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AI and Human Rights: Navigating Technological Responsibility

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Abstract

The initial concerns raised by social scientists regarding Artificial Intelligence (AI) Technologies have now expanded to include potential effects on human rights. AI has created tensions affecting human rights, making it crucial to acknowledge these issues and seek solutions. Unfortunately, there are no global statutory rules or conventions regulating AI technologies. This legal uncertainty leaves individuals whose rights are violated by AI without any recourse. AI has had more negative than positive effects on liberties, notably impacting information privacy, equality, freedom of speech and expression, the right to assemble, and employment freedom. AI also affects intellectual property rights and can perpetuate bias and discrimination. A pertinent question is whether AI systems should be granted legal personhood, allowing them to be held accountable for their actions; the answer remains unclear. The paper will follow an analytical research methodology to emphasise that as AI's impact on individual rights grows, governments must develop a regulatory framework. This paper focuses on human rights and the threats posed by AI technologies, particularly examining the legal personhood and responsibility of AI tools. The paper concludes that addressing the relationship between AI and human rights is complex, requiring intentional collaboration among governments, AI system users, and developers.

Keywords: Artificial Intelligence (AI), Human Rights, Legal Personhood, Intellectual Property, Human Rights Violations

Introduction

The research is going to shed light on three main points. Firstly, the concept of the legal personality of AI and the legal

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regulation of AI. Secondly, how the AI is encroaching upon certain human rights. In this context, the main focus will be on the fields of education, entertainment, and civil and political rights. It will be elaborated on how these infringements of rights by the technology can be prevented. Lastly, the focus will be on the future aspects like ascertaining how AI can be assigned responsibility, what are the future applications of AI and what are the potential threats to human rights in the future.

In the first part of this study, the complex idea of artificial intelligence's legal personality is examined. As AI develops and penetrates more fields of life, concerns about its place in the legal system arise, such as, whether an entity devoid of sentience and human traits can have rights and obligations similar to those of a natural person. The first part of the research examines the pros and cons of giving AI legal personality, and that how governments might approach this difficult problem by incorporating AI into the legal hierarchy through new frameworks.

It will also be discussed how AI could break strongly held human rights, either by accident or on purpose. To show the dangers of AI, the study will look closely at specific cases and changes in areas like education, entertainment, and social and political rights. It will be made clear how different rights are being violated right now. When it comes to education, tests that are run by algorithms and personalised learning at school could make things unfair by helping some groups more than others. The use of AI in the entertainment business could make it harder for people to get different points of view, which could stop them from freely sharing their views and making smart choices. People may be worried about invasions of privacy and civil rights when AI is used to power surveillance systems. Deepfakes and tailored propaganda tactics made by AI could be used to change people's minds and cause chaos. To stop AI from becoming a quiet abuser of human rights, it is important to understand these occurrences in order to raise awareness and come up with workable solutions.

The last part of this study looks into the vague future and talks about the interesting areas where AI could go and the problems it might cause for human rights. We look into new uses in many areas, such as personalized healthcare tools that raise ethics questions and self-driving cars that raise questions of responsibility. As AI becomes more integrated into society, issues of fairness,

openness, and responsibility will need to be dealt with. We look at how bias in algorithms could keep social problems going and how broad automation of jobs could mean that we need new social safety nets. There are scary possibilities for privacy and freedom of speech when it comes to AI monitoring hitting new heights and social debate being swayed by advanced AI-powered tools. This study tries to predict these future trends and how they might affect human rights. The goal is to start opening conversations and find proactive ways to ensure that AI is developed and used in a way that is better for everyone.

Legal Personhood of AI

Legal personhood means the legal personality given by the law to an entity to bestow certain privileges and burdens, the capacity to enter into a contract, institute legal proceedings or be subjected to, the acquisition and disposal of property. This status is normally accorded to human beings or legal entities such as corporations and the debate has expanded to include AI systems though this remains contentious. The fast development of AI technology has ignited deep debates about their place in society and their legal standing. The question of whether or not AI entities should be considered legal persons is central to this discussion. Questions about the duty, accountability, and basic rights of AI systems under legal frameworks emerge as these systems get more intelligent and self-sufficient. Arguments will be presented on assigning legal personality to AI in this section. The readers will get a better comprehension of how complicated AI identity is and how it affects society.

