Is Artificial Intelligence beneficial or detrimental to Human Rights?

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Abstract

"Artificial Intelligence is not a man versus machine saga, it's in fact man with machine synergy."

-Sudipto Ghosh

Technology has made us connected, dependent and vulnerable. The technology to counterfeit human mind and its ability is the main object of Artificial Intelligence (A.I.). Artificial Intelligence has a great ability to make our lives easier by strengthening, predicting and controlling our behaviour. Thus, the potential of AI to replace human beings in many domains is now seen as one of the greatest threat to the public at large. This paper critically analyses the possible risk with a bias to the effect posed to the human rights. It examines various laws, reports, human rights conventions, UN Conventions and other laws globally and tries to bring out a litmus test for efficacy of its implementation of these laws at present. Moreover, it deals with an issue that whether a law reform that if we ensure ethical AI for both present and futuristic enforcement of it when we really don't know the possibilities but merely imagine the unimaginable consequences through AI. Furthermore, the authors deal with the question that whether human replacement by Artificial Intelligence is a myth or a reality? Overall this paper elucidates the idea of Artificial Governance and various aspects related to human right issue out of introduction and development of Artificial Intelligence.

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[3] *Ibid.*

Research methodology

This paper is based on doctrinal research methodology. It includes research on human rights convention, human right laws in other countries, the stand of the UN, other reports and journals, books, legislations, newspapers, research studies, the viewpoints of various eminent jurists and the latest trends in technology. The statistical or graphical analysis done by the authors on this topic is collected from authentic sources and is done by the authors. However, the author shall not be liable for any wrong inputs.

Objectives

This paper brings out a contemporary view relating to the effect of technology specially AI on the socio legal environment of the globe. It critically analyses the current legal scenario and the objective is to suggest various law reforms to improve the implementation of technology laws and observe this technological transition phase in a smooth and efficient manner.

Introduction

"*Whoever perceives that robots and artificial intelligence are merely here to serve humanity, think again With virtual domestic assistants and driverless cars the latest in a growing list of applications, it is we humans who risk becoming dumbed down and ultimately subservient to machines.*"

-Alex Morrit

Technologies like IoT, AI, Blockchain are at the cusp of development and seeing our lives without technology is a unimaginable. Algorithms, computers and other technological advancements have made our lives easier and simpler to an extent that they have become an integral and indispensable part of our lives.

When we imagine our lives with Artificial Intelligence and ponder, we think about the social consequences where the brighter face side is its abilities that are hard to resist. AI has become our life rather than being a part of life and the bitter truth is that these new developments have the potential to destroy or spell the end of human race.[4]We've harnessed a change, where we're

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[4] *Infra* Note 3.

entering a situation in which we begin with an unanswered question that what A.I. will take from human machines.[5] Thus it is clear that AI is going to change our lifestyle and we should prepare ourselves to either prevent from a disaster or to cope up with it. The risk posed by AI is its ability and competence and we are not oblivious to this fact but we sometimes are in an illusion that the greatest risk is its malice. The detriment of AI is not the destruction or evil motive.[6]A.I. is broadly classified into two kinds namely weak A.I. and strong AI where the former is merely an instrument for cognitive processes which isn't at all a threat for human life whereas the latter involves self-learning processes which when applies its self-learning abilities, a mismatch between human &AI can pose threat the existence of human rights.

## Cyborgs: future of man-machine relationship

A theory suggests that evolution of men is going to be at par with AI and instead of being in separate arena man and machine will become one in the near future.[7] If man and machine become one at the evolutionary inflection point of *homo sapiens*, the fear of AI taking over the existence of human beings can't exist because a chip or robot would be a part of our brain like any other device[8] we use in common parlance. The threat to human rights and human beings can't be possible if AI and humans become one or the same thing- Ray Kurzweil one of the renowned futurist strongly supports this theory.

