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MELBOURNE

# AI & Human Rights

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# Learning outcomes

At the end of this topic, you should :

- Have an understanding of some of the major human rights instruments
- Be able to compare in a critical fashion the relative advantages of ethical reasoning and human rights considerations in the evaluation of AI
- Understand some of the impacts that AI can have on human rights



# Related reading

## Reading 1

*Read pages 1-16, 32-36, 52-58*

Raso, F.A., Hilligoss, H., Krishnamurthy, V., Bavitz, C. and Kim, L., 2018. Artificial intelligence & human rights: Opportunities & risks. *Berkman Klein Center Research Publication*, (2018-6).

## Reading 2

Hilligoss, H., Raso, F.A., Krishnamurthy, V. 2018. *It's not enough for AI to be "ethical"; it must also be "rights respecting"*. <https://medium.com/berkman-klein-center/its-not-enough-for-ai-to-be-ethical-it-must-also-be-rights-respecting-b87f7e215b97>

## Reading 3

Canca, C. 2019. Why Ethics Cannot be Replaced by the Universal Declaration of Human Rights. *Our World*. <https://ourworld.unu.edu/en/why-ethics-cannot-be-replaced-by-the-universal-declaration-of-human-rights>



# Outline

1. Overview of Human Rights
2. Human Rights impacts of AI
3. Is ethics enough?



# Overview of Human Rights



# Introduction

To some extent this week's content is a disagreement about whether addressing the impacts of AI is better done through the use of ethical frameworks and principles or means of appeals to human rights.

You'll have to read to the end to find out which...

We will also look at some of the human rights impacts, positive and negative , of AI on human rights.



# Quick Intro to Int'l Human Rights

Eleanor Roosevelt, was one of the drivers of the UDHR (Universal Declaration of Human Rights) and was First Lady of the US in 1948. The UDHR has been the basis for much of the body of International Human Rights law developed since.



# Universal Declaration of Human Rights

- 30 articles on basic rights
- Not much detail on what those rights actually mean
- Universalist language of rights
  - Inherent
  - Inalienable
  - Applicable to all humans
- Not legally binding (it was a declaration)
- Inspired other, binding, treaties

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

ARTICLE 1 —All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2 —1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether this territory be an independent, Trust or Non-Self-Governing territory, or under any other limitation of sovereignty.

ARTICLE 3 —Everyone has the right to life, liberty and the security of person.

ARTICLE 4 —No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5 —No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6 —Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7 —All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.