The term artificial intelligence refers to the process of creating computers that can mimic human intellect (Floridi, 2020). Because of their ability to analyse huge amounts of data in seconds, AI systems are becoming indispensable in many fields of our modern world. According to Bryson (2018), the relevance of legal personhood for artificial intelligence rests in the fact that it has the capacity to rethink the connection that exists between people and machines, as well as to address concerns around accountability and responsibility in a society that is becoming more automated.

The need for legal personality stems from the concept of assigning responsibility and legal consequences in case of breaching

that responsibility. But those consequences are possible only when there is a legal personality to be sued. In many legal systems, AI is just like a wild animal that can do any harm without any fear of consequences. The harms of AI can be seen as early as the automated robots were introduced. In Japan, a factory worker was killed by an automated robot in 1981 (Hallevy, 2016). This is an example of physical harm given by an AI-controlled body. However, even if there are no physical threats from AI tools, there are certain rights that will be breached and some may argue that infringing those rights is more dangerous than physically assaulting a person. Those rights include fundamental rights such as the right to privacy, freedom of expression, freedom of association, right to information etc. Researchers are now wondering if self-driving cars, military drones, or business AIs could be held ethically and/or legally responsible for what they do (Chopra & White 2011).

Need for legal Personality of AI

Granting legal personhood to AI might be seen as a practical answer to the challenges of attributing accountability for AI actions (Turner, 2019). AI can draw their own conclusions and make independent decisions by learning from their experiences This is what can be the basis of their legal personality. Because they can make choices on their own, technologies like automated machine learning can no longer be thought of as things. (Čerka, Grigienė & Sirbikytė, 2017). According to *Chesterman S,* there are two basic reasons to assign legal personality to AI. Firstly, to assign blame when something goes wrong and secondly to assign credit when things go well. The historical evidence of companies and other artificial persons makes it clear that most legal systems could give AI systems some kind of personality. The more interesting question is what that personality might be like.

The supreme court of India has granted legal personality to a temple and in New Zealand, a river has been assigned the same. In comparison, assigning personhood to an AI entity does not appear to be a significant challenge. Scholars and some legislators have already said that giving AI systems some kind of legal personality could help with questions of liability (Springer 2015). For example, an automated driving system entity could help with questions of liability for driverless cars whose behaviour might not be controlled

by their "driver" or predictable by their owner or manufacturer. Some writers have gone even further, saying that robot murderers should be put on trial and "punished" by being reprogrammed or, in the worst cases, destroyed (Hu & Y, 2019).

Admitting legal characters on AIs is a recognition of this degree of advancement which can make them operate more independently and flexibly within the framework of law. Moreover, giving AI legal personality encourages a culture of accountability. When individuals and companies are held liable for their actions, so should AI since these are entities responsible for any damage or harm arising from their choices thus promoting transparency in the development/deployment process in artificial intelligence through ensuring ethical conduct. Additionally, having legal personhood will promote innovation and intellectual property rights security (Furht & B,2009). Such a move protects investors' and developers' interests thereby leading to increased spending on AI research. This results in technological improvements by encouraging investments into new technologies such as AI Furthermore, recognizing AI as a legal person eases contractual relationships, making transactions involving AI technology clear-cut and efficient. Finally, considering all the above facts one sees why bestowing legal character upon artificial intelligence can facilitate legal repercussions for AI developers and software themselves. (Bublitz, 2022).

