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# **HUMAN RIGHTS IN THE AGE OF ARTIFICIAL INTELLIGENCE: CHALLENGES AND OPPORTUNITIES**

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## **ABSTRACT**

Artificial Intelligence (AI) has emerged as one of the most transformative technologies of the 21st century, significantly influencing various aspects of human life, governance, and legal systems. While AI offers unprecedented opportunities for efficiency, innovation, and improved decision-making, it also poses serious challenges to the protection and promotion of human rights. Issues such as privacy violations, algorithmic bias, mass surveillance, lack of transparency, and accountability gaps have raised concerns regarding the misuse of AI technologies.

This research paper critically examines the impact of AI on human rights in the contemporary world. It explores how AI affects fundamental rights such as the right to privacy, equality, freedom of expression, and due process. The paper also highlights the opportunities AI provides in strengthening human rights protection, including enhanced access to justice, improved public service delivery, and better monitoring of human rights violations.

Further, the study analyses existing legal frameworks and their adequacy in addressing AI-related challenges. It emphasizes the need for a balanced regulatory approach that ensures technological advancement while safeguarding human dignity and fundamental freedoms. The paper concludes by suggesting policy recommendations to harmonize AI development with human rights principles in the evolving legal landscape.<sup>1</sup>

**Keywords:** Artificial Intelligence (AI), Human Rights, Privacy, Algorithmic Bias, Surveillance, Data Protection, Freedom of Expression, Legal Framework, Accountability, Digital Governance.

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<sup>1</sup> Stuart Russell & Peter Norvig, *Artificial Intelligence: A Modern Approach*, 3rd ed., Pearson Education, 2010, p. 1

## 1. INTRODUCTION

The rapid advancement of Artificial Intelligence (AI) has fundamentally altered the way societies function, economies grow, and governments operate. From automated decision-making systems to facial recognition technologies, AI has permeated almost every sphere of human activity. While these developments have enhanced efficiency and productivity, they have also introduced complex challenges concerning the protection of human rights.

Human rights, which are inherent and inalienable to every individual, form the cornerstone of democratic societies. These rights include the right to privacy, equality, freedom of expression, and access to justice. However, in the age of AI, the exercise and protection of these rights are increasingly being influenced by technological systems that often operate without transparency or accountability.

One of the primary concerns is that AI systems are often developed and deployed without adequate safeguards, leading to potential misuse and unintended consequences. For instance, algorithmic decision-making in areas such as recruitment, law enforcement, and credit scoring can result in discriminatory outcomes due to biased data sets. Similarly, the use of surveillance technologies powered by AI raises serious concerns about violations of privacy and civil liberties.

At the same time, AI also presents significant opportunities for advancing human rights. It can be used to improve access to legal remedies, enhance transparency in governance, and monitor human rights abuses more effectively. Therefore, the relationship between AI and human rights is not merely adversarial but also complementary.

In this context, it becomes essential to examine both the challenges and opportunities posed by AI in relation to human rights. This paper aims to provide a comprehensive analysis of these aspects, focusing on the evolving legal and ethical landscape.<sup>2</sup>

## 2. CONCEPT OF ARTIFICIAL INTELLIGENCE AND HUMAN RIGHTS

Artificial Intelligence (AI) refers to the ability of machines or computer systems to perform tasks that normally require human intelligence, such as learning, reasoning, problem-solving,

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<sup>2</sup> Jack M. Balkin, "The Path of Robotics Law", 6 California Law Review Circuit 45 (2015)

and decision-making. AI systems operate through algorithms and large datasets, enabling them to identify patterns and make predictions with minimal human intervention.

In recent years, AI has been widely used in sectors such as healthcare, education, law enforcement, governance, and business. While these applications have improved efficiency and accuracy, they have also raised important legal and ethical concerns, particularly in relation to human rights.

