines.

A recent Stanford University report defines AI as "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.

Stuart Russell and Peter Norving, authors of a popular AI textbook, suggest that AI can be broken down into the following categories: 1) systems that think like humans; 2) systems that act like humans; 3) systems that think rationally; and 4) systems that act rationally.

In reality, AI is considered more of a field than an easily definable "thing," and it can be broken down into many sub fields, such as machine learning, robotics, neural networks, vision, natural language processing, and speech processing. There is significant crossover among these sub-fields. AI also draws from fields other than computer science, including psychology, neuroscience, cognitive science, philosophy, linguistics, probability, and logic.

AI AND HUMAN RIGHTS

WHY DO HUMAN RIGHTS MATTER?

AI has "created new forms of oppression, and in many cases disproportionately affects the most powerless and vulnerable. The concept of human rights addresses power differentials and provides individuals, and the organizations that represent them, with the language and procedures to contest the actions of more powerful actors, such as states and corporations. Human rights are universal and binding, and are codified in a body of international law. Respecting human rights is required of both governments and companies alike, although governments have additional obligations to protect and fulfill human rights. There is an entire system of regional, international, and domestic institutions and organizations that provide well-developed frameworks for remedy and articulate the application of human rights law to changing circumstances, including technological developments. And in cases where domestic law is lacking, the moral legitimacy of human rights carries significant normative power. Violating human rights carries global reputational and political costs, and naming and shaming human rights violators is often an effective tool. Human rights law can address some of the most egregious societal harms caused by AI, and prevent such harms from occurring in the future.

HOW AI IMPACTS HUMAN RIGHTS :

The role of AI in facilitating discrimination is well documented, and is one of the key issues in the ethics debate today. To recognize these issues, Access Now partnered with human rights organizations and AI

companies to release "The Toronto Declaration" in March 2018.⁵⁵ However, the right to non-discrimination is not the only human right implicated by AI. Because human rights are interdependent and interrelated, AI affects nearly every internationally recognized human right.

Rights to life, liberty and security, equality before the courts, a fair trial "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." - Article 9 of the ICCPR

The growing use of AI in the criminal justice system risks interfering with rights to be free from interferences with personal liberty. Criminal risk assessment software is pegged as a tool to merely assist judges in their sentencing decisions. However, by rating a defendant as high or low risk of re offending, they attribute a level of future guilt, which may interfere with the presumption of innocence required in a fair trial.

Rights 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 honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." - Article 17 of the ICCPR

Privacy is a fundamental right that is essential to human dignity. The right to privacy also reinforces other rights, such as the rights to freedom of expression and association. Many governments and regions now recognize a fundamental right to data protection. Data protection is primarily about protecting any personal data related to you.

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, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." - Article 26 of the ICCPR

AI models are designed to sort and filter, whether by ranking search results or categorizing people into buckets. This discrimination can interfere with human rights when it treats different groups of people differently. Sometimes such discrimination has positive social aims, for example, when it is used in programs to promote diversity. In criminal justice, this discrimination is often the result of forms of bias. Use of AI in some systems can perpetuate historical injustice in everything from prison sentencing to loan applications.

Rights to political participation and self determination :

"Every citizen shall have the right and the opportunity [...] to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; to have access, on general terms of equality, to public service in his country." - Article 25 of the ICCPR

The role of AI in creating and spreading disinformation challenges the notion of fair elections and creates a threat to the right to political participation and self determination.

Right to marry, children's rights, and family rights :

"The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. The right of men and women of marriageable age to marry and to found a family shall be recognized. No marriage shall be entered into without the free and full consent of the intending spouses."

- Article 23 of the ICCPR

Conclusion :

Artificial intelligence systems are changing the way things are done in companies and governments around the world, and bringing with them potential for significant interference with human rights. Data protection laws and safeguards for accountability and transparency, like those we have described in this paper, may be able to mitigate some of the worst uses known today, but more work is necessary to safeguard human rights as AI technology gets more sophisticated and expands into other areas. We hope this report helps to inspire deeper conversations in this crucial area for those who care about the future of human rights, and we look forward to engaging in those conversations.

Reference :

Alina, P., & Spencer, P.B. (2018). The future of political warfare: Russia, the West, and the coming age of global digital competition: Brookings. Retrieved January 16, from <https://www.brookings.edu/wp-content/uploads/2018/03/the-future-of-political-warfare.pdf>

Anh, N.H. (2018). Changes of legal phenomena to the challenges of the industrial revolution 4.0. In N.T.Q. Anh, V.C.Giao (Eds.), *The Fourth Industrial Revolution and Issues of Vietnamese Legal Reform*. Hanoi: The National Political Publishing House.

Christiaan, V., & Corinne, C. (2018). Artificial intelligence: What's human right got to do with it? Data & society points. Retrieved August 28, 2019, from <https://points.datasociety.net/artificial-intelligence-whats-human-rights-go-to-do-with-it-4622ec1566d5>

Filippo, R., Hannah, H., Vivek, K., Christopher, B., & Levin, K. (2018). *Artificial intelligence & human rights: Opportunities & risks*. Berkman Klein Center for Internet & Society at Harvard University.