Lesson 6_Human_Right

Human Right and Information Technologies

We are in an exciting but perilous time. AI is accelerating the speed of change and expanding its scope: there are great opportunities but also serious risks. It is difficult, also, to anticipate what's happening next and to what technological development is leading us.

Information technology has transformed all the domains of the individual's life. The computer revolution started in the 50s, computers became mainstream in the 80s and 90s, then we had the internet revolution connecting all the computers in the network and now we have AI machines able to do intelligent things, many things that humans thought to have the monopoly (understanding the language, making predictions, driving a car, …) but now can be done with the help of intelligent machines.

So we need in a way to understand how to move on with all the **opportunities** and **risks** emerging from this rich set of technologies.

In fact, AI is having a vast impact on society and in particular it can affect the human rights. On one hand AI can enhance human right offering opportunities for the implementation of these rights and make them available to everybody; on the other hand, human right has put at risk. Even though we usually focus on risks, the relation between AI and human rights is bipolar: we have risks and also opportunities, so preventing the risks and grasping the opportunities is the objective of what is also called human-centered or human-friendly AI.

AI opportunities

Firstly, let's focus on opportunities of AI for individuals and community:

- promote the economic development;

- contribute to education;

- improve safety;

- contribute to build knowledge;

- enhance public administration;

- better managing of issues regarding society;

- protect the environment;

- promote participation.

We can see that there is the opportunity of a new partnership between humans and computers. The old agreement assumed that machines only did many routine tasks and humans made hypotesis and choices. Now machines have grown up and have intelligence to some extent, the ability to help in making choices or even to make them by themselves. So there is the need to understand how to integrate human and AI capacity, how to preserve human initiative and cultivate human skills (AI should not deskill people).

AI risks

There are great opportunities but also risks for humans:

- **labour** as many phisical and intellectual tasks may be performed by AI on their own (there is a book called The Race Against the Machines that talk about this issue);

- increase **divergence** and **inequality** that caracterize our society where a large part of the wealth goes to a limited number of people to the exclusion of the manual workers;

- problem of **survelliance**: AI makes it easier to do this task but there is an increasing preassure to surveil people, to monitor their behaviuor and using these information to influce people on their choices;

- **usage of collected information**, and what has been learned from it automatically to assess people, leads to a lot of worries on automated decision making;

- **manipulate information**, for example filtering unwanted content and sending misinformation, fake news.

- encourage **social separation** and **polarization** that is the idea under the filter bubbles which consists in sending to people the information they like the most to make them to stay on the platform and this will contribute to the separation of people with different interests and ideologies living in different bubbles.

Planning the future society

Multiple directions are possible and we don't know what path humanity will take.

We have to reject technological determinism, that is the idea that there is a single path driven by the kind of technologies that we are using today.

On the contrary, various options are possible and these take also into account politics and ethics.

What kind of knowledge do we need?

- **Hard science** to undestrand where the planet is going;

- **Technology** to know what is today available and possible;

- **Social sciences** to anticipate what will happen if certain technologies will be adopted;

- **Normative knowledge** to know what values and norms should be respected and enforced.

  - General ethical theory, computer ethics, machine ethics, AI ethics

  - Regulations: data protection, consumer protection, competion law, civil liability

  - Human/fundamental rights and social values

Human Rights

The picture shows some of the fundamental human rights. They don't provide a complete plan for the good ICT society, but we have to add additional components to

the plan because human rights alone are not sufficient but they are an important component of it.

There is agreement on their existance even though their content and implication are very controversial (e.g freedom of speech in different coutries is seen differently).

Then there is also a vast disagreement on how to address the conflict between rights (e.g the right to privacy or freedom of speech in the US where freedom of speech tends always to prevail over privacy).

These indeterminants can also be seen positively because they express different positions that favor debate and improvement.

A broad notion of human rights

- Primarily ethical demands (not to be "juridically incarcerated")
- concerning freedoms (opportunities, including liberty and social rights) satisfying some "threshold conditions" of
  - special importance and
  - social influenceability.
- They may lead to
  - Imperfect duty (obligation to advocate, balance, take into account)
  - Perfect duties
- They may be the object of advocacy, of political debate, and (though not always) al legal enforcement

What are human rights?