Human rights are universal rights inherent to all individuals, as recognized under international instruments such as the Universal Declaration of Human Rights (UDHR), 1948. These rights include civil, political, economic, social, and cultural rights that ensure human dignity, equality, and freedom.

The intersection of AI and human rights arises when technological systems influence or determine outcomes that directly affect individuals' rights. For example, AI-based facial recognition systems used in public surveillance can impact the right to privacy, while algorithmic decision-making in recruitment processes can affect the right to equality and non-discrimination.

Moreover, AI systems often function as "black boxes," meaning their decision-making processes are not easily understandable. This lack of transparency creates challenges in ensuring accountability and fairness, which are essential components of human rights protection.

Thus, the concept of AI and human rights revolves around balancing technological innovation with the protection of fundamental freedoms. It requires a legal framework that ensures AI is developed and used in a manner that respects human dignity and promotes social justice.<sup>3</sup>

### **3. POSITIVE IMPACT OF AI ON HUMAN RIGHTS (OPPORTUNITIES)**

Despite various challenges, Artificial Intelligence offers several opportunities for strengthening and promoting human rights in the modern world. Some of the key positive impacts are as follows:

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<sup>3</sup> Ryan Calo, "Artificial Intelligence Policy: A Primer and Roadmap", (2017) University of Washington School of Law Research Paper, p. 10.

### **(1) Improved Access to Justice**

AI has significantly enhanced access to justice by making legal services more accessible and efficient. Online dispute resolution platforms, AI-based legal research tools, and virtual courts help individuals, especially those in remote areas, to seek legal remedies without facing geographical barriers.

AI-powered chatbots can provide basic legal information and guidance, reducing the cost of legal assistance and ensuring that justice is not limited to those who can afford it. This contributes to the realization of the right to access justice.

### **(2) Efficient Governance and Public Services**

Governments are increasingly using AI to improve public service delivery. AI systems can analyze large amounts of data to identify public needs, allocate resources effectively, and reduce corruption.

For instance, AI can be used in welfare schemes to ensure that benefits reach the intended beneficiaries. This promotes the right to social security and enhances transparency in governance.

### **(3) Monitoring Human Rights Violations**

AI technologies play a crucial role in monitoring and documenting human rights abuses. Satellite imagery, data analytics, and machine learning tools can detect patterns of violations such as forced displacement, environmental destruction, and conflict-related abuses.

Human rights organizations use AI to gather evidence and hold authorities accountable, thereby strengthening the enforcement of human rights norms.

### **(4) Advancement in Healthcare**

AI has revolutionized the healthcare sector by improving diagnosis, treatment, and disease prediction. It helps in early detection of diseases, personalized treatment plans, and efficient healthcare management.

This contributes to the realization of the right to health, which is a fundamental human right recognized globally.

### **(5) Promotion of Freedom of Expression**

AI-powered platforms enable individuals to share ideas, opinions, and information on a global scale. Social media and digital platforms have expanded the scope of freedom of expression

and access to information.

Although there are concerns regarding misuse, AI still plays a significant role in empowering individuals to exercise their rights.

From the above discussion, it is evident that AI has the potential to significantly enhance the protection and promotion of human rights. However, these benefits must be balanced with safeguards to prevent misuse and ensure that technology serves humanity rather than undermining it.<sup>4</sup>

#### **4. NEGATIVE IMPACT OF AI ON HUMAN RIGHTS (CHALLENGES)**

While Artificial Intelligence offers significant benefits, it simultaneously poses serious threats to human rights. These challenges arise due to the opaque nature of AI systems, lack of accountability, and potential misuse by both state and private actors. The major challenges are discussed below:

##### **(1) Violation of Right to Privacy**

One of the most critical concerns associated with AI is the violation of the right to privacy. AI systems rely heavily on data collection, including personal and sensitive information such as biometric data, location data, and online behavior.

Governments and private corporations increasingly use AI-powered surveillance tools, such as facial recognition systems, to monitor individuals. While such technologies may be justified on grounds of national security or public safety, they often lead to mass surveillance, which infringes upon individual privacy.