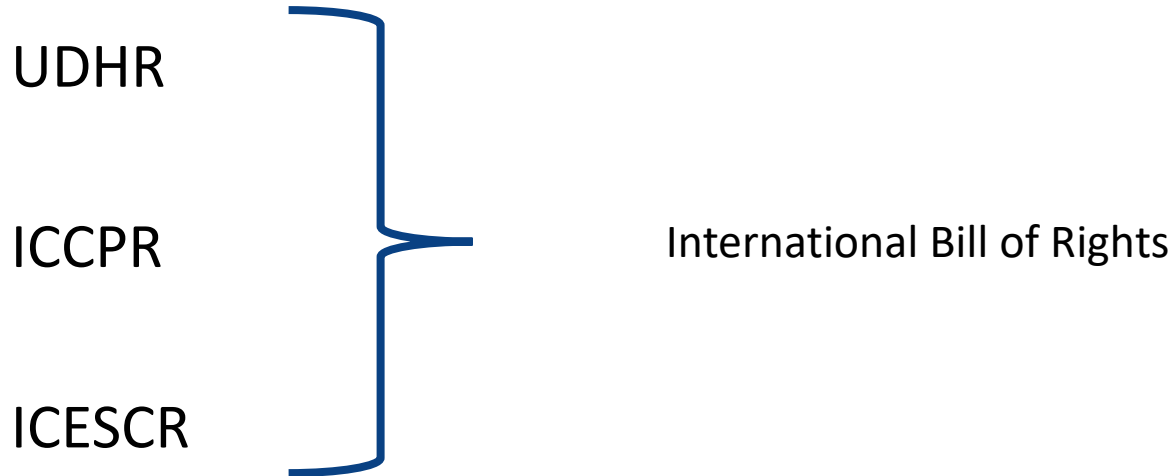


# Core Int'l Rights Instruments

		<i>Date</i>	<i>Monitoring Body</i>
<u>ICERD</u>	<u>International Convention on the Elimination of All Forms of Racial Discrimination</u>	21 Dec 1965	<u>CERD</u>
<u>ICCPR</u>	<u>International Covenant on Civil and Political Rights</u>	16 Dec 1966	<u>CCPR</u>
<u>ICESCR</u>	<u>International Covenant on Economic, Social and Cultural Rights</u>	16 Dec 1966	<u>CESCR</u>
<u>CEDAW</u>	<u>Convention on the Elimination of All Forms of Discrimination against Women</u>	18 Dec 1979	<u>CEDAW</u>
<u>CAT</u>	<u>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</u>	10 Dec 1984	<u>CAT</u>
<u>CRC</u>	<u>Convention on the Rights of the Child</u>	20 Nov 1989	<u>CRC</u>
<u>ICMW</u>	<u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u>	18 Dec 1990	<u>CMW</u>
<u>CPED</u>	<u>International Convention for the Protection of All Persons from Enforced Disappearance</u>	20 Dec 2006	<u>CED</u>
<u>CRPD</u>	<u>Convention on the Rights of Persons with Disabilities</u>	13 Dec 2006	<u>CRPD</u>



# The Int'l Bill of Rights



- ICCPR (International Convention on Civil & Political Rights)
- ICESCR (International Convention on Economic, Social & Cultural Rights)
- Both are binding treaties for those countries that have ratified them

# The US Bill of Rights

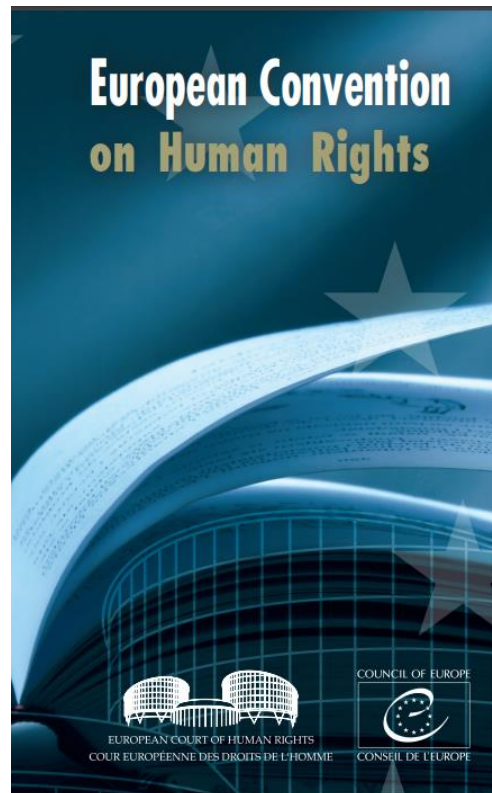
- The first 10 amendments to the US Constitution (e.g.)
  - right to free speech (1)
  - no unreasonable search and seizure of individuals or property (4)



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# Other HR Instruments

- European Charter of Human Rights (ECHR)
- Victorian Charter of Human Rights and Responsibilities



