



E-ISSN: 2706-8927
P-ISSN: 2706-8919
www.allstudyjournal.com
IJAAS 2021; 3(3): 257-260
Received: 16-04-2021
Accepted: 22-06-2021

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Impact of artificial intelligence on human rights: special reference to COVID-19

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Abstract

The world has changed due to development of artificial intelligence (AI). Due to this emergence of AI although there is no doubt the development has change the history of humankind, but in what way that is the main question. Because AI has all the potentials to threat to Human rights which can worsens with time. This article try to put some light on this issues that how AI could possible effect the human rights

Keywords: artificial intelligence, fundaments, programmer

Introductions

As we are aware that the Artificial Intelligence (AI) is becoming part of our daily lives and stated impacting our life in different ways. Although the AI is still into its infant stages yet we know soon it will be a reality. The real question is are we ready for AI. As the development of Machine Learning to AI is fast evolving and has scope of potential threat to human rights, which has been in cloud from his beginning. It cannot deny that AI got potentials of help and harm to the humans and the impacts will only continue to grow in severity.

Definition of Artificial Intelligence (AI)

What is artificial intelligence is a matter of great discussions in the highest circles of academia, industries, various governments and international organisation. However, experts so far have not agreed on one definition of AI.

Marvin Minsky, one of the founding AI scholars, defines it as “the science of making machines do things that would require intelligence if done by men.” Another founding scholar, John McCarthy, defines it as “the science and engineering of making intelligent machines.” A recent Stanford University report defines AI as “a science and a set of computational technologies that are inspired by—but typically operate quite differently from—the ways people use their nervous systems and bodies to sense, learn, reason, and take action^[1].”

Stuart Russell and Peter Norving, authors of a popular AI textbook, suggest that AI can be broken down into the following categories: 1) systems that think like humans; 2) systems that act like humans; 3) systems that think rationally; and 4) systems that act rationally^[2].

Machine learning is a sub-field of Artificial Intelligence (AI). Harry Surden defines machine learning as “computer algorithms that have the ability to “learn” or improve in performance over time on some task.” Essentially, it is a machine that learns from data over time. This learning is through “a statistical process that starts with a body of data and tries to derive a rule or procedure that explains the data or can predict future data^[3].”

The traditional approach to artificial intelligence, involved a programmer trying to translate the way humans make decisions into software code. The vast majority of artificial intelligence in the world today is powered by machine learning. Currently, many ML systems are far more accurate than humans at a variety of tasks^[4]. General we say that AI is all about Data feeding in the system, which is very much true so some extent but today AI has crossed those limits with example like Sophia (famous known as AI -human).

Challenges posed by Artificial Intelligence (AI) on Human Rights

Human rights are basic or fundaments rights guaranteed by various national and international laws to every human being in. The human rights law can play vital role in the development

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of artificial intelligence for connecting the rationality and morality in deep into AI, which is the interplay between these fundamental rights and ethics ^[5]. Although questions have emerged from time to time about these concepts i.e. rationality, morality and ethics, experts are still in conflict about the morality of pure intelligence, whether rationality fixes our values. Amid of this, AI has posed new form of repression and vulnerability to the human society. Particularly when legal measures to controls and fixing the liability is yet to be framed.

The legal measures are necessary for restricting or influencing the development and implementation of artificial intelligence applications, through standard policies ^[6]. The AI has caused potential threats in many fields such as education, employment, social care & health, police, military, governance, Industries, law enforcement, retail, transportation, agriculture and extractives industries etc. The AI has brought new challenges because it enables machines to “learn” and to take and implement decisions without human intervention.

There are many human rights which are directly impacted by the AI such as right to equality, right to privacy, Freedom of expression, participation in cultural life, the right to remedy and the right to life and livelihood ^[7]. Not only these, indirectly other aspects are also impacted such as use of AI in surveillance, bias, discriminatory, untrue or missing information or data- design which can be used against anyone due to the missing clause on accountability and liability ^[8]. Yet, decisions taken by algorithms could result from data that is incomplete and therefore not reliable, they may be tampered with by cyber-attackers, or they may be biased or simply mistaken. Unreflectively applying the technology as it develops would therefore lead to problematic outcomes as well as reluctance by citizens to accept or use it. Instead, AI technology should be developed in a way that puts people at its center and is thus worthy of the public’s trust. This implies that AI applications should not only be consistent with the law, but also adhere to ethical principles and ensure that their implementations avoid unintended harm. Diversity in terms of gender, racial or ethnic origin, religion or belief, disability and age should be ensured at every stage of AI development. AI applications should empower citizens and respect their fundamental rights ^[9]. Business for Social Responsibility (BSR) published three reports setting out the importance of taking a human rights-based approach to the development, deployment and use of AI ^[10].