For instance, continuous monitoring of individuals in public spaces without their consent creates a “chilling effect,” where people may alter their behavior due to fear of being watched. This directly impacts not only privacy but also freedom of expression.

In the Indian context, the recognition of privacy as a fundamental right in *Justice K.S. Puttaswamy v. Union of India* (2017) highlights the importance of safeguarding personal data. However, the increasing use of AI technologies poses new challenges in enforcing this right effectively.<sup>5</sup>

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<sup>4</sup> Organisation for Economic Co-operation and Development (OECD), *Artificial Intelligence in Society*, OECD Publishing, 2019, p. 25.

<sup>5</sup> *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

## **(2) Algorithmic Bias and Discrimination**

AI systems are only as good as the data on which they are trained. If the training data contains biases, the AI system is likely to produce discriminatory outcomes. This phenomenon is known as algorithmic bias.

For example, AI-based recruitment tools may favor certain genders or ethnic groups if historical data reflects such biases. Similarly, predictive policing systems may disproportionately target marginalized communities, leading to discrimination.

This raises serious concerns regarding the right to equality and non-discrimination. Unlike human decision-makers, AI systems can perpetuate bias at a much larger scale, making the problem more severe.

Moreover, since many AI systems operate as “black boxes,” it becomes difficult to identify and challenge discriminatory decisions, thereby weakening legal remedies available to affected individuals.<sup>6</sup>

## **(3) Lack of Transparency and Accountability**

AI decision-making processes are often complex and not easily understandable. This lack of transparency makes it difficult to determine how a particular decision was made.

For instance, if an AI system denies a loan application or selects a candidate for a job, the affected individual may not know the reasons behind the decision. This undermines the principle of natural justice, particularly the right to be heard and the right to reasoned decisions. Furthermore, the question of accountability remains unclear. If an AI system causes harm, it becomes difficult to determine whether the responsibility lies with the developer, the user, or the organization deploying the system.

This legal ambiguity creates a significant gap in the protection of human rights in the digital age.<sup>7</sup>

## **(4) Threat to Freedom of Expression**

AI technologies, particularly content moderation algorithms used by social media platforms, have a significant impact on freedom of expression.

While these systems aim to remove harmful or illegal content, they often lack contextual understanding, leading to over-censorship or wrongful removal of legitimate content. This

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<sup>6</sup> Solon Barocas & Andrew D. Selbst, “Big Data’s Disparate Impact”, 104 California Law Review 671 (2016).

<sup>7</sup> Frank Pasquale, *The Black Box Society: The Secret Algorithms That Control Money and Information*, Harvard University Press, 2015, p. 15.

restricts individuals' ability to express their views freely.

Additionally, AI-driven misinformation and deepfake technologies pose a serious threat to the integrity of information. The spread of false information can manipulate public opinion and undermine democratic processes.

Thus, AI presents a dual challenge—both restricting genuine expression and facilitating the spread of harmful content.<sup>8</sup>

### **(5) Impact on Right to Employment**

The increasing use of AI and automation has led to concerns regarding job displacement. Many traditional jobs are being replaced by automated systems, particularly in sectors such as manufacturing, customer service, and transportation.

While AI creates new opportunities, it also leads to economic inequality and job insecurity, especially for low-skilled workers. This affects the right to livelihood and decent working conditions.

In developing countries like India, where a large portion of the population depends on manual and semi-skilled work, the impact of automation can be particularly severe.

Therefore, there is a need for policies that ensure reskilling and upskilling of workers to adapt to technological changes.<sup>9</sup>

### **(6) Use of AI in Surveillance and Authoritarian Control**

AI has enhanced the ability of governments to conduct surveillance on a large scale. In some cases, it is used to suppress dissent and control populations.

