

Artificial intelligence in modern times and the risk of violation of International Human Rights Instruments

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Abstract

This research has its aim of treating the possibility for International Protection of Human Rights from permanent danger that represents evolution of artificial intelligence, as a threat of human rights violation of an individual. In this aspect principles of human rights set by UN are very important. Foundation of all this treatment, phenomena that are happening in the world (language of hate that is circulating and that has led to the escalation of violence among different peoples and social groups as a growing problem, etc.), measures that are being attempted to be taken in order to prevent human abuse and discrimination as well as to treat every human being in a fair balanced way without prejudice. Report of the Institute of Electrical and Electronic Engineers, the largest organization of technical professionals, lists as its first principle the protection of human rights from artificial intelligence. Despite writings and warnings for the risk of violating these rights although some systems already are violating such rights. For example on March 2018 researchers of human rights from United Nations discovered that Facebook and its news posted in algorithmic manner brought as consequence circulation of hate speech and incitement of violence in Myanmar. During a hearing of the US Congress in April 2018, regarding this issue, Zuckerberg initially said that more advanced artificial intelligence is needed to solve the problem.

Key words: AI- Artificial Intelligence; UN-United Nations; Universal Declaration of Human Rights; ECHR- European Convention on Human Rights and Freedoms; EP -European Parliament.

1. Artificial Intelligence in the eye of critical analysis

Great technical-technological progress in the modern world, in addition to advantages, also brings risks to man, especially in the long run. Its consequences directly affect the individual. Dynamic life and rapid development has made human "distance" from marriage and cooperation and social communication, between inter individual and collective. Forecasts are frightening for many countries, especially for countries where AI has already taken its place in development life. Analyses by various experts predict that starting from 2030; the populations of South Korea and Japan will live in a robot-human "coexistence", just as it is predicted to legalize human-robot marriage¹. Also, nuclear weapons race that once took place is now being replaced by the weapon race against the backdrop of artificial intelligence. US Security Committee on Artificial Intelligence shows that this is a new paradigm of combat, in which confrontation "algorithms against algorithms" aims to race, to be consistently more innovative than the opponent. China's latest five-year plan focuses on research and development, while the People's Army is armed for a future, as it calls it "intelligence-based warfare." There are plenty of states that are struggling in this race even though they are not great military powers. An example of this is the deadly drones used in the 2020 war between Azerbaijan and Armenia over Nagornjickarah, the "Loitering Munitions", dubbed the "suicide drone". Use of mass destruction weapons with collective consequences for humanity is contrary to the 1983 UN Convention on Conventional Weapons. Convention aims to control weapons that "cause unnecessary and unjustifiable suffering" and are also called weapons of mass destruction. Before focusing on the human aspect that is directly related to human rights and protection of these rights from dangers posed by advancement of artificial intelligence, here are the definitions and definitions related to the definition of artificial

¹Danielle Muoio , ,2015, This researcher has an interesting theory for why robots need legal rights, accessed on, 25.10.2021, <https://www.businessinsider.com/yueh-hsuan-weng-explains-why-robots-need-legal-rights-2015-11>,

intelligence. From many definitions, most important are the European Parliament Committee definition and standard definition. European Parliament's Committee on Legal Affairs defines Artificial Intelligence as a smart robot that gains autonomy through sensors, or by exchanging data with its environment. He exchanges and analyses data has a physical support and adapts his behaviours and actions to the environment.² According to the standard definition, artificial intelligence means a machine; computer and software, which contains a level of intelligence similar to human intelligence and which allows it to function and reacts like humans, even in its future with emotional reaction. Artificial intelligence systems exhibit behaviours similar to human intelligence, such as: planning; learning; reasoning; problem solving; knowledge processing; perception; movement; social intelligence and creativity.³ On the other hand, problem solving, especially in artificial intelligence, can be characterized as a systematic search through a series of possible actions to achieve a goal or predetermined solution.⁴

2. Protection of human rights according to the Universal Declaration of Human Rights and the ECHR

Recognition of dignity, which belongs to all members of human society, as well as recognition of their equal and inalienable rights, is the foundation of freedom, justice and peace in the world. This is set out in the Universal Declaration of Human Rights and the European Convention on Human Rights and Freedoms and is considered the starting point of legal and political orientation in the field of legal protection of human rights. All people are equal before the law and are entitled without any discrimination to equal protection by the law. Everyone has the right to equal protection against any discrimination in violation of these documents, as well as against any incitement to such discrimination. It is precisely Article 7 of the Declaration which establishes legal equality of the guarantee of human rights and freedoms.⁵ In our daily lives, based on the above statements and data, we are often subject to the promotion, but also the violation of human rights, now also through modern technological forms, such as Facebook and other social networks, which through posting algorithmic news incited not only discrimination but also violence as a result of hate speech. There are opinions and statements of scientists but also of various politicians who have a pro et Contra opinion. Those who are of the opinion that development of artificial intelligence, in addition to the benefits that brings to human, restricts human rights take as the example of algorithmic news. Case of incitement to violence in Myanmar is the most accurate example of their argument,⁶ or the so-called "Social Credit" applied by China. The system has punitive functions, such as "punishing" debtors, by displaying their faces on large screens in public spaces or by putting these individuals on the "black list" on train or air travel.⁷ Based on these and other examples, they think that one solution would be to include the UN Universal Declaration of Human Rights in the language of artificial intelligence