There is a wide range of scenarios - including algorithmic decision making, facial recognition and sentiment analysis - as well as a wide variety of application areas like a Criminal Risk Assessment Software. Criminal Risk Assessment Software is a predictive software, which assist the judges in their sentencing decisions in Criminal trials by rating a defendant as high or low risk of reoffending, they attribute a level of future guilt. This may interfere with the presumption of innocence required for fair trial. This kind of predictive policing software also risks wrongly imputing guilt, building in existing police bias through the use of past data. Most of Judges might not know about how such risk-scoring systems work, yet many rely heavily upon the results because the software is viewed as unbiased. This raises the question of whether or not court decisions made on the basis of such software can truly be considered fair.

The inability of AI to deal with nuance will likely to cause more problems in the future ^[11].

Likewise, Privacy is a fundamental right that is essential to human dignity and also need to be protected. The AI systems are often trained to access, analysis, collect the big data sets, and collection of data interferes with rights to privacy and data protection. The analysis of data using AI systems may reveal private information about individuals, information that qualifies as protected information and should be treated as sensitive even if derived from big data sets fed from publicly available information ^[12]. Another situation which is emerging use of surveillance drones or other AI software’s, which are no longer limited the military, sensitive area or highly protected areas, scientific labs, etc. rather now it is being used by law enforcement or non-state actors as well. When equipped with AI-powered technology, such as facial recognition technology, and made to be semi- or fully autonomous are used by certain group or a person independently or bad actors then such drones could deeply impact the right of privacy. What will be “necessary and proportionate surveillance” has to be decided.

Another serious problem that is emerging now is on right to freedom to expression, as alleged terrorist content, pornography, violent content, as well as content deemed politically sensitive, hate speech, and fake news has become very common and accessible. This has led to increased use of automated systems. A law recently passed in Germany requires social media sites to remove a wide range of content within 24 hours after it has been flagged (or up to seven days in cases that are less clear-cut). Because AI is imperfect and companies are pressured to take down questionable content quickly sometime much of the content is removed in error. YouTube removed more than 100,000 videos documenting atrocities in Syria after they were flagged. These videos often serve as the only evidence of horrific crimes and human rights violations, and YouTube’s policy carves out exceptions for violent content when it is of important educational or documentary value. Yet they were still taken down. Many Countries government is already replacing some of its human censors with AI ^[13]. In countries where freedom of religion is under threat, AI could assist government officials in monitoring and targeting members of persecuted religious groups. This might constitute a direct violation of freedom of religion if people are not able to display religious symbols, pray, or teach about their religion online.

Another emerging concern is the right to work, although it is not an absolute and unconditional. Yet many developed and undeveloped countries are already suffering with the problem of unemployment. And automation of jobs will enhance this problem and will lead to further destitution of the peoples and their families which may significantly lead to more crime, hungry, poverty, corruption etc. Although experts are in disagreement, according to them AI will result in some shifts in the labor market which will lead to both the things i.e. job creation and job destruction. Researchers are exploring ways to ensure people can maintain an adequate standard of living. One approach is a universal basic income, a fixed income that governments provide. Canada, Finland, and California are all testing out basic income schemes, and more trials are planned in other countries ^[14].

No doubt as far as healthcare sector, is concerned the AI is quite impactful in by not only providing help to the doctors in accurately diagnosing disease, but also by providing more individualized patient treatment, recommendations and medical advices. However, there are many threats which could endanger the human life by AI. IBM's "Watson" is more accurate than human doctors at diagnosing disease, but can still get the diagnosis wrong on occasion, or recommend the wrong treatment due to failure of machine, errors, attack by viruses or due to hackers. Let us see another scenario, AI system could be basis by design or by manually can be used to recommend different treatments depending on the insurance status of the patient or how much they are able to pay, potentially denying lifesaving care to someone because of their socio-economic status. Let see another case also, AI is being used to assist in surgery and may be in future fully autonomous surgical is done by AI. AI might inevitably get it wrong in giving negative feedback or recommendation like chances of survival of the patient which could lead to fact that doctor will not operate based on over-reliance on AI system, even if in some cases operation could have saved the patient. In this case, what kind of accountability is there for a life-and-death medical decision made by a machine vs. a doctor as well as we can't forget that systems can get error or may be hacked. This raises larger questions regarding the extent to which certain things should be automated, how and

when it requires human interference and how much responsibility should be held by human doctors vs. AI systems for making the recommendations. The same issue could arise in AI systems that predict disease outbreaks and recommend responses. What happens when you deploy resources to an area deemed high risk while leaving others without assistance? Human health workers already make this choice, but AI would do this preemptively, and may sometimes get it wrong [15]. No doubt today, when we are facing the problems of Covid – 19, AI is only helping us in understanding the disease as well helping in nursing the patients.