For example, AI-powered facial recognition and social monitoring systems can track individuals' activities, associations, and movements. This can lead to violations of civil liberties, including freedom of assembly and association.

Such practices are often justified in the name of national security but may result in authoritarian control and abuse of power. The absence of strict legal safeguards further aggravates this issue.<sup>10</sup>

The challenges posed by AI to human rights are multifaceted and complex. They highlight the urgent need for robust legal frameworks, ethical guidelines, and accountability mechanisms to

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<sup>8</sup> UNESCO, *Artificial Intelligence and Freedom of Expression*, UNESCO Publishing, 2020, p. 33.

<sup>9</sup> World Economic Forum, *The Future of Jobs Report*, 2020, p. 12.

<sup>10</sup> United Nations Human Rights Council, *The Right to Privacy in the Digital Age*, Report A/HRC/48/31, 2021.

ensure that technological advancements do not come at the cost of fundamental rights.<sup>11</sup>

## 5. LEGAL FRAMEWORK GOVERNING AI AND HUMAN RIGHTS

The rapid expansion of Artificial Intelligence has necessitated the development of a robust legal framework to regulate its impact on human rights. At present, there is no single comprehensive global law governing AI; however, various international instruments and national legislations indirectly address the challenges posed by AI. This section critically examines the existing legal framework at both international and domestic levels.

### (A) INTERNATIONAL LEGAL FRAMEWORK

#### (1) Universal Declaration of Human Rights (UDHR), 1948

The Universal Declaration of Human Rights (UDHR) serves as the foundational document for the protection of human rights worldwide. Although it was adopted long before the emergence of AI technologies, its principles remain highly relevant in the digital age. AI systems have the potential to affect several rights enshrined in the UDHR, including:

- Article 1: Equality and human dignity
- Article 7: Equality before the law
- Article 12: Protection of privacy
- Article 19: Freedom of expression

The use of AI in surveillance, data processing, and automated decision-making can lead to violations of these rights. Therefore, the UDHR provides a normative framework to assess the human rights implications of AI technologies.<sup>12</sup>

#### (2) International Covenant on Civil and Political Rights (ICCPR), 1966

The ICCPR is a legally binding international treaty that obligates State Parties to respect and ensure civil and political rights. Key provisions relevant to AI include:

- Article 17: Protection against arbitrary or unlawful interference with privacy
- Article 19: Freedom of expression
- Article 26: Equality before the law and non-discrimination

AI-driven surveillance systems and algorithmic decision-making may infringe upon these rights if not properly regulated. Hence, States must ensure that the deployment of AI technologies complies with their international human rights obligations.<sup>13</sup>

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<sup>11</sup> European Commission, Ethics Guidelines for Trustworthy AI, 2019, p. 5.

<sup>12</sup> Universal Declaration of Human Rights, 1948.

<sup>13</sup> International Covenant on Civil and Political Rights (ICCPR), 1966

### **(3) General Data Protection Regulation (GDPR), 2018 (European Union)**

The GDPR represents one of the most comprehensive data protection regimes globally and plays a significant role in addressing AI-related concerns. Its key features include:

- Lawful, fair, and transparent data processing
- Right to access and rectify personal data
- Right to be informed
- Protection against solely automated decision-making (Article 22)

Article 22 of the GDPR specifically provides individuals with the right not to be subjected to decisions based solely on automated processing, including profiling, which significantly affects them. This provision is particularly relevant in regulating AI systems and ensuring accountability.<sup>14</sup>

### **(4) UNESCO Recommendation on the Ethics of Artificial Intelligence, 2021**

The UNESCO Recommendation on AI Ethics provides a comprehensive framework for the ethical governance of AI technologies. It emphasizes the following principles:

- Respect for human rights and human dignity
- Transparency and explainability
- Accountability and responsibility
- Inclusiveness and fairness

Although not legally binding, this instrument serves as an important guideline for States to develop national AI policies that align with human rights standards.<sup>15</sup>

## **(B) INDIAN LEGAL FRAMEWORK**

India currently lacks a dedicated legislation specifically addressing AI. However, several existing legal provisions indirectly regulate AI-related issues.