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[5] *Donald Millian,* Artificial Intelligence and Law: Lecture Transcript, (2018 e.d.) available at https
[6] *Molly k.Land and Jay D. Aronson,*New Technologies For Human Rights Law and Practice, Cambridge University Press, (2018, 1st e.d.).
[7] *Chace Calum*, Surviving AI, Three Cs Publishing, (2015, 1st e.d.).
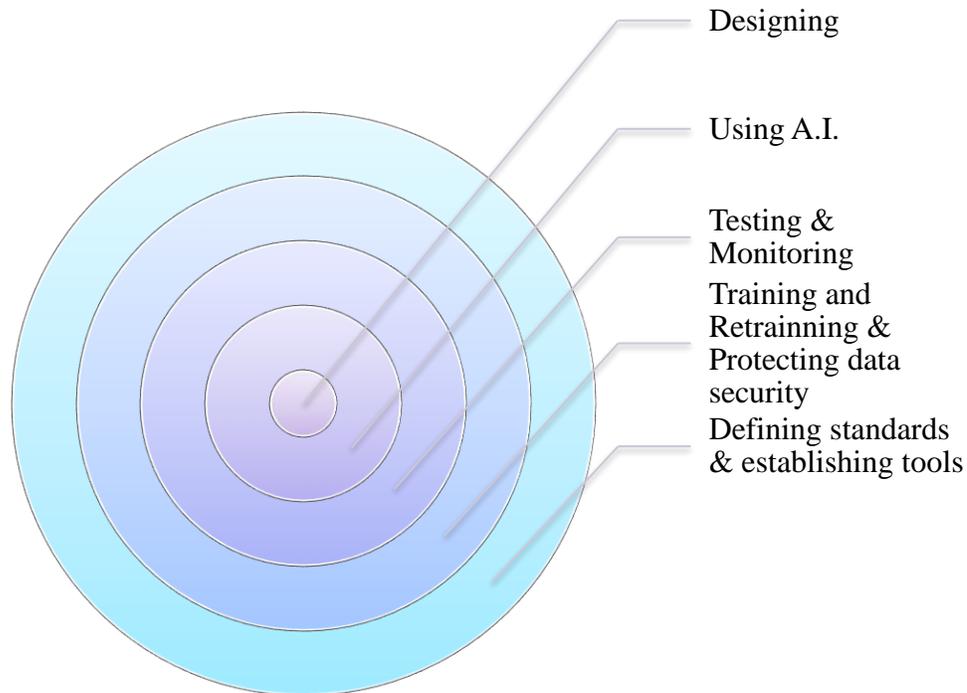[8] *Duggal Pawan,* Artificial Intelligence Law,(2017 e.d.)
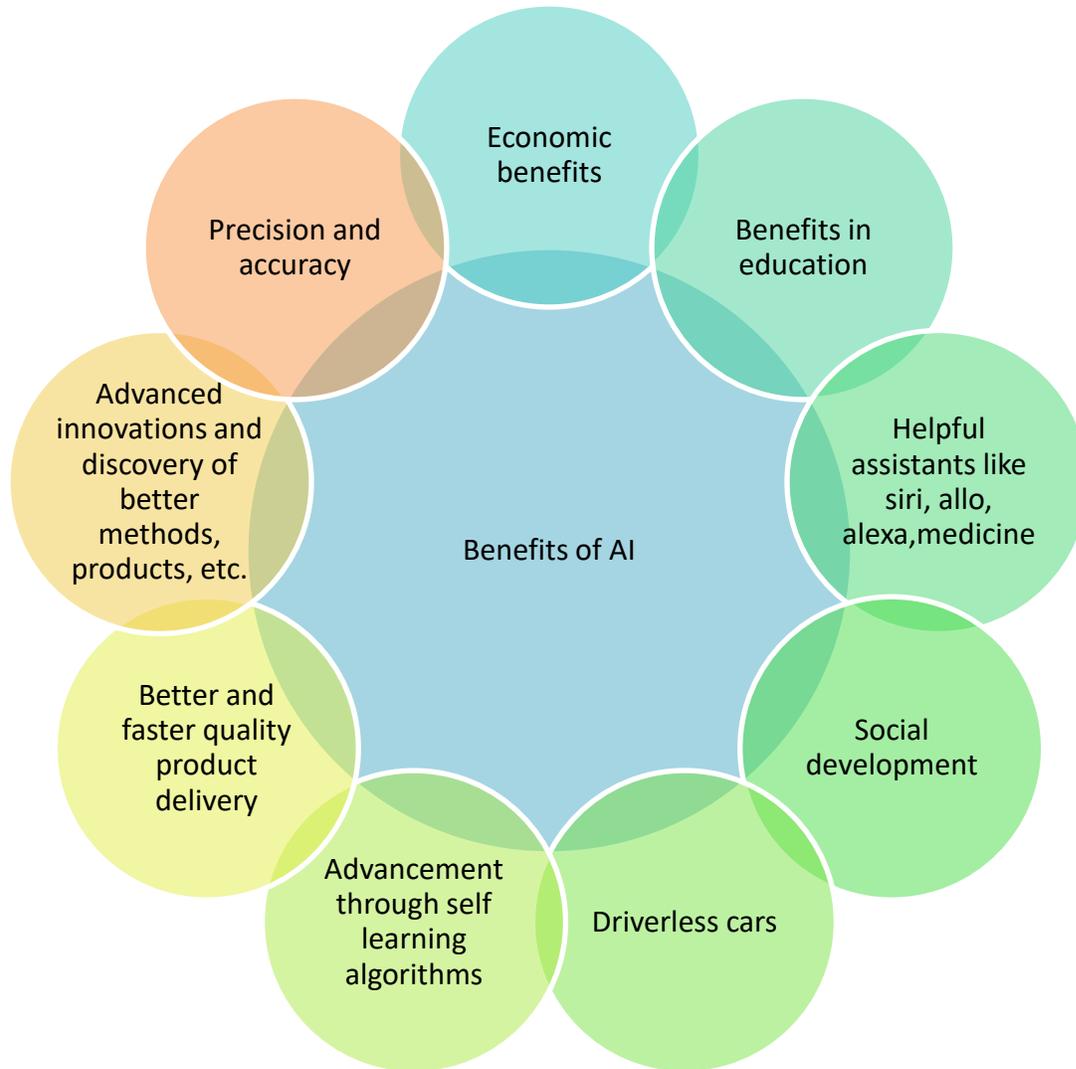
The issue that if Artificial intelligence is beneficial or detrimental on human rights has a direct relationship with the overall impact of Artificial intelligence on human beings.