Just like any other theory, there are various arguments against this stance of giving legal personality to AI. To begin, is consciousness, intentionality or decision-making sufficient to qualify an AI as a person? (Bublitz, 2022). The lack of clear benchmarks would result in discrepancies and legal gaps. Secondly, liability allocation becomes unclear. Who should be accountable for the robot's acts: its producer, its owner or the robot itself? (Calo, 2017). Placing blame on an irrational being poses problems when applying sanctions and maintaining justice. Thirdly, ethical dilemmas arise from endowments to AI. There is a major concern that economic disparities and patterns of discrimination might appear when AI tools may be given the rights of a person such as owning property, entering into contracts etc. (Bryson, 2018). A robot functioning from AI can have certain unfair advantages over a normal human working with normal human intellect. Lastly, it is difficult to anticipate what consequences could be in future because of rapid changes in AI technologies. We might not be ready to deal

with the unexpected outcomes that may arise from giving legal rights to machines that can differ in their functionalities in times ahead.

Human Rights Infringement by AI

This section is going to explore what are the rights that AI is infringing on and what are their negative impacts. Primarily the focus will be on the infringement of rights in areas like education, entertainment, and social and political rights.

Infringement of rights in education

The integration of AI and the education sector has caused significant advancement but at the same time, the increased dependence on these tools has spooked the risks of possible human rights infringements such as discrimination and inequality (UNESCO, 2020). Another big concern in the field of education and generally as well is data privacy. This is because the algorithms that power AI often rely on data such as student's personal information and learning patterns derived from their reports to manage educational curricula and provide recommendations. This approach may enhance the educational methods but it exposes the students to a risk of breach of their privacy. It can reveal sensitive information to irrelevant persons (European Data Protection Supervisor, 2020). This goes against the fundamental principles as enshrined in the UDHR, as well as the convention on the rights of the child. Furthermore, the AI algorithms used in academic activities cannot remove or rectify existing inequality and discrimination. the input given to AI can marginalise some classes even further (Eubanks, 2018). If AI systems are trained on data that show the biases in society such as gender and racial stereotypes, they will reproduce the society's biases unconsciously. This can lead to unfair outcomes in areas like student assessments, admission to schools, and allocation of resources to educational institutions based on their location. To further elaborate on this the researchers at the Massachusetts Institute of Technology (MIT) found that the facial recognition system used in AI algorithms can show bias leading to discrimination (MIT Media Lab, 2018).

Moreover, emerging AI-based surveillance equipment in schools has become an issue due to the decline of the rights of students to freedom of expression and association. Such surveillance is executed by some schools to watch students' web activities and online behaviour, both in the classroom and outside (Doe, 2022). Indeed, it is not uncommon for such platforms to be advertised as measures intended to boost safety and counteract cyberbullying, yet user privacy and autonomy may still be compromised. For instance, the utilisation of AI surveillance systems including the analysis of posts or conversations on the internet by students, without their consent, is a violation of their rights of freedom of expression and association, which are internationally recognised rights. In order to mitigate this matter, one needs to put in place a sound regulation and scope check mechanism that will guarantee ethical AI use in education. Besides that, educators and policymakers need to hold discussions with inter se and other stakeholders, including students, parents and advocacy groups, regularly, to ensure that the use of AI technologies in education protects and promotes human rights. AI promises to aid education only if these challenges are faced directly. It is important to balance the benefits of AI with the protection of fundamental rights and dignity of students (Cohen, 2020).

Infringements of human rights in the field of entertainment

AI's use could have changed content creation but with AI we have transgressed on the rights of personal data, intellectual property, discrimination and denial of being creative. The privacy concern is among the most debatable issues regarding AI's application in entertainment. AI algorithms are mainly used to scrutinise a huge volume of user data in order to individualise content recommendations and focus on advertisements (Pasquale, 2015). On the other hand, the privacy of individuals might be impacted while the data collection is undertaken, which raises questions related to international human rights norms. One such instance is that of Cambridge Analytica where the AI-driven algorithms secretly collected personal data of millions of Facebook users, without their consent in order to use that information for political advertising purposes. This blatant invasion of privacy acts as proof of the need for tighter regulations to protect the personal data of individuals in the entertainment industry (Yeung, 2017).