Special Reference to COVID-19 (Also known as Corona Virus)

The artificial intelligence (AI) systems, had detected the outbreak of an unknown type of pneumonia in the China even before the world was aware of the threat posed by the coronavirus (COVID-19). Covid-19 has declared a global pandemic by World Health Organization (WHO). The AI tools and technologies are employed by the policy makers, the medical community, and society at large to manage every stage of the crisis and its aftermath: detection, prevention, response, recovery and to accelerate research as shown in the Figure [16].

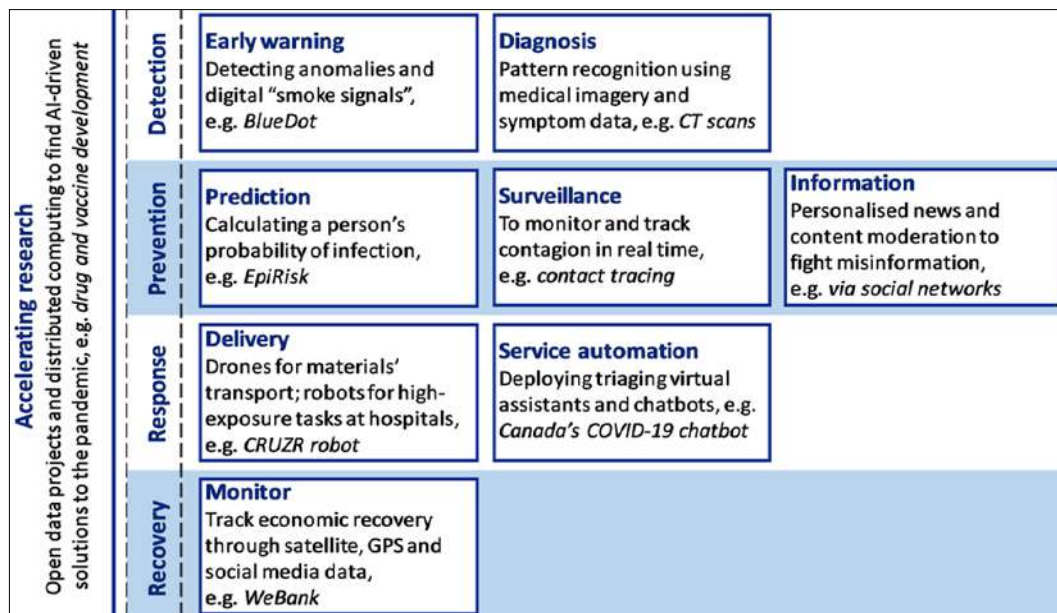


Fig 1: Use of AI applications at different stages of the COVID-19 crisis

The AI tools and techniques are helping the medical community to understand the COVID-19 virus and accelerate research on treatments by rapidly analyzing large volumes of research data [17]. Some countries are able to limit the spread of the virus after taking the exceptional measures implemented or envisaged, some approaches have proved controversial in terms of their risk of violating privacy and other fundamental rights of citizens, particularly when such measures lack transparency and public consultation [18]. India is also facing difficulties with respect to privacy considerations as it has to balance privacy concerns against the need to protect patients, employees' customers and people from the potential infection. Recently, right to privacy has been declared as Fundamental Right by the Supreme Court. Two draft legislations on data protection

are still pending i.e. the Personal Data Protection Bill 2019 ("PDPB") and Digital Information Security in Healthcare Act ("DISHA"). A protocol for Aarogya Setu app was recently released by the Ministry of Electronics and Information Technology, but the same does not provide for a legislative foundation [19]. However, increased surveillance measures will be unlawful unless strict criteria is set. Many questions have been raised regarding how personal information is collected, used and shared. And once personal data is collected, there is a real danger of it being shared and used for purposes other than health tracking. Hence, beyond the pandemic it is most vital questions would be how human rights maintained with the development of AI. To concluded, we have to think how much we should allow the AI technologies to interference in

our lives. We have to strike a balance between the two but how that is biggest question right now.

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