## Authorised Version No. 014 Charter of Human Rights and Responsibilities Act 2006

No. 43 of 2006

Authorised Version incorporating amendments as at  
6 April 2020

### TABLE OF PROVISIONS

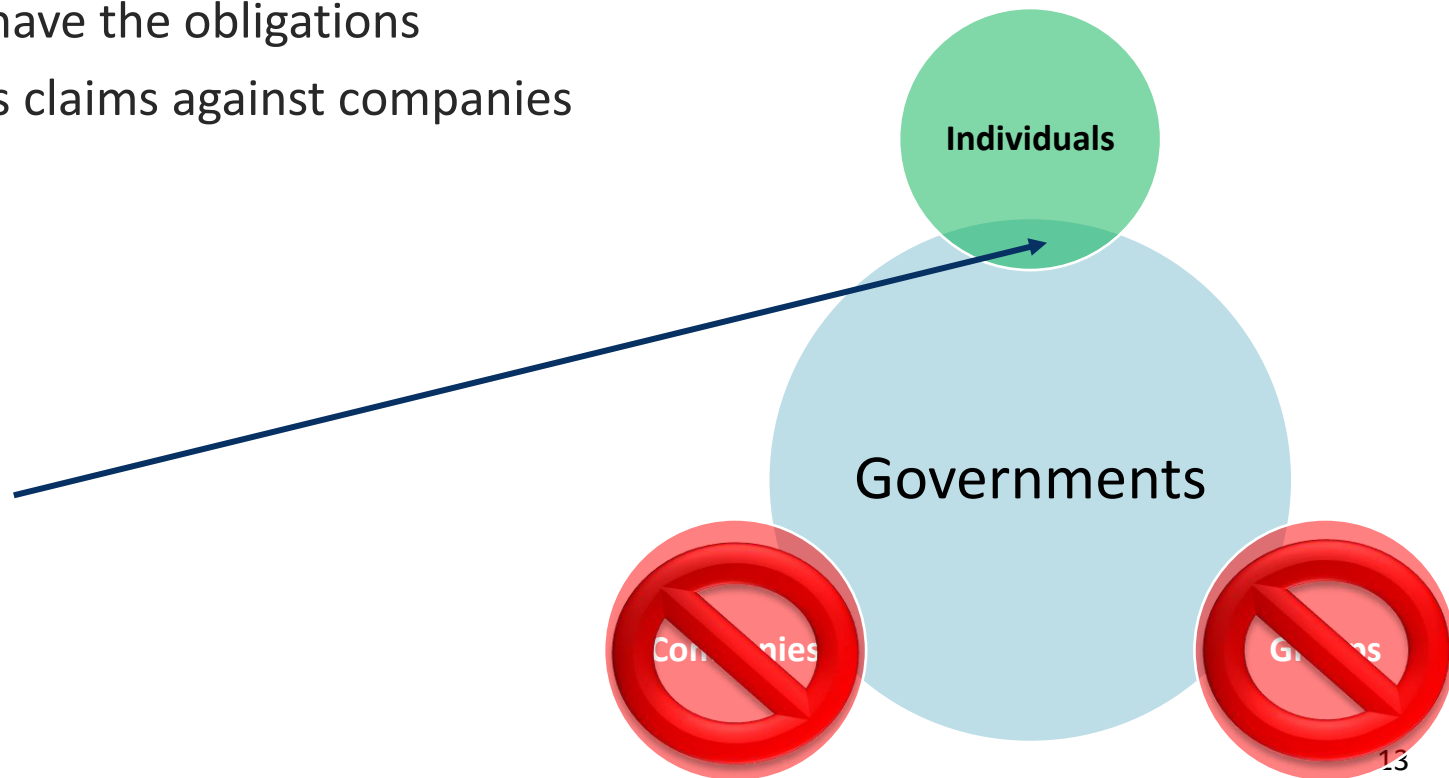
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Authorised by the Chief Parliamentary Counsel

# Parties to Human Rights

- Rights holders are individuals
  - Not groups or classes of people
- State parties have the obligations
  - So, no rights claims against companies