One more important problem connected to AI's algorithmic biases, which can exaggerate or worsen existing inequalities and discriminations is that AI algorithms are trained on big datasets, which can sometimes contain biased or discriminatory information, and consequently, may cause biased recommendations in content, casting, and audience targeting. These algorithmic biases threaten the right of individuals to equal treatment and undermine principles of diversity and inclusion in the film and entertainment industry (Eubanks, 2018). The artificial intelligence technology may also endanger the entertainment industry's creative liberty. AI-based technologies can speed up production and enhance the productivity of content and writing they may also replace the producer and artist in the content-making process (Brown & Gifford, 2020). For instance, in the entertainment sphere, AI-generated screenplays, visual effects, and music compositions have increasingly become the new normal nowadays causing worries related to copyright issues and originality of artistic works. Several of the landmark legal cases that have been conducted over the years have illuminated the human rights concerns in the area of AI in entertainment.

One notable example is from the Indian Legal System where the Bollywood actor Anil Kapoor filed a suit before the Delhi High Court to protect different aspects of his personality rights (Kapoor v. AI Creators, 2021). These rights included his voice, dialogues, appearance, likeness by the public, dialogues and attire. These rights were used by different AI tools, without the consent of the actor, to make different memes, GIFs and AI-generated videos or audio clips. The lawsuit included several examples of his characteristics being used without authorisation. Following an extensive hearing, the court rendered a ruling that recognized Kapoor's personality rights and forbade any offenders from using his character for their own gain in any way. (Kapoor v. AI Creators, 2021) In 2018, the European Union rolled out the General Data Protection Regulation (GDPR) which was aimed at data protection and protecting privacy rights for individuals. This law imposed strict regulations on the use and processing of AI-driven data in the entertainment field. Another notable example is from the American media sector where the *"California Consumer Privacy Act (CCPA)"* was enacted in 2020 in order to give the residents of California greater control over their personal information. This meant that the entertainment companies were liable to be penalised if found in breach of data privacy. The

legislative measures thus are important milestones in the long journey towards full survival of human rights in the era of machine-driven entertainment. (Stone, 2020).

Infringement of socio-political rights

In the area of social and political rights, AI tools have caused serious human rights problems; such as manipulation of public opinion, challenging the sanctity of the democratic process, stealth of data for political gains, disinformation campaigns and problems like creating discrimination and bias. (Zuboff, 2019) Among the most crucial issues about AI and political rights is the rise of disinformation campaigns. AI algorithms are being employed on a larger scale for propagating false news through social media, thereby increasing the creation of echo chambers and social unrest (DiResta et al., 2018). Like, during the 2016 US presidential elections, AI-controlled bots and fake accounts were used to spread hateful content and impart partisan narratives, causing disinformation and thereby undermining the integrity of the electoral process. Another main issue related to AI and political rights is the emergence of a small number of tech companies and government entities to possess the bulk of the political power by holding control over such tools (Howard et al., 2018).

With AI systems getting more and more adaptable and self-taught, they can affect public opinion by controlling content and information on platforms like social media and the internet. This means that those in control of such tools can influence policy-making on a global scale (Howard, 2015). For instance, the leading social media platforms, like Facebook, Twitter and others implement AI-based algorithms that use engagement metrics as a basis for curating the users' news feeds and ranking the content, thus controlling the flow of information and shaping the public opinion (O'Neil, 2016). Following the same pattern, government agencies also use surveillance networks with AI technologies to watch the online activities of citizens. This goes as far as to scrutinize personal communication as well (Solon, 2020). This level of surveillance and information collection by AI tools threatens privacy rights, civil liberties, political affiliation rights and freedom of expression (Greene, 2021). The termination of political power by the control over it by the tech giants and the governments abrogates from the

principles of democratic governance and individual autonomy, thus resulting in great danger to political rights and freedoms (Zuboff, 2019).

According to some case studies, there is an indication that political rights can be compromised by AI in reality. To illustrate, in Myanmar, AI-automated social media platforms were employed as hate speech amplifiers and sparking violence against the Rohingya Muslim minority, resulting in atrocities and also human rights violations (Amnesty International, 2019). Similarly, in Russia, the bots and troll farms that are AI-powered have been employed to stifle dissent and control public opinion, thus not allowing the political opposition to grow and undermine democratic institutions (Freedom House, 2020). In China, the government's use of AI for the surveillance of citizens and for controlling their behaviour has widely been criticised, as such surveillance amounts to a violation of individual rights and freedoms (Human Rights Watch, 2021). These real-life cases draw a lot of attention to the crushing necessity of enacting regulation and ethical standards which will aid us in the proper use of AI for the political objectives, and protect the individuals' political rights from misuse and exploitation.