The theory presented is due to **Amartya Sen**, an indian philosopher and economist nobel prize in 1998, who said that human rights are **primarly ethical demands** and they should not be juridically incarcerated, meaning that the legal perspective is limited with regard to human rights. Human rights concern freedom (opportunities, including liberty and social rights) and these opportunities have to satisfy some threshold conditions. In fact, they must be:

- socially important;

- socially influenceable (society must be able to deliver that opportunities).

Sen, in his paper, says that tranquillity of mind is very important (we don't want to be stressed or depressed) but this cannot be a human right because society cannot

really deliver it.

On the contrary, he would argue that **freedom of expression** is a human right as it is the right to **privacy**, the right to **healt** because these are goals that can be achieved in our society at least to some extent by a social effort.

Always following Sen's ideas, human rights can lead (here returns the Kantian notion) either to **imperfect duties** (achieve a certain goal but only as long as there are no other competing goals that impede the main one) because some rights could interfere with others, either to **perfect duties** like the prohibition to torture people.

Human rights may be the object of advocacy, political debate and also of legal enforcement.

Consider, now, the connections between ICT and human rights. ICT can:

- interfere with human rights;

- contribute to protect/implement human rights;

- provide for the existence of new human rights or add new content of existing right by endowing a certain human opportunity with importance and enabling society to realise it (e.g the access to the internet, right to basic income, right to new medical technologies).

This is a view of how technological development contributes to create new rights (something that is important and can be achieved by a social effort) and also expand the content of existing rights. Human rights are not only an endangered legacy but also a blueprint for the future, so if we want to make use of IT in a way that is beneficial we should take care that they contribute to enhance human rights.

Human rights

- as **ethical rights** we want that certain opportunities should be granted to everybody and therefore there is the obbligation to take actions to have them implemented;

- as **political rights** we want society to provide ways for their fulfillment;

- as **legal rights** we want to put in place also legal mechanisms to ensure that these rights are not violated.

Freedom and dignity

This is how the universal declaration of human rights starts:

> ## "All human beings are born free and equal in dignity and rights"

There are two aspects here connected:

- **freedom**, that is the ability of self determination autonomously of deciding what to do;

- **dignity**, that is the idea that every person has values and therefore they should be respected.

Both these aspects are sometimes controvertial and may go in opposite directions. For example there could be a conflict between freedom of expression and privacy (e.g can I divulge personal information about someone?) or the issue of reputation as an aspect of dignity (e.g can I say something which may offend someone?). So, by exercising the freedom of expression I could violate other rights.

Impact of ICT and AI on freedom

Benefits: many ICTs increase the freedom because they enable you to do things that before they were not possible and we get additional opportunities (e.g accessing culture and education, email and social network to communicate).

> Actually, there is also a big debate around the actual meaning of freedom: according to one theory, being free means being able to do things, according to another theory (called the **republican theory of freedom**) being free means being free to do things without being subject to the arbitrary choices of others.

> This second theory is enhanced because nowadays I just need to have a computer and an internet connection to do a lot of things without asking permission to anybody. On the other hand, when I'm on a social network, like Facebook, and it can decide to throw me out without having the possibility to complain, it's not an example of republican freedom.

Risks:

- **employment** following the AI development: those who will lose their jobs would lose also their freedom because they will not be able to do what they did before and probably they won't have any adeguate opportunity and in this way technological development could affect their freedom to do what they like or to have a decent employment;

- **automated decisions** on wether to get a loan or a job without the possibility to respond to this judgment;

- **hidden persuasion** and **manipulation** as it may happen when people are addressed with targeted advertisement and other messages that influence them without being aware of that

Impact of ICT and AI on dignity

Risks:

- issue of **survelliance**;

- being **manipulated** by a computer system into buying something we do not really need or into doing something against our real interest;

- **automated decision making** when we are the object of a decision that we cannot complain.

Right to equality and non discrimination

> "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… and against any incitement to such discrimination."

Impact of ICT and AI on equality

There are different interpretations of equality:

- **equality of opportunities** according to which everybody should be able to make use of their talents to acheive whatever goal is available in society;

- **equality of outcomes** according to which some redistribution is needed so that those who are less lucky or capable still can get a decent life.