²EPRS | European Parliamentary Research Service, 2020, <https://dig.watch/updates/ai-features-european-parliaments-legal-affairs-committee-discussion>, accessed on, 3.11.2021

³ Nick Heath, 2021, What is AI? Here's everything you need to know about artificial intelligence, accessed, 4.11.2021 <https://www.zdnet.com/article/what-is-ai-everything-you-need-to-know-about-artificial-intelligence>,

⁴<https://www.britannica.com/technology/artificial-intelligence>

⁵ Universal Declaration of Human Rights (UDHR) was adopted by United Nations General Assembly on December 10th, 1948 at the Palais de Chaillot in Paris. This statement was as a reaction to the consequences of the World War II. The declaration was an attempt to legitimize protection of fundamental human rights, which rights without distinction belong to all. Article 7 of the Declaration emphasizes equality of all before the law without any discrimination or distinction.

⁶<https://www.reuters.com/investigates/special-report/myanmar-facebook-hate>.

⁷ China's Social Credit System puts its people under pressure to be model citizens 2018, <https://theconversation.com/chinas-social-credit-system-puts-its-people-under-pressure-to-be-model-citizens-89963>, accessed, 05.11.2021.

programming. Former United States Ambassador to the UN Human Rights Council Eileen Donahoe has stated that international human rights instruments should be taken as the current normative basis. Others disagree with such findings. Former member of the European Parliament, Marietje Schaake, making comparisons between today's global ideology, i.e. democracy or the so-called rule of law, emphasizes that in addition to other life challenges that arise today due to the dynamics of life, but also the Internet of today do not come from the excess of rules, but from the lack of rules for technology. However, experts agree that a global regulator is needed to ensure ethical practices of artificial intelligence. Eric Schmidt, head of the National Security Committee on Artificial Intelligence, stresses out the immediate need that the system being built in the modern era should be based on human values since; however, artificial intelligence was invented by man and serves only man. Many Artificial Intelligence (AI) experts believe that this century will witness the creation of technologies whose intelligence surpasses that of humans in all respects. Such goals, in principle, can take any possible form that will affect the future of our planet, so much so that they can pose an existential danger to humanity. Our species dominate only the Earth, standing above the other animals that live on it, because they currently have the highest level of intelligence. But it is plausible that by the end of the century Artificial Intelligence would have been developed, intelligence comparable to ours. Moreover, the possibility cannot be ruled out that Artificial Intelligence will develop phenomenal levels of self-awareness and in the future the opportunity to feel pain, which will face us with new types of challenges.⁸ Scientist Ray Kurzweil, author of the famous book "The singularity is near" has said that the progress of entire XX century will be achieved within just 20 years of the XXI century. According to statistics, in 2000. Taking in consideration these challenges, increases the risk of possibility of further restriction of human rights such as: freedom of expression, privacy or other civil rights. The right for life, right of everyone to choose way of life, family, personality and right to privacy, are rights that despite the fact that they are provided in international documents and that in modern times have become international standards, however, they may present a risk of restriction or even violation of these rights. This prediction is now a reality and that the changes are so great that by 2030 the differences in human development will exceed the predictions.⁹ Moreover, once computers can reprogram themselves effectively and improve themselves sequentially, leading to a so-called 'technological singularity' or 'intelligent explosion', the dangers of machinery overwhelming people in resource battles and self-preservation cannot simply be bypassed.¹⁰

According to Kurzweil's predictions, in 2050 there may be a singularity in technology that the development of artificial intelligence will be so great that it will completely change human civilization. The world, from these changes that could occur, will not be able to be recognized. Despite all these developments, we will still refer to the Universal Declaration of Human Rights, specifically Article 12. From this point of view, the family, the right to housing and the inviolability of the home, the correspondence, personality, honour and prestige of each, are protected by law against such interference or attack. Nation states are facing these challenges in their domestic legislation being between the positive aspect of artificial intelligence and risks that this brings during its application in social life, e.g. on the positive side, artificial intelligence will allow the visually impaired and the blind to run independently. The system is being tested by Google and will guide the user through an app on the smartphone, through a device that can be