Assigning responsibility to AI tools: Measures that should be taken

Benefits of the AI aside, but the concerns regarding accountability and responsibility of these tools are quite pressing. In order to make sure that the AI tools are not violating any ethical, moral or legal boundaries it is important to assign responsibility to them. But the question arises who to assign the responsibility, the developers, the AI robot, or the user? This is the debate that will be addressed in the following paragraphs.

Since the traditional legal frameworks prevailing worldwide cannot hold accountable any AI system, the debates for holding the developers accountable are in progress (Floridi, 2020). But still, this is a complex debate because of many reasons. Just like a producer of a product or a company making something can be held accountable i.e., "product liability", a developer of an AI can also be held liable the same way if the product is violating any established boundaries (Čerka et al., 2017). Another argument gives

the remedy of the "negligence principle", meaning that developers should be accountable if they fail to meet a reasonable standard of care during development (Bashayreh, Tabbara, & Sibai, 2023). The approach argues that developers are thus negligent if they do not develop according to a required standard of care. This can happen in cases of bias, use of inadequate safety measures, or poor algorithms that cause self-driving car accidents as seen in accident cases of self-driving cars (Bashayreh, Tabbara, & Sibai, 2023). While the trail of determining negligence can be arduous, the fact that AI algorithms are continuously evolving makes the work of properly determining fault even more difficult. (Johnson & Wang, 2019). Essentially, a rather complex approach which considers the specific context, possible harms and proportional degree of developer's liability must be applied to make sure that AI is deployed responsibly. At the end of the day, humans are the creators and the programmers of such systems and, also, are the ones who interpret and act out the results. Consequently, they own a large amount of the weight of the decisions AI imports into the world. This entails, among others, the development of strategic checks to prevent any errors or biases in the AI systems (Hallevy, 2016).

Some believe that AI cannot be regarded as a person simply because it cannot be considered to possess the primary cognitive ability and all the requirements needed to establish something as a "person". When such attributes are not fulfilled, AI cannot be sued hence no legal consequence (Bublitz, 2022). These tools may not interpret the ethical or social implications of their actions because of their nature. Hence, it may be quite difficult to assign full responsibility since these tools cannot be evaluated on traditional criteria of responsibility. It is the role of developers to guarantee that AI systems are developed with ethical considerations, fairness, clarity, and accountability. This notion of accountability may extend to developers, engineers, data scientists, policymakers and owners involved in the creation of AI (Hu & Y, 2019).

Measures to Address the Challenge

Following are the five measures that can be taken to ensure that there is the least amount of infringement of human rights by AI tools.

Transparency

The AI tools must be trained to be careful about human rights. This may be achieved by taking transparency and explainability measures. Likewise, for Predictive policing algorithms, the availability of information to the different stakeholders is important as it would help them to understand how decisions are made and to identify any biases or discriminatory patterns. One research study by Rudin et al. (2018) demonstrates transparency is critical for guaranteeing fairness and accountability in AI systems. Moreover, in the case of automated decision-making in loan approvals, transparency provides applicants with an insight into what caused the applications to be accepted or rejected which, in turn, improves fairness and accountability. The General Data Protection Regulation (GDPR) of the European Union highlights the importance of the right to an explanation, which demands organisations to give true and intelligible information to individuals regarding the logical consistency of the automated decisions that have an impact on them (Goodman and Flaxman, 2016). Through the integration of transparency and explainability into AI systems, stakeholders will have a deeper comprehension of how to address potential human rights violations and eventually, this will guarantee accountability and trust in AI.