"The science and engineering of making intelligent machines, especially intelligent computer programs".

<u>The growth of Artificial Intelligence</u>
Steps to enhance industrial efficiency throgh A.I.

Designing

Using A.I.

Testing &
Monitoring

Training and
Retrainning &
Protecting data
security

Defining standards
& establishing tools

Whenever a drastic technological change takes place the socio-economic advantage brings in a shift in labour pattern, demand and skills required. Training and re-training and a gradual shift in work culture affects in such a way where they strive hard and adapt to the changes. An example is the industrial revolution which when occurred not only changed the living but also the employment pattern changed, the skills in demand were no more in existence and a new demand for another set of skills emerged.[9] Now that we're entering a phase of automation digitization and robotics, the labour framework is going to be obviously transformed and there will be elimination of some jobs with creation of some other which we should identify to win the risk and threats posed by A.I. New computing technologies, Virtual Reality, Augmented Reality,

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[9] *SaswatSarangi and Pankaj Sharma,* Artificial Intelligence Evolution, Ethics and Public Policy (2018 e.d.).

Blockchain, IoT, Space Technologies, A.I. & Robotics, etc.[10] are some of the new technological upgrades which are going to affect are human rights in near future.The threats and opportunities arising from A.I. is not

Psychological response to A.I.

It is a normal tendency of human beings to resist technological change and adopt them similarly there are prospects of popular opposition and dissent. Adaptability is the most important and relevant factor in the life of humans while lifelong learning is a remarkable feature every machine or AI possesses the ability of quick learning and updating itself is much more soother, easier and quicker. Technology and time is demanding a flexibility in the environment where the society should adopt changes quickly as there are many simultaneous

Concerns and its analysis

Is AI going to strengthen man machine relatonships?

Does AI have a potential to replace human in every field?

Can cyborgs solve the problem of improving man machine relationship?

What are the laws regulating and proposed for AI?

Can law reforms really meet with the threat posed by AI on Human Rights?