### **(1) Constitution of India**

The Constitution of India forms the cornerstone of human rights protection in the country. The fundamental rights guaranteed under Part III are particularly relevant in the context of AI.

- **Article 14** ensures equality before the law and prohibits arbitrary discrimination.
- **Article 19(1)(a)** guarantees freedom of speech and expression.
- **Article 21** protects the right to life and personal liberty, which has been judicially interpreted to include the right to privacy.

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<sup>14</sup> Regulation (EU) 2016/679 (General Data Protection Regulation), 2018.

<sup>15</sup> UNESCO, Recommendation on the Ethics of Artificial Intelligence, 2021.

AI systems that result in discrimination, excessive surveillance, or censorship may violate these constitutional guarantees. Therefore, any regulatory framework for AI must operate within the boundaries of constitutional rights.<sup>16</sup>

### **(2) Information Technology Act, 2000**

The Information Technology Act, 2000 governs digital activities in India and provides certain provisions related to data protection and cyber offences. Relevant provisions include:

- Section 43A: Compensation for failure to protect data
- Section 72A: Punishment for breach of confidentiality and privacy

However, the Act is not specifically designed to regulate AI technologies and lacks provisions addressing algorithmic accountability and automated decision-making.<sup>17</sup>

### **(3) Digital Personal Data Protection Act, 2023**

The Digital Personal Data Protection Act, 2023 is a significant step towards strengthening data protection in India. Its key features include:

- Consent-based data processing
- Duties of data fiduciaries
- Rights of data principals

Given that AI systems rely heavily on data, this Act plays a crucial role in regulating AI-driven data processing. However, it does not comprehensively address issues such as algorithmic transparency and accountability.<sup>18</sup>

## **(C) IMPORTANT CASE LAWS**

### **(1) Justice K.S. Puttaswamy v. Union of India (2017)**

In this landmark judgment, the Supreme Court of India recognized the right to privacy as a fundamental right under Article 21. The case is highly relevant in the context of AI as it:

- Establishes the importance of informational privacy
- Imposes limitations on State surveillance
- Lays the foundation for data protection laws

This judgment serves as a constitutional benchmark for evaluating AI technologies that process personal data.<sup>19</sup>

### **(2) Anuradha Bhasin v. Union of India (2020)**

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<sup>16</sup> Constitution of India, 1950

<sup>17</sup> Information Technology Act, No. 21 of 2000 (India).

<sup>18</sup> Digital Personal Data Protection Act, No. 22 of 2023 (India).

<sup>19</sup> K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

The Supreme Court held that access to the internet is an essential component of freedom of speech and expression under Article 19. This case highlights the importance of digital rights and underscores the need to ensure that technological measures do not disproportionately restrict fundamental freedoms.<sup>20</sup>

### **(3) Shreya Singhal v. Union of India (2015)<sup>21</sup>**

In this case, the Supreme Court struck down Section 66A of the IT Act as unconstitutional. The judgment is significant because it:

- Protects freedom of speech in the digital space
- Prevents arbitrary restrictions on expression

It is particularly relevant in the context of AI-driven content moderation systems.

The existing legal framework provides a partial response to the challenges posed by Artificial Intelligence. However, the absence of a comprehensive and AI-specific regulatory regime highlights the urgent need for legal reforms. A harmonized approach integrating international standards and domestic laws is essential to ensure that AI development remains aligned with human rights principles.<sup>22</sup>

## **6. RECOMMENDATIONS AND SUGGESTIONS**

In order to address the challenges posed by Artificial Intelligence and to ensure the effective protection of human rights, it is essential to adopt a balanced and comprehensive regulatory approach. The following recommendations are proposed:

### **(1) Development of AI-Specific Legislation**

There is an urgent need to enact comprehensive and dedicated legislation specifically regulating Artificial Intelligence. Existing laws are inadequate to address the complexities of AI technologies, particularly in areas such as algorithmic accountability and automated decision-making. Such legislation should:

- Define the scope and classification of AI systems
- Establish clear standards for transparency and accountability
- Provide safeguards against misuse of AI

A well-structured AI law will help in ensuring that technological advancements do not

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<sup>20</sup> Anuradha Bhasin v. Union of India, (2020) 3 SCC 637.