Individuals have HR  
claims against  
governments





# Impacts of AI on Human Rights

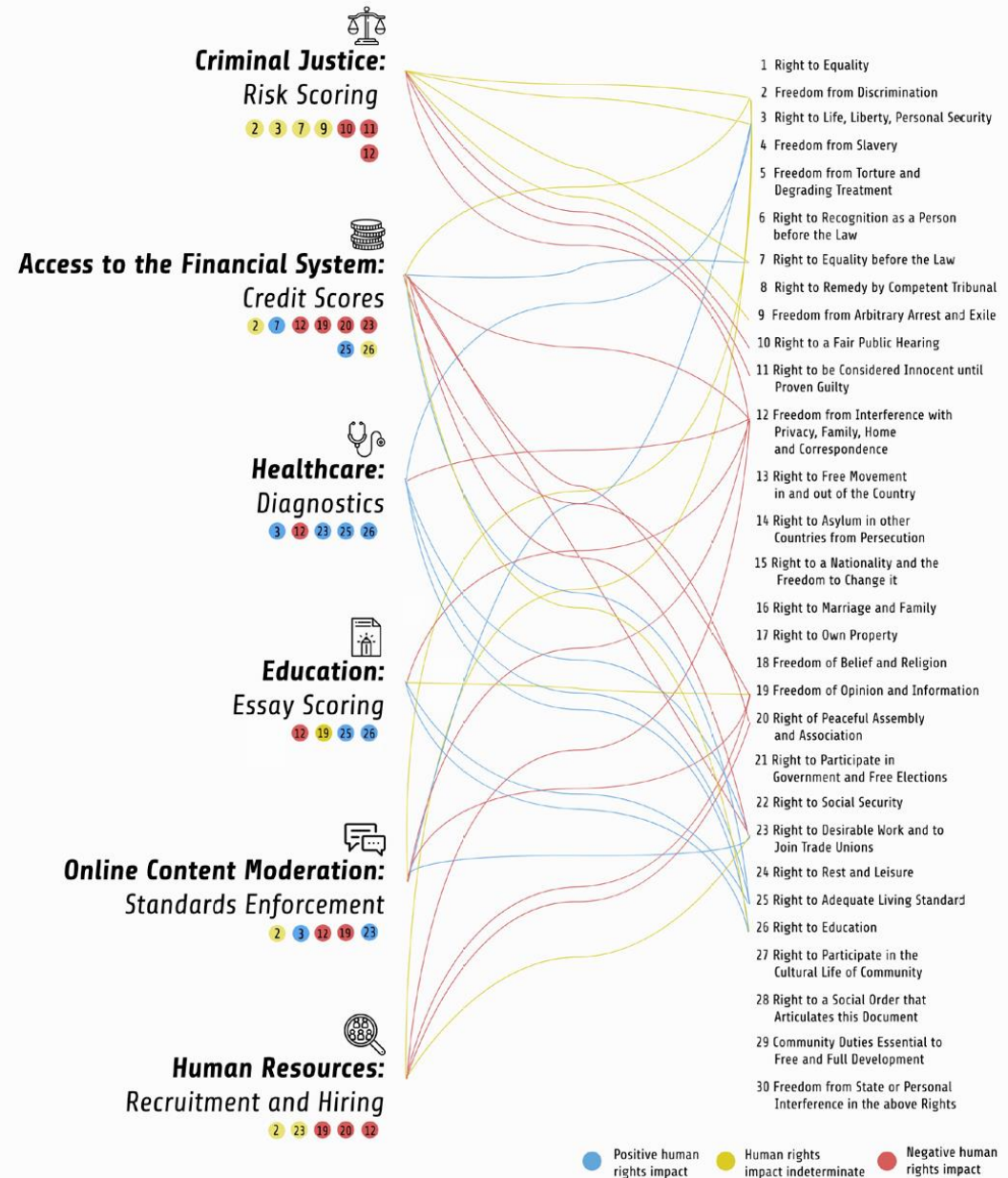






# Impacts of AI on Human Rights

## ARTIFICIAL INTELLIGENCE & HUMAN RIGHTS



# Impacts of AI on Human Rights -ve

## Right to Privacy

- surveillance
  - at work
  - in public
  - on your computer and phone

## Right to peaceful assembly and association

- surveillance

## Freedom of expression and opinion

- surveillance

## Algorithmic bias affects...

- Right to life
- Right liberty
- Due process

## Right to vote

## Right to meaningful work



# Impacts of AI on Human Rights -ve

## Job landscape

By 2025, new jobs will emerge and others will be displaced by a shift in the division of labour between humans and machines, affecting:

### Right to meaningful work

- Many jobs created by AI
- Many made redundant
- Commentators are optimistic



# Impacts of AI on Human Rights -ve

AI creates more jobs

- at what cost?