1. **Criminal liability of AI entities**: Gradual development of A.I .has led to a contemporary debate in legal space about the involvement and liability of the AI entities. It is argued that algorithmic accountability is a fundamental requirement in the present era another challenge to regulate and setup a liability is how to determine the criminal liability when a mechanism to determine *mens*

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[10] *Ibid.*

rea and the *actus rea* doesn't have a legal basis.[11] There can be situations like AI lacks modern advanced capabilities or is an old version or when the software was not designed to commit such offences. Consequential liability is also not a correct means to deal with AI as a consequence of an act is always a cure and not a preventive measure or a policing atmosphere which is ready to combat the result before the occurrence or its existence.[12] If at all a criminal liability of an artificial intelligence entityis established another challenge is to determine the punishment aspects or the sentencing policy where the criminal liability of AI entity is established where a specific punishment to a human may or may not suffice the purpose of imposing criminal liability and punishment. However, the court should follow the same principles of criminal liability on humans or AI to preserve social order and a different treatment may result in a breach of right to equality before law. The criminal jurisprudence shouldn't be biased to treat AI and humans in two separate domains.[13]

2. **Employment:** AI is considered as a future of automation, economy and development. Human beings may or may not cope up with the technological advancement and can surpass human abilities to an exponential extent which can dramatically result in robbing of livelihood from less skilled or wide range of humans.[14] Automation and technological advancement in the past during the 19th century industrial revolution showed how the consequences were significant and led to widespread unemployment and now not only the low wage jobs could be replaced by AI but also careers with the requirement of higher education and professional skills could also be eliminated by AI such as lawyers, doctors, several teaching classes and lessons, engineers, labours, etc. inevitably we can also conclude that there are some opportunities which would be lost through the advent of this technology but as more and more new advancements take place new opportunities are created to which we can't imagine as of now.[15] AI shouldn't be seen as only a means of human replacement entity but as a source of human development. Taking the example of the past we can by looking at the brighter face of it can say that the purpose of human existence would get uplifted and the standard of human beings ought to change to higher level.

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[11]   *Welsh Sean,* Emerging Technologies, Ethics and International Affairs: Ethics and Security Automata, RoutLedge Taylor and Francis Group (2018, 1st e.d.).

[12]   *Supra Note 8.*

[13]   *Hendrickson James,* Artificial Intelligence: Taking Over, (2018, 1st e.d.).

[14]   *Ibid.*

[15]   *Aoun Joseph E.,* Robot-Proof: Higher Education in the Age of Artificial Intelligence (The MIT Press), (2017 1st e.d.).

There are problems in transition from one era to the other and it shouldn't be seen as an end to an era but as a beginning of another.[16]

The self learning abilities, potentials, efficiency, accuracy, precision and quickness is a detriment to the very purpose of existence of human beings as it has the potential and ability to supersede human intelligence and human workforce in all fields. The technological change is going to affect the nature of work and the skills demanded. However, it is a dilemma that a relatively higher skill and a shift in skill development of human beings can solve the issue of the threat foreseen but the emergence of AI and the convergence of it in economic social and industrial domain.[17]

The super abilities of an intelligence machine which surpasses all human abilities is going to be a reality in the near future thus a possible threat can be:

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[16] *Supra* Note 10.
[17] *Nick Polson and James Scott,* AIQ
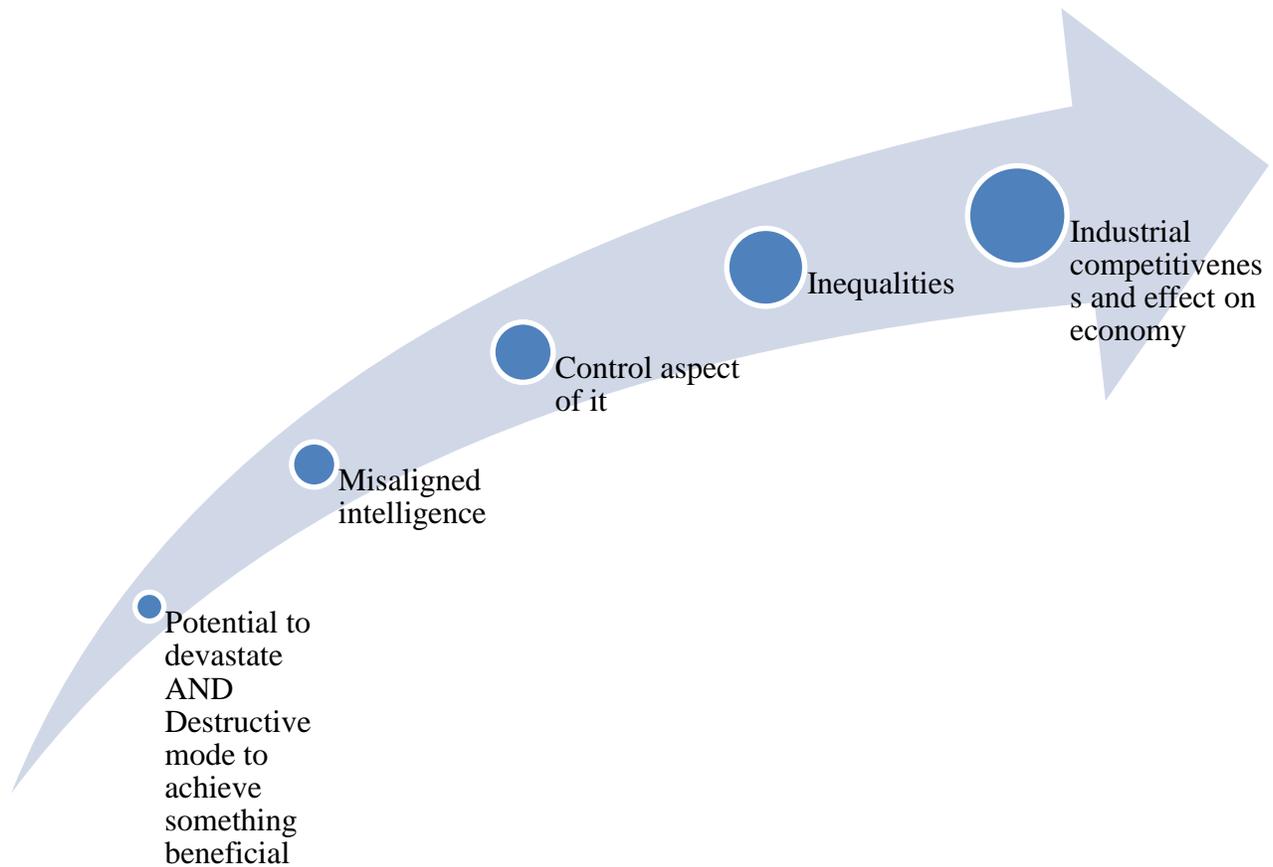
Technological changes have compelled a drift in procedural and substantive law A.I. is becoming alike and can be treated as humans. The legal framework demands a push towards innovation and development not only in financial service, education, consumer and retail, public and utility services, environment but also in national security and defense, health care, manufacturing & supply chain & most importantly the laws regulating them.

Human rights are inalienable rights which are protected by international human rights law through the force of international treaties binding commitment of the states which has a weak enforcement due to the principles of international law that are secondary and subject to the domestic law of every country[18]. The states are accountable for various violations in human rights thus, the effect of AI on the promotion and protection of Human rights is important on

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[18] *Supra* Note 2.

compliance and enforcement in absence of a centralized mechanism to enforce human rights these institutions are toothless in protecting the essence of human rights.[19] Cyber law focuses on individual behavior and regulates it on the other hand the concern of human rights is on enabling /constraining law enforcement by the state.

It is necessary to examine how technological innovation will serve the interest of the powerful because of the disproportional developments knowledge and resources required to use and deploy moreover it's also essential to examine how choices about technological design can protect human rights values.

AI not only promises to enforce human rights but also is a peril to human rights where it provides an opportunity to promote and protect human rights simultaneously a risk or a challenge created by technology in human rights enforcement. The human rights practitioners think about creative ways to introduce and use new technologies to improve the human conditions and thus emerge the field of human rights technology. The relationship shared between technology and human rights is both continuous and sometimes there's a discontinuity. The human rights approach to technology can be defined into two elements.