Human Oversight

The different human contributions in all development and deployment stages, such as goal-setting, data input, performance monitoring, and decision-making, will aid in preventing such adverse outcomes as wrong intentions and ethical lapses. Take, for instance, facial recognition technology where research has it that the machine-learning algorithms can show racial bias, hence manifesting discriminatory results in the law enforcement and surveillance arena (Buolamwini & Gebru, 2018). Human control allows accountability and transparency, which in turn enables meaningful reviews and interventions in cases where AI decisions may impact human rights.

Shared Responsibility

A shared responsibility approach is also important, as it assigns responsibilities to the developers, users, and lawmakers so that the AI tools are used in a moral and responsible way. For instance, AI-based social media sites may be used to spread illegal content that calls for violence and hate speech, where the developers of these sites could be held accountable for failing to implement the algorithm that can monitor this type of illegal content. Individuals who propagate hate speech or wrong information can also be held liable for the activities they engage in. According to studies (Floridi & Cowls, 2019), the role of entities such as the society, and the state is to take full responsibility when it comes to social issues caused due to the application of AI technologies.

Algorithmic Impact Assessments

Performing assessments before the deployment of an AI ensures that organisational stakeholders are aware of the issues that may be created by biases, fairness considerations, and risks associated with the outputs of AI. This brings into focus the need to further improve algorithmic impact assessments with the purpose of detecting and solving systemic biases that lead to discrimination results. Mandating the algorithmic impact assessment through statutory laws will allow us to nip the evil in the bud. (Veale et al., 2018)

Legal Frameworks

Lawmaking is the only obligation that will deter the developers, users and misusers of technology alike, to prevent human rights abuse. Countries need to update their legal frameworks regarding AI tools. Many countries, around the globe, don't even have any laws to regulate AI tools. Judiciously enacted laws will protect individuals against violations of the right to privacy, equality and freedom of speech.

Conclusion

The interface of artificial intelligence technology and human rights creates a complicated environment that is rife with prospects and challenges. Many distinct aspects of this problem have been investigated during the research. These aspects range from the legal personhood of artificial intelligence to the violation of human rights in a variety of fields, including education, entertainment, and socio-political realms.

In the debate on assigning legal status to AI Technologies, few express worries over the absence of awareness and intentionality in artificial intelligence systems, while others contend that legal personhood would make accountability and responsibility easier to achieve. In light of the controversy surrounding this matter, it is clear that sophisticated methods are required to manage the intricacies of artificial intelligence technology within legal frameworks and possibly by the way of assigning personality to AI technologies.

Moreover, in the field of education, artificial intelligence algorithms raise concerns about data privacy, fairness, and discrimination. Similarly, issues such as algorithmic biases and privacy violations represent substantial hurdles in the entertainment industry. In addition, artificial intelligence techniques have been linked to the dissemination of false information, the deterioration of individuals' rights to privacy, and the manipulation of public opinion in the domain of sociopolitical issues. There is an urgent need for regulatory measures to protect human rights in light of the rapid advancement of artificial intelligence technology, as demonstrated by real-life instances from different countries.

Regarding the measures to overcome the issues posed by artificial intelligence in terms of the infringement of human rights, the paper concludes that the most important measures include transparency, human supervision, shared accountability, algorithmic effect assessments, and regulatory frameworks among others. Stakeholders can work towards the goal of ensuring that artificial intelligence technologies are developed and deployed in a manner that respects and upholds human rights. This can be accomplished by promoting transparency and accountability, involving human oversight in decision-making processes, fostering shared responsibility among developers, users, and lawmakers,

conducting algorithmic impact assessments, and establishing robust legal frameworks.

To summarise; in order to successfully navigate the intricate landscape of artificial intelligence and human rights, it is argued that one must adopt a multi-pronged strategy. The purpose of such a strategy would be to strike a balance between innovation and ethical considerations. Despite the fact that artificial intelligence has the ability to bring about beneficial change in a wide range of fields, if not regulated properly, it raises major concerns. Consequently, it is of the utmost importance for governments, policymakers, technologists, and members of civil society to work together to design comprehensive plans that prioritise the preservation of human rights while simultaneously supporting innovation and technological growth. It is possible to establish a future in which artificial intelligence may be used for the good of communities while, at the same time, continuing to respect the rights and dignity of every human.

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