## Reskilling needs





## Impacts of AI on Human Rights +ve

AI has a positive impact on human rights in medicine

- drug discovery
- cancer detection
- other diagnostics

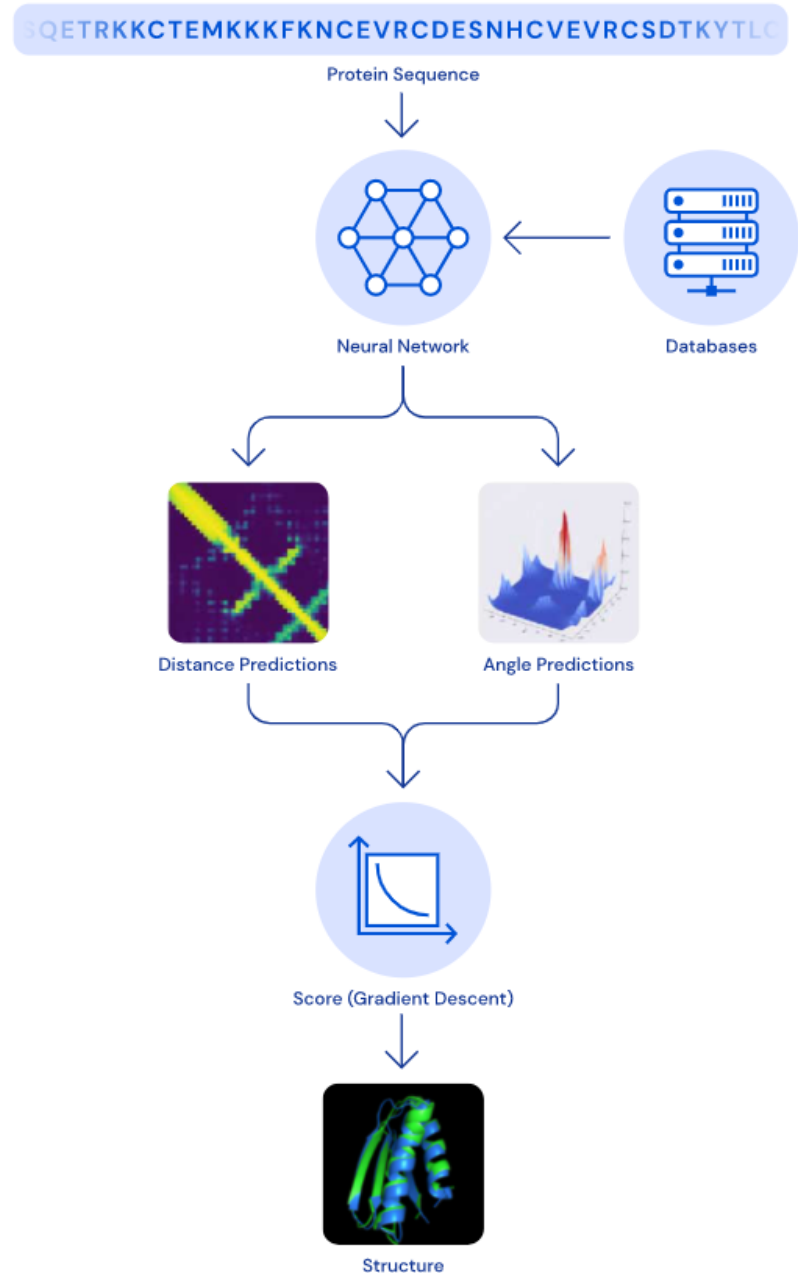
and in transport safety systems

- advanced avionics
- air traffic control
- vehicle accident avoidance systems

These protect and help fulfil the right to life.

AI may create new jobs which fulfil the right to meaningful work

## ALPHAFOLD PROTEIN FOLDING





## Impacts of AI on Human Rights +ve

However, there are other, less obvious ways that AI can impact on human rights in a positive way

- credit scoring/uni admission/hiring
  - avoid discrimination if biases addressed
- AI supports right to education
  - speech to text
  - image processing
- image processing for rescue and retrieval
  - after disasters
  - for air-sea rescue
- content moderation by AI could enhance rights
  - to freedom of expression
  - free participation in the political process
  - to desirable work without suffering psychological injury