Benefits: equality of opportunities can be promoted by both IT and AI as they facilitate universal access to culture, education, information, communication, public dialog, political partecipation through internet.

Risks: equality may be treathned by AI by magnifing differences in skills and education to the extend that those who has higher capabilities can benefit of the technologies while the other can be left aside loosing the race against the machines. It is not inevitable that technology provides more inequality but without adeguate remedies this is what is likely to happen.

Impact of ICT and AI on non discrimination

The right to non-discriminaton is also a key issue concerning the automated decision making. There has been a vast debate on what it means when an automated decision making system is fair, when it treats equally all the people and group of people subject to a decision.

Right to privacy

> "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks"

The right to privacy is one of the most important rights when we talk about AI because it allows to capture and process a large amount of **personal infomation**, through which other information can be inferred. This information can be used for a good purpose (e.g helthcare for personalized medicines) or bad ones (e.g an insurance company can use this data to understand if someone could have any health problem in the future).

We live in a surveillance capitalist era where the personal data regarding our behaviour offline and above all online is collected by private companies (e.g through cookies) and then all this data can be packed, sold and used to make predictions about our behaviour and possibly influence it, usually for commercial purpose.

Then, the privacy is also correlated with the **right to reputation** which is affected by the fact that our personal data builds a sort of digital shadow that accompains us in a way that people and machine think of us not based on what we really do or are but based on our digital images available online. There has been also cases of people committing suicide when their reputation has been attacked online by providing sensitive information (e.g revenge porn).

To defend from all these things, there is a right which is recently affirmed in Europe which is the **right to erasure** (or the right to be forgotten) that is the right to have personal data erased and concerns people who believe information on themselves is inaccurate or doesn't reflect what they really are.

Right to life, liberty and security

> "Everyone has the right to life, liberty and security of person."

That's the case of autonomous driving which it could save or not lives; or the case of autonomous weapons where machines target human lives with possible lethal effects.

This right, nowadays, goes also beyond the body of a person since we have the idea that our mind is not just into our brain but also into the devices where our information is stored. In fact, people speak about this idea of "extended mind", which states that the smarphone or pc is in a way an extended mind where we can put our thoughts, connections and memories. So we could argue that also when there is an hacking attack, this may affect the right to security because he is attacking ourselves through our brain's digital complement.

Right to property

> "Everyone has the right to own property alone as well as in association with others."

Here probably AI is not so relevant but you may argue that ITC devices we are using may be covered by the right to property as well as the data we are storing in such devices. An interesting aspect is the right to property over the data that we put on platforms or on the cloud.

An aspect of the right to property is also the **right to portability** which is granted by the Data Protection Regulation and it's the right to have once's data exported from the platform where they are stored in a reusable format.

Freedom of assembly and association

> "Everyone has the right to freedom of peaceful assembly and association."

> "No one may be compelled to belong to an association."

As posivite aspects internet has been used to set up discussion groups, communities to interact in various ways, from the emails to social networks; so, there are powerful tool to exercise the right to (online) assembly and association.

Interference may take place by **blocking** or **filtering content** from the platform to disrupt associative interaction or subjecting partecipant to unjustified **surveillance** or **sanctions** for their behaviours.

AI can play a double role in this case: it can facilitate surveillance and detection of people partecipating in unwanted associations (e.g analize communication to discover if something unwanted is happening) but it can also enhance the capacity of people in finding associative links and enhance their freedom.

Right to an effective remedy

> "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

AI can contribute to this right if they allow **quicker** and **fairer legal procedures**. In fact, AI can be used to **monitor the legal system** to detect injusties and corruptions. On the other hand, there are worries concerning the use of AI in this domain: there have been applications with parole (letting people out while their case is discuss) or recidivism (determining how likely a person is going to commit again a crime) and the issue is whether such automated forecast may be discriminatory or they may violate the right to an individual evaluation because they are assested based on statistical features of the group they belong and this can be also seen as a violation of human dignity because you want to be evaluated based on your features and not on other's. Also humans are not perfect because they use generalization in making judgements and the idea is to have this kind of automated forecast as assistance to a competent judge and not as an independent standard.

Another issue in this context can be smart contracts in which an agreement is implemented automatically by the software on the blockchain without the intervention of the legal system. In this case there are no effective remedies in case things go wrong.

Right to a hearing

> "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

Again, here, the problem can be in the context of automated decision making because when the decision is adopted by a system the issue is whether someone has had the possibility of complaining.

Presumption of innocence

> "Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the
> guarantees necessary for his defence."

Is it fine to accuse someone for committing a crime before he commits it, supposing we have a system that predicts it?

Today we have the idea of **predictive police**, a system capable of predicting in which part of a city and at what time a crime is more likely to be committed, so that the police may go there and take appropriate measure. There are issues concerning the fairness of this method on whether the prediction is really commisurate on probability of crimes and whether these measures are not going to disproportionally affect certain categories of people or ethnic groups.

Another interesting domain of issue for presumption of innocence regards systems used to predict whether **domestic violence** is likely to take place.

Is it ok to intervene in these families where violence is predicted to take place before it happens? Or it is better to wait the fact to happen? And what should this preventive measure be? Should be measures to facilitate the functioning of the family in order to avoid the violence to happen or shoud be also restrictive measures?

In this second case the presumption of innocence is not respected.

Freedom of opinion, expression and information

> "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Internet and ICTs have greatly increased the possibility to fulfill this right, everybody can communicate all over the world through them. But this expanded liberty has also been countered by oppressive regimes which have restricted the use of these technologies for the purpose of political control blocking or filtering content, criminalising legitimate online expression, imposing liabilities, disconnecting unwanted user, applying surveillance tools.

Right to take part in government

> "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives."

> "Everyone has the right to equal access to public service in his country."

Here we have the connection between AI and political rights. There has been a change in the last years. Recently the view of IT in government (like e-governament, e-democracy) was mainstream, while now there is a more sober attitude because the risk of manipulating the political sphere has become prominent. Originally, the idea was that internet was a domain for freedom in which we had a free market of ideas that could be proposed to the audience and the audience could select the best ones (as they already did with products on e-commerce sites). But in reality, humans have a limited rationality, time and so manipulating and influencing them appears much easier than it was thought (e.g Cambridge Analytica in which people were targeted with messages, based on the personal profile reconstruction, to change their minds).

Also, nowadays, regarding this right, there is a big debate on the use of the internet in the **political advertising**.

Right to social security

> "Everyone, as a member of society, has the right to social security and is entitled to realization […] of the economic, social and cultural rights indispensable for his dignity and the free development of his personality."

AI can reduce the cost of the management of the social services and contribute to an effective social security. The same can happen for the economic and cultural aspects.

Right to work

> "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment"

This right is a little bit problematic. AI can affect the right to work by devaluing certain skills that can be replaced by automatic tools and even making certain activities redundant. So, there is the need to ensure that humans are provided with means to have a living when this will happen and they can move into other domains where thay can have the possibilities to be engaged in an apporpriate activity.

Then, ICT systems can affect workers freedom and dignity through surveillance and may place some contrstaint on their activities (e.g tracking of delivery workers which are promoted or penalized based on their behaviour).

On the other hand, AI offers new opportunities for developping economic initiatives and can create new jobs. AI can also contribute to facilitate, reduce the dangers and even substitute humans in risky activities (e.g dealing with explosives) and may lead to an improvement of working conditions detecting situations where there is danger, monitoring machines for preventing failures.

Right to an adequate standard of living

> "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family […] and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

In this regard AI can contribute by ensuring the increase of social productivity so that, given an approproate political will, an adequate standard of living can be ensured to everybody.

Right to education

> "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages."

ITC and AI can highly contribute to eductaion making it available to a large amount of people all over the world.

Right to culture

> "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

ICTs facilitate access to intellectual and artistic works as well as the creation of new content and here also AI can play a role by providing powerful ways of expressing artistic ideas. Moreover, AI offers opportunities for scientists to develop their ideas, make new inventions and this can be seen as an aspect of the right to culture.

Concluding with a positive remark, human rights are not only a precious heritage to be protected but also blueprints to develop the society of the future. We are in an important point of the human history where we have a huge technological development and we have to decide where to go. Human rights are more precise, less controvertial than broad ethical theories already seen, they don't exhaust the plan for the future good AI society but they are crutial in this design.