<sup>21</sup> Shreya Singhal v. Union of India, (2015) 5 SCC 1.

<sup>22</sup> United Nations, Guiding Principles on Business and Human Rights, 2011.

undermine human rights.<sup>23</sup>

## **(2) Ensuring Transparency and Explainability**

AI systems must be designed in a manner that ensures transparency in their functioning. Individuals affected by AI-based decisions should have the right to know how and why a particular decision was made. The concept of “explainable AI” should be promoted, especially in sensitive areas such as:

- Criminal justice
- Employment
- Financial services

This will strengthen trust in AI systems and uphold the principles of natural justice.

## **(3) Strengthening Data Protection Mechanisms**

Since AI systems rely heavily on personal data, robust data protection laws are essential. Governments must ensure that:

- Data is collected with informed consent
- Personal information is securely stored
- Misuse of data is strictly penalized

The effective implementation of data protection laws will play a crucial role in safeguarding the right to privacy.<sup>24</sup>

## **(4) Addressing Algorithmic Bias and Discrimination**

Efforts must be made to eliminate bias in AI systems by:

- Using diverse and representative datasets
- Conducting regular audits of algorithms
- Establishing independent oversight bodies

This will help in preventing discrimination and ensuring equality before the law.

## **(5) Human Oversight and Accountability**

AI systems should not function in complete isolation. Human oversight must be maintained to ensure accountability. Key measures include:

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<sup>23</sup> NITI Aayog, National Strategy for Artificial Intelligence, 2018, available at: <https://www.niti.gov.in> (Last visited on 24 March 2026).

<sup>24</sup> Daniel J. Solove, *Understanding Privacy*, Harvard University Press, 2008, p. 67.

- Establishing clear liability frameworks
- Assigning responsibility to developers and users
- Ensuring human intervention in critical decisions

This will prevent misuse and ensure that AI remains under human control.

#### **(6) Promoting Digital Literacy and Awareness**

Public awareness regarding AI and its impact on human rights is essential. Governments and institutions should promote digital literacy to enable individuals to understand and protect their rights in the digital environment. This will empower citizens and reduce the risk of exploitation.

#### **(7) International Cooperation and Harmonization**

AI is a global technology that transcends national boundaries. Therefore, international cooperation is necessary to develop common standards and best practices. Countries should collaborate through international organizations to ensure that AI development aligns with global human rights principles.<sup>25</sup>

### **7.CONCLUSION**

Artificial Intelligence represents a powerful and transformative force in the contemporary world. It has the potential to significantly enhance human welfare, improve governance, and strengthen the protection of human rights. At the same time, it poses serious challenges that cannot be ignored.

The impact of AI on human rights is both positive and negative. On one hand, it facilitates access to justice, improves healthcare, and enhances governance. On the other hand, it raises concerns regarding privacy violations, discrimination, lack of transparency, and threats to freedom of expression.

The existing legal framework, both at the international and national levels, provides a foundation for addressing these challenges. However, it is not sufficient to deal with the complexities of AI. There is a pressing need for comprehensive and AI-specific regulations that ensure accountability, transparency, and fairness.

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<sup>25</sup> OECD, Principles on Artificial Intelligence, 2019

Ultimately, the goal should not be to restrict technological innovation but to guide it in a manner that respects human dignity and fundamental rights. A human-centric approach to AI governance is essential to ensure that technology serves humanity rather than undermines it.<sup>26</sup>

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