1. International Human Rights as a source of normative commitments
2. Algorithmic accountability derived from human rights practice[20]

Change is a constant, technology change is an essential, and human rights law when in interplay with technological advancement offers a global pillar stone for dealing with the impact of technology in the contemporary world. The design of technology or the idea of technological advancement has its baseline from societal values and norms and thus technology reflect and influences social value. The relationship between technology and human rights can be positive or negative depending on the design, activity or the consequences that fosters an outcome which reflects the preexisting values, constitutional precepts, individual morals and other normative commitments of IHR.[21] Technological design and implementation thus requires a law to orient according to IHR law and practice. The social justice context and the idea of social good can never be achieved without proper implementation of legal norms, established practices and the

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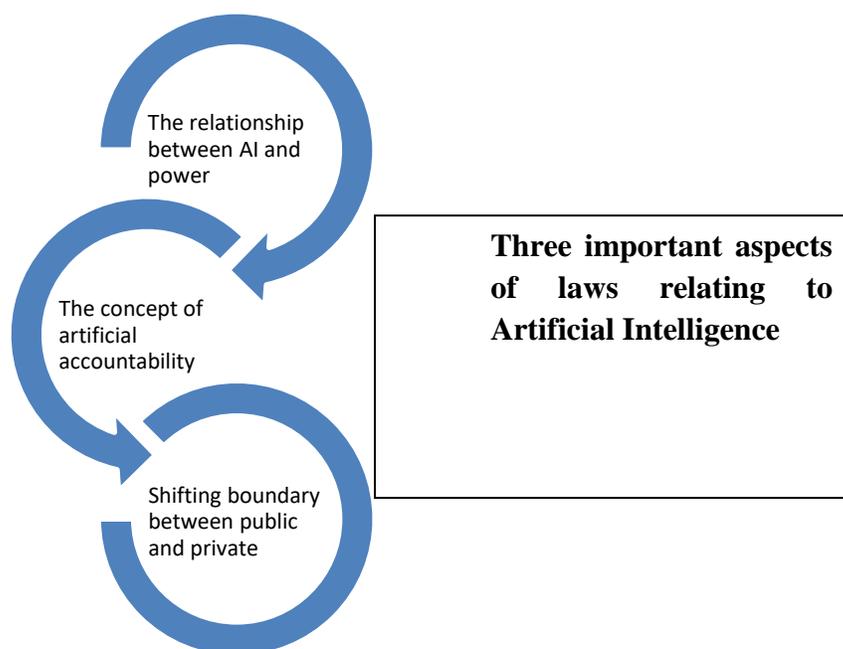[19] *Bhattacharjee Abhideep,* Artificial Intelligence: Are We the Last Generation,(2015 e.d.).
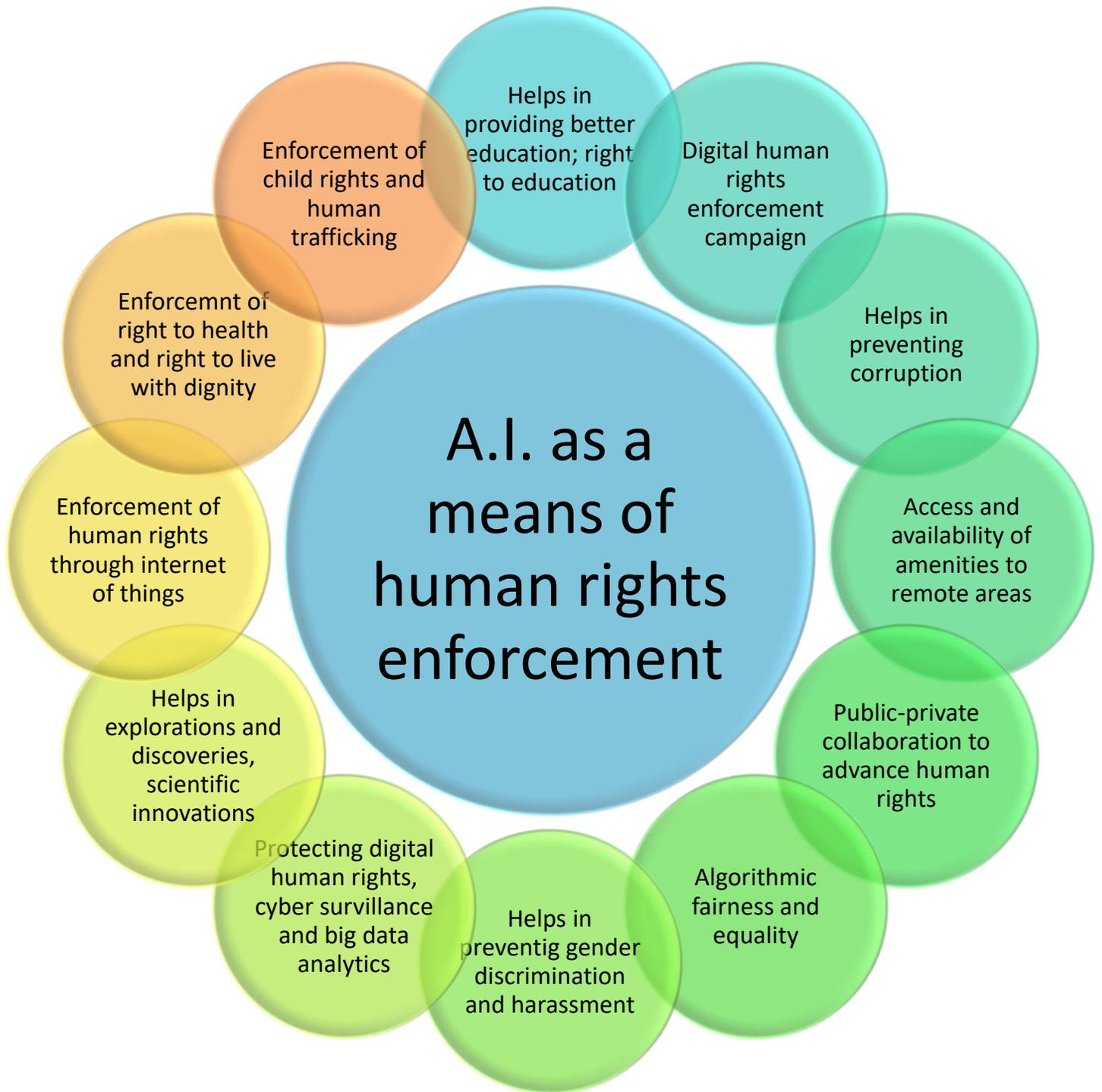[20] *Ibid.*
[21] *Supra* Note 3.