⁸IA, possibility and challenge, <https://sites.google.com>access, 05.11.2021

⁹<https://sites.google.com>, there, chapter 2, access, 30.10.2021

¹⁰<https://builtin.com/artificial-intelligence/risks-of-artificial-intelligence>

turned into a kind of eye and ear, which directs the journey. To use the system, the runner must connect an Android phone to a "harness" designed by Google, which is placed around the waist. The Project Guideline app will use your phone camera to track your journey. Scientists are also testing an artificial intelligence system that is thought to be capable of diagnosing dementia after a single brain scan etc.¹¹A negative aspect of the development of artificial intelligence is the impact on personal data, through collection and analysis of which, personal information about users can be revealed. Many states are still far from accepting these changes and as such still have legislative gaps. In economic terms, in 2011 the United Nations introduced the Guiding Principles for Business and Human Rights, which called on industry to respect, protect and provide safeguards for human rights. The Council of Europe Commissioner for Human Rights argued that in the age of artificial intelligence, right to privacy, non-discrimination and freedom of expression must be specifically protected.¹²From the comparative point of view of the two international conventions on human rights, the similarities and differences in the relations between them and aspect of protection of human rights from the influences that AI, ECHR, in its articles 8 and 10, not only recognizes, but guarantees the right to respect for private and family life and freedom of expression. These rights are potentially endangered due to interventions, various interceptions, in order to reduce the personal authority of the individual, always targeted, domination and various materials, political, personal, etc. benefits. Thus, in Albania, in a database with personal and sensitive data of 637,183 citizens was distributed in series through the application "Whatsapp", marking the largest flow of official data in this country.¹³

With regard to these rights and freedoms, the European Parliament has taken the initiative to take actions due to the illegal management of Internet actions, in case of inaction to eliminate such actions.¹⁴

3. Presentations and analysis of results

During review of the literature, we have been particularly engaged in our analysis of the provisions of Universal Declaration of Human Rights, official EU definitions of AI and the impact of AI on our social life. In principle, the inventor and commander of AI, is man himself. This is not disputed, but the consequences that AI has today and in the future, in humans are disputable. To date, there are very few countries and more EU states that have developed long-term plans to monitor, analyse and control the implementation of AI advancement. Although this legal norm is being drafted and perfected every day, the benefits and risks from AI are going in parallel. A typical example is the human brain which is being analysed in the prism of its functioning, at the same time an artificial neural network has been invented. "Complete brain simulation" is another experiment which aims to scan every part of the brain, is to create a 3D model which is inserted into the computer and then the creation of an intelligence machine similar to our brain. From these statements and data, the issue of implementation of international or national legal documents becomes more difficult even if they are drafted and this has to do with two factors:

a) AI is in the hands of those who invented it and

¹¹ Koha ditore, 01. December ,2019

¹²Euro News, Albania, What you need to know about the new EU strategy for artificial intelligence, 2020 <https://euronews.al/al/risi/2020/02/19/what-you-need-to-know-about-the-new-strategy-for-artificial-intelligence>, accessed on, 06.11.2021.

¹³ <https://www.reporter.al/leak-of-salaries-of-630-thousand-citizens-causes-scandal-in-albania/>

¹⁴European Convention on Human Rights (ECHR), Articles 8-10, Officially, Convention for Protection of Human Rights and Fundamental Freedoms, drafted in 1950 by the Council of Europe. The Convention entered into force on 3rd of September 1953.

b) Of those who administer and manage it.

Taking in consideration that limited AI differs from general AI and especially from super artificial intelligence, from a developmental point of view, this makes us even more curious about how the various human rights issues will be addressed, specifically how they will be addressed as court decisions, in proceedings which are directly related to discrimination, violation of freedom of expression, violation of privacy, etc. So is there a risk that human dignity will be called into question? European Convention on Human Rights and Freedoms has equated human rights and freedoms in terms of legal protection, placing them on the highest pedestal, without making any distinction. Thus as for protecting human rights point of view from possible violations as a result of AI actions, legal protection of human rights could be done by sanctioning these violations, in advance by identifying them through creation of legal mechanisms and politics. This can be achieved by activating international human rights legal practices, criminal sanctions and reparations in cases of court confirmation that a violation of rights has occurred.

4. Conclusions and recommendations

The period in which we are living today, makes us think seriously about where and how the pace of social development is progressing, or rather, is man destroying himself through the modernization of technical and technological means?

This is evident, when in our near future we will be able to face Super Artificial Intelligence, a computer, robot or other machine, much more intelligent than the common human. Philosopher from Oxford and one of the most famous thinkers of Artificial Intelligence. Nick Bostrom defines super intelligence as "an intellect that is far wiser than the best people in all fields, including scientific creativity, general wisdom and social skills" as cognitive scientist and author Gary Marcus provided some details in a 2013 New Yorker illuminating essay. According to him, the smarter cars become, the more their purposes can change.¹⁵

Therefore the possibility of domination is very evident but, even the possibility of human destruction itself, is a risk that carries us everywhere.

In the future, states should develop long-term strategies, comparable to AI developments, to protect human dignity from potential violations, in terms of the risks that AI may cause. On the positive side, controlled advancement of AI should be stimulated through legal, political and professional supervision of states.

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