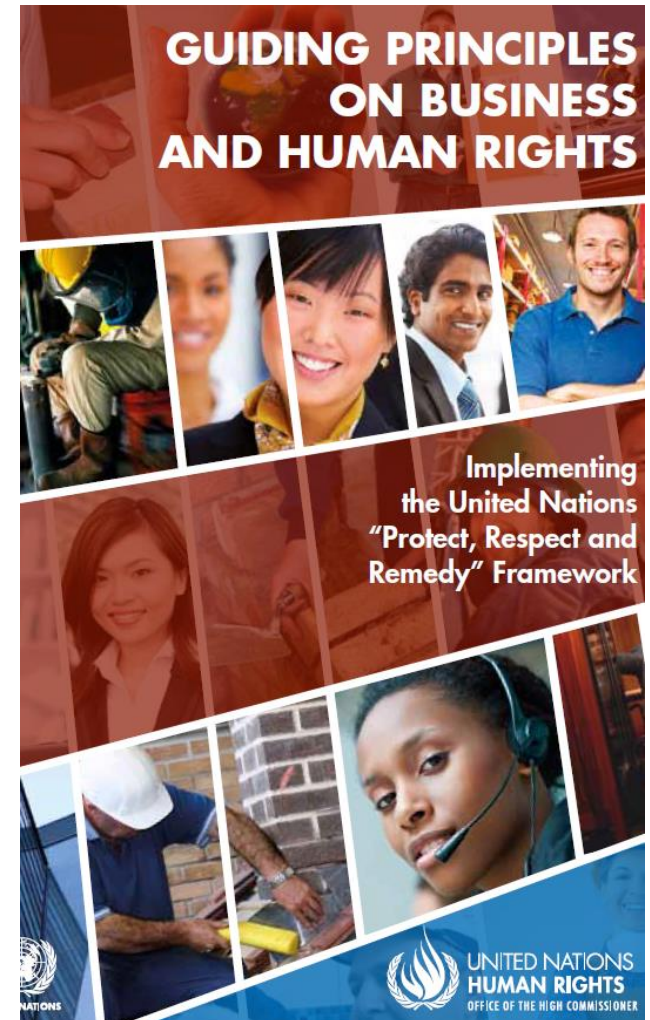
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# AI, Ethics, & Human Rights

# Corporations & Human Rights

Hypotheticals and cases based on actions by companies

- Not covered by the major HR instruments.
- But there are some guidelines
  - UN Guiding Principles on Business and Human Rights
  - Business specific
  - Protect, Respect, and Remedy
- These guiding principles are referred to in your readings





# Corporations & Human Rights

- Only work if companies
  - sign up for them
  - live up to them
- Horizontal application of rights another option
  - States protect by ensuring business abides by human rights norms



# Human Rights >> Ethics!

Hilligoss, Raso, and Krishnamurthy think that Human Rights are better because

- a) They are legally enforceable
- b) They are transparent as is the process that developed them
- c) They have been developed over many years with input from an array of countries
- d) There are internationally recognised frameworks for dealing with HR
- e) Companies must obey the law, ethics are optional
- f) What is “ethical”?
  - ∴ risks entrenching developer biases
- g) They ‘transform voluntary promises of ethical behavior into mandatory requirements for compliance with an established body of law’

Hilligoss et al (2018, p 3)



# Ethics >> Human Rights !

- Human Rights doesn't solve the problem
- UDHR is very generalised
  - At that level there is also agreement in ethics (justice, happiness etc.)
- Questions about right action are challenging only when values conflict
- Ethical reasoning helps resolve these challenges, HR does not
- It turns out that Human Rights are not so universal
  - UDHR observed only in spirit
- Ethical reasoning provides a set of justifiable actions
- UDHR is a start, but ethics helps solve problems with AI not just identify them
- Legal is not equivalent to Ethical



# Ethics > Human Rights > Ethics

- Human Rights doesn't solve the problem
- Ethics isn't solving the problem
- Perhaps both together can help?







# Ethics > Human Rights > Ethics

- Human Rights are not *the* answer

*‘Charity, gratitude, kindness, mercy, solidarity... among the great goods that get distorted or marginalised when we wrongly assume everything important is a matter of rights’* John Tasioulas, Twitter

- But Human Rights may be an answer, and are somewhat flexible
- Proportionality is important to HR
  - Victorian Equal Opportunity & Human Rights Commission suggests
    1. Gather the information
    2. Consider your impact
    3. Ask “is it reasonable”?
    4. Ask “is it necessary”?



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# To conclude



# Final thoughts

Both ethical reasoning and an appreciation of the impact on the rights of people are useful in determining whether a particular AI project is worth pursuing.

Each approach has advantages

- Ethics is more nuanced and can provide a set of alternatives
- Human Rights is enshrined in law, is actionable

And they can be complementary



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# Thank you

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