goals or outcome of those technologies tending to ensure that it doesn't result in human rights violation. Equality, non discrimination, accountability, participation, universality, inalienability, indivisibility, interdependence and inter relatedness all these mandate a study of and a focus on effect of AI on civil and political rights, freedom of speech and expression, right to water heal and education, right to privacy, data security to an extent that a human rights based approach to Artificial Intelligence concentrates on the people and it engenders and provides innovation which is people oriented and not institution oriented and machine oriental. [22]

The approach of bringing in the interplay of law and technology helps to throw light on social, political, economical, technological, legal, cultural, environmental dimensions of the new technology. Science and technological studies also depicts the intention of the scholars who introduced new technologies. [23]

The relationship between AI and power

The concept of artificial accountability

Shifting boundary between public and private

Three important aspects of laws relating to Artificial Intelligence

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[22]   *Supra* Note 3.
[23]   *Boyd Richard,* Artifical Intelligence: Mankind at the Brink, (2017 e.d.).

A.I. as a means of human rights enforcement

- Helps in providing better education; right to education
- Digital human rights enforcement campaign
- Helps in preventing corruption
- Access and availability of amenities to remote areas
- Public-private collaboration to advance human rights
- Algorithmic fairness and equality
- Helps in preventig gender discrimination and harassment
- Protecting digital human rights, cyber survillance and big data analytics
- Helps in explorations and discoveries, scientific innovations
- Enforcement of human rights through internet of things
- Enforcemnt of right to health and right to live with dignity
- Enforcement of child rights and human trafficking

<u>Conclusion</u>

Technology has grappled the minds and souls of all human beings to an extent that we can't imagine our lives without technology and it has become an irreplaceable part of our lives. All the states are obliged to protect, respect and fulfill Human Rights and ensure overall security of wellbeing and access to all amenities. The interplay of Human rights facilitates various opportunities and risks in human rights enforcement and enjoyment. The prevailing economic disparity and result in technological disparity amongst human beings. It can harness power to the powerless, tooth to the toothless and create decentralization of governance with automation which can result in inequalities which is the greatest challenge to human rights. Laws pertaining to human rights are weak in many aspects and technology highlights it all. The need for a human right law reform is undeniable and thus it should be to promote technological capacity and foster it to enforce human development, abilities and improve man